



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, 8 December at 4.00pm.**

Yours faithfully

**GARY STEVENSON PSM  
CHIEF EXECUTIVE OFFICER**

3 December 2015

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**Committee Members (appointed 22 October 2015):**

**Members:**

Cr Davidson OAM JP (Presiding  
Member)  
Cr Chen  
Cr Harley

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

Cr Green

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

Cr Yong



Please convey apologies to Governance on 9461 3250  
or email [governance@cityofperth.wa.gov.au](mailto:governance@cityofperth.wa.gov.au)

# FINANCE AND ADMINISTRATION COMMITTEE

**Established:** 17 May 2005 (Members appointed 22 October 2015)

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

**Quorum:** Two  
**Expiry:** October 2017

**TERMS OF REFERENCE:** [Adopted OCM 24/11/15]

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 matters requiring a decision of the Council and not specifically defined in the Terms of Reference for any other Committee of the Council or where the substantive Committee is unable to be convened and a decision is necessary to fulfil operational requirements.

(Cont'd)

**NOTE:**

Delegated Authority 1.1.1 – Finance and Administration Committee provides authority for the Committee to:

1. Approve or decline requests for receptions of up to \$5,000 in value referred to the Committee by the Lord Mayor [FM Reg.12(1)(b)].
2. Purchase artworks worth over \$5,000 and the deaccession of artworks [FM Reg.12(1)(b) and s.3.58(2) and (3)].
3. Determine matters assigned by delegated authority to the Marketing, Sponsorship and International Engagement Committee and the Audit and Risk Committee, only where the respective Committee is unable to be convened and a decision is necessary to fulfil operational requirements.

**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.

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# **FINANCE AND ADMINISTRATION COMMITTEE 8 DECEMBER 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 November 2015**
- 5. Correspondence**
- 6. Disclosure of Members' Interests**
- 7. Matters for which the Meeting may be Closed**

In accordance with Section 5.23(2) of the *Local Government Act 1995*, should an Elected Member wish to discuss the content of the confidential item and schedule listed below, it is recommended that Committee resolve to close the meeting to the public prior to discussion of the following:

<b>Confidential Item No. and Schedule No.</b>	<b>Item No. and Title</b>	<b>Reason</b>
Confidential Schedule No. 5	Item No. 4 - City of Perth Art Collection – Art Acquisitions – Ben Pushman – Washed Out	Section 5.23(2)(b)

- 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:**

- Council Dining Room (raised FA30/09/14, updated 21/04/15).
- Program for CCTV Cameras around the City (raised FA29/10/15)

## **12. Closure**

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# ITEM NO: 1

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

### **RECOMMENDATION:**

**(APPROVAL)**

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

### **BACKGROUND:**

FILE REFERENCE:	P1014149-25
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	18 November 2015
MAP / SCHEDULE:	Schedule 1 – Financial Statements and Financial Activity Statement for the period ended 31 October, 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 four months to 31 October 2015 with the revised budget approved by Council on **3 November 2015**.

SCHEDULE 1  
**FINANCIAL ACTIVITY STATEMENT FOR THE FOUR MONTHS TO  
31 OCTOBER 2015**

**REPORT OF VARIANCES TO BUDGET**

**This report compares the actual performance for the four months to 31 October 2015 with the Revised Budget approved by Council on 3 November 2015.**

**Operating Revenue**

- Parking revenue fell (\$211,000) under the revised budget mainly in Undercover Car Parks (\$136,000) and Kerbside parking reservation fees (\$42,000). The most significant shortfalls occurred at the Convention Centre (\$72,000), His Majesty's (\$31,000), Roe Street (\$30,000) and Concert Hall (\$23,000) car parks. Smaller negative variances occurred in other car parks with the exceptions being Mayfair Street \$19,000 and Elder Street \$15,000. Patronage has been eroded generally due to the ongoing economic conditions and continuing construction activity within the City.

The previous decline in parking revenue has stabilised in recent months and future strategies will continue to offset the effects of the downturn experienced in the City's car parks.

- Investment income achieved better than the revised forecasts by \$154,000 for the four months. A good result was achieved by the Colonial Share Index Fund with a positive contribution of \$166,000, after the recent recovery of the ASX 200 index that outweighed the lower returns offered on other fixed term investments.
- Rubbish Collections achieved close to forecasts that includes revised estimates of the uptake of commercial sector co-mingled re-cycling services and the transitioning from 240L to 660L bins following the re-pricing strategy adopted by Council.
- Other Revenue was (\$58,000) below revised budget predominantly in lower Planning and Development fees (\$66,000) partly offset by Other Licenses \$8,000.

**Operating Expenditure**

- Employee costs were marginally higher than estimated \$(106,000) mainly reflecting timing differences. The variances arose from a combination of variances including overtime (\$52,000), safety clothing (\$26,000) and lower than expected recovery from capital projects (\$30,000).

**FINANCIAL ACTIVITY STATEMENT FOR THE FOUR MONTHS TO  
31 OCTOBER 2015**

**REPORT OF VARIANCES TO BUDGET**

- Materials and Contracts were \$316,000 under the October revised budget due primarily to Infrastructure Contractors \$247,000, where the timing of works since the review has varied for Footpaths \$78,000 and the River Wall \$115,000. The balance of underspending occurred across a range of areas such as Other Professional Fees \$76,000, Advertising and Promotions \$131,000 and Property Maintenance \$50,000. These were partly offset by Performers Fees (\$92,000), Other Maintenance (\$86,000).
- Depreciation was (\$47,000) above the revised budget after adjustments to Buildings (\$14,000) and Parks Infrastructure (\$17,000) with smaller variances elsewhere.
- Interest Expenses for the period was (\$42,000) above the revised budget due to the estimate of the interest capitalised on the Perth City Library loan being higher than actual and phasing differences on other loans.
- The lower Loss on Disposal of Assets of \$389,000 arose through the timing of infrastructure assets write-offs, which are dependent upon the progress of capital projects and final close-outs. A surplus of \$163,000 also arose from changeover of vehicles brought forward.
- Other Expenditure was (\$327,000) over the budget, predominantly due to timing of donations and sponsorships including the West Australian Opera (\$136,000); Awesome Arts (\$80,000) and the Telstra Perth Fashion Festival (\$151,500).

**Investing Activities**

- Capital expenditure was \$9.2 million under the revised forecasts with the program of project works currently behind schedule. Projects well progressed include the Perth City Library and Public Plaza, the Barrack Street 2-Way Conversion and Treasury Footpath projects; Mill Street - St Georges Terrace to Mounts Bay Road, plus East End Enhancement Hay Street (Barrack to Pier Street).
- Transfers to Reserves will accelerate in the coming months in accordance with the budget program.

**Financing Activities**

- Transfers from Reserves are in line with revised budget expectations.
- Funding from carry forwards estimated in the budget is dependent upon the progress of the capital works program.
- Capital Grants and Contributions were \$66,000 ahead of revised forecasts following receipt of road grants earlier than expected.

**FINANCIAL ACTIVITY STATEMENT FOR THE FOUR MONTHS TO  
31 OCTOBER 2015**

**REPORT OF VARIANCES TO BUDGET**

**Amounts sourced from Rates**

- Rates revenue raised \$899,000 over the revised budget with interim rates being received earlier than expected.



## CITY OF PERTH

## FINANCIAL ACTIVITY STATEMENT - for the period ended 31 October 2015

	Revised Budget 2015/16 \$	Budget YTD 31-Oct-15 \$	Actual YTD 31-Oct-15 \$	Variance YTD 31-Oct-15 \$
<b>Proceeds from Operating Activities</b>				
<b>Operating Revenue</b>				
<i>Nature of Income</i>				
Parking Fees	75,778,365	25,374,517	25,163,684	(210,833)
Fines and Costs	9,458,652	3,274,586	3,234,521	(40,065)
Investment Income and Interest	4,835,983	1,653,694	1,807,521	153,827
Community Service Fees	1,646,654	553,418	577,471	24,053
Rubbish Collection	7,638,983	7,543,299	7,542,521	(778)
Rentals and Hire Charges	5,208,233	1,710,011	1,719,669	9,658
Recurrent Grants	1,483,539	232,058	193,773	(38,285)
Contributions, Donations and Reimbursements	474,671	164,539	165,062	523
Other Income	4,862,691	2,079,766	2,021,246	(58,520)
	<b>111,387,771</b>	<b>42,585,888</b>	<b>42,425,469</b>	<b>(160,419)</b>
<b>Less: Operating Expenditure</b>				
<i>Nature of Expenditure</i>				
Employee Costs	69,135,566	21,243,482	21,349,485	(106,003)
Materials and Contracts	53,584,555	15,407,709	15,092,012	315,697
Utilities	3,258,341	1,004,228	977,186	27,042
Depreciation and Amortisation	30,002,334	10,148,538	10,195,840	(47,302)
Insurance Expenditure	1,113,454	384,922	397,303	(12,381)
Interest Expenses	1,156,345	418,964	460,781	(41,817)
Expense Provisions	962,345	323,077	328,725	(5,648)
Loss on Disposal of Assets	1,769,865	731,030	342,188	388,842
Other Expenditure	24,704,904	8,217,021	8,544,135	(327,114)
	<b>185,687,709</b>	<b>57,878,971</b>	<b>57,687,655</b>	<b>191,316</b>
Add back Depreciation	(30,002,334)	(10,148,538)	(10,195,840)	47,302
(Loss) / Profit on Disposals	(1,769,865)	(731,030)	(342,188)	(388,842)
	<b>153,915,510</b>	<b>46,999,403</b>	<b>47,149,627</b>	<b>(150,224)</b>
<b>Net Surplus/(Deficit) from Operations</b>	<b>(42,527,739)</b>	<b>(4,413,515)</b>	<b>(4,724,158)</b>	<b>(310,643)</b>
<b>Investing Activities</b>				
Capital Expenditure	(69,049,135)	(23,342,959)	(14,137,350)	9,205,609
Repayment of Borrowings	(6,441,707)	(2,572,293)	(2,572,293)	-
Transfers to Reserves	(28,095,017)	(1,893,527)	(1,572,919)	320,608
	<b>(103,585,859)</b>	<b>(27,808,779)</b>	<b>(18,282,562)</b>	<b>9,526,217</b>
<b>Financing Activities</b>				
Transfer from Reserves	30,752,812	21,041,561	20,800,854	(240,707)
Carry Forwards	21,681,358	9,584,188	5,355,438	(4,228,750)
Proceeds from Disposal of Assets/Investments	1,729,345	582,766	629,883	47,117
Distribution from TPRC	1,833,333	-	-	-
Capital Grants	7,757,850	295,600	361,737	66,137
	<b>63,754,698</b>	<b>31,504,114</b>	<b>27,147,912</b>	<b>(4,356,202)</b>
<b>Add: Opening Funds</b>	<b>636,302</b>	<b>636,302</b>	<b>636,315</b>	<b>13</b>
<b>Net Surplus/(Deficit) before Rates</b>	<b>(81,722,600)</b>	<b>(718,180)</b>	<b>4,141,192</b>	<b>4,859,372</b>
<b>Amount Sourced from Rates</b>	<b>82,506,025</b>	<b>80,593,755</b>	<b>81,493,022</b>	<b>899,254</b>
<b>Less: Closing Funds</b>	<b>783,426</b>	<b>79,875,575</b>	<b>85,634,214</b>	<b>5,758,639</b>

<b>Net Cash on Hand</b>				
Cash On Hand	5,321,032	11,481,548	12,260,475	778,927
Money Market Investments	106,330,600	140,121,594	140,536,872	415,278
<b>Funds on Hand</b>	<b>111,651,632</b>	<b>151,603,142</b>	<b>152,797,347</b>	<b>1,194,205</b>
<b>Analysis of Funds on Hand</b>				
Reserves	86,669,717	63,779,811	65,624,768	1,844,957
Provisions	11,525,004	11,055,886	10,947,362	(108,524)
Carry forwards	-	7,393,018	12,207,020	4,814,002
Restricted Grants not yet utilised	122,250	253,875	287,758	33,883
General Funds	13,334,661	69,120,552	63,730,439	(5,390,113)
<b>Funds on Hand</b>	<b>111,651,632</b>	<b>151,603,142</b>	<b>152,797,347</b>	<b>1,194,205</b>

## CURRENT POSITION AS AT THE END OF THE PERIOD

31-October-2015

	2015/16 Revised Budget	2015/16 Budget YTD	2015/16 Actual YTD	2015/16 Variance
	\$	\$	\$	\$
<b>Current Assets</b>				
Cash and Cash Equivalents	5,321,032	11,481,548	12,260,475	778,927
Deposits and Prepayments	1,783,674	13,375,649	14,409,812	1,034,163
Money Market Investments - Municipal Funds	19,660,883	76,341,783	74,912,104	(1,429,679)
Money Market Investments - Restricted Funds	86,669,717	63,779,811	65,624,768	1,844,957
Trade and Other Receivables	10,243,590	22,887,136	26,962,957	4,075,821
Inventories	2,865,990	2,437,468	1,162,570	(1,274,898)
<b>Total Current Assets</b>	<b>126,544,886</b>	<b>190,303,395</b>	<b>195,332,686</b>	<b>5,029,291</b>
<b>Current Liabilities</b>				
Trade and Other Payables	27,342,738	35,338,247	32,246,331	(3,091,916)
Employee Entitlements	11,525,004	10,463,633	10,947,362	483,729
Provisions	224,001	592,253	592,253	0
Borrowings	6,771,075	5,997,561	5,997,561	-
<b>Total Current Liabilities</b>	<b>45,862,818</b>	<b>52,391,694</b>	<b>49,783,507</b>	<b>- 2,608,187</b>
<b>Working Capital Position Brought Forward</b>	<b>\$ 80,682,068</b>	<b>\$ 137,911,701</b>	<b>\$ 145,549,179</b>	<b>\$ 7,637,478</b>
Deduct Restricted Cash Holdings	(86,669,717)	(63,779,811)	(65,624,768)	(1,844,957)
Deduct Restricted Capital Grants	-	(253,875)	(287,758)	(33,883)
Operating Surplus brought forward	-	-	-	0
Add Current Borrowings	6,771,075	5,997,561	5,997,561	-
<b>Current Funds Position Brought Forward</b>	<b>\$ 783,426</b>	<b>\$ 79,875,575</b>	<b>\$ 85,634,214</b>	<b>\$ 5,758,639</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 Report**

**For the 4 months ended 31 October 2015**

**CITY OF PERTH  
MUNICIPAL**

**Statement of Comprehensive Income for the 4 months ended 31 October 2015**

**(By Program)**

	<i>Note</i>	<b>Budget 2015/2016</b>	<b>Revised Budget YTD</b>	<b>Actual YTD 31/10/2015</b>	<b>YTD Variance</b>	
<b>OPERATING REVENUE</b>		<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>
General Purpose Funding Rates		83,567,338	81,415,237	82,324,960	909,723	1.1%
General Purpose Funding Other		5,735,976	1,440,274	1,522,250	81,976	5.7%
Law, Order, Public Safety		46,225	2,882	(38)	(2,920)	-101.3%
Health		864,920	613,207	615,361	2,154	0.4%
Education and Welfare		2,153,539	734,531	759,931	25,400	3.5%
Housing		656,190	280,415	272,140	(8,275)	-3.0%
Community Amenities		10,294,628	8,519,299	8,448,859	(70,440)	-0.8%
Recreation and Culture		1,859,860	339,060	353,783	14,723	4.3%
Transport		90,764,129	29,364,196	29,162,072	(202,124)	-0.7%
Economic Services		1,093,247	243,278	237,440	(5,838)	-2.4%
Other Property and Services		717,071	226,993	221,462	(5,531)	-2.4%
<b>Total Operating Income</b>		<b>197,753,123</b>	<b>123,179,643</b>	<b>123,918,491</b>	<b>738,848</b>	<b>0.6%</b>
<b>OPERATING EXPENDITURE</b>						
Governance		11,262,129	3,651,455	3,549,145	102,310	2.8%
General Purpose Funding		3,089,672	1,188,196	1,168,309	19,887	1.7%
Law, Order, Public Safety		3,868,851	1,163,550	1,210,609	(47,059)	-4.0%
Health		1,884,897	810,799	761,381	49,418	6.1%
Education and Welfare		3,870,122	1,189,980	1,176,495	13,485	1.1%
Housing		563,144	207,539	199,564	7,975	3.8%
Community Amenities		28,558,870	8,803,346	8,789,184	14,162	0.2%
Recreation and Culture		32,248,092	8,714,830	9,156,106	(441,276)	-5.1%
Transport		85,571,552	27,296,176	27,429,761	(133,585)	-0.5%
Economic Services		9,744,103	3,057,474	2,854,113	203,361	6.7%
Other Property and Services		7,266,137	1,064,594	1,050,800	13,794	1.3%
<b>Total Operating Expenditure</b>		<b>187,927,571</b>	<b>57,147,941</b>	<b>57,345,467</b>	<b>(197,526)</b>	<b>-0.3%</b>
<b>NET FROM OPERATIONS</b>		<b>9,825,552</b>	<b>66,031,702</b>	<b>66,573,024</b>	<b>541,322</b>	<b>0.8%</b>
<b>GRANTS/CONTRIBUTIONS</b>						
For the Development of Assets						
- General Purpose Funding		80,200	75,600	75,600	-	0.0%
- Recreation and Culture		3,207,250	-	-	-	0.0%
- Transport		3,555,000	220,000	286,137	66,137	30.1%
<b>Total Grants/Contributions</b>		<b>6,842,450</b>	<b>295,600</b>	<b>361,737</b>	<b>66,137</b>	<b>22.4%</b>
<b>DISPOSAL/WRITE OFF OF ASSETS</b>						
Gain/(Loss) on Disposal of Assets	2	(1,558,253)	(727,375)	(338,533)	388,842	-53.5%
<b>Change in net assets resulting from operations before significant items</b>		<b>15,109,749</b>	<b>65,599,927</b>	<b>66,596,228</b>	<b>996,301</b>	<b>1.5%</b>
<b>SIGNIFICANT ITEMS</b>						
Distribution from TPRC		1,833,333	-	-	-	0.0%
(Loss) on Disposal of Investments		-	(3,655)	(3,655)	-	0.0%
<b>Change in net assets resulting from operations after significant items</b>		<b>16,943,082</b>	<b>65,596,272</b>	<b>66,592,573</b>	<b>996,301</b>	<b>1.5%</b>

**CITY OF PERTH  
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**Statement of Comprehensive Income for the 4 months ended 31 October 2015  
(By Nature)**

	<i>Note</i>	<b>Budget 2015/2016</b>	<b>Revised Budget YTD</b>	<b>Actual YTD 31/10/2015</b>	<b>YTD Variance</b>	
<b>OPERATING REVENUE</b>		<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>
Rates		82,692,367	80,593,755	81,493,022	899,267	1.1%
Grants and Contributions for Non Capital Purposes		1,508,499	232,058	193,773	(38,285)	-16.5%
Donations and Reimbursements		452,347	164,539	165,062	523	0.3%
Fees and Charges		105,979,914	40,036,686	39,772,717	(263,969)	-0.7%
Interest and Investment Income		5,157,319	1,653,694	1,807,521	153,827	9.3%
Other Revenue		1,962,676	498,911	486,397	(12,514)	-2.5%
Total Revenue from Operating Activities		197,753,122	123,179,643	123,918,491	738,848	0.6%
<b>OPERATING EXPENDITURE</b>						
Employee Costs		69,135,566	21,243,482	21,349,485	(106,003)	-0.5%
Materials and Contracts		52,838,709	15,407,709	15,092,012	315,697	2.0%
Utilities		3,069,080	1,004,228	977,186	27,042	2.7%
Depreciation and Amortisation		34,211,101	10,148,538	10,195,841	(47,303)	-0.5%
Interest		1,836,750	418,964	460,781	(41,817)	-10.0%
Insurance		1,166,259	384,922	397,303	(12,381)	-3.2%
Expenses Provision		962,345	323,077	328,724	(5,647)	-1.7%
Other Expenses from Ordinary Activities		24,707,761	8,217,020	8,544,135	(327,115)	-4.0%
Total Expenses from Ordinary Activities		187,927,571	57,147,941	57,345,467	(197,526)	-0.3%
Change in Net Assets from Ordinary Activities before Capital Amounts		9,825,551	66,031,702	66,573,024	541,321	0.8%
<b>GRANTS/CONTRIBUTIONS</b>						
Grants and Contributions- Capital		6,842,450	295,600	361,737	66,137	22.4%
<b>NET OPERATING SURPLUS</b>		16,668,002	66,327,302	66,934,761	607,459	0.9%
<b>DISPOSAL/WRITE OFF OF ASSETS</b>	<b>2</b>	(1,558,253)	(727,375)	(338,533)	388,842	-53.5%
<b>SIGNIFICANT ITEMS</b>						
Distribution from TPRC		1,833,333	-	-	-	0.0%
(Loss) on Disposal of Investments		-	(3,655)	(3,655)	-	0.0%
<b>Change in net assets resulting from operations after capital amounts and significant items</b>		16,943,082	65,596,272	66,592,573	996,301	1.5%

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*Statement of Financial Position as at 31 October 2015*

	Note	31/10/2015	30/06/2015
<b>CURRENT ASSETS</b>		\$	\$
Cash and Cash Equivalents	11	12,260,475	21,164,777
Deposits/Prepayments	4	14,409,812	1,339,244
Investments	3, 11	140,536,872	91,045,389
Trade and Other Receivables	5	13,588,951	8,355,249
Rates Receivable	1	13,374,006	64,096
Inventories		1,162,570	1,394,201
<b>TOTAL CURRENT ASSETS</b>		<b>195,332,686</b>	<b>123,362,956</b>
<b>NON CURRENT ASSETS</b>			
Investments	3	6,686,271	7,110,313
Trade and Other Receivables	5	34,457	39,567
Property, Plant and Equipment	8	655,119,445	659,937,053
Infrastructure	8	476,279,408	480,607,504
Capital Work in Progress	8	83,492,232	69,215,093
<b>TOTAL NON CURRENT ASSETS</b>		<b>1,221,611,813</b>	<b>1,216,909,530</b>
<b>TOTAL ASSETS</b>		<b>1,416,944,499</b>	<b>1,340,272,486</b>
<b>CURRENT LIABILITIES</b>			
Trade and Other Payables	6	32,246,331	19,155,304
Employee Benefits	7	10,947,362	11,405,126
Provisions	7	592,253	703,725
Loan Liability	9	5,997,561	6,441,709
<b>TOTAL CURRENT LIABILITIES</b>		<b>49,783,507</b>	<b>37,705,864</b>
<b>NON CURRENT LIABILITIES</b>			
Employee Benefits	7	1,891,737	1,891,737
Provisions	7	3,999,607	3,869,667
Loan Liability	9	34,198,857	36,327,002
<b>TOTAL NON CURRENT LIABILITIES</b>		<b>40,090,201</b>	<b>42,088,406</b>
<b>TOTAL LIABILITIES</b>		<b>89,873,708</b>	<b>79,794,270</b>
<b>NET ASSETS</b>		<b>\$1,327,070,791</b>	<b>\$1,260,478,216</b>
<b>EQUITY</b>			
Accumulated Surplus		697,929,129	612,108,619
Asset Revaluation Reserve	10	560,795,095	560,795,095
Reserves	10	68,346,567	87,574,502
<b>TOTAL EQUITY</b>		<b>\$1,327,070,791</b>	<b>\$1,260,478,216</b>

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***Statement of Changes in Equity for the 4 months ended 31 October 2015***

	Accumulated Surplus	Asset Revaluation Reserve	Cash Backed Reserves	Total Equity
	\$	\$	\$	\$
<b>Balance at 1 July 2014</b>	587,289,902	372,942,447	85,605,577	1,045,837,926
Change in net assets resulting from operations	214,640,290	-	-	214,640,290
Transfer to Cash Backed Reserves	(25,386,259)	-	25,386,259	-
Transfers to Asset Revaluation Reserve	(189,027,761)	189,027,761	-	-
Transfers from Asset Revaluation Reserve	1,175,113	(1,175,113)	-	-
Transfer from Cash Backed Reserves	23,417,344	-	(23,417,344)	-
<b>Balance at 30 June 2015</b>	<b>\$612,108,629</b>	<b>\$560,795,095</b>	<b>\$87,574,492</b>	<b>\$1,260,478,216</b>
	\$	\$	\$	\$
<b>Balance at 1 July 2015</b>	612,108,629	560,795,095	87,574,492	1,260,478,216
Change in net assets resulting from operations	66,592,573	-	-	66,592,573
Transfer to Cash Backed Reserves	(1,572,919)	-	1,572,919	-
Transfers to Asset Revaluation Reserve	-	-	-	-
Transfers from Asset Revaluation Reserve	-	-	-	-
Transfer from Cash Backed Reserves	20,800,854	-	(20,800,854)	-
<b>Balance at the end of the reporting period</b>	<b>\$697,929,136</b>	<b>\$560,795,095</b>	<b>\$68,346,558</b>	<b>\$1,327,070,789</b>



**CITY OF PERTH  
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**Statement of Cash Flows for the 4 months ended 31 October 2015**

	Note	Budget 2015/2016	YTD Actual 31/10/2015	YTD Variation	
		\$	\$	\$	%
<b>Cash Flows from Operating Activities</b>					
<b>Receipts</b>					
Rates		82,681,333	64,389,200	(18,292,133)	-22.1%
Fees and Charges		104,237,072	38,583,484	(65,653,588)	-63.0%
Interest		5,009,468	1,476,343	(3,533,125)	-70.5%
Other		5,485,536	561,080	(4,924,456)	-89.8%
		197,413,411	105,010,107	(92,403,304)	-46.8%
<b>Payments</b>					
Employee Costs		(68,531,216)	(21,379,194)	47,152,022	68.8%
Materials and Contracts		(50,557,095)	(16,916,486)	33,640,609	66.5%
Interest		(1,686,749)	(579,422)	1,107,327	65.6%
Other		(24,363,418)	(10,113,954)	14,249,464	58.5%
		(145,138,478)	(48,989,056)	96,149,422	66.2%
Net Cash Flows from Operating Activities	12	52,274,932	56,021,051	3,746,119	-7.2%
<b>Cash Flows from Investing Activities</b>					
<b>Receipts</b>					
Distribution from TPRC		1,833,333	-	(1,833,333)	-100.0%
Proceeds from Disposal of Assets		1,523,000	209,496	(1,313,504)	-86.2%
Proceeds from Disposal of Investments(Non Current)		-	420,387	420,387	0.0%
<b>Payments</b>					
Purchase Land and Buildings		(13,036,542)	-	13,036,542	-100.0%
Purchase Infrastructure Assets		(37,840,203)	(397,809)	37,442,394	-98.9%
Purchase Plant and Mobile Equipment		(3,347,436)	(681,147)	2,666,289	79.7%
Purchase Office Furniture and Equipment		(561,648)	(522,664)	38,984	-6.9%
Work in Progress		-	(12,535,730)	(12,535,730)	0.0%
		(54,785,829)	(14,137,350)	40,648,479	74.2%
Net Cash Flows from Investing Activities		(51,429,496)	(13,507,467)	37,922,029	73.7%
<b>Cash Flows from Financing Activities</b>					
Repayment of Borrowings		(6,441,707)	(2,572,293)	3,869,414	60.1%
		(6,441,707)	(2,572,293)	3,869,414	60.1%
<b>Cash Flows from Government and Other Parties</b>					
<b>Receipts from Appropriations/Grants</b>					
Recurrent		1,760,075	284,152	(1,475,923)	-83.9%
Capital		6,842,450	361,737	(6,480,713)	-94.7%
		8,602,525	645,889	(7,956,636)	-92.5%
Net Increase (Decrease) in Cash Held		3,006,254	40,587,180	37,580,926	1250.1%
Cash at 1 July 2015		107,033,620	112,210,166	5,176,546	4.8%
Cash at 31 October 2015	11	110,039,874	152,797,347	42,757,473	38.9%

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## Notes to the Balance Sheet for the 4 months ended 31 October 2015

### 1 Rates Receivable

	Actual YTD 31/10/2015	2014/15 YTD 31/10/2014
	\$	\$
Outstanding Amount at 30 June 2015	64,096	52,088
Rates Levied for the Year	81,453,869	75,943,917
Late Payment Penalties	80,712	61,378
Ex Gratia Rates	17,464	10,283
Rates Administration Fee	272,043	269,119
Rates Instalment Interest	341,532	317,502
Back Rates	21,690	(163,965)
Bins Levy	218,664	134,084
	82,470,070	76,624,406
Amount Received during the Period	69,096,064	65,638,921
Outstanding Amount at 31 October 2015	\$13,374,006	\$10,985,485

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

	Annual Budget	Actual YTD 31/10/2015
<b>Infrastructure</b>		
Proceeds on Disposal	-	-
Less: Carrying amount of assets written off	1,721,201	351,887
(Loss) on Write Off	(1,721,201)	(351,887)
<b>Plant and Mobile Equipment</b>		
Proceeds on Disposal	1,523,000	208,842
Less: Carrying amount of assets sold/written off	1,360,052	196,142
Profit/(Loss) on Disposal/Write Off	162,948	12,700
<b>Furniture and Equipment</b>		
Proceeds on Disposal	-	654
Less: Carrying amount of assets sold /written off	-	-
(Loss) on Disposal/Write Off	-	654
<b>Gain/(Loss) on Disposal/Write off of Assets</b>	<b>(\$1,558,253)</b>	<b>(\$338,533)</b>

### 3 Investments

Current	31/10/2015	30/06/2015
<b>Short Term Cash Investments *</b>	\$	\$
Call Funds	5,020,844	23,629
Bank/Term Deposits	131,500,000	83,900,000
Managed Funds	4,016,028	4,118,105
Floating Rate Notes (FRN)	-	3,003,655
Total Current Investments	\$140,536,872	\$91,045,389

\* Short Term Cash Investments as stated in Note 11.

Non Current Investments	31/10/2015	30/06/2015
	\$	\$
Mortgage Backed Securities (MBS)	2,721,799	2,766,406
	2,721,799	2,766,406
Equity in Local Government House	10,000	10,000
Equity in Mindarie Regional Council	398,074	398,074
Equity in Tamala Park Regional Council	3,556,398	3,935,833
	\$6,686,271	\$7,110,313

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## Notes to the Balance Sheet for the 4 months ended 31 October 2015

### 4 Deposits/Prepayments

	31/10/2015	30/06/2015
	\$	\$
Prepaid Insurance	1,586,330	-
Prepaid Parking Bay Licence Fees	11,385,799	91,560
Other	1,437,683	1,247,684
	<b>\$14,409,812</b>	<b>\$1,339,244</b>

### 5 Trade And Other Receivables

	31/10/2015	30/06/2015
<b>Current</b>	<b>\$</b>	<b>\$</b>
Emergency Services Levy (ESL)	4,099,809	63,463
Accrued Interest and Investment Income	931,475	600,296
Accrued Income	1,589,243	1,251,900
Modified Penalties/Fines and Costs	7,470,653	7,156,124
Debtors - General		
Australian Taxation Office - GST Refundable	167,491	479,963
Works and Services	243,321	156,225
Other Debtors	2,226,884	1,701,472
	16,728,876	11,409,443
Less: Provision for Doubtful Debts	(3,139,925)	(3,054,194)
	<b>\$13,588,951</b>	<b>\$8,355,249</b>
<b>Non Current</b>		
Pensioners' Rates Deferred	34,457	39,567
	<b>\$34,457</b>	<b>\$39,567</b>

### 6 Trade And Other Payables

	31/10/2015	30/06/2015
<b>Current</b>	<b>\$</b>	<b>\$</b>
Trade Creditors	3,936,734	13,260,443
Emergency Services Levy	17,115,899	-
Interest Payable on Loans	122,374	241,015
Accrued Expenses - Operating	6,030,052	2,617,565
Accrued Expenses - Capital	2,101,737	360,328
Advances Received for Recoverable Works	57,412	77,424
Income Received / Raised in Advance	737,142	871,600
Other Creditors	2,144,981	1,726,929
	<b>\$32,246,331</b>	<b>\$19,155,304</b>

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**Notes to the Balance Sheet for the 4 months ended 31 October 2015**

**7 Employee Benefits**

	31/10/2015	30/06/2015
<b>Current</b>	\$	\$
<b>Leave Entitlements</b>		
Annual Leave	4,563,721	4,795,260
Self Funded Leave	234,971	270,891
Long Service Leave	6,010,066	6,189,337
Recognition of Employees- Presentations	138,604	149,638
	<b>\$10,947,362</b>	<b>\$11,405,126</b>
<b>Non Current</b>		
Annual Leave	838,090	838,090
Long Service Leave	1,053,647	1,053,647
	<b>\$1,891,737</b>	<b>\$1,891,737</b>

**Provisions**

	31/10/2015	30/06/2015
	\$	\$
<b>Current</b>		
Workers Compensation	592,253	703,725
	<b>\$592,253</b>	<b>\$703,725</b>
<b>Non Current</b>		
Provision for Equipment Replacement PCEC	3,999,607	3,869,667
	<b>\$3,999,607</b>	<b>\$3,869,667</b>

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

	31/10/2015	30/06/2015
	\$	\$
Land and Air Rights - at cost/fair value	380,366,193	380,366,194
<b>Less: Accumulated Depreciation</b>	(2,759,994)	(2,570,139)
	<b>377,606,199</b>	<b>377,796,055</b>
Buildings/Freehold - at fair value	379,893,678	379,893,679
<b>Less: Accumulated Depreciation</b>	(148,753,062)	(146,015,858)
	<b>231,140,616</b>	<b>233,877,821</b>
Improvements - at fair value	8,010,840	8,010,841
<b>Less: Accumulated Depreciation</b>	(4,657,928)	(4,564,395)
	<b>3,352,912</b>	<b>3,446,446</b>
Infrastructure Assets - at cost/fair value	741,583,479	741,999,706
<b>Less: Accumulated Depreciation</b>	(265,304,071)	(261,392,201)
	<b>476,279,408</b>	<b>480,607,505</b>
Plant and Mobile Equipment - at cost/fair value	45,770,884	45,505,811
<b>Less: Accumulated Depreciation</b>	(26,680,004)	(25,351,476)
	<b>19,090,880</b>	<b>20,154,335</b>
Office Furniture and Equipment - at cost/fair value	36,726,247	36,740,437
<b>Less: Accumulated Depreciation</b>	(13,592,680)	(12,873,309)
	<b>23,133,567</b>	<b>23,867,128</b>
Agricultural - at cost	795,271	795,271
<b>Less: Accumulated Depreciation</b>	-	-
	<b>795,271</b>	<b>795,271</b>
Property, Plant and Equipment	<b>1,131,398,853</b>	<b>1,140,544,561</b>
Work in Progress - at cost	83,492,232	69,215,093
	<b>83,492,232</b>	<b>69,215,093</b>
<b>Total Property, Plant and Equipment and Work in Progress</b>	<b>\$1,214,891,085</b>	<b>\$1,209,759,650</b>

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## **Notes to the Balance Sheet for the 4 months ended 31 October 2015**

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

	Balance 30/06/2015	Acquisitions Actual YTD 31/10/2015	Transfers Actual YTD 31/10/2015	Disposals/ Write off/ Actual YTD 31/10/2015	Revaluation Actual YTD 31/10/2015	Balance 31/10/2015
	\$	\$	\$	\$		\$
Land and Air Rights	380,366,194	-	-	-	-	380,366,194
Buildings	379,893,679	-	-	-	-	379,893,679
Improvements	8,010,841	-	-	-	-	8,010,841
Infrastructure Assets	741,999,706	397,809	519,210	(1,333,245)	-	741,583,480
Plant and Mobile Equipment	45,505,811	681,147	-	(416,074)	-	45,770,884
Office Furniture and Equipment	36,740,437	522,664	(522,664)	(14,190)	-	36,726,247
Agricultural	795,271	-	-	-	-	795,271
Work in Progress	69,215,093	14,277,139	-	-	-	83,492,232
	<b>\$1,662,527,032</b>	<b>\$15,878,759</b>	<b>(3,454)</b>	<b>(\$1,763,509)</b>	<b>-</b>	<b>\$1,676,638,828</b>

### **9 Loan Liability**

	31/10/2015	30/06/2015
<b>Current</b>	\$	\$
Loans - Western Australian Treasury Corporation	5,997,561	6,441,709
<b>Non Current</b>		
Loans - Western Australian Treasury Corporation	34,198,857	36,327,002

### **10 Reserve Funds**

Purpose of Reserve Fund	Balance 30/06/2015	Transfer from Accumulated Surplus	Transfer to Accumulated Surplus	Balance 31/10/2015
	\$	\$	\$	\$
Refuse Disposal and Treatment	2,843,524	30,887	-	2,874,411
Concert Hall - Refurbishment and Maint.	4,826,518	43,841	(19,000)	4,851,359
Asset Enhancement	29,008,935	245,206	(3,681,922)	25,572,219
Community Recreation Centres/Facilities	-	-	-	-
Street Furniture Replacement	540,334	4,919	-	545,253
Parking Levy	17,132,501	1,092	(17,012,592)	121,001
Art Acquisition	315,397	2,572	-	317,969
Heritage Incentive	587,371	8,530	-	595,901
Parking Facilities Development	23,952,738	217,545	(87,340)	24,082,943
Employee Entitlements	1,053,647	851,913	-	1,905,560
David Jones Bridge	277,223	2,530	-	279,753
Bonus Plot Ratio	595,996	5,427	-	601,423
PCEC Fixed Plant Replacement	3,869,667	129,940	-	3,999,607
Enterprise and Initiative	2,570,651	28,517	-	2,599,162
	87,574,502	1,572,919	(20,800,854)	68,346,561
* Asset Revaluation	560,795,095	-	-	560,795,095
	<b>\$648,369,597</b>	<b>\$1,572,919</b>	<b>(\$20,800,854)</b>	<b>\$629,141,656</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

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**Notes to the Balance Sheet for the 4 months ended 31 October 2015**

**11 Cash Reconciliation**

	31/10/2015	30/06/2015
	\$	\$
Cash and Cash Equivalents	12,260,475	21,164,777
Short Term Cash Investments	140,536,872	91,045,389
	<b>\$152,797,347</b>	<b>\$112,210,166</b>

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

	31/10/2015	30/06/2015
	\$	\$
Change in Net Assets Resulting from Operations	66,596,228	18,136,854
Adjustment for items not involving the movement of Funds:		
Depreciation	10,195,841	29,115,795
Doubtful Debts	85,731	267,593
(Gain)/Loss on Disposal/Write off/Contribution of Assets	338,533	2,584,345
	77,219,787	50,104,587
Revenues Provided By :		
Government Grants	(645,889)	(4,039,166)
Contribution from Other Parties	-	(15,000)
	(645,889)	(4,054,166)
Change in Operating Assets and Liabilities		
<b>Add Back</b>		
Decrease in Inventories	231,631	713,171
Decrease in Deposits and Prepayments	-	81,566
Decrease in Accrued Interest and Dividend Income	-	749,725
Decrease in Debtors	-	1,650,216
Decrease in Deferred Debtors	5,110	4,638
Decrease in Accrued Income	-	-
Increase in Income Received /Raised in Advance	-	21,429
Increase in Accrued Interest Payable	-	-
Increase in Accrued Expenses	3,412,487	-
Increase in Provisions	-	1,084,280
Increase in Trade and Other Payables	8,210,240	-
<b>Deduct</b>		
Decrease in Trade and Other Payables	-	(836,489)
Decrease in Income Received /Raised in Advance	(154,470)	-
Decrease in Accrued Interest Payable	(118,641)	(43,792)
Decrease in Provisions	(439,296)	-
Decrease in Accrued Expenses	-	(201,269)
Increase in Inventories	-	-
Increase in Trade and Other Receivables	(17,960,822)	-
Increase in Prepayments	(13,070,568)	-
Increase in Accrued Income	(337,343)	(420,854)
Increase in Accrued Interest and Investment Income	(331,178)	-
	(20,552,850)	2,802,621
Net Cash Provided by Operating Activities	<b>\$56,021,051</b>	<b>\$48,853,042</b>

**MUNICIPAL**  
**Notes to the Balance Sheet for the 4 months ended 31 October 2015**

**13 Ratios**

	31/10/2015	30/06/2015
<b>1 Current Ratio</b>		
<u>Current Assets minus Restricted Assets</u>		
Current Liabilities minus Liabilities associated with Restricted Assets	2.61	1.02
<b>2 Debt Ratio</b>		
<u>Total Liabilities</u>		
Total Assets	6.34%	5.95%
<b>3 Debt Service Ratio</b>		
<u>Debt Service Cost</u>		
Available Operating Revenue	2.62%	4.48%
<b>4 Rate Coverage Ratio</b>		
<u>Net Rate Revenue</u>		
Operating Revenue	66.43%	40.92%
<b>5 Outstanding Rates Ratio</b>		
<u>Rates Outstanding</u>		
Rates Collectable	16.22%	0.08%
<b>6 Untied Cash to Unpaid Creditors Ratio</b>		
<u>Untied Cash</u>		
Unpaid Trade Creditors	22.11	2.07
<b>7 Gross Debt to Revenue Ratio</b>		
<u>Gross Debt</u>		
Total Revenue	32.44%	22.93%
<b>8 Gross Debt to Economically Realisable Assets Ratio</b>		
<u>Gross Debt</u>		
Economically Realisable Assets	4.27%	4.98%

Restricted Assets includes reserve funds and tied contributions not utilised at 31.10.2015

# **CITY OF PERTH**

**FAS GRAPHS**

**Oct-15**

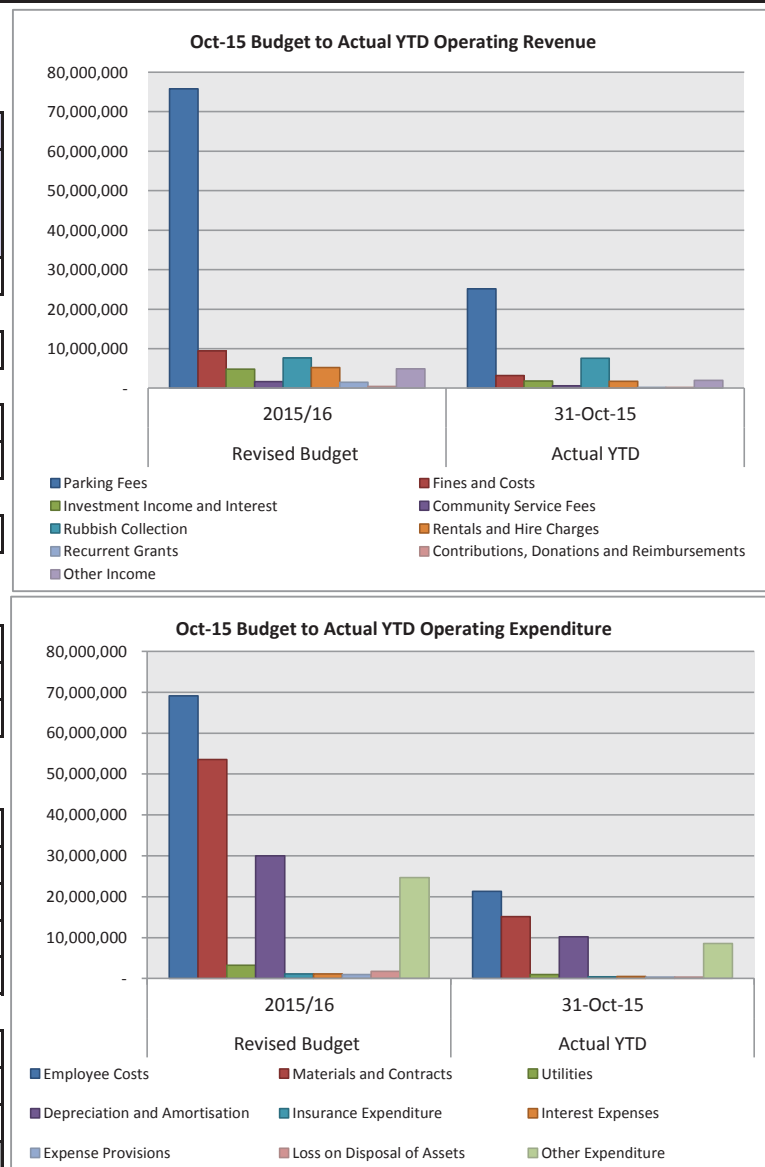


# CONTENTS

<u>Section</u>	<u>Description</u>	<u>Page</u>
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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 Oct-15		
Proceeds from Operating Activities	Budget 2015/16 \$000s	Budget YTD \$000s	Actual \$000s	Variance \$000s
Operating Revenue	111,388	42,586	42,425	-161
Less: Operating Expenditure	185,688	57,879	57,688	191
Add back Depreciation	-30,002	-10,149	-10,196	47
(Loss)/Profit on Disposals	-1,770	-731	-342	-389
<b>Net Surplus/(Deficit) from Operations</b>	<b>-42,528</b>	<b>-4,414</b>	<b>-4,724</b>	<b>-311</b>
<b>Investing Activities</b>				
Capital Expenditure	-69,049	-23,343	-14,137	9,206
Repayment of Borrowings	-6,442	-2,572	-2,572	0
Transfers to Reserves	-28,095	-1,894	-1,573	321
<b>Financing Activities</b>				
Transfers from Reserves	30,753	21,042	20,801	-241
Carry Forwards	21,681	9,584	5,355	-4,229
Proceeds from Disposal of Assets	1,729	583	630	47
Distribution from TPRC	1,833	0	0	0
Capital Grants	7,758	542	362	-180
<b>Net Surplus/(Deficit) before Rates</b>	<b>-81,723</b>	<b>-472</b>	<b>4,141</b>	<b>4,613</b>
Add: Opening Funds	636	636	7,808	7,172
Less: Closing Funds	783	80,122	85,634	5,512
<b>Amount Sourced from Rates</b>	<b>82,506</b>	<b>80,594</b>	<b>81,493</b>	<b>-6,272</b>

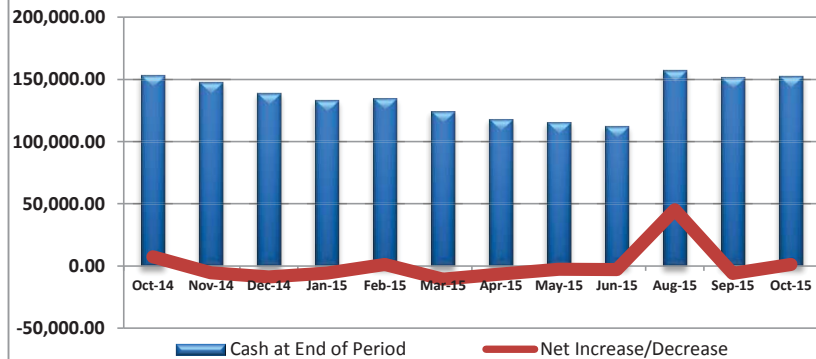


## Cash

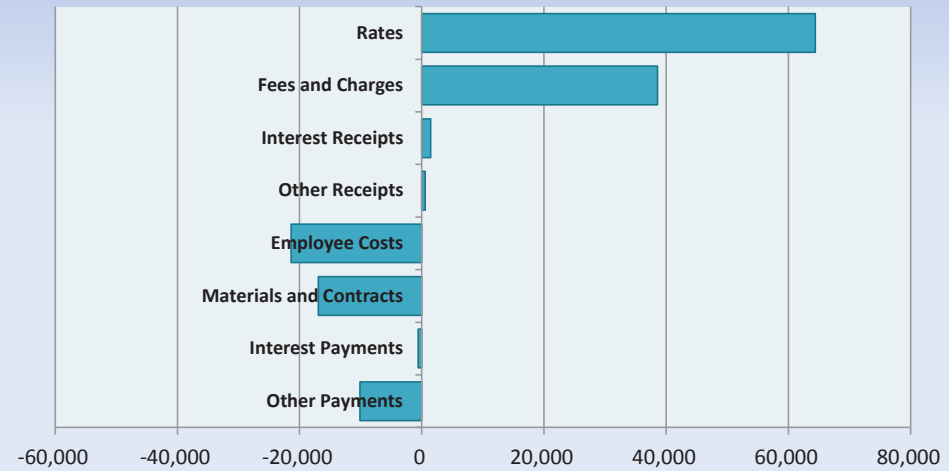
### SUMMARY CASH FLOW STATEMENT

	Budget \$'000s 2015/2016	YTD Actual \$'000s Oct-15
Receipts from Customers	197,413	105,010
Payments to Suppliers and Creditors	-145,138	-48,989
Net Cash Inflow/Outflow from Operating Activities	52,275	56,021
Net Cash Inflow/Outflow from Investing Activities	-51,429	-13,507
Net Cash Inflow/Outflow from Financing Activities	-6,442	-2,572
Cash Flows from Government and Other Parties	8,603	646
Cash at 1 July 2015	107,034	112,210
Net Increase (Decrease) in Cash Held	3,006	40,587
Cash at 31 October 2015	110,040	152,797

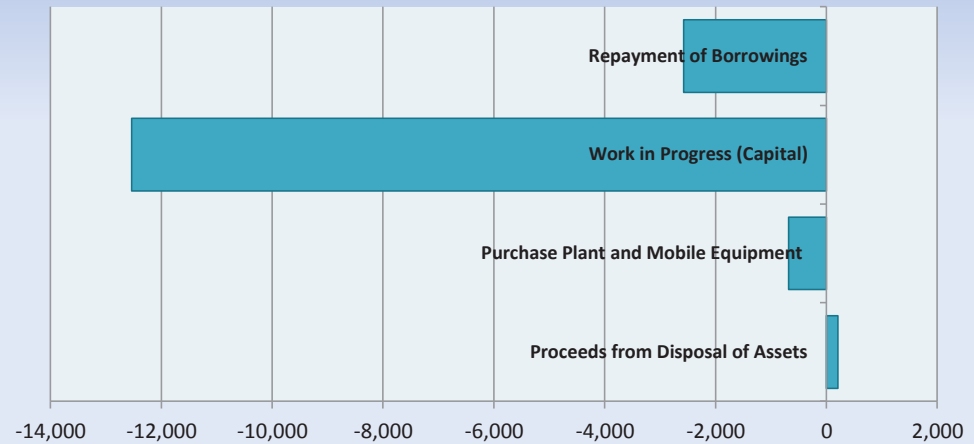
### Monthly Cash Movements to Oct-15 \$'000s



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

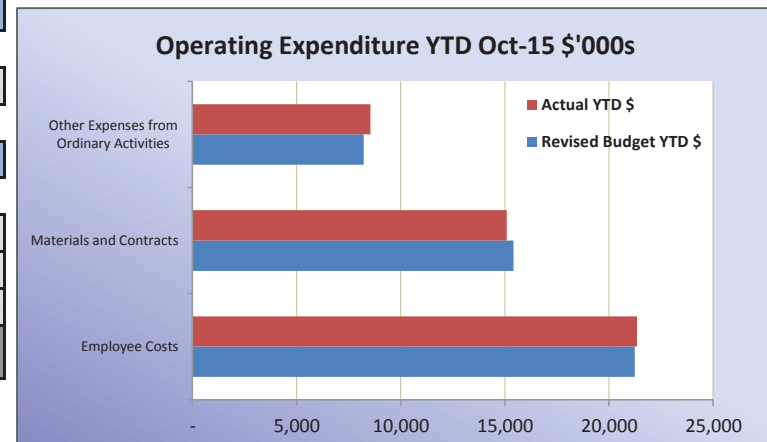
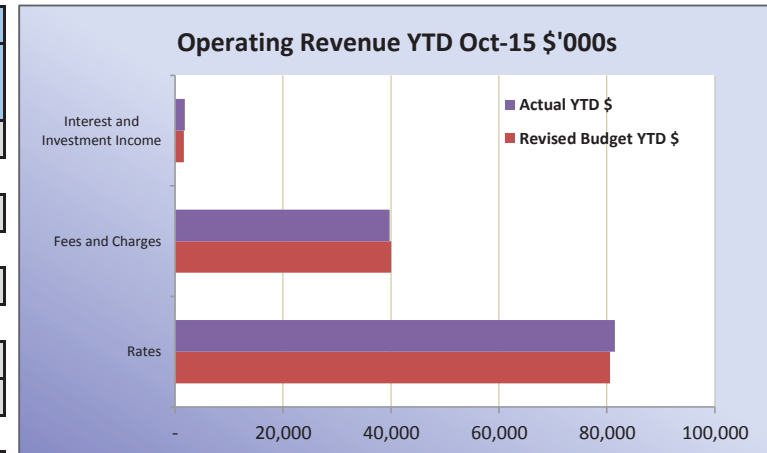


### Cash Flows from Investing Activities \$'000s



## Summary Operating Statement

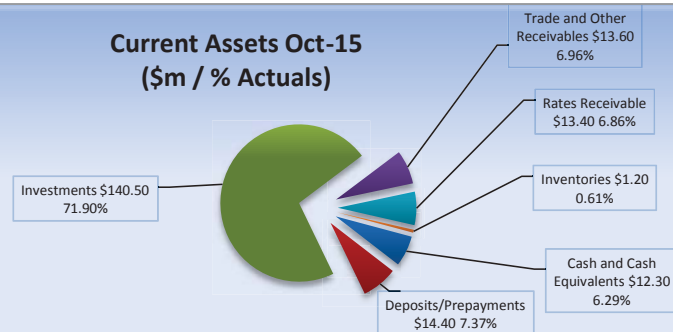
	2015/2016	Year To Date		
	Original Budget \$000	Revised Budget \$000s	Actual \$000s	Variance \$000s
Operating Revenue	197,753	123,180	123,918	738
less Operating Expenses	-151,880	-46,580	-46,688	-108
Earnings before Interest and Depreciation (EBID)	45,873	76,600	77,230	630
less Interest Expense	-1,837	-419	-461	-42
less Depreciation	-34,211	-10,149	-10,196	-47
Operating Surplus/(Deficit)	9,825	66,032	66,573	541
Grants and Contributions- Capital	6,842	296	362	66
NET OPERATING SURPLUS	16,667	66,328	66,935	607
DISPOSAL/WRITE OFF OF ASSETS	-1,558	-727	-339	388
Distribution from TPRC	1,833	0	0	0
(Loss) on Disposal of Investments	0	-4	-4	0
Change in net assets resulting from operations after capital amounts and significant items	16,943	65,596	66,593	997



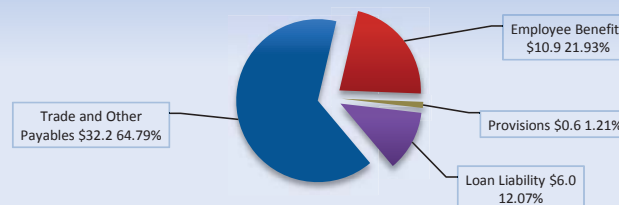
## Summary Statement of Financial Position

	31-Oct-15	30-Jun-15
	Actual \$000s	Actual \$000s
Total Current Assets	195,333	123,363
Total Non Current Assets	1,221,612	1,216,910
<b>TOTAL ASSETS</b>	<b>1,416,945</b>	<b>1,340,273</b>
Total Current Liabilities	49,784	37,706
Total Non Current Liabilities	40,090	42,088
<b>TOTAL LIABILITIES</b>	<b>89,874</b>	<b>79,794</b>
<b>NET ASSETS</b>	<b>1,327,071</b>	<b>1,260,478</b>
<b>COMMUNITY EQUITY</b>		
Accumulated Surplus	697,929	612,109
Asset Revaluation Reserve	560,795	560,795
Reserves (Cash Backed)	68,347	87,575
<b>TOTAL EQUITY</b>	<b>1,327,071</b>	<b>1,260,478</b>

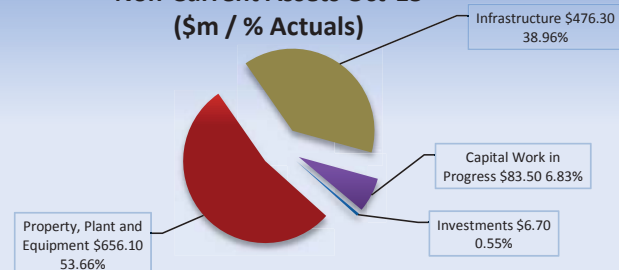
**Current Assets Oct-15**  
(\$m / % Actuals)



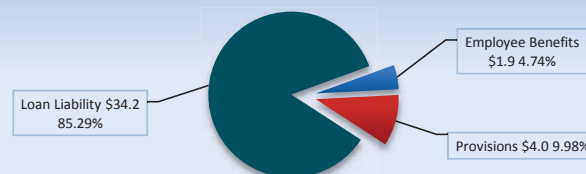
**Current Liabilities Oct-15**  
(\$m / % Actuals)



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

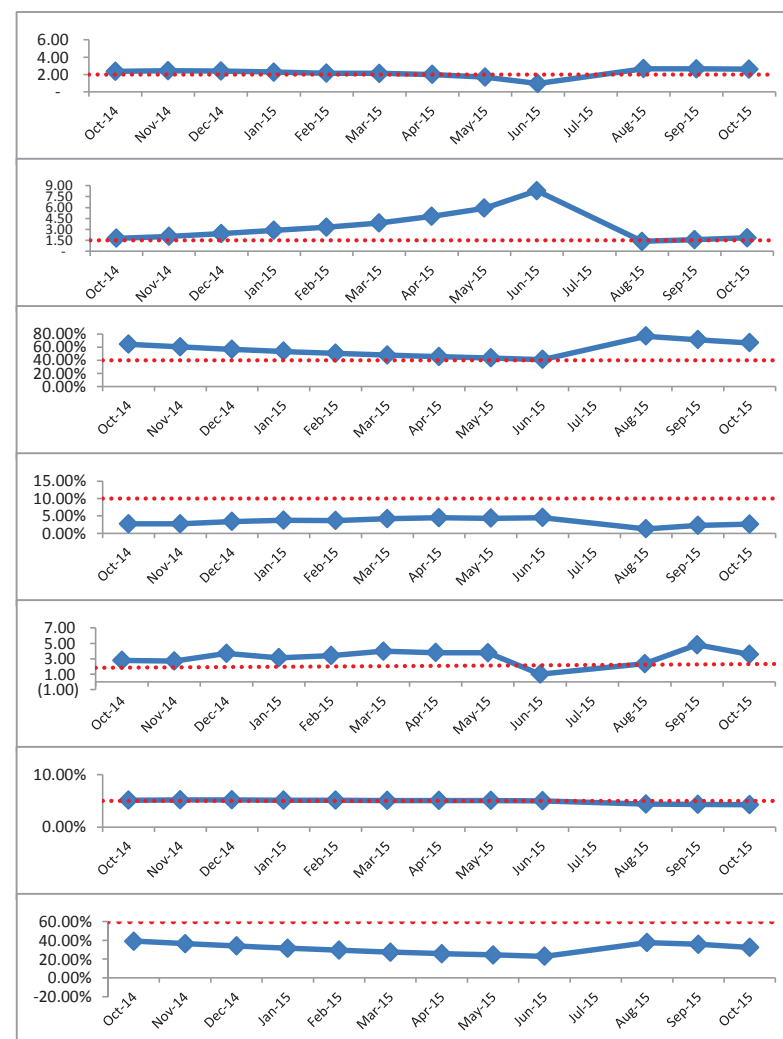


**Non-Current Liabilities Oct-15**  
(\$m / % Actuals)



## Ratio Analysis

	Oct-15
<b>Current Ratio (Current Assets minus Restricted Assets/Current Liabilities minus Liabilities associated with Restricted Assets)</b>	<b>2.61</b>
<b>Ability to generate working capital to meet our commitments</b>	
Target is greater than 2.00	
<b>Operating Surplus Ratio (Revenue YTD/Operating Surplus YTD)</b>	<b>1.85</b>
<b>Ability to fund capital and exceptional expenditure</b>	
Target is greater than 1.5	
<b>Rate Coverage Ratio (Net Rate Revenue/Operating Revenue)</b>	<b>66.43%</b>
<b>Ability to reduce rates to ratepayers</b>	
Target is less than 40.00% - The percentage will diminish as the bulk of the rates are raised in July	
<b>Debt Service Ratio (Interest and principal repayments/Available Operating Revenue)</b>	<b>2.62%</b>
<b>Ability to service loans including principal and interest</b>	
Target is less than 10.0%	
<b>Cash Capacity in Months (Cash &lt; 90 days invest / (Cash Operating Costs divided by 4 months)</b>	<b>3.59</b>
<b>Ability to manage cashflow</b>	
Target is greater than 2.0 months	
<b>Gross Debt to Economically Realisable Assets Ratio (Gross Debt / Economically Realisable Assets)</b>	<b>4.27%</b>
<b>Ability to retire debt from readily realisable assets</b>	
Target is greater than 5.0%	
<b>Gross Debt to Revenue Ratio (Gross Debt / Total Revenue)</b>	<b>32.44%</b>
<b>Ability to service debt out of total revenue</b>	
Target is less than 60.0%	



## ITEM NO: 2

### CENTENARY BELL COMMEMORATIVE PROJECT

**RECOMMENDATION:**

**(APPROVAL)**

***That Council:***

- 1. approves by AN ABSOLUTE MAJORITY, the expenditure of \$48,000 for a contribution to the Swan Bells Foundation towards the casting of a 6.5 tonne ANZAC Bell to complete the suite of bells in the tower at Barrack Square; and***
- 2. approves this unbudgeted expenditure being sourced from the City's Community Arts Program.***

### BACKGROUND:

FILE REFERENCE:	P1010627-30
REPORTING UNIT:	Arts Culture and Heritage
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	20 November 2015
MAP / SCHEDULE:	Schedule 2 – Correspondence to the Lord Mayor Schedule 3 – Interpretation on the Bell

In a letter to the Lord Mayor dated 9 November 2015 (Schedule 2) an approach was made by The Swan Bell Foundation requesting a financial of \$48,000 contribution towards the casting of 6.5 tonne bell of Perth to complete the suite of bells in the tower at Barrack Square.

The Bell Tower is a prominent tourist destination in the City attracting between 40,000 – 60,000 visitors annually with this figure likely to increase once the Elizabeth Quay development has been completed.

The current 17 bells are made up of the 12 bells of St Martin-in-the-Fields and five bells from London diocese of the Church of England and the parish of St Martin-in-the-Fields. The historic ring of bells was given to the people of Western Australia as part of the National Bicentennial celebrations in 1988.

The Swan Bells Foundation has been granted conditional approval to include the word “ANZAC” by the Minister for Veterans’ Affairs as recognition of the Centenary of ANZAC Commemorations, which has been indicated in a supporting letter. A copy of the permit and associated conditions which relate to the permit have not been supplied.

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

### **Integrated Planning and Reporting Framework Implications**

### **Strategic Community Plan**

Council Four Year Priorities: Community Outcome

Healthy and Active in Perth

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

## **DETAILS:**

### **Existing Bells**

The 12 bells of St Martin-in-the-Fields are recorded as being in existence from before the 14th century, and recast in the 16th century by Queen Elizabeth I. The bells were again recast between 1725 and 1770 by three generations of the Rudhall family of bell founders from Gloucester in England, under the order of the Prince of Wales who was later crowned as King George II. The bells were gifted to Western Australia as part of the national Bicentennial celebrations in 1988. They are one of the few sets of royal bells and are the only ones known to have left England.

The other five bells were specially presented to the University of Western Australia, the City of Perth and to the people of Western Australia from the London diocese of the Church of England and the parish of St Martin-in-the-Fields. The bells were cast in 1988 and include two from the cities of London and Westminster, who each gifted one bell to the project, and three bestowed by a consortium of British and Australian mining companies.

### **New Bell**

The Swan Bells Foundation is taking the opportunity in casting of the bell of Perth to undertake some unique interpretation for all Australian service men and women involved in wars, conflict and peacekeeping operations.

The Swan Bells Foundation has been granted conditional approval to include the word "ANZAC" by the Minister for Veterans' Affairs as recognition of the Centenary of ANZAC Commemorations. A copy of the permit and associated conditions have not been supplied.

The interpretative artwork supplied includes (Schedule 3) the ANZAC logo on the bell along together with the crests of the State Government and the City of Perth.

### **Funding**

To date the Swan Bells Foundation has received a Lotterywest grant of \$300,000, and over \$100,000 in cash from private donations and the RSL together with a donation of Australian copper and tin for the bell from Mark Creasy, valued at \$178,000.



To complete the ANZAC Bell, the last in a suite of 18 bells in the tower at Barrack Square and provide high quality interpretative material, The Swan Bells Foundation has sought a financial contribution from the City of Perth of \$48,000. The contribution is unbudgeted but can be funded from the Mural Art program budget.

The Foundation has proposed that the City of Perth crest be included on the bell as a supporter of the project, along with the State crest and the ANZAC logo.

#### **FINANCIAL IMPLICATIONS:**

ACCOUNT NO:	CL 15852000
BUDGET ITEM:	Recreation and Culture - Other Recreation and Culture - Community Arts Program
BUDGET PAGE NUMBER:	10
BUDGETED AMOUNT:	\$162,000
AMOUNT SPENT TO DATE:	\$ 0
PROPOSED COST:	\$ 48,000
BALANCE:	\$114,000

All figures quoted in this report are exclusive of GST.

#### **COMMENTS:**

Completing the 18th bell in the tower at Barrack Square in the 100th year anniversary of the first World War, the ANZAC Bell will be an ongoing visual and audible reminder to the people of Western Australia and the many international, national and WA visitors to the popular tourist destination.

This report proposes consideration for a contribution of \$48,000 to the total costs of \$578,000 for the ANZAC Bell, which is expected to last over 500 years.

## SCHEDULE 2



Tel: + 61 8 6210 0444  
Fax: + 61 8 6210 0399

email: [info@thebelltower.com.au](mailto:info@thebelltower.com.au)

P.O. Box 5584, Perth St Georges Terrace  
Western Australia 6131

[www.thebelltower.com.au](http://www.thebelltower.com.au)

The Right Honourable The Lord Mayor  
Lisa-M. Scaffidi

9 November 2015

Dear Lisa,

Thank you for meeting with myself and Richard Offen on 5 November 2015. As discussed the Swan Bells Foundation has been working for some time on the casting of a 6.5 tonne great bell of Perth to complete the suite of bells in the tower at Barrack Square. The project has been approved by the Federal Minister of Veterans Affairs, Senator the Hon. Michael Ronaldson, to use the word Anzac. Please see his letter of approval attached. The Anzac Bell project is now heading into the production phase with a \$178,000 plus donation of Australian copper and tin for the bell from Mr. Mark Creasy, a Lotterywest grant of \$300,000 and over \$100,000 in cash from private donors and the RSL.

From the attached drawing you can see that it is proposed that along with the ANZAC logo, the bell also carries the crests of the State and the City of Perth as supporters of this project.

The casting of this great bell offers the possibility of a unique and lasting memorial to all Australian servicemen and women involved in wars, conflicts and peacekeeping operations around the world. This bell would become an audible reminder to the people of Western Australia and which will be viewed by the many tens of thousands of international, interstate and WA visitors who explore the wonders of Perth's Bell Tower every year. A bell of this type has an expected lifespan of over 500 years

To complete the bell and provide high quality interruptive material, The Swan Bells Foundation requires an additional \$48,000 of funding and we request that you consider providing this important funding.

I would be delighted to provide any additional information that you may require to support this application.

Yours Sincerely,

Paul Grootveld  
Project Manager

RECEIVED LORD MAYOR'S OFFICE	
LM REPLIED: TRIM #	_____
REGISTER ONLY (NFA)	_____
10 NOV 2015	
REFER FOR	_____
ACTION TO:	CEO for Report to Council
INFO TO:	_____

12 Nov '15.



**Senator the Hon. Michael Ronaldson**

Minister for Veterans' Affairs  
Minister Assisting the Prime Minister for the Centenary of ANZAC  
Special Minister of State

Ref: B14/0929

Mr Laith Reynolds  
Patron and Board Member  
Swan Bells Foundation Incorporated  
PO Box 5589  
St Georges Terrace  
PERTH WA 6831

  
Dear Mr Reynolds,

Thank you for your letter of 20 August 2014, requesting I reconsider my previous decision regarding the Anzac Centenary Bell.

I appreciate the information that you have provided and understand the importance of the Perth Bell Tower, and its role as a museum and not-for-profit entity. I also appreciate that you have provided information about the way donors will be recognised, as well as letters of support from the Hon. Richard Court AC, the Rt. Hon. the Lord Mayor Lisa Scaffidi and the Hon. Graham Edwards AM.

Given the importance of this project to both your organisation and the City of Perth, I have chosen to approve the use of the word 'Anzac' on this occasion. A revocable permit under the *Protection of Word 'Anzac' Regulations* is enclosed. However, please note that this approval is subject to the conditions of your permit. You will need to provide details of the bells inscription, as well as promotional materials, to my Department for clearance before releasing them to the public.

Please contact [usewordanzac@dva.gov.au](mailto:usewordanzac@dva.gov.au) if you have any further queries.

Yours sincerely,

  
SENATOR THE HON. MICHAEL RONALDSON

ENCL

22 OCT 2014



The inscription will be gilded in gold and on a raised layer

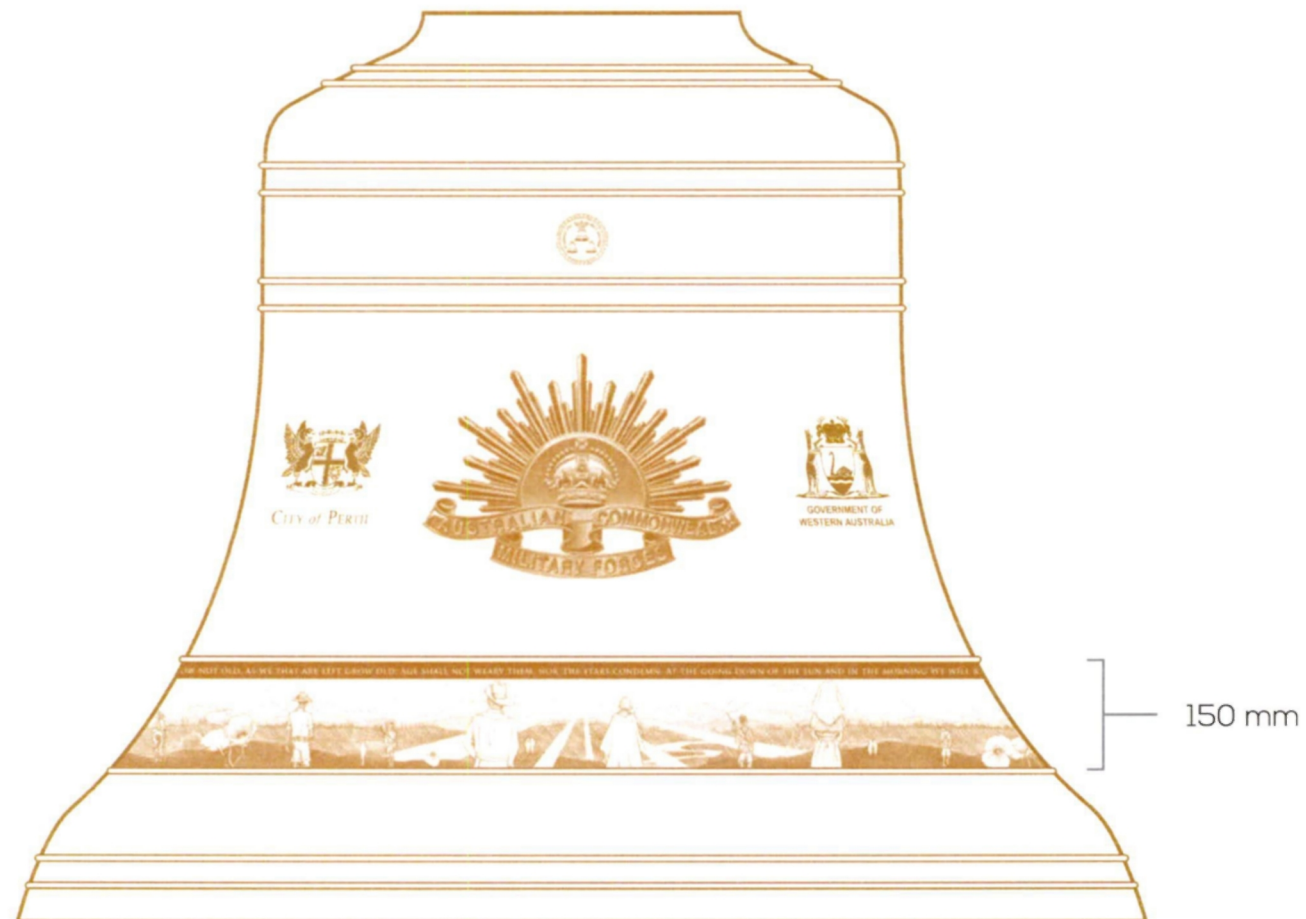
The central sun feature will be gilded in gold

The clouds will have a polished surface

The layered landscape and sky will feature a rough brushed texture, giving the scene depth

The river will be gilded in gold, reflecting the light of the sun

The figures and landscape in the foreground will be raised



**The Bell Tower**  
ANZAC Bell Concept

29 Sep 2015



OW NOT OLD. AS WE THAT ARE LEFT GROW OLD: AGE SHALL NOT WEARY THEM, NOR THE YEARS CONDEMN. AT THE GOING DOWN OF THE SUN AND IN THE MORNING WE WILL R



*"They shall grow not old, as we that are left grow old; Age shall not weary them, nor the years condemn.  
At the going down of the sun and in the morning, We will remember them."*

*"For the fallen" - Laurence Binyon*

**The Bell Tower**  
ANZAC Bell Concept

29 Sep 2015

**Juice**  
Creative

## ITEM NO: 3

### REPLACEMENT OF STOLEN GUMNUT BABY SCULPTURE, STIRLING GARDENS

**RECOMMENDATION:**

**(APPROVAL)**

***That Council:***

- 1. approves by AN ABSOLUTE MAJORITY, an unbudgeted expenditure of \$27,000 for the replacement of the City's Gumnut Baby (2001) sculpture, by Claire Bailey, stolen from Stirling Gardens in March 2015;***
- 2. notes the sole supplier arrangement with the artist Claire Bailey being critical to restoring the artistic integrity of the work;***
- 3. notes that funding for this project will be drawn from the Public Art Maintenance Operational Budget; and***
- 4. notes that when the works have been completed an insurance claim will be lodged.***

**BACKGROUND:**

FILE REFERENCE: 7000253  
REPORTING UNIT: Arts, Culture and Heritage  
RESPONSIBLE DIRECTORATE: Economic Development and Activation  
DATE: 26 November 2015  
MAP / SCHEDULE: Schedule 4 - Sketch of Sculpture

On the morning of Monday, 23 March 2015, Parks Officers reported that one of the two bronze Gumnut Baby sculptures had been stolen from its location in Stirling Gardens, along Barrack Street. These much-loved sculptures were commissioned by the City of Perth from Western Australian artist Claire Bailey and installed in 2001, as works of public art appealing to children celebrating the popular characters "Snugglepote and Cuddlepie" created by May Gibbs.

The theft of the sculpture was achieved by cutting through four, substantial steel rods fixing the sculpture to its concrete footings. The theft was immediately reported to the Police and the City's insurers, and on 8 April 2015 a media release was circulated by the City of Perth offering a \$1,000 reward for information leading to a prosecution and the recovery of the sculpture.

Police detectives have since contacted City and advised that they had received no substantial information regarding the theft that was likely to lead to the sculpture's recovery.

The purpose of this Council Report is to seek approval for an unbudgeted capital expenditure to facilitate the replacement of this artwork, in advance of receiving payment from the insurance claim.

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

### **Integrated Planning and Reporting Framework Implications**

### **Strategic Community Plan**

Council Four Year Priorities: Community Outcome

Healthy and Active in Perth

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

## **DETAILS:**

The Artist, Claire Bailey has advised that she no longer has the original models or moulds for these sculptures, and so the replacement of the stolen work will need to be recreated from scratch. The Artist has proposed a modification to the way that the work is to be staged on site, with the aim of making it difficult for the work to be stolen again via the same methods.

It is proposed that the sculpture be reconstructed to stand on a cast bronze rock, rather than on the log that it previously stood upon. This will completely conceal the steel rods connecting the work to the concrete footings, which will prevent people from cutting the sculpture free of the footings in future. Other than this modification it is intended that the figure will be created to replicate the stolen part of the work, to the extent that this is possible without the original model/mould. The Artist will provide the City with the new mould, as a further safeguard against a similar occurrence in future.

Claire Bailey has quoted \$27,000 to recreate and reinstall this artwork, which is in keeping with the 2013 estimated replacement value of the artwork, and in alignment with industry rates for this kind of work. If approved by Council, the Artist will be engaged to carry out the works required to reinstate the sculpture as soon as is practical. It is hoped that the work may be returned to its place in Stirling Gardens in March 2016.

If approved by Council, an insurance claim will be lodged with the City's insurers to recoup the costs associated with the replacement of the artwork, less a \$5,000 insurance excess payment.



## **FINANCIAL IMPLICATIONS:**

The replacement of this artwork will be an unbudgeted expenditure against the Public Art Maintenance Operational Budget Account.

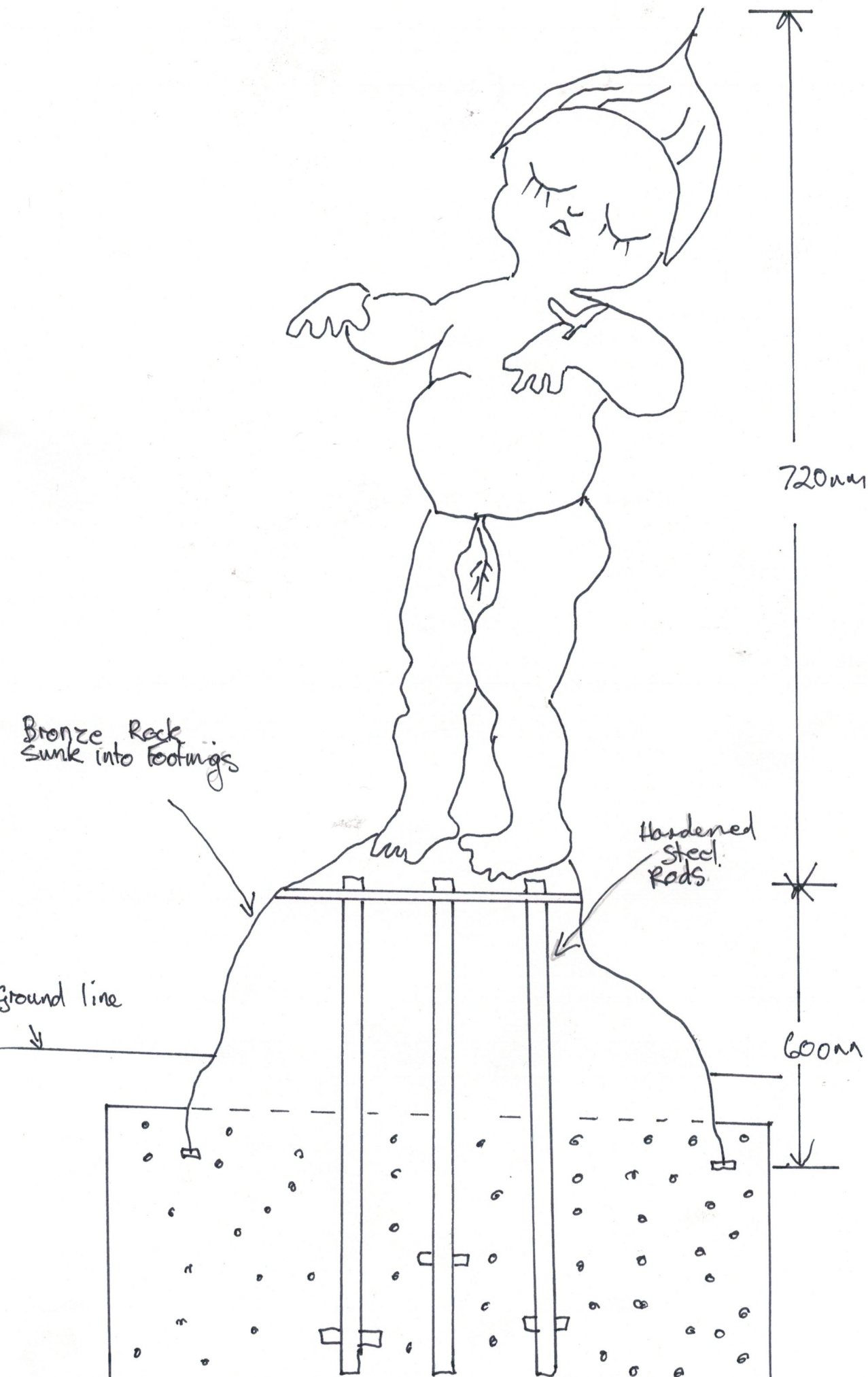
All figures quoted in this report are exclusive of GST.

## **COMMENTS:**

All works of art are unique pieces and substantially derive their value and significance as the work of professional artists of high standing. The replacement of a piece of stolen public art can only be achieved, where possible, by asking the original artist to re-make the artwork, thus ensuring that the original artistic integrity of the work and the value of the asset is retained.

In this case the original artist, Claire Bailey, has been approached as a sole supplier to provide a quotation for the replacement of the stolen artwork. The *Local Government (Functions and General Regulations) 1996* allow Local Government to enter in agreements where because of the unique nature of the goods or services another potential supplier cannot be sourced.

SCHEDULE 4



## ITEM NO: 4

### CITY OF PERTH ART COLLECTION – ART ACQUISITIONS – BEN PUSHMAN – WASHED OUT

#### **RECOMMENDATION:**

**(APPROVAL)**

#### ***That Council:***

- 1. approves the purchase of the work of art “Washed Out”, 2014; and***
- 2. authorises the Chief Executive Officer to negotiate and execute the acquisition.***

#### **BACKGROUND:**

FILE REFERENCE:	P1025306-2
REPORTING UNIT:	Community Facilities
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	25 November 2015
MAP / SCHEDULE:	Confidential Schedule 5 – Image and assessment of work of art “Washed Out” by Ben Pushman (Distributed to Elected Members under separate cover) Schedule 6 – Artists CV

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

##### **Integrated Planning and Reporting Framework Implications**

##### **Strategic Community Plan**

Council Four Year Priorities: Community Outcome  
Healthy and Active in Perth  
S15 Reflect and celebrate the diversity of Perth  
S17 Recognition of Aboriginal Culture and strong Relationship with the Aboriginal Community

##### **Policy**

Policy No and Name:	18.1 – Arts and Culture
	18.2 – Collections Management

## DETAILS:

An opportunity has arisen for the City of Perth to purchase the work of art *Washed Out* 2014 by Ben Pushman from Mossensons Galleries in Subiaco. Ben Pushman is represented by Mossensons Galleries and he is considered a reputable Western Australian artist with works held in several important public and private collections.

As with the acquisition of all works of art for the City of Perth Art Collection, this recommendation is the culmination of targeted research over time and in context across the industry. The policy objective of Council Policy – 18.1 Arts and Culture states that “*For Perth, as the State’s capital city, to be recognised for its leadership in showcasing the City’s vitality, innovation and cultural diversity, through its distinctive Western Australian cultural expression*”.

### Artwork Details

Confidential Schedule 5 portrays an image of Ben Pushman’s work *Washed Out* 2014. The work is an acrylic on board measuring 99 x 79 cm.

Western Australian artist Ben Pushman is a Noongar man whose family is of the Minang language group of the Great Southern region of Western Australia. Mr Pushman creates works of art that make reference to his experience as an urban Aboriginal man and his identity within contemporary Australian society. He draws on the customs and rituals of his culture; many of which he is knowledgeable about however has not been able to experience personally having grown up in the city.

Much of Mr Pushman’s work depicts strong yet fluid horizontal lines in reference to the act of incision and scarification of the skin carried out as a rite of passage within his culture. Such scars received during ceremony formed an important part of the visual communication methods of his people signifying an individual’s knowledge and experience. Mr Pushman uses the language of scarification within his paintings as a means of communicating aspects of his culture in order for it to live on in contemporary society. More broadly, scars demonstrate aspects of change, endurance, courage, pain, and memory.

Mr Pushman takes inspiration from and reveals connections to his ancestors in his work. The work of art *Washed Out* refers to the ceremonial sites and language of Mr Pushman’s people being slowly washed out of existence. The artist is concerned with the loss of knowledge and traditional practice as they are not being passed on to younger generations of Noongar people as much as they should be.

*Washed Out* is a strong example of the artist’s practice and was exhibited at the Museum and Art Gallery of the Northern Territory as a finalist in the 31<sup>st</sup> *Telstra National Aboriginal and Torres Strait Islander Art Award* in 2014. The work uses the scarred imagery that the artist is known for yet in this instance there is a single horizontal scar marking a surface that is considered to be somewhat earthy in its tone. The surface of the work has been worked and re-worked giving a sense of time passing in order for the scar to reach the state that it is in, a mark of a past experience yet something that is fading with time. While a work such as this specifically refers to the loss of traditions and the scarred body in Noongar culture, it

also allows us to consider the changes to the landscape and the social, physical, and emotional impact or 'scarring' of Indigenous people as a result of colonisation.

*Washed Out* will complement other works in the City of Perth Art Collection that consider the history of Perth and its people over time. Works in the Collection by Indigenous artists such as Julie Dowling, Sally Morgan, Chris Pease, Sandra Hill, and Dianne Jones address aspects of the history of Perth in relation to Aboriginal culture and *Washed Out* by Ben Pushman will complement such works well. There are also works in the collection by non-indigenous artists such as Kate McMillan and Alan Muller that consider our history in reference to aspects of colonisation and Aboriginal heritage. There are aesthetic and thematic connections between Mr Pushman's work and the work of artists in the collection such as Shane Pickett, Jeremy Kirwan-Ward and Eveline Kotai; who are all artists who are concerned with aspects of our environment and human connection to it. Connection with place is a strong theme within the collection and can be seen in a variety of figurative and abstract works held by the City of Perth. Ben Pushman is a notable Perth artist who addresses such themes in relation to his culture. As such there is considerable interpretive value for the City of Perth in the work *Washed Out* by Ben Pushman.

### Artist's Details

Ben Pushman has been a practicing artist and exhibiting his work since graduating from Curtin University with an Associate Degree in Contemporary Aboriginal Art in 2002. He has since had work included in important exhibitions such as *Mix Tape* at the Art Gallery of Western Australia in 2003; *Picturing the Sea* at the Lawrence Wilson Art Gallery in 2006; and *Nyoongar Country* held at the Bunbury Regional Art Gallery in 2013, amongst other exhibitions held locally and nationally. He was a finalist in the 2015 *Bankwest Art Prize* which is currently on exhibition at the Bankwest Art Gallery on Murray Street Perth, the 31<sup>st</sup> *Telstra National Aboriginal and Torres Strait Islander Art Award* at the Museum and Art Gallery Northern Territory and the *Binjareb Award* at the Mandurah Art Gallery both in 2014, and the *Sir Charles Gairdner Art Award* in 2013.

Ben Pushman has work in important public collections including the Holmes a Court Collection, Kerry Stokes Collection, Murdoch University Collection and Western Australian Parliament Collection amongst others. Further information can be found in the attached Schedule 6 - Artists CV.

This recommendation complies with Policy 18.2 – Collection Management and meets both the Essential Acquisition Criteria and the Specific Acquisition Criteria – Art Collection as outlined below.

### Essential Acquisition Criteria

In order to be considered for the Collection all items must meet the following essential acquisition criteria. The item must:

<i>Enhance the current scope of the Collection.</i>	This work will enhance the City's holdings of contemporary works of art that consider aspects of the history of Perth generally and also the
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	issues faced by Aboriginal Australians. It will add to the representation of work by Western Australian contemporary artists and will be an important addition to the holdings of works by Noongar artists.
<i>Be an unconditional donation or purchase.</i>	This work is an unconditional purchase.
<i>Have the capacity to be placed on display without hindrance to public access or safety, and without breaching the artist's moral rights.</i>	The work is two-dimensional and will be able to be displayed in a variety of locations within City owned buildings.
<i>Have the necessary resources allocated to resolve all foreseeable issues related to conservation, presentation and storage, as part of the acquisition.</i>	<p>The City budgets for the operational expenses associated with caring for its cultural assets including the Art Collection.</p> <p>Conservation – It is a new work that is acrylic on board which is a stable medium and will have no immediate conservation issues.</p> <p>Display – The work is ready and able to be displayed to industry standard in curated displays in the Council House Foyer and throughout Council Buildings.</p> <p>Storage – The City of Perth has a climate controlled storage facility for artworks that are not on display. This work will be stored within this facility when not on display.</p>
<i>Be a quality example that will be a significant addition to the Collection.</i>	As outlined above, the work is a quality demonstration of the artist's work and is a significant example of the artist's practice having been exhibited in a national exhibition of work by Indigenous artists.
<i>Fit within the guidelines provided in the priority areas for art acquisition.</i>	<p>The 2011 Art Collection Audit Survey Report outlined <i>'The representation of contemporary artworks in the Collection requires ongoing strengthening with acquisition of artworks by established artists as they become available through exhibitions, dealers or artists self representing.'</i></p> <p>The same report also outlined <i>'The City should continue to seek to acquire works by Indigenous artists, both urban and regional, in order to strengthen their representation in the Collection and present a balanced view of a local and regional narrative.'</i> It is considered that this artwork meets this criterion.</p>

## Specific Acquisition Criteria – Art Collection

Artwork recommended for acquisition is required to meet one or more of the following priorities. The item must:

<i>Represent significant periods, occasions and urban initiatives in the evolution of the city, and city life.</i>	This work refers to an experience of being a Noongar person growing up in the urban environment of Perth.
<i>Build upon the strengths of existing holdings of the Art Collection.</i>	The work relates to and enhances the City's holdings of works of art by Western Australian Indigenous artists and also works that articulate aspects of urban experience and culture.
<i>Represent the artistic practice of emerging and established Western Australian artists or artists residing in Western Australia who have received acclaim for their work locally, nationally and internationally.</i>	The artist is an established Western Australian artist with a national reputation. The artist has exhibited and received acclaim for his work locally and nationally as outlined in the artist's details above.
<i>Represent contemporary art practice and support the work of new artists and recent work by established artists.</i>	The work of art <i>Washed Out</i> recommended for acquisition is a strong example of contemporary art practice by a prominent Western Australian painter.
<i>Strengthen and add to an existing series of works.</i>	N/A
<i>Build on identifiable themes within the whole Collection.</i>	The work of art recommended for acquisition will build on themes within the Art Collection of cultural identity, relationship to place, evolution of Perth as a city, contemporary abstract painting, and people in the city.
<i>Be informed by or identifiably associated with the City of Perth.</i>	N/A.

## FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CW0396
BUDGET ITEM:	Recreation and Culture – Other Recreation and Culture – Acquisition of Artworks – Council House
BUDGET PAGE NUMBER:	
BUDGETED AMOUNT:	\$60,000
AMOUNT SPENT TO DATE:	\$ 0
PROPOSED COST:	\$TBA
BALANCE:	\$TBA

All figures quoted in this report are exclusive of GST.

## Art Collection Significance and Valuation Information

As noted in City of Perth Policy 18.2 – Collection Management - Section 2.1 Purpose of the Collection:

The purpose of the Collection is to:

- i. preserve, protect and promote the unique social and cultural heritage of the city;
- ii. properly conserve, maintain and grow the value of the City's arts and cultural assets.

It should be noted that collection value is measured in culturally significance terms as well as financial value terms. While works of art acquired by the City of Perth have generally increased in value over time, the rationale for collecting relates to the cultural significance and interpretive value of a work of art to the City.

The last collection valuation was carried out in 2013 and at that time had increased in value by 0.35% since the 2011 valuation. The value of the collection in 2013 had increased in value by 95% since the acquisition cost to the city for the works.

Officers are prudent in their approach to recommending acquisitions for the City of Perth Art Collection. Works of art are carefully assessed and recommended for acquisition by curatorial staff and a considered and meaningful approach to acquisition. An artwork's have potential to increase in value is another consideration together with ensuring that it is a sound financial, as well as, cultural investment for the City of Perth.

### COMMENTS:

It is important for the City of Perth Art Collection to hold works that tell stories and refer to experience of local significance, both Indigenous and non-Indigenous. The artwork *Washed Out* by Ben Pushman provides a visual reference to the contemporary lives and experiences for Indigenous people in Perth in relation to culture.

The 17 works by Indigenous artists in the City of Perth Art Collection account for fewer than 4% of the collection. There has been a small amount of growth in this area since the 3% representation noted in 2011 however there remains considerable room for development in this area. The acquisition of a contemporary interpretation of Noongar culture and experience would further enhance the representation of works by Indigenous contemporary artists in the Collection and be of considerable interpretive value for the City across a variety of themes.

It is recommended that the City of Perth acquire *Washed Out* 2014 by Ben Pushman as detailed in the Confidential Schedule 5 – Image and assessment of work of art "Washed Out" by Ben Pushman.



CONFIDENTIAL SCHEDULE 5  
ITEM NO. 4 – CITY OF PERTH ART COLLECTION – ART  
ACQUISITIONS – BEN PUSHMAN – WASHED OUT

FOR THE FINANCE AND ADMINISTRATION COMMITTEE  
MEETING

8 DECEMBER 2015

DISTRIBUTED TO ELECTED MEMBERS UNDER  
SEPARATE COVER

# MOSSENSON GALLERIES

## BEN PUSHMAN

**Nyoongar**

**Born 1979, Western Australia**

**Lives and works Balingup, Western Australia**

### Education:

2002 Associate Degree Contemporary Aboriginal Art Curtin University of Technology

### Solo Exhibitions

2005 Goddard de Fiddes Gallery

2004 Goddard de Fiddes Gallery

2002 'Scarification' Goddard de Fiddes

### Group Exhibitions:

2014 Nyoongar Stories, Mossenson Galleries, Subiaco WA

2014 Family Matters, Holmes a Court Gallery, Vasse Felix Winery, Margaret River, WA

2013 Nyoongar Country, Bunbury Regional Art Gallery, Bunbury, WA.

2012 About this Place, Holmes a Court Gallery at Vasse Felix, Margaret River, WA

2009 'Noongar Koort Boodja- Noongar Heartland', Gadfly Gallery at the University of Western Australia, UWA.

2009 'The Legacy of Koorah Coolingah' Brisbane Powerhouse/ Mungart Boodja Art Centre

2007 3' Nyoongar Painters' Goddard de Fiddes Gallery, Perth

2006 'Tarra Warra Biennale', TarraWarra Museum, Melbourne,

2006 'Melbourne Art Fair', Goddard de Fiddes Gallery

2006 'Painting the Sea' Lawrence Wilson Gallery University of WA

2006 'Identity and Change', Art Gallery of Western Australia

2004 'Melbourne Art Fair', Goddard de Fiddes Gallery

2003 'Mixed Tape' Art Gallery of Western Australia

2002 'Bankwest Art Prize 'Perth Institute of Contemporary Arts', Perth WA

2002 Sandra Hill, Chris Pease and Ben Pushman, Goddard de Fiddes Gallery

2002 'Melbourne Art Fair' Goddard de Fiddes Gallery

### Grants and Awards:

2014 Finalist 31st Telstra National Aboriginal and Torres Strait Islander Art Award, MAGNT, NT

2014 Finalist ,Binjareb Award, Mandurah Art Gallery, WA

2013 Finalist , Sir Charles Gairdner Art Award, Sir Charles Gairdner Hospital Nedlands. WA

2002 Finalist 19th Telstra National Aboriginal and Torres Strait Islander Art Award, MAGNT, NT

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member of  
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AUSTRALIAN  
CONTEMPORARY  
GALLERY ASSOCIATION

**INCORPORATING INDIGENART**

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# MOSSENSON GALLERIES

**Collections:**

Holmes a Court Collection

Kerry Stokes Collection

King Edward Memorial Hospital Collection

Tarrawarra Museum

Murdoch University

Perth Convention Centre

Sir Charles Gairdner Hospital

West Australian Parliament House Collection

## ITEM NO: 5

### **ADOPTION – CITY OF PERTH THOROUGHFARES AND PUBLIC PLACES AMENDMENT LOCAL LAW 2015, AND REPEAL – CITY OF PERTH SIGNS LOCAL LAW 2005**

**RECOMMENDATION:**

**(APPROVAL)**

***That Council:***

- 1. notes that no submissions were received in response to the public notice period for the proposed City of Perth Thoroughfares and Public Places Amendment Local Law 2015 and the proposed repeal of the City of Perth Signs Local Law 2005;***
- 2. notes the comments received from the Department of Local Government and Communities in response to the public notice period as detailed in this report titled “Adoption – City of Perth Thoroughfares and Public Places Local Law 2015 and Repeal of City of Perth Signs Local Law 2005”;***
- 3. in accordance with Section 3.12(4) of the Local Government Act 1995, BY AN ABSOLUTE MAJORITY makes the City of Perth Thoroughfares and Public Places Amendment Local Law 2015 as detailed in Schedule 8;***
- 4. in accordance with Section 3.12(6) of the Local Government Act 1995, gives local public notice of the City of Perth Thoroughfares and Public Places Amendment Local Law 2015; and***
- 5. in accordance with Section 3.16(4) of the Local Government Act 1995, BY AN ABSOLUTE MAJORITY repeals the City of Perth Signs Local Law 2005, as detailed in Schedule 10.***

## BACKGROUND:

FILE REFERENCE:	P1015922-2
REPORTING UNIT:	Governance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	25 November 2015
MAP / SCHEDULE:	Schedule 7 – Advertised City of Perth Thoroughfares and Public Places Amendment Local Law 2015 showing DLGC recommended revisions Schedule 8 – Revised City of Perth Thoroughfares and Public Places Amendment Local Law 2015 Schedule 9 – City of Perth Thoroughfares and Public Places Local Law 2007 showing the effect of the proposed Amendment Local Law 2015 Schedule 10 – Local Law To Be Repealed – City of Perth Signs Local Law 2005

## LEGISLATION / STRATEGIC PLAN / POLICY:

<b>Legislation</b>	Section 3.12 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: 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.

At its meeting held on **17 March 2015**, Council resolved its intention to make the proposed *City of Perth Thoroughfares and Public Places Amendment Local Law 2015* (the proposed Amendment Local Law). The original *City of Perth Thoroughfares and Public Places Local Law 2007* is referred to as the Principal Local Law.

The proposed Amendment Local Law was advertised in a State-wide public notice published in The West Australian newspaper on Wednesday, 25 March 2015 (TRIM 54826/15). At the end of the public notice period, two submissions were received: one, in regards to Clause 7(b) of the proposed Amendment Local Law that would result in the formalisation of cyclist movements in the Hay and Murray Street Malls; and the second submission, in regards to a clause that would prohibit the use of bunting for the purposes of permanent advertising.

Further consideration of the proposed Amendment Local Law by the City of Perth Executive Leadership Group resulted in the decision to not proceed with Clause 7(b). This was due to potential risk and enforcement issues with formalising cyclist movements in the Hay and Murray Street Malls.

Given that this change was likely to be considered by Parliament's Joint Standing Committee on Delegated Legislation as a "significantly different" change to the proposed Amendment Local Law that was originally advertised in March 2015, in accordance with Section 3.13 of the *Local Government Act 1995*, Council, at its meeting held on **22 September 2015**, resolved to recommence the local law making procedure for the proposed Amendment Local Law and the repeal of the *City of Perth Signs Local Law 2005*.

In accordance with Section 3.12(4) of the *Local Government Act 1995*, after the last day for submissions, Council is required to consider any submissions received and may resolve by an absolute majority to make the local law or to make a local law that is not significantly different from the proposed Amendment Local Law as advertised.

Further, in accordance with Section 3.12(5) and (6) of the Act, the City of Perth will subsequently be required to undertake the following to finalise this Local Law amendment:

- Publish the Amendment Local Law in a Government Gazette;
- Provide a copy of the Gazettal to the Local Government Minister (and any other relevant Minister); and
- After this, publish a local public notice advising the title of the Local Law, its purpose and effect, the day on which it becomes effective and advising that it may be inspected at the local government's offices.

#### DETAILS:

The Department of Local Government and Communities (DLGC) provided comments on the advertised Amendment Local Law during the public submission period (correspondence dated 3 November 2015, TRIM 195005/15). The DLGC noted that it has previously provided comments and suggestions on the earlier advertised version of the proposed Amendment Local Law and that the majority of those had been implemented.

Further comments provided by the DLGC relate to minor drafting edits as detailed in the table below:

Clause	DLG Comment	Officer Response
Clause 6	Paragraphs (a) to (e) should be rearranged so they amend definitions in alphabetical order.	Noted and incorporated into the proposed Amendment Local Law.
Clause 8	Reformat the clause to match the formatting of clause 7.	Noted. Minor punctuation changes have been incorporated into the proposed Amendment Local Law, however, based on previous DLGC drafting advice, it is considered that the overall formatting of the clause is clear and understandable.

Clause	DLG Comment	Officer Response
Clause 9	Clause can be simplified to read:  "In clause 2.4 after the word "wastewater" insert ", stormwater,".	Noted and incorporated into the proposed Amendment Local Law.
Clause 10	Since the clause is implementing two amendments, the text after the first line should be split into two paragraphs.	Noted and incorporated into the proposed Amendment Local Law.
Clause 11	At the beginning of the clause, redesignate subclause (a) and (b) as subclause (1) and (2).	Noted and incorporated into the proposed Amendment Local Law.

The proposed Amendment Local Law, as originally advertised, is provided as Schedule 8. The above listed amendments noted by the DLGC are shown as follows:

- Deleted text has a ~~striketrough~~ and is underlined.
- New inserted text are in *italics* and is underlined.

The amendments are considered to be minor in nature, relate to formatting for clarity purposes only and do not represent changes that have any impact on the effect of the advertised draft Amendment Local Law. The Principal Local Law, including changes resulting from the proposed Amendment Local Law, is provided as Schedule 9.

It is noted that no other submissions have been received regarding the proposed Amendment Local Law.

Therefore, in accordance with Section 3.12(4) of the *Local Government Act 1995*, the now proposed Amendment Local Law is not considered to be significantly different from that advertised.

## FINANCIAL IMPLICATIONS:

The gazettal and final public notice requirements for the proposed local law, once resolved by Council, are estimated to be \$2,500.

These costs can be accommodated within existing operating budgets.

All figures quoted in this report are exclusive of GST.

## **COMMENTS:**

### Risk Management

As with all local laws, it is noted that this Amendment Local Law will be subject to consideration by the State Government Joint Standing Committee on Delegated Legislation (JSCDL).

### Future Reviews of the Principal Local Law

Officers note that future reviews of this local law should address the following:

- The interchangeable use of the terms “City” and “local government” to be consistently applied to this and subsequent local laws for clarity.
- The application of relevant local laws in Metropolitan Redevelopment Authority project areas.
- The restructuring of the Principal Local Law for ease of use and clarity. As suggested by the DLGC, given that the consolidated local law is not gazetted (and is therefore, not the official version), consideration should also be given to repealing and replacing the local law.

### Conclusion

The amendments proposed by the DLGC and incorporated into the now proposed City of Perth Thoroughfares and Public Places Amendment Local Law 2015 relate to minor formatting for clarity purposes and do not constitute significant changes to the advertised Amendment Local Law.

It is therefore recommended that Council resolve to make the City of Perth Thoroughfares and Public Places Amendment Local Law 2015 (including the repeal of the City of Perth Signs Local Law 2005) as detailed in Schedule 8 and to issue a local public notice to this effect.

It is noted that the Amendment Local Law will come into effect 14 days after gazettal however, as noted, it will be subject to consideration by the JSCDL.



*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**

This local law amends the *City of Perth Thoroughfares and Public Places Local Law 2007* as published in the *Government Gazette* on 2 March 2007, and as amended in the *Government Gazette* on 29 February 2008 and 3 September 2013.

**4. Repeal**

The *City of Perth Signs Local Law 2005* as published in the *Government Gazette* on 12 December 2005, and as amended on 29 February 2008 is repealed.

**5. Arrangement deleted**

Following the enactment clause, delete the “Arrangement”.

**6. Clause 1.6 amended**

Clause 1.6 is amended as follows:

- ~~(e)~~ **(a)** 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)~~ ~~(b)~~ 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.*

- ~~(a)~~ ~~(c)~~ In the definition of “**local government property**” –

- (i) in paragraph (c), after the words “within section 3.53 of the Act;” insert “and”; and
- (ii) after paragraph (c), insert:  

“(d) includes a Rest Centre and a public amenity facility;”.

- ~~(e)~~ ~~(d)~~ Delete the definition of “**pedestrian mall**”; ~~and~~

- ~~(b)~~ ~~(e)~~ In the definition of “**wheeled recreation device**” –

- (i) at the end of subsection (ii), delete “and”;
- (ii) in subsection (iii), delete “,” and insert “; and”; and
- (iii) after subsection (iii), insert:  

“(iv) an electronic personal transporter,”.

and

- (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;

“**electronic personal transporter**” means a vehicle that has one or two wheels, that balances itself and is built to be powered primarily or entirely by an electric motor that forms part of the vehicle;

“**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 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 is amended as follows:

- (a) in paragraph (f) delete “unless at the direction of the City,”;
- (b) in paragraph (i) after “mall”, insert “an”;
- (c) in paragraph (k) –
  - (i) delete the word “pedestrian”;
  - (ii) after the word “mall” insert “reserve”;
  - (iii) delete the note at the end of that paragraph.

## **8. Clause 2.2 amended**

Clause 2.2 is 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) at the end of subclause 2.2(1)(l) 

Delete “or”;

- (e) at the end of subclause 2.2(1)(m) 

Insert “or”.

- (f) 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 is amended as follows:

~~After the word “wastewater” insert a comma and then “stormwater,”.~~

*After the word “wastewater” insert “, stormwater,”.*

## 10. Clause 2.5 amended

Clauses 2.5(2)(a) and 2.5(2)(b) are amended as follows:

Replace references to “licence” with “permit”<sup>1</sup> and

“*Local Government (Miscellaneous Provisions) Act 1960*” with “*Building Act 2011*”.

## 11. New clauses inserted

~~(a)~~ **(1)** Clause 2.16 is renumbered as Clause 2.20;

~~(b)~~ **(2)** After Clause 2.15 insert the following:

### **“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.

### **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.”

## **12. Clause 4.3 amended**

Clause 4.3 is 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; and”

(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.”

(c) At the end of subclause 4.3(f), delete “and”;

(d) At the end of subclause 4.3(g), delete “.” and insert “;”.

### 13. First Schedule amended

Delete the First Schedule and insert:

#### **“First Schedule – Offences and Modified Penalties [Clauses 7.3 and 7.4]**

#### **City of Perth Thoroughfares and Public Places Local Law 2007**

<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
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

Item No.	Offence Clauses	Modified Penalty \$
30	2.7(1)	125
31	2.8	125
32	2.9	125
33	2.14(2)	125
34	2.16	100
35	2.17(3)	100
36	2.19	100
37	2.18	100
38	2.20	350
39	3.1(1)	250
40	3.2(2)(a)	125
41	3.2(2)(b)	125
42	3.2(2)(c)	125
43	3.2(2)(d)	125
44	3.2(3)	125
45	3.4	125
46	3.5(2)	125
47	4.1(1)	250
48	4.5	250
49	4.10	125
50	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     )

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THE RT HON THE LORD MAYOR  
MS LISA-M. SCAFFIDI

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CHIEF EXECUTIVE OFFICER  
MR GARY STEVENSON PSM

*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**

This local law amends the *City of Perth Thoroughfares and Public Places Local Law 2007* as published in the *Government Gazette* on 2 March 2007, and as amended in the *Government Gazette* on 29 February 2008 and 3 September 2013.

**4. Repeal**

The *City of Perth Signs Local Law 2005* as published in the *Government Gazette* on 12 December 2005, and as amended on 29 February 2008 is repealed.

**5. Arrangement deleted**

Following the enactment clause, delete the “Arrangement”.

**6. Clause 1.6 amended**

Clause 1.6 is amended as follows:

- (a) 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;*



- (b) 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.*
- (c) In the definition of “**local government property**” –
- (i) in paragraph (c), after the words “within section 3.53 of the Act;” insert “and”; and
- (ii) after paragraph (c), insert:
- “(d) includes a Rest Centre and a public amenity facility;”.
- (d) Delete the definition of “**pedestrian mall**”;
- (e) In the definition of “**wheeled recreation device**” –
- (i) at the end of subsection (ii), delete “and”;
- (ii) in subsection (iii), delete “,” and insert “; and”; and
- (iii) after subsection (iii), insert:
- “(iv) an electronic personal transporter,”.

and

- (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;

“**electronic personal transporter**” means a vehicle that has one or two wheels, that balances itself and is built to be powered primarily or entirely by an electric motor that forms part of the vehicle;

“**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 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 is amended as follows:

- (a) in paragraph (f) delete “unless at the direction of the City,”;
- (b) in paragraph (i) after “mall”, insert “an”;
- (c) in paragraph (k) –
  - (i) delete the word “pedestrian”;
  - (ii) after the word “mall” insert “reserve”;
  - (iii) delete the note at the end of that paragraph.

## **8. Clause 2.2 amended**

Clause 2.2 is 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) at the end of subclause 2.2(1)(l) –

Delete “or”;
- (e) at the end of subclause 2.2(1)(m) –

Insert “or”.
- (f) 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 is amended as follows:

After the word “wastewater” insert “, stormwater,”.

**10. Clause 2.5 amended**

Clauses 2.5(2)(a) and 2.5(2)(b) are amended as follows:

Replace references to “licence” with “permit”; and

“*Local Government (Miscellaneous Provisions) Act 1960*” with “*Building Act 2011*”.

**11. New clauses inserted**

(1) Clause 2.16 is renumbered as Clause 2.20;

(2) After Clause 2.15 insert the following:

**“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.

### **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."

## **12. Clause 4.3 amended**

Clause 4.3 is 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; and"

- (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.”

(c) At the end of subclause 4.3(f), delete “and”;

(d) At the end of subclause 4.3(g), delete “.” and insert “,”.

### 13. First Schedule amended

Delete the First Schedule and insert:

#### **“First Schedule – Offences and Modified Penalties [Clauses 7.3 and 7.4]**

#### **City of Perth Thoroughfares and Public Places Local Law 2007**

<b>Item No.</b>	<b>Offence Clauses</b>	<b>Modified Penalty \$</b>
1	2.1(a)	125
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27	2.4	125
28	2.5(1)	250
29	2.6(2)	350
30	2.7(1)	125
31	2.8	125

<b>Item No.</b>	<b>Offence Clauses</b>	<b>Modified Penalty \$</b>
32	2.9	125
33	2.14(2)	125
34	2.16	100
35	2.17(3)	100
36	2.19	100
37	2.18	100
38	2.20	350
39	3.1(1)	250
40	3.2(2)(a)	125
41	3.2(2)(b)	125
42	3.2(2)(c)	125
43	3.2(2)(d)	125
44	3.2(3)	125
45	3.4	125
46	3.5(2)	125
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The Common Seal of the                   )  
City of Perth was affixed               )  
on **<insert date>**                       )  
by the authority of the                 )  
Council in the presence of            )

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THE RT HON THE LORD MAYOR  
MS LISA-M. SCAFFIDI

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CHIEF EXECUTIVE OFFICER  
MR GARY STEVENSON PSM

# SCHEDULE 9

(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;

~~“**electronic personal transporter**” means a vehicle that has one or two wheels, that balances itself and is built to be powered primarily or entirely by an electric motor that forms part of the vehicle;~~

“**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 and;

(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 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;

“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; **and**
- (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;

Amd  
GG No 36  
29.02.08

- (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;
- (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*.

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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; or
- (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.**

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#### **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; and;**

**(i) require the submission of a construction management plan to mitigate any nuisance or congestion and to ensure safety to a thoroughfare or public place.**

### Security for restoration and reinstatement

4.4 (1) The City may require the payment of a bond for a sum determined by the City –

- (a) as a condition of a permit; or
- (b) before the issue of a permit;

for the purposes of ensuring that –

- (i) a public place can be repaired or reinstated where a permit issued for an activity may cause damage to the public place; or

- (ii) conditions of approval in so far as they relate to the public place or local government property are complied with.
- (2) A bond required under subclause (1) is to be paid into an account established by the City for the purposes of this clause.
- (3) A bond required under subclause (1) shall be returned to the permit holder if the City is satisfied that the activity has not caused damage to the public place or local government property used for the activity.

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### **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
  - (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.

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## **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.

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**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 – Offences and Modified Penalties**  
**[Clauses 7.3 and 7.4]****City of Perth Thoroughfares and Public Places Local Law 2007**

<b><u>Item No.</u></b>	<b><u>Offence Clauses</u></b>	<b><u>Modified Penalty \$</u></b>
<u>1</u>	<u>2.1(a)</u>	<u>125</u>
<u>2</u>	<u>2.1(b)</u>	<u>250</u>
<u>3</u>	<u>2.1(c)</u>	<u>125</u>
<u>4</u>	<u>2.1(d)</u>	<u>500</u>
<u>5</u>	<u>2.1(e)</u>	<u>125</u>
<u>6</u>	<u>2.1(f)</u>	<u>350</u>
<u>7</u>	<u>2.1(g)</u>	<u>125</u>
<u>8</u>	<u>2.1(h)</u>	<u>125</u>
<u>9</u>	<u>2.1(i)</u>	<u>125</u>
<u>10</u>	<u>2.1(j)</u>	<u>250</u>
<u>11</u>	<u>2.1(k)</u>	<u>100</u>
<u>12</u>	<u>2.2(1)(a)</u>	<u>125</u>
<u>13</u>	<u>2.2(1)(b)</u>	<u>125</u>
<u>14</u>	<u>2.2(1)(c)</u>	<u>125</u>
<u>15</u>	<u>2.2(1)(d)</u>	<u>250</u>
<u>16</u>	<u>2.2(1)(e)</u>	<u>250</u>
<u>17</u>	<u>2.2(1)(f)</u>	<u>500</u>
<u>18</u>	<u>2.2(1)(g)</u>	<u>350</u>
<u>19</u>	<u>2.2(1)(h)</u>	<u>125</u>
<u>20</u>	<u>2.2(1)(i)</u>	<u>250</u>
<u>21</u>	<u>2.2(1)(j)</u>	<u>500</u>
<u>22</u>	<u>2.2(1)(k)</u>	<u>500</u>
<u>23</u>	<u>2.2(1)(l)</u>	<u>250</u>
<u>24</u>	<u>2.2(1)(m)</u>	<u>125</u>
<u>25</u>	<u>2.2(1)(n)</u>	<u>500</u>
<u>26</u>	<u>2.3(1)</u>	<u>125</u>
<u>27</u>	<u>2.4</u>	<u>125</u>
<u>28</u>	<u>2.5(1)</u>	<u>250</u>
<u>29</u>	<u>2.6(2)</u>	<u>350</u>
<u>30</u>	<u>2.7(1)</u>	<u>125</u>
<u>31</u>	<u>2.8</u>	<u>125</u>
<u>32</u>	<u>2.9</u>	<u>125</u>
<u>33</u>	<u>2.14(2)</u>	<u>125</u>
<u>34</u>	<u>2.16</u>	<u>100</u>
<u>35</u>	<u>2.17(3)</u>	<u>100</u>
<u>36</u>	<u>2.19</u>	<u>100</u>
<u>37</u>	<u>2.18</u>	<u>100</u>
<u>38</u>	<u>2.20</u>	<u>350</u>
<u>39</u>	<u>3.1(1)</u>	<u>250</u>

<u>Item No.</u>	<u>Offence Clauses</u>	<u>Modified Penalty \$</u>
<u>40</u>	<u>3.2(2)(a)</u>	<u>125</u>
<u>41</u>	<u>3.2(2)(b)</u>	<u>125</u>
<u>42</u>	<u>3.2(2)(c)</u>	<u>125</u>
<u>43</u>	<u>3.2(2)(d)</u>	<u>125</u>
<u>44</u>	<u>3.2(3)</u>	<u>125</u>
<u>45</u>	<u>3.4</u>	<u>125</u>
<u>46</u>	<u>3.5(2)</u>	<u>125</u>
<u>47</u>	<u>4.1(1)</u>	<u>250</u>
<u>48</u>	<u>4.5</u>	<u>250</u>
<u>49</u>	<u>4.10</u>	<u>125</u>
<u>50</u>	<u>7.1</u>	<u>125</u>

**Note:** Below are the original proposed changes. For clarity, the above table shows minor amendments including renumbering after the separation of the original penalty for Item 34 and the inclusion of a penalty Item 35.

## **FIRST SCHEDULE**

### **CITY OF PERTH**

### **THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007**

### **OFFENCES AND MODIFIED PENALTIES**

<b>Item No</b>	<b>Clause No</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
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

Item No	Clause No	Nature of Offence	Modified Penalty \$
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)<sup>1</sup></u>		<u>100</u>
<u>11</u> <u>12</u>	2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	125
<u>12</u> <u>13</u>	2.2(1)(b)	Throwing or placing anything on a verge without a permit	125
<u>13</u> <u>14</u>	2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
<u>14</u> <u>15</u>	2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
<u>15</u> <u>16</u>	2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
<u>16</u> <u>17</u>	2.2(1)(f)	Damage a thoroughfare	250 <u>500</u>
<u>17</u> <u>18</u>	2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
<u>18</u> <u>19</u>	2.2(1)(h)	Felling tree onto thoroughfare without a permit	125
<u>19</u> <u>20</u>	2.2(1)(i)	Installing pipes or stone or any thing on thoroughfare without a permit	125 <u>250</u>
<u>20</u> <u>21</u>	2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350 <u>500</u>
<u>21</u> <u>22</u>	2.2(1)(k)	Stop and use any part of a thoroughfare for the delivery of materials to a building site adjoining the thoroughfare without a permit	350 <u>500</u>
<u>22</u> <u>23</u>	2.2(1)(l)	Placing a bulk rubbish container or other item on a thoroughfare without a permit	125 <u>250</u>
<u>23</u> <u>24</u>	2.2(1)(m)	Interfering with soil or take any thing on a thoroughfare without a permit	125
<u>25</u>	<u>2.2(1)(n)</u>	<u>Installing a full or part road closure on any road or portion of road</u>	<u>500</u>
<u>24</u> <u>26</u>	2.3(1)	Consumption or possession of liquor on thoroughfare	125
<u>25</u> <u>27</u>	2.4	Discharge material in or across a public place or local government property	125
<u>26</u> <u>28</u>	2.5(1)	Failure to obtain permit for temporary crossing	250
<u>27</u> <u>29</u>	2.6(2)	Failure to comply with notice to remove crossing and reinstate area	350

<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>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
<del>34</del>	<del>2.16</del>		<del>100</del>
<del>35</del>	<del>2.18</del>		<del>100</del>
<del>36</del>	<del>2.19</del>		<del>100</del>
<del>32</del> <u>37</u>	<del>2.16(1)</del> <del>2.20</del>	<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
<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> <del>4.1(1)</del>	<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)

*(Extract from Government Gazette No 231, 12 December 2005)*

## *Local Government Act 1995*

### **CITY OF PERTH**

### **SIGNS LOCAL LAW 2005**

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 15 November 2005 to make the Signs Local Law 2005, as set out below.

### **ARRANGEMENT**

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**FIRST SCHEDULE****PART 1 - PRELIMINARY****Title**

- 1.1 This local law may be cited as the *Signs Local Law 2005*.

**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, control and management of signs within the district, in support of the city planning scheme provisions.

- (2) The effect of this local law is to establish the requirements with which any person seeking to erect a sign within the district, must comply and the means of enforcing those requirements.

## Repeal

- 1.4 The following local laws are repealed on the day that this local law comes into operation-
- (a) City of Perth Local Law Relating to Signs By-Law No. 40 published in the *Government Gazette* on 25 February 1983; and
  - (b) Part 3 of the City of Perth Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law published in the *Government Gazette* on 1 November 2000.

## Application

- 1.5 This local law applies throughout the district.

## Definitions

- 1.6 In this local law, unless the context otherwise requires-

**"Act"** means the *Local Government Act 1995*;

**"advertisement"** means any word, letter, model, sign, placard, board, notice, device, representation, painted representation, whether illuminated or not, in the nature of and employed wholly or partly for the purpose of an advertisement, announcement or direction and includes any hoarding or similar structure used or adapted for use, for the display of advertisements and "advertising" has a correlative meaning;

**"applicant"** means a person who applies for a licence;

**"application fee"** means the application fee referred to in subclause 3.1(2)(f) and which relates to the lodgement, assessment and determination of an application for a licence, but does not include the licence fee;

**"appointed place"** means a place appointed by the City or the CEO, of the City to which signs, erected and maintained in breach of this local law, may be-

- (a) placed by the City; and
- (b) recovered by the owner of the sign;

"**authorised person**" means the CEO or any other 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;

"**bill**" means any poster, placard, handbill, sticker, or other material or object manufactured, printed, drawn or produced for the purpose of advertising or promoting any thing, cause, function, event or occasion of any kind;

"**billposting**" means the sticking of any bill or painting, stencilling or affixing any advertisement on any building, structure, fence, wall, hoarding, signpost, pole, footpath, blind, awning, tree, rock, vehicle or other like places so as to be visible to any person in a street, public place, public reserve or other land;

"**Building Code**" means the latest edition of the Building Code of Australia published from time to time, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

"**bunting**" means a group of flags or flimsy material attached to a rope or line stretched between two or more points;

"**CEO**" means the Chief Executive Officer of the City;

"**City**" means the City of Perth;

"**city planning scheme**" means any current town planning scheme made by the City under the *Town Planning and Development Act 1928*;

"**community association**" means an institution, association, club, society or body, whether incorporated or not, the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit from the transactions;

"**community information sign**" means a portable sign relating to or giving directions to a charitable, cultural, educational, recreational, or other public or community function, exhibition, meeting, display, event or activity conducted by a community association other than for commercial gain;

"**commencement date**" means the day on which this local law comes into operation;

"**Commissioner of Main Roads**" means the person appointed under section 7 of the *Main Roads Act 1930* to be the Commissioner of Main Roads;

"**Council**" means the Council of the City of Perth;



**“direction sign”** means a sign erected in a street or public place by or with the approval of the City, to indicate the direction to another place but does not include a sign erected or affixed by the City or the Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the *Road Traffic Act 1974*;

**Note:** *The requirement to obtain approval of the City for the installation of a direction sign does not mean the requirement to obtain a licence under this local law.*

**“display”** in relation to-

- (a) a sign, includes the erection, placement, use and maintenance of the sign;
- (b) a bill, includes the posting, attachment, erection, placement, use and maintenance of the bill;

**“district”** means the district of the City;

**“election sign”** means a sign which encourages persons to vote for a candidate, political party, referenda or matter relating to any federal, state or local government election;

**“existing sign”** means a sign which was erected before the commencement date of the *Signs Local Law 2005*;

**“hand held sign”** means a sign held or carried by a person but does not include an election sign;

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**“hoarding”** means an advertising sign fixed to a free standing structure that has one or more supports but excludes hoardings referred to in Section 377 of the *Local Government (Miscellaneous Provisions) Act 1960*;

**“illuminated sign”** means a sign capable of being lit from within or from without by artificial light provided solely or mainly for the purpose of lighting the sign;

**“kerb”** means the edge of a carriageway;

**“land”** includes buildings, parts of buildings and other structures and land covered with water;

**“licence”** means a licence issued under this local law;

**“licensee”** means the person to whom a licence is issued, transferred or deemed to be transferred under this local law;

**"licensed sign"** means a sign which is the subject of a valid licence;

**"local government property"** means any thing-

- (a) which belongs to the City;
- (b) of which the City is the management body under the *Land Administration Act 1997*;
- (c) which is an otherwise unvested facility within section 3.53 of the Act,

and includes a thoroughfare;

**"name plate"** means a sign identifying the occupants of a property, such as medical practitioners, professionals or home-based businesses, affixed on the front fence or front façade or near the entrance to the building;

**"offensive"** in relation to a sign means the contents or design of which may cause offence to some or a majority of people and may involve the use of obscene or insulting language, the discriminatory or inappropriate portrayal of people including children, the portrayal of violence, the portrayal or suggestion of sex acts, nudity, and abuses of health and safety;

**"pedestrian mall"** means any road or portion of a road that is gazetted as a pedestrian mall;

**"person"** does not include the City;

**"planning approval"** means an approval given under a city planning scheme;

**"portable sign"** means a free standing sign which may or may not be permanently attached to a structure or fixed to the ground, and includes a ground based sign, a sandwich board sign and an "A" frame sign;

**"property disposal sign"** means a sign indicating that the premises whereon it is affixed or erected, are for sale, for letting or to be auctioned;

**"public place"** includes-

- (a) any thoroughfare, pedestrian mall or place which the public are allowed to use, whether or not the thoroughfare or place is on private property; 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*;

**"Scheme Area"** means the Scheme Area defined in a city planning scheme or the Scheme Area of any other relevant Scheme operating within the district;

**"sign"** has the same meaning as advertisement;

**"signs policy"** means a planning policy relating to signs adopted by the Council under the provisions of a city planning scheme;

**"thoroughfare"** means any road, street, pedestrian mall, way or place that is designed and used for the passage of vehicles 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;

**"valid"** in relation to a licence issued under this local law means current and for which all the associated fees have been paid in full;

**"vehicle"** includes-

- (a) every conveyance, not being a train, boat, aircraft or wheelchair, and every object capable of being propelled or drawn on wheels or tracks by any means;
- (b) where the context permits, an animal being driven or ridden; and
- (c) in particular, a vehicle described in the First Schedule to the *Road Traffic Act 1974*,

but excludes-

- (d) a wheel-chair or any device designed for use, by a physically impaired person on a footpath; and
- (e) a pram, stroller or similar device; and

**"Western Power Corporation"** means the body corporate established under section 4 of the *Electricity Corporation Act 1994*.

**Transitional**

1.7 An existing sign which-

- (a) was displayed prior to the commencement date; and
- (b) immediately prior to the commencement date was the subject of a valid licence issued under a local law repealed by clause 1.4,

is deemed to be subject of a valid licence issued under this local law on the same terms and conditions as the licence issued under a local law repealed by clause 1.4, for so long as the sign is not changed, but otherwise the provisions of this local law shall apply to the sign.

**PART 2 - SIGNS TO BE LICENSED AND EXEMPTIONS****Signs to be licensed**

2.1 A person shall not display a sign on any land unless-

- (a) the sign is the subject of a valid licence; and
- (b) the sign is displayed in accordance with the licence and any terms and conditions set out in, or applying in respect of the licence.

**Licence exemptions**

2.2 (1) The following signs are exempt from the requirements of clause 2.1-

- (a) a sign erected or maintained in accordance with an Act;
- (b) a sign erected by the City, or with the approval of the City, on local government property other than signs erected for commercial gain;
- (c) a sign erected or maintained with the approval of the Commissioner of Main Roads;
- (d) newspaper or magazine posters, provided they are displayed and affixed against the outside wall of the business premises from which the newspapers or magazines are sold;
- (e) an advertisement affixed to or painted on a shop window by the occupier and relating to the business carried on therein where the advertisement is less than 50% of the window area or 10m<sup>2</sup> in total area whichever is the lesser;

- (f) a sign erected and maintained on street furniture, bus shelters or seats in accordance with the terms and conditions of a contract between the City and the company responsible for those signs;
- (g) an election sign which is-
  - (i) erected on private property with the approval of the owner of that property, where such approval has been obtained prior to the erection of the election sign;
  - (ii) not in excess of 0.75m<sup>2</sup> in area per property, except a corner property which may display one sign facing each thoroughfare of the corner;
  - (iii) erected not more than 28 days prior to the date of the election to which it relates; and
  - (iv) removed within 7 days of the date of the election;
- (h) election signs or posters erected at the place of an election rally, election meeting or polling place, provided they are-
  - (i) erected on the day of the election rally, election meeting or polling day and are removed on the same day or at the conclusion of the rally or meeting;
  - (ii) each, no greater than 0.75m<sup>2</sup> in area;
  - (iii) erected at the entrance to a polling place in locations approved by the Presiding Officer, or in the road reserve adjacent a polling place;
  - (iv) not erected within a thoroughfare; and
  - (v) erected in accordance with the restrictive provisions of clause 5.1 excepting subclauses (i), (k) and (m) where the total sign area is no greater than 1.75m<sup>2</sup>;
- (i) real estate signs erected under clause 4.1(1);
- (j) community information signs erected under clause 4.1(2);
- (k) a direction sign;
- (l) a name plate not exceeding in 0.5m<sup>2</sup>;

- (m) a property disposal sign not exceeding 4.5m<sup>2</sup> erected on private property;
  - (n) a sign within a building unless-
    - (i) it is clearly visible from a public place outside the building;
    - (ii) it is exempted under any other paragraph of this sub clause; or
    - (iii) it is considered to be offensive or objectionable by the City.
- (2) The signs exempt under subclause (1) must be installed and maintained in accordance with the restriction provisions detailed in clause 5.1.

### **Planning approval**

- 2.3 (1) The requirement for a licence under this local law is additional to the requirement if any, for a planning approval.
- (2) Where planning approval is required for a sign, the City shall not consider or determine an application for a licence under this local law unless and until planning approval has been granted.

## **PART 3 - LICENCES**

### **Application for licence**

- 3.1 (1) Where a person is required to obtain a licence under this local law, that person shall apply for the licence in accordance with subclause (2).
- (2) An application for a licence under this local law shall-
- (a) be in the form determined by the City;
  - (b) be signed by the applicant and by the owner of the land where the sign is to be displayed;
  - (c) provide two (2) copies of plans drawn to scale of not less than 1:100 showing the size, position, materials, design and inscription thereon, the method of construction and fixing of the sign for which the licence is sought;

- (d) where required by the City, a certificate from a structural engineer or other person approved by the City, certifying that the building or structure upon which it is proposed to erect the sign is in all respects, of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design;
  - (e) provide the information required by the form; and
  - (f) be forwarded to the City together with any application fee.
- (3) The City may require an applicant to provide additional information reasonably related to an application before determining the application.
- (4) The City may refuse to consider an application for a licence which is not in accordance with subclause (2), or where the applicant has not complied with subclause (3).

### **Determination of application**

- 3.2 (1) The City may, in respect of an application for a licence-
- (a) refuse to approve the application; or
  - (b) approve the application on such terms and conditions as it sees fit.
- (2) In determining an application for a licence, the City is to have regard to-
- (a) any relevant signs policy of the City;
  - (b) the impact of the sign on the quality of the streetscape where it is to be displayed and more generally of the district;
  - (c) whether the size of the sign appropriately relates to the architectural style, design and size of a building on which the sign is to be displayed, and in measuring the size of a sign a polygon shall be taken immediately around the text, graphics or image of the sign and not the entire background, except where the finish or colour of the background differs substantially from the background against which the sign is to be displayed;
  - (d) whether the colour scheme and materials of the sign are compatible with the architectural style and design of a building on which the sign is to be displayed;

- (e) whether the colour scheme and materials of the sign are compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed;
  - (f) how many signs are on the land where the sign will be displayed;
  - (g) whether the construction of the sign is sound;
  - (h) whether any insurance should be obtained in relation to the display of the sign; and
  - (i) the matters set out in subclause (3).
- (3) The City may refuse to approve an application for a licence, where:-
- (a) the application has not been made in accordance with clause 3.1(2) or any other clause of this local law, relating to the requirements to be complied with when making an application for a licence;
  - (b) the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the licence is sought;
  - (c) the sign may obstruct the sight lines of a pedestrian or a person driving or riding a vehicle;
  - (d) the sign may unreasonably distract persons driving or riding a vehicle;
  - (e) the sign may detract from the quality of the streetscape or area where it is to be displayed;
  - (f) the size of the sign does not appropriately relate to the architectural style, design and size of a building on which the sign is to be displayed;
  - (g) the colour scheme and materials of the sign are not compatible with the architectural style and design of a building on which the sign is to be displayed;
  - (h) the colour scheme and materials of the sign are not compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed;
  - (i) the construction of the sign is not sound;



- (j) the sign will be additional to other signs on the land where it will be displayed;
  - (k) the proposed content of the sign may be considered offensive; or
  - (l) there are other grounds on which the City considers the application should be refused.
- (4) If the City refuses to approve an application for a licence, 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.
- (5) Where a clause of this local law refers to conditions which may be imposed on a licence or which are to be taken to be imposed on a licence, the clause does not limit the power of the City to impose other conditions on the licence under subclause (1)(b).
- (6) Where a clause of this local law refers to the grounds on which an application for a licence may be or is to be refused, the clause does not limit the power of the City to refuse that application for a licence on other grounds under subclause (1)(a).

### **Licence issue**

- 3.3 (1) If the City approves an application for a licence, it is to issue to the applicant a licence in the form determined by the City and may include plans or other documents other than the form of the licence.
- (2) A licence shall not be valid until such time as any public liability insurance policy, if required as a condition of the licence, has been put into effect and a certificate of currency covering the period of the licence has been lodged with the City.

### **Compliance with conditions**

- 3.4 (1) Where an application for a licence has been approved subject to conditions, or where a licence is to be taken to be subject to conditions under this local law, the licensee shall comply with each of those conditions.
- (2) The City may vary the conditions of a licence, and the licensee shall comply with those conditions as varied.

**Amendment to licence conditions**

- 3.5 (1) A licensee may apply in writing to the City to amend any of the terms or conditions of the licence.
- (2) The City may, in respect of an application under subclause (1)-
- (a) amend the licence, either in accordance with the application or otherwise as it sees fit; or
  - (b) decline to amend the licence.
- (3) The City may, at any time, amend any of the terms and conditions of the licence.
- (4) If the City amends a licence under this clause, it is to notify the licensee 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 licence apply from the date of the notification.
- (5) If the City amends a licence otherwise than in accordance with an application from the licensee, it is, as soon as practicable after the decision to amend is made-
- (a) to give to the licensee written notice of, and written reasons for, its decision to amend; and
  - (b) inform the licensee 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 licence**

- 3.6 (1) Except where otherwise stated in this local law, a licence remains valid until-
- (a) a public liability insurance policy, where required as a condition of the licence, lapses, is cancelled or is no longer in operation;
  - (b) the sign is removed;
  - (c) a change is made in the message of the sign or its illumination which is so significant as to amount to a different sign than that in respect of which the licence was issued;
  - (d) an alteration is made to the structure or area of the sign for which the licence was issued;

- (e) the sign no longer relates to a business conducted in the building to which it relates;
- (f) the licence is cancelled by the City,

and the licensee, owner or occupier of the land where the sign is displayed, or any person displaying the sign, must immediately cease to display the sign and remove the sign from display.

- (2) A licence is void if the work covered by the licence is not completed within 24 months from the date of issue of the licence.

### **Transfer of valid licence**

- 3.7 (1) An application for the transfer of a valid licence is to-
- (a) be in the form determined by the City;
  - (b) provide the information required by the form or by any other clause of this local law;
  - (c) be signed by the licensee and the proposed transferee of the licence; and
  - (d) be forwarded to the City together with any transfer fee imposed and determined by the City.
- (2) The City may refuse to consider or determine an application for the transfer of a licence, which is not in accordance with subclause (1).
- (3) The City may approve an application for the transfer of a licence, refuse to approve it or approve it subject to such terms and conditions as it sees fit, and if it is approved, the proposed transferee shall become the licensee from the date of the approval.
- (4) Where a sign licensed under this local law is attached to a building or land, and the licensee is-
- (a) the registered proprietor or agent of the registered proprietor of that building or land; or
  - (b) a lessee of that building or land under a lease,
- then respectively on the transfer of the building or land to a new registered proprietor or the transfer or assignment of the lease, the new registered proprietor or the new lessee becomes the licensee and the address for service of any notices shall be the address of the building or land, without any need for an application to be made to the City.

**Production of valid licence**

- 3.8 A licensee or owner shall produce to an authorised person his or her valid licence immediately upon being required to do so by an authorised person.

**Cancellation of licence**

- 3.9 (1) A valid licence may be cancelled by the City on any one or more of the following grounds-
- (a) the licensee has not complied with a condition of the licence or planning approval issued in respect to the sign;
  - (b) the licensee has not complied with a provision of this local law;
  - (c) variations are made to the sign or to its content which have the effect that the sign is not that approved by the licence;
  - (d) the licensee is convicted of an offence against this local law; or
  - (e) a licensed sign is so altered that it is determined by the City to be detrimental to the interests of the public, any adjacent property owner or occupier.
- (2) If the City cancels a licence under this clause, it is, as soon as practicable after the decision is made-
- (a) to give the licensee 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 the cancellation takes effect from the date on which the permit holder is served with the cancellation notice.

**PART 4 - SPECIFIC SIGNS****Portable signs**

- 4.1 (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) Any sign erected under subclause (1) and (2) of this clause shall comply with the restriction provisions of clause 5.1.

### **Billposting**

- 4.2 (1) Subject to subclause (2), a person shall not post any bill or paint, stencil, paste, affix or attach any advertisement bill or placard on any thoroughfare, hoarding, wall, building, fence or structure whether erected on private property or on a public place.
- (2) This clause shall not apply to-
- (a) any sign for which a current licence is in force under this local law; or
  - (b) advertisements affixed to or painted on a shop window by the occupier and relating to the business carried on in those premises where the advertisement is less than 50% of the window area or 10m<sup>2</sup> in total area whichever is the lesser.

### **Bunting**

- 4.3 A person shall not erect bunting on any street, hoarding, wall, building, fence or structure whether erected on private property or on a public place.

### **Illuminated signs**

- 4.4 (1) The electrical installations of an illuminated sign shall be constructed and maintained in accordance with the requirements of and to the satisfaction of the Western Power Corporation or such other authority as may be responsible for the control of electrical installations.
- (2) An illuminated sign and any boxing or casing enclosing it shall be constructed entirely of non-flammable material with the exception of the insulation of electric wires.

### **Hand held signs**

- 4.5 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.

Amd  
GG No 36  
29.02.08

## PART 5 - SAFETY, STRATEGIC AND GENERAL

### Restrictions

- 5.1 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-
- (a) so as to obstruct the view from a street or public place of traffic in a street or public place;
  - (b) so as to be likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the *Road Traffic Act 1974* or any regulations made under that Act;
  - (c) so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods;
  - (d) so as to obstruct the movement of any pedestrian or vehicle in any street or thoroughfare;
  - (e) except with the approval of the City on an ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs or other superstructure over the main roof of a building;
  - (f) on any building where the stability of the building is, in the opinion of an authorised person, likely to be affected by the sign;
  - (g) on any light or power pole;
  - (h) on any tree, shrub, plant, rock or any other natural feature;
  - (i) on any vehicle unless it advertises the business of the vehicle owner or occupier and is not parked so as to be general advertising;
  - (j) which contains glass other than an electric light globe or tube or toughened glass or safety glass;
  - (k) which contains or has attached to it any paper, cardboard, cloth or other readily combustible material, except posters securely fixed to a signboard or hoarding, flags, banners or canvas awnings;
  - (l) the light from which is so intense as to cause a nuisance to the public;
  - (m) as a moveable or portable sign on local government property or public place, not affixed to a building, unless approved by the City under this local law;

- (n) subject to subclauses 2.2(1)(g) and (h) on any street, thoroughfare or other public place, if the sign is an election sign; or
- (o) subject to subclauses 2.2(1)(i) and (j) on any street, thoroughfare or other public place, if the sign is a real estate sign or community information sign.

### **Fixing of signs**

- 5.2 The owner or licensee of a sign must cause it to be securely fixed to the structure by which it is supported, to the satisfaction of an authorised person.

### **Headroom**

- 5.3 The owner or licensee of a sign erected over walkways, accessways or other public place, shall cause it to be fixed to provide a clear headway under the sign of not less than 2.75 metres, or other height as required by an authorised person.

### **Distance from kerb**

- 5.4 Where a sign projects over a footpath at a height of less than 4.5 metres, the sign is to be a minimum distance of 600mm from the outer edge of a street kerb.

### **Signs to be kept clean**

- 5.5 The owner or licensee of a sign shall keep it clean and free from unsightly matter and shall maintain the sign in good order and safe condition.

### **Materials**

- 5.6
- (1) No flammable material shall be part of or be attached to any sign but this clause shall not apply to posters securely fixed to a signboard.
  - (2) Every sign containing glass shall be so protected that if any glass, other than the glass of fluorescent tubing, breaks none of the glass can fall on any street, way, footpath or other public place.

### **Building Code**

- 5.7
- (1) Subject to subclause (2), a sign shall be erected in accordance with the relevant provisions of the Building Code.
  - (2) Where there is inconsistency between the standards or requirements of this local law and those specified in the Building Code, the standards or requirements of the Building Code shall prevail.

## **PART 6 - NOTICES AND REMEDY FOR BREACH**

### **Notice to repair, modify or remove sign**

- 6.1 (1) Where a sign is not maintained in a good condition or is or becomes dilapidated, or the content of the sign is offensive, the City may issue a notice to the-
- (a) owner of the land where the sign is displayed;
  - (b) the grantee of any development approval issued for the sign; or
  - (c) the licensee of the sign,
- requiring that person to, as the City considers appropriate-
- (i) repair or maintain the sign in the manner specified in the notice, or if not so specified, so that it is put into a good condition or so it is not dilapidated;
  - (ii) modify the content of the sign as specified in the notice; or
  - (iii) remove the sign from display,
- within such time as may be specified in the notice or if no time is specified within 14 days from the date of the City giving the notice.
- (2) Without limiting any other provision of this local law, this clause applies to the signs referred to in clause 2.2(1).

### **Notice to rectify breach**

- 6.2 Where a person breaches a term or condition of a licence or a provision of this local law, the City may give a notice to the person specifying the breach and requiring it to be rectified, and the person shall comply with the notice within the period indicated in the notice, or if no period is indicated, within 14 days of the City giving the notice to the person.

### **Removal of signs from public property**

- 6.3 (1) The City may remove to an appointed place any sign or other advertising device, placed or erected on any public place under the care control and management of City, unless placed or erected in accordance with the provisions of this local law.
- (2) Where a sign, hoarding or other advertising device is removed to an appointed place in accordance with subclause (1) and where it is possible to identify the name of the owner of the sign or advertising device, a notice shall be served on the owner advising-



- (a) the location of the appointed place to where the sign has been removed;
- (b) that the sign may be collected during such hours and on payment of such fees and charges as may be specified in the notice.

## **PART 7 - OBJECTIONS AND APPEALS**

### **Application of Part 9 Division 1 of the Act**

- 7.1 (1) Where the City makes a decision as to whether it will-
- (a) grant an application for a licence;
  - (b) vary, or cancel a licence; or
  - (c) impose or amend a condition to which a licence is subject,
- 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 appeal against a decision of the City.

## **PART 8 - ENFORCEMENT**

### **Offences**

- 8.1 (1) A 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) A person who fails to comply with a notice given under this local law commits an offence.
- (3) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (4) Any person who commits an offence under this local law shall be 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.

**Offence description and modified penalty**

- 8.2 The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

**Infringement and infringement withdrawal notices**

- 8.3 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 9.16(1) of the Act is that of Form 1 in Schedule 1 of the Regulations;
  - (b) the form of the infringement notice referred to under section 9.17 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
  - (c) the form of the infringement withdrawal notice referred to under section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

**Authorised persons**

- 8.4 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.

**PART 9 - MISCELLANEOUS****Fees**

- 9.1 All fees referred to in this local law shall be imposed and determined by the City under section 6.16 to 6.19 of the Act.

**Public liability insurance**

- 9.2 (1) Where, as a condition of a licence, the licensee or landowner is required to provide a public liability insurance policy, indemnifying the City against all actions, suits, claims, damages, losses and expenses made against or incurred by the City arising from any activity, action or thing performed or erected under the licence, the licensee shall-
- (a) take out a public liability insurance policy in the name of the licensee and the City, for a minimum value of \$5,000,000 or such other amount as the City considers appropriate to the risk involved;

- (b) keep that insurance policy current for the duration of the licence;
  - (c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the City;
  - (d) include a clause in the policy which requires both the licensee and the insurance company to advise the City if the policy lapses, is cancelled or is no longer in operation; and
  - (e) on the request of an authorised person, provide for inspection of the policy and a certificate of currency for the required insurance policy.
- (2) A licensee who refuses or cannot provide a current certificate of insurance within two working days of a request under subclause (1)(e) commits an offence.

**FIRST SCHEDULE**

**CITY OF PERTH**

**SIGNS LOCAL LAW 2005**

**OFFENCES AND MODIFIED PENALTIES**

<b>Item No</b>	<b>Clause No</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
1	2.1(a)	Displaying a sign without a licence	100
2	3.4(1)	Failure to comply with conditions of licence	100
3	3.4(2)	Failure to comply with varied conditions of licence	100
4	3.8	Failure to produce valid licence to authorised person upon being required to do so	100
5	4.2(1)	Billposting	200
6	4.3	Erect bunting on private property or on a public place	100
7	5.1	Failure to comply with restricted activity	100
8	5.3	Failure to fix a sign over walkways, accessways or public land to provide clear headway of not less than 2.75m	100
9	5.5	Failure to keep sign clean and maintained in good order and safe condition	100
10	5.6(1)	Using flammable material in the construction of or attached to a sign	100
11	6.1(1)	Failure to comply with a notice to repair, modify or remove a sign	100
12	6.2	Failure to comply with notice to rectify breach	100
13		All other offences not specified	100

Dated this 25th day of November 2005.

The Common Seal of the                    )  
City of Perth was affixed by the        )  
authority of a resolution of                )  
the Council in the presence of         )

\_\_\_\_\_  
DR. PETER NATTRASS  
The Rt Hon the Lord Mayor.

\_\_\_\_\_  
FRANK EDWARDS  
Chief Executive Officer.

## ITEM NO: 6

### AMENDED – COUNCIL POLICY 9.7 PURCHASING POLICY

#### **RECOMMENDATION:**

**(APPROVAL)**

#### ***That Council:***

- 1. adopts the revised Council Policy 9.7 Purchasing Policy as detailed in Schedule 11; and***
- 2. notes that further comprehensive amendments to the Policy are to follow in early 2016.***

#### **BACKGROUND:**

FILE REFERENCE:	P1005611-1
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	19 November 2015
MAP / SCHEDULE:	Schedule 11 – Revised Council Policy 9.7 Purchasing Policy

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

<b>Legislation</b>	Part 4 of the <i>Local Government (Functions &amp; General) 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

#### **Policy**

Policy No and Name: 9.7 – Purchasing Policy

#### **DETAILS:**

Amendments to the *Local Government (Functions and General) Regulations 1996* were published in the Government Gazette 18 September 2015 to be effective from 1 October 2015.

The main changes are:

- An increase of the tender threshold from \$100,000 to \$150,000
- A new Division in the Regulations for the introduction of 'Panels of Pre-Qualified Suppliers'.
- Introduction of additional tender exemptions for and Australian Disability Enterprises and Registered Aboriginal Enterprises; and
- Technical drafting amendments to improve understanding of the Regulations

It is necessary to amend Council Policy 9.7 to ensure there is no conflict with the amended legislation. The policy amendment will enable the City of Perth to call tenders for goods and services where the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000.

The broader changes to the regulations, in particular, the introduction of a new Division for Panels of Pre-Qualified Suppliers need to be carefully considered to ensure appropriate best practice guidelines are in place with strong internal control and governance. It would be prudent to wait and be able to assess the Pro Forma Policy supplied by the Western Australian Local Government Association, including the management of supplier panels that would enhance the City of Perth's procurement practices and prove beneficial in the long term.

In addition to the proposed changes to Policy 9.7 dictated by legislation, additional amendments to be considered for inclusion are:

- Term of Contracts, including market testing of long term contracts;
- Sole supplier arrangements/descriptors;
- Annual Performance reviews;
- Selection Criteria for major projects;
- Business Ethics Statement; and
- Guidance for quotations where the minimum number are not received.

## **FINANCIAL IMPLICATIONS:**

There are no direct financial implications with this change in Policy.

## **COMMENTS:**

Amendment to the value of the tender threshold immediately aligns the Council Policy 9.7 to the amended legislation.

At the Audit and Risk Committee Meeting held on 16 November 2015 guidance was provided by the Committee on areas within future work being undertaken on the Council Policy 9.7 that will enhance and strengthen accountability. This policy work is currently underway and will be presented to Council in early 2016.

## CP 9.7 Purchasing Policy

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### POLICY OBJECTIVE

The City is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- provides the City with an effective way of purchasing goods and services;
- ensures that purchasing transactions are carried out in a fair and equitable manner;
- strengthens integrity and confidence in the purchasing system;
- ensures that the City receives value for money in its purchasing;
- provides that the City considers the environmental and social impacts when purchasing goods and services;
- ensures the City complies with all regulatory obligations;
- promotes effective governance and definition of roles and responsibilities; and
- upholds respect from the public and industry for the City's purchasing practices that withstands probity.

Furthermore, this policy has been created to:

- provide compliance with the Local Government Act, 1995 and the Local Government (Functions and General) Regulations 1996;
- deliver a best practice approach and procedures to internal purchasing for the City; and
- ensure consistency for all purchasing activities that integrates within all of the City of Perth operational areas.

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### POLICY STATEMENT

#### 1. ETHICS AND INTEGRITY

All officers and employees of the City shall observe the highest standards of ethics and integrity in undertaking purchasing activities and act in an honest and professional manner that supports the standing of the City.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;

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## AP 9.7 Purchasing Policy

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- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the City's policies, procedures and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and to provide a clear audit trail;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- information other than pricing provided to the City by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

## 2. VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the City. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider the following:

- All relevant whole-of-life costs and benefits, whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal. For the disposal of any property (assets) reference shall be made to Council Policy 9.14 Disposal of Property;
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.



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## AP 9.7 Purchasing Policy

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### 3. SUSTAINABLE PROCUREMENT

Sustainable Procurement is defined as the procurement of goods and services that have fewer negative environmental and social impacts than competing products and services.

The City is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the City's sustainability objectives.

### 4. PURCHASING PROCEDURES AND LIMITS

The City has established administrative procedures relating to the calling of quotations and tenders for goods and services which must be adhered to when seeking quotations or the calling of tenders. These procedures have been developed to establish effective procedures for calling quotations to achieve best value for money and quality of goods and services within specified time frames. The relevant procedures that officers must refer to are listed as follows:

- PR0106 – Calling of Quotations.
- PR0105 – Tendering for Goods and Services.
- PR0660 – Evaluation Panels for Assessing Tenders, Expressions of Interest and Quotations.
- PR0957 – Authorisation of Purchase Orders.
- PR0965 – Sole Supplier Justification, Application and Approval.

The confirmation of any purchase after the completion of a quotation / tender process must be authorised by an officer to whom authority to incur a liability has been delegated ensuring that sufficient funds have been provided for in the City's annual budget.

The purchasing of goods and services can only be undertaken once a purchasing requisition has been approved and a relevant purchase order has been obtained (other than those goods or services deemed an emergency or those outside of normal business hours. In these circumstances the requisition and order is to be approved and obtained the next day).

The following quotation / tender requirements apply to the procurement of goods and services, where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be the following:

## AP 9.7 Purchasing Policy

Amount of Purchase	Purchasing Requirements
Up to \$1,000	One verbal or written quotation shall be obtained and alternative suppliers are encouraged to be used to ensure best value of money and adequate market sharing.
\$1,001 - \$5,000	A minimum of three quotations (verbal or written) shall be obtained, where possible, from alternative suppliers.
\$5,001 - \$50,000	Obtain a minimum of three written quotations (excluding requests for Consultancy Services where a formal quotation process is to be used at the discretion of the Manager Finance).
\$50,001 - \$150,000	A formal quotation process is to be coordinated through the Contract Management Unit (other than vehicles, plant, equipment or office equipment where the items are manufactured to industry or Australian Standards).
\$150,000 and above	Conduct a public tender process in accordance with prevailing legislation and the City's corporate procedures.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$150,000 threshold (excluding GST). If a decision is made to seek public tenders for goods/services of less than \$150,000, all of the steps of a public tender process must be followed (see part 4.5).

The Chief Executive Officer shall develop and implement appropriate processes to monitor expenditure with individual contractors or suppliers to ensure that where it is reasonably foreseeable that expenditure with a single contractor or supplier may exceed \$150,000, tenders for the provision of those services are invited to ensure the City does not contravene the anti-avoidance provisions prescribed in Regulation 12 of the Local Government (Functions and General) Regulations 1996.

### 4.1 Up to \$1,000

Where the value of goods or services does not exceed \$1,000 (excluding GST), the purchase is on the basis that a verbal or written quote is obtained. The continuous use of single suppliers is to be avoided to ensure that the City is receiving best value for money at a competitive market price and adequately distributing market share.

A record of the verbal quotation must be maintained in accordance with the City's Record Keeping Plan.

### 4.2 \$1,001 to \$5,000

Where the value of goods or services is between \$1,001 and \$5,000 (excluding GST), the purchase is on the basis of a minimum of three quotations (written or verbal). Market testing with a greater number of suppliers or more formal forms of quotation is to be occasionally undertaken to ensure best value is maintained.

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## AP 9.7 Purchasing Policy

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This purchasing method is suitable where the purchase is relatively small and low risk.

Records of quotations sourced must be created and maintained in accordance with the City's Record Keeping Plan.

### 4.3 \$5,001 to \$50,000

This category is for the procurement of goods or services where the value ranges between \$5,001 and \$50,000 (excluding GST).

A minimum of three written quotations are required. Where this is not practical, (that is due to limited suppliers), it must be noted through records relating to the process. Where, due to the nature of the goods or services being sourced, there is unlikely to be more than one supplier, approval of that supplier as a "Sole Supplier" must be obtained in accordance with Corporate Procedure PR0965- Sole Supplier Justification, Application and Approval.

The general principles for obtaining written quotations are as follows:

- Ensure that the requirements are clearly understood by the employee seeking the quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.

The engagement of Consultancy Services are required to be conducted through a formal quotation process unless the Manager Finance assesses the proposed service as low risk to the City and/or is classified as a supply of service rather than a formal Consultancy Service.

Records of quotations sourced must be maintained in accordance with the City's Record Keeping Plan.

### 4.4 \$50,001 to \$150,000

For the procurement of goods or services where the value exceeds \$50,001 (excluding GST) but is less than \$150,000 (excluding GST), a formal quotation process is to be coordinated through the Finance Unit – Contracts Administration section in accordance with corporate procedures.

Where the supply of vehicles, plant or equipment (including office equipment) is required and the goods are manufactured to industry or Australian Standards, a minimum of three written quotations are required.

The responsible officer is expected to demonstrate due diligence and to comply with record keeping and audit requirements. Records of quotations sourced must be maintained in accordance with the City's Record Keeping Plan.

NOTES: The general principles relating to formal quotations are that they will include the following requirements:

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## AP 9.7 Purchasing Policy

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- a. An appropriately detailed specification to communicate requirement(s) in a clear, concise and logical fashion.
- b. The request for quotation will include as a minimum:
  - i. General Conditions of Quotation.
  - ii. General Conditions of Contract.
  - iii. Written Specification.
  - iv. Selection Criteria to be applied.
  - v. Form of Quotation/Price Schedule.
  - vi. Conditions of responding.
- c. Invitations to quote will be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- d. All prospective suppliers to be advised at the same time of any new information that is likely to change the requirements.
- e. Responses should be assessed in accordance with corporate procedures for compliance, then against the selection criteria, and then value for money. All evaluations shall be documented and maintained in accordance with the City's Record Keeping Plan.
- f. Respondents will be advised in writing as soon as possible after the final determination is made and approved.

### 4.5 Over \$150,000

Where the value of the goods or services is estimated to be over \$150,000 (excluding GST), or where it is considered that a public tender process for goods or services under that value should be followed, all regulatory compliance in relation to the public tender process including established City procedures and guidelines, are to be adhered to.

## 5. AUTHORISATION OF EXPENDITURE

Acceptance of quotations and the authorisation of expenditure is to comply with the City's purchasing requirements, associated policies and procedures and within the relevant delegation of authority.

All purchases of goods or services other than those goods or services deemed an emergency or those outside of normal business hours are only to be purchased after the approval of an appropriate purchase requisition and the receipt of a relevant purchase order.

## AP 9.7 Purchasing Policy

Document Control Box						
<b>Document Responsibilities:</b>						
<b>Custodian:</b>				<b>Custodian Unit:</b>		
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<b>Organisational:</b>						
<b>Document Management:</b>						
<b>Risk Rating:</b>		<b>Review Frequency:</b>		<b>Next Due:</b>		<b>TRIM Ref:</b> [AP####]
<b>Version #</b>	<b>Decision Reference:</b>	<b>Synopsis:</b>				
1.	OCM 28/06/11 (317/11)					
2.	OCM 18/11/14 (509/14)					
3.	OCM 30/04/15 (161/15)					

## ITEM NO: 7

### THE 2015 CITY OF PERTH LOCAL GOVERNMENT ELECTION

#### **RECOMMENDATION:**

#### **(INFORMATION)**

***That the 2015 City of Perth Local Government Election Report as detailed in Schedule 12 be received.***

#### **BACKGROUND:**

FILE REFERENCE: P1029486  
REPORTING UNIT: Governance  
RESPONSIBLE DIRECTORATE: Corporate Services  
DATE: 1 December 2015  
MAP / SCHEDULE: Schedule 12 – 2015 City of Perth Election Report

The 2015 City of Perth Local Government Election was held on Saturday, 17 October 2015 and was conducted by the Western Australian Electoral Commission (WAEC) as a postal election.

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

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

#### **Integrated Planning and Reporting Framework Implications**

**Strategic Community Plan**  
Council Four Year Priorities:  
Capable and Responsive Organisation

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

#### **DETAILS:**

##### **Electoral Enrolments**

In 2013 only 49 enrolment eligibility claim forms were received between 1 July 2013 and the close of enrolments on 30 August 2013. From 1 July 2015 and the close of enrolments there were in excess of 960 applications to be considered for the City of Perth owner and occupier roll, most of them were received in the last two weeks before close of enrolments, with 555 applications remaining to be processed after 5.00pm on Friday 28 August 2015.

There were 10,825 electors on the Roll for the 2013 election comprising 71% residents and 29% non-resident owners and occupiers. For this election the Roll had grown to 11,384 electors, largely because of the increase in residents who now comprise 74% of the Roll.

### **Election Statistics and Results**

A total of 4,175 votes were received for the Lord Mayoral ballot making a 37% turnout rate. Of these 37 were informal so that 4,138 were divided between the two candidates, Ms Lisa Scaffidi receiving 2,266 (54.76%) of the vote and Mr Reece Harley 1,872 votes (45.24%).

In the Councillor election 4,091 ballot papers were counted making a 35.9% participation rate. 49 ballot papers were informal so the remaining 4,042 produced 14,567 votes (3.60 votes per ballot paper instead of the four possible).

Nine candidates contested the four vacancies. The result of the election is shown in the table below, the candidates being listed in Ballot Paper order:

<b>Candidate</b>	<b>Votes</b>	<b>Percentage of Votes</b>	<b>Result</b>
Adamos, J	<b>2,052</b>	<b>14.09%</b>	Elected
Davidson, J E	<b>2,203</b>	<b>15.12%</b>	Elected
Chen, L	<b>1,927</b>	<b>13.23%</b>	Elected
Toulalan, A	1,405	9.65%	
Butler, R	1,804	12.38%	
Green, J	<b>2,004</b>	<b>13.76%</b>	Elected
Clarke, M	1,076	7.39%	
Schiefler, F	1,073	7.37%	
Hardy, C	1,023	7.02%	

The participation rate for the 2015 election was lowest recorded for a City of Perth Lord Mayoral election since postal elections began in 1995 as the table below indicates.

<b>Year</b>	<b>Participation Rate</b>	<b>Election Type</b>
1995	66.24%	Lord Mayor & Councillors (4 Positions)
1997	58%	Councillors (4 Positions)
1998	47.01%	Extraordinary (1 Position)
1999	54%	Lord Mayor & Councillors (4 Positions)
2000	45.4%	Extraordinary (1 Position)
2001	46.4%	Councillors (4 Positions)
2003	50.73%	Lord Mayor & Councillors (4 Positions)
2005	42.51%	Councillor (4 Positions)
2007	47.8%	Lord Mayor & Councillors (4 Positions)
2009	34.9%	Councillor (4 Positions)

2011	44.8%	Lord Mayor & Councillors (4 Positions)
2013	26.98%	Councillor (4 Positions)
2015	37.75%	Lord Mayor & Councillors (4 Positions)

### **Replacement Packages**

City of Perth officers issued 90 replacement packages prior to election day. A further 89 replacement packages were issued by the Returning Officer and her staff on Election Day. The majority of the replacements issued before election day were from electors on the owner and occupier roll and were due to the City not being advised of updated elector mailing address details.

A further increase in issuing of replacement packages was as a result of electors discarding / misplacing the original package.

Despite paying for the service of priority mail some electors acknowledged receipt of mailed out replacement packages four to five days after they were sent out to them.

### **Returned Mail**

The WAEC made the returned mail (from non-resident owners and occupiers) available to the City every few days during the mail-out period, the number of packages returned was lower than in past elections. Applications for replacement voting packages were cross-checked against returned mail and in two cases applicants for replacements were given the original package rather than issuing a replacement.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications related to this report.

### **COMMENTS:**

#### **Owner and Occupier roll fluctuation.**

The City is active in trying to increase participation of more owners and occupiers onto the roll and to ensure the roll remains accurate. There tends to be a degree of apathy amongst owners and occupiers towards local government elections and the participation rates in the table above demonstrates a continuous decline in participation over time. The business community is not as well represented on the owner and occupier as it could be, despite businesses and their employees contributing a significant proportion of the City's revenue and being significant stakeholders in the City's affairs.

In accordance with Section 4.33(2A) of the *Local Government Act 1995*, occupiers or occupier nominees remain on the roll for two elections and are then automatically



removed from the roll six months after the second election. The City removes such electors from the owners and occupiers roll in April of the following year in which an election is held. When occupiers or occupier nominees are removed from the roll in accordance with this requirement, the City writes to them encouraging them to re-enrol. Any return to sender mail from the initial mail out is also followed up to try to locate businesses that are no longer represented and encourage re-enrolment.

The mail out process does not result in a large number of re-enrolments predominantly due to the changes of businesses that have occurred in the preceding four year period, and partly because of apathy. 859 electors were removed from the roll in April 2014, this represented 27% of the owner and occupier roll based on the number on the roll at the 2013 election. Usually about 30% of occupiers and occupier nominees that are removed from the roll re-enrol. In 2014 the roll increased slowly and re-enrolments were much lower than in previous years, 16% re-enrolled initially followed by some further enrolments throughout the year.

It appears likely the electoral provisions proposed in the City of Perth Act that would have removed the requirement to remove occupiers off the roll after two ordinary elections and six months will no longer be included in the Bill.

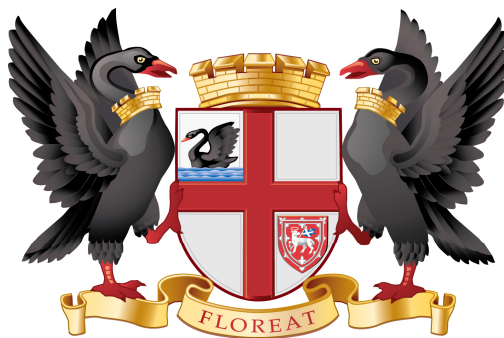
The City will continue to implement strategies to increase roll participation including but not limited to;

- Mailouts to all new business owners when purchasing property within the City of Perth.
- Increased partnering with important business associations within the City of Perth
- Targeted print advertising (ie Business news).
- Social Media promotion.

# City of Perth

## Ordinary Election

17 October 2015



CITY *of* PERTH

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## INTRODUCTION

A total of 82 local governments requested that the Electoral Commissioner conduct their ordinary elections by post in October 2015. This compares with 76 local governments in 2013, 74 in 2011 and 69 in 2009.

The Western Australian Electoral Commission was engaged by the City of Perth to use postal voting for the October 2015 elections.

Within this report the *Local Government Act 1995* is referred to as the Act and regulations within the *Local Government (Elections) Regulations 1997* are referred to as regulations. The Western Australian Electoral Commission is abbreviated to the Commission.

The report that follows provides information about the election process together with the election results.

## ELECTION TIMETABLE

The election timetable is prescribed by the Act. A copy of the timetable used for this election appears in Appendix 1. Key dates for this election were:

Close of the roll	28 August 2015
Opening of nominations	3 September 2015
Close of nominations	10 September 2015
Dispatch of packages to electors commenced	27 September 2015

## RETURNING OFFICER

### Appointment

In accordance with section 4.20(4) of the Act, the Electoral Commissioner appointed Ms Kay Heron to be the Returning Officer for the election. The Electoral Commissioner is also required to appoint one or more Deputy Returning Officers under section 4.21(2) of the Act. Several staff members from the Electoral Commission were appointed as Deputy Returning Officers to assist with those electoral processes conducted centrally.

## Duties

The Returning Officer was responsible for:

- conducting a candidates information session;
- receiving nominations from candidates;
- receiving and recording nomination fees;
- conducting the draws for positions on the ballot papers;
- receiving and reviewing candidate profiles and photographs;
- issuing replacement voting packages;
- organising the count;
- declaring the result of the elections; and
- parcelling the ballot papers and election material for storage by the City of Perth.

## Support for Returning Officer

The role of the Commission was to support the Returning Officer by:

- providing all handbooks, manuals and forms;
- arranging for the printing of materials for the voting packages;
- producing the residents roll;
- arranging for the secure dispatch of ballot packages;
- recording the return of votes by mail;
- notifying the Minister for Local Government of the results of the election;
- providing electoral information on the Commission's website;
- seeking legal advice as required; and
- preparing the election report.

## ADVERTISING

### Statutory Advertising

The Act requires the placement of three statutory advertisements in a newspaper with statewide circulation. The Commission placed all statutory advertising in *The West Australian*.

The first advertisement was a *Notice of Close of Enrolments*, which appeared in *The West Australian* on Wednesday 12 August 2015 in accordance with section 4.39(2) of the Act.

The second advertisement was a *Call for Nominations* notice, which appeared in *The West*

*Australian* on Wednesday 26 August 2015 in accordance with section 4.47(1) of the Act.

The third advertisement was a *Notice of Election*, which appeared in *The West Australian* on Wednesday 16 September 2015 in accordance with section 4.64(1) of the Act.

## Non-Statutory Advertising

The *Notice of Close of Enrolments* was placed on the city's public noticeboard and on a noticeboard at every local government library in the district on Wednesday 12 August 2015.

The *Call for Nominations* notice was placed on the city's public noticeboard and on a noticeboard at every local government library in the district on Wednesday 26 August 2015.

The *Notice of Election* was placed on the city's public noticeboard and on a noticeboard at every local government library in the district on Wednesday 16 September 2015.

Advertisements announcing the election results were placed in *The West Australian* on Thursday 22 October 2015, and placed on public noticeboards on Friday 23 October 2015.

Appendix 2 shows the non-statutory advertisements described above.

## Campaign Advertising

The Commission, in conjunction with the Department of Local Government and Communities, undertook a paid creative advertising campaign primarily focussing on the internet and social media. The campaign was created to encourage more and a greater diversity

of people to nominate as candidates, as well as to increase public awareness of local government elections in general. Banner advertisements were placed on a number of popular commercial news websites and both paid and organic placements were posted to various Facebook sites, and to a lesser degree on Twitter.

The campaign consisted of three phases - enrolment and the roll close; standing as a candidate and nominations close; voting and the election date. Depending on the phase, there was a particular focus on women, the culturally and linguistically diverse, youth, people who had recently moved house and young professionals. The campaign used the tag lines "lets vote", "take a stand" and "voting matters".

The campaign also included some specialist press advertising and the trial of outdoor and retail venue advertising posters in selected locations.

## Commission Website

The City of Perth had a visual presence on the Commission's website at [www.elections.wa.gov.au](http://www.elections.wa.gov.au) in terms of logo, address and link to its home page. People visiting the Commission's website could view a broad range of electoral information, including:

- key dates and deadlines for the election;
- how to vote information;
- lists of candidates (after close of nominations);
- Returning Officer and local government contact details; and
- Australia Post daily package return figures.

## 2015 Ordinary Election Perth Results



CITY of PERTH

[Perth profile and past elections](#)

Roll Close 28/08/2015 5:00pm

Close of Nominations 10/09/2015 4:00pm

Date of Election 17/10/2015

Returning Officer Kay HERON

MAYORAL			
Expiry of term	19 October 2019		
Total electors	11,385		
Turnout rate	37%		
Candidates	Perth Votes	Total Votes	Total %
SCAFFIDI, Lisa	2,266	2,266	54.76%
HARLEY, Reece	1,872	1,872	45.24%
Total valid votes		4,138	100%

[View candidate profiles](#)

The election results were available to the public on the Internet on election night.

## ELECTORAL ROLLS

The rolls closed at 5.00 pm on 28 August 2015 in accordance with section 4.39(1) of the Act.

The Chief Executive Officer prepared the owners and occupiers roll. The Electoral Commissioner prepared the residents roll.

Electronic rolls were produced on thumb drives. These were made available as soon as possible after roll close to ensure that candidates had the opportunity to use them for their election campaign when nominations opened.

Candidates and members of council were provided with one free copy of the residents roll and the owners and occupiers roll on request.

## Candidate Information CD's

Each candidate was provided with an information package on CD that contained:

- a handbook entitled *A Guide for Candidates*;
- a handbook entitled *A Guide for Scrutineers*;
- a booklet entitled *Formality of Ballot Papers*;
- a booklet entitled *Service Charter for Postal Elections*;
- Form LG 08 *Nomination for Election by Candidate*;
- Form LG 09 *Nomination for Election by Agent*;
- Form LG 09A *Disclosure of Gifts*;
- Form LG 18 *Appointment of Scrutineer*;
- Department of Local Government Factsheets; and
- Section 5A – Disclosure of Gifts

## NOMINATIONS

Nominations opened on 3 September 2015 and closed at 4.00 pm 10 September 2015 in accordance with Section 4.49(a) of the Act.

Nominations were called for the vacant position of Mayor for a term expiring on 19 October 2019.

Nominations were called for the following councillor vacancies:

District	No of vacancies	Length of term
Perth	4	4 year term

Candidates were required to supply the following when they nominated for a vacancy:

- nomination form;
- profile of no more than 150 words;
- nomination deposit of \$80.00; and
- photograph (optional).

At the close of nominations the Returning Officer had accepted 2 nominations for Mayor. The candidates are listed in ballot paper order, as follows:

Name of Candidates
SCAFFIDI, Lisa
HARLEY, Reece

At the close of nominations the Returning Officer had accepted nine nominations for councillor.

A draw was conducted for ballot paper position for the election. The candidates are listed in ballot paper order, as follows:

District	Expiry of term	Candidates Nominated
Perth	19 October 2019	ADAMOS, Jim DAVIDSON, Janet CHEN, Lily TOULALAN, Andrew BUTLER, Rob GREEN, Jemma CLARKE, Mathew SCHIEFLER, Francois HARDY, Chris

## PRODUCTION OF ELECTION PACKAGES AND MAIL-OUT

The Commission created a postal list for the election, comprising electors from the owners and occupiers roll and the residents roll. Following the electronic merge of data from these two rolls, duplicate records were eliminated. This is designed to ensure that each eligible elector receives only one election package for each voting entitlement.

Election packages contain a Mayoral and councillor ballot paper with candidate profiles attached, a ballot paper envelope with an elector certificate attached, a reply paid envelope and an information brochure.

Reply paid envelopes were printed as soon as it was confirmed that the election was to be held. Candidate profiles and secure printed ballot

papers were then produced according to a schedule that enabled the mail-out to commence from 27 September 2015.

Each ballot paper envelope was overprinted with the elector's name and address and a barcode using information from the postal list. The name and address served as the address label and the barcode enabled the elector's name to be marked off the roll when the voting package was returned.

A total of 11,384 election packages were dispatched by Australia Post to electors in the City of Perth.

Extra packages were sent to the City of Perth for issuing replacement or provisional voting papers.

## ISSUE OF REPLACEMENT AND PROVISIONAL VOTING PAPERS

Electors who lost, spoilt or misplaced their ballot papers or claimed not to have received an election package were entitled to apply for a replacement under regulation 45. People who claimed to have been omitted from the roll in error were entitled to apply for provisional voting papers under regulation 46. The Returning Officer provided training to City of Perth administration staff to issue replacement and provisional voting papers from the dispatch date up to and including election day.

A total of 179 replacement voting papers were issued for these elections, as indicated in Appendix 3.

One provisional election package was issued.

This compares with 64 replacement election packages and one provisional election packages issued in the 2013 ordinary elections.

## VOTING PACKAGES RECEIVED

Appendix 4 contains daily totals of voting packages received and other statistics. Approximately 28.24% of the final number was received by the end of the first five business days. By way of comparison, 50.18% were returned during the first week in the 2013 ordinary postal elections.

## CHECKING OF POSTAL VOTING PAPERS

In accordance with regulation 52, the checking process was conducted prior to election day at the Commission's Operations Centre from Tuesday 29 September 2015.

Postal voting packages were checked to ensure that the elector certificates had been completed correctly and electors' names were then marked off the roll using the barcode scanning process. The elector certificates were then removed so that the ballot paper envelopes had no identifying voter information on them. The ballot papers were then removed from the ballot paper envelopes and placed in a sealed ballot box. Some packages did not contain a ballot paper; therefore the number of packages recorded as received was not equal to the number of ballot papers admitted to the count.

## ELECTION DAY

Section 4.62 of the Act requires that there must be at least one polling place in the district open between the hours of 8.00 am and 6.00 pm on election day. This polling place was located at City of Perth, Council House, 27 St Georges Terrace, Perth.

Staff at this polling place accepted hand-delivered voting packages and issued replacement and provisional voting papers. A total of 227 voting packages representing 1.99% of the total number of packages, were processed or replaced on election day.

## COUNTING OF VOTES

The ballot boxes were opened after 6.00 pm and papers were sorted and counted by staff. The counting of ballot papers for the vacant Mayoral position was conducted first, followed by the counting of the councillor ballot papers.

## DECLARATION OF RESULTS

The Returning Officer publicly declared the results of the election following the completion of counting in accordance with section 4.77 of the Act.

Lisa Michelle Scaffidi was elected Mayor for a term expiring on 19 October 2019.

The following candidates were elected to the council of the City of Perth for the terms given below.

District	Expiry of term	Councillors elected
Perth	19 October 2019	DAVIDSON, Janet ADAMOS, Jim GREEN, Jemma CHEN, Lily

Appendix 5 contains complete details of the election results.

The Returning Officer subsequently gave local public notice of the result in accordance with regulation 80.

The result was transmitted to the Commission and uploaded to the Commission's website.

## **REFUND OF NOMINATION FEES**

Nomination fees were refunded to all candidates who were elected. Those candidates who received at least 5% of the total number of valid votes included in the count also had their nomination fee refunded.

## **STORAGE OF ELECTION MATERIAL**

Following the election all ballot papers, forms and election material used at the election were sealed in security boxes and returned to the City of Perth for storage in accordance with regulation 82.

## **ELECTOR PARTICIPATION**

In a postal election, the number of electors who return packages measures participation.

A total of 4,298 packages were returned giving a participation rate of 37.75%. The City of Perth's participation rate is higher than the 27.50% state average for local governments using the postal voting method in 2015.

A further 49 packages had no certificate attached, so no name could be marked off the roll and they were rejected from further scrutiny.

The names of 4,249 electors were marked off the roll. Of these electors, 19 (0.17%) had incomplete elector certificates or were signed on behalf of the elector and were rejected from further scrutiny by the Returning Officer.

The remaining 4,230 election packages were opened. Of these, 55 Mayoral and 139 councillor packages contained no ballot papers. As a result, a total of 4,175 ballot papers were admitted to the count for the election of the Mayor and 4,091 councillor ballot papers were admitted to the count, as shown in Appendix 6.

Appendix 7 details enrolment and voter participation. Other details on voter participation are at Appendices 8 to 11.

## **CANDIDATE PARTICIPATION**

Appendix 12 provides statistical information on the candidates.

## **UNCLAIMED MAIL**

As at Monday 16 November 2015, 596 election packages had been returned as unclaimed mail, representing 5.23% of the total number of packages dispatched. Of these, 473 were from electors on the residents' roll and 123 were from electors on the owners' and occupiers' roll. Unclaimed packages in the 2013 postal elections represented 2.80%.

The details of unclaimed mail from electors on the residents' roll have been forwarded to the Australian Electoral Commission to verify an ongoing entitlement to be enrolled. If not, the process to have their names removed from the roll will commence.

Details of unclaimed mail from electors on the owner's and occupier's roll have been sent to the City of Perth for follow-up.

## **LATE MAIL**

Between 6.00 pm on 17 October 2015 and close of business on Friday 23 October 2015, 73 election packages (0.64% of the total dispatched) were returned too late to be admitted to the count.

This compares with 146 packages (1.35% of the total dispatched) in the 2013 ordinary elections. Electors are encouraged to post their votes early, but a small number of packages are invariably either posted late or delayed in the mail.

## **STATUTORY REPORT**

In accordance with regulation 81, a report of the result of the election was sent to the Minister for Local Government on Friday 30 October 2015.

## **COMPLAINTS**

Four written complaints were received by the Returning Officer for resolution.

Two separate complaints related to the incorrect authorisation of election material on Youtube, a leaflet and on a website. One of the complaints also raised the objection that an election site name on Facebook and the web implied it belonged to the Council and not the candidate.

The third complaint related to behaviour of one candidate in that the candidate allegedly verbally denigrated an opposing candidate to an elector.



The fourth complaint related to the delay in posting results onto the Commission's website.

All complaints were resolved.

## Appendix 1

## Election Timetable

Days to Polling Day	Local Government Act	References to Act/Regs	Day	Date
80	Last day for declaration to have the Electoral Commissioner conduct a postal election.	LGA 4.20 (2)(3)(4)	Wed	29/07/2015
80	A decision made to conduct the election as a postal election cannot be rescinded after the 80th day.	LGA 4.61(5)	Wed	29/07/2015
70	Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the election.	LGA 4.20 (4)	Sat	8/08/2015
70 to 56	Between the 70th/56th day the CEO is to give Statewide public notice of the time and date of close of enrolments.	LGA 4.39(2)	Sat to Sat	8/08/2015 to 22/08/2015
56	Last day for the CEO to advise the Electoral Commissioner of the need to prepare a residents roll.	LGA 4.40(1)		22/08/2015
56	Advertising may begin for nominations from 56 days and no later than 45 days before election day.	LGA 4.47(1)	Sat	22/08/2015
50	Close roll 5.00 pm	LGA 4.39(1)	Fri	28/08/2015
45	Last day for advertisement to be placed calling for nominations.	LGA 4.47(1)	Wed	2/09/2015
44	<b>Nominations Open</b> First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Nominations period is open for 8 days.	LGA 4.49(a)	Thu	3/09/2015
38	If a candidate's nomination is withdrawn not later than 4.00 pm on the 38th day before election day, the candidate's deposit is to be refunded.	Reg. 27(5)	Wed	9/09/2015
37	<b>Close of Nominations</b> 4.00 pm on the 37th day before election day.	LGA 4.49(a)	Thu	10/09/2015
36	Last day for the CEO to prepare & certify an owners & occupiers roll for the election. Last day for the Electoral Commissioner to prepare & certify a residents roll.	LGA 4.41(1) LGA 4.40(2)	Fri	11/09/2015
29	Commencement of lodgement of Country Local Government District election packages with Australia Post. Delivery dependent on normal Australia Post standards.		Fri	18/09/2015
24	Commencement of lodgement of Metropolitan Local Government District election packages with Australia Post. Delivery dependent on normal Australia Post standards.		Wed	23/09/2015
22	The preparation of any consolidated roll under subregulation (1) be completed on or before 22nd day before election day.	Reg. 18(2)	Fri	25/09/2015
19	Last day for the Returning Officer to give Statewide public notice of the election.	LGA 4.64(1)	Mon	28/09/2015
19	<b>Public Holiday</b>		Mon	28/09/2015
18	Commence processing returned election packages		Tue	29/09/2015
0	<b>Election Day</b> Close of poll 6.00 pm	LGA 4.7	Sat	17/10/2015


  

Post Election Day	Post Declaration	References to Act/Regs		Date
5	Election result advertisement.	LGA 4.77	Thu	22/10/2015
14	Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election.	Reg.81	Sat	31/10/2015
28	An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.	LGA 4.81(1)	Sat	14/11/2015

## Appendix 2

### Non-statutory advertisements

#### Public Noticeboard.



CITY of PERTH

**LOCAL GOVERNMENT ORDINARY ELECTION  
CLOSE OF ENROLMENTS  
City of Perth  
ROLL CLOSE: 5.00 pm FRIDAY 28 August 2015**

You may be eligible to be enrolled to vote in the local government elections on 17 October 2015 if you live in or are an owner or occupier of rateable property in the City of Perth.

**Residents**  
You are automatically enrolled to vote if you are on the State Electoral Roll as at 5.00 pm Friday, 28 August 2015. If you are not already on the State Electoral Roll and meet the eligibility criteria, or if you have changed address recently, you must complete an enrolment form.

**Enrolment Forms**  
Electoral enrolment forms are available from the City of Perth, all post offices, all Australian Electoral Commission offices or the Western Australian Electoral Commission and must be completed and reach a Divisional Returning Officer in Western Australia by 5.00 pm Friday, 28 August 2015.


**Non-Resident Owners and Occupiers**  
If you are a non-resident owner or occupier of rateable property in the City of Perth and are on the State or Commonwealth Electoral Roll, you are eligible to enrol to vote. If you are not on the State or Commonwealth Electoral Roll and own or occupy rateable property in the City of Perth you may be eligible to enrol to vote. This applies if you were on the last electoral roll for the City of Perth prior to May 1996 and have owned or occupied rateable property in the district continuously since this time. Please contact your local government for details. Owners of land who were on the last Local Government roll continue to retain that status until they cease to own the rateable property to which the enrolment relates. Occupiers do not have continuous enrolment and should contact the City of Perth to confirm their enrolment status. To be eligible to enrol as an occupier, you will need to have a right of continuous occupation under a lease, tenancy agreement or other legal instrument for at least the next three months following the date of the application to enrol.

**Joint Owners and Occupiers**  
If a rateable property is owned or occupied by more than two people, a majority of the owners/occupiers may nominate two persons from amongst themselves who are on either the State or Commonwealth Electoral Roll, to enrol as owner/occupier electors.


**Corporations**  
A body corporate that owns or occupies rateable property may nominate two people who are on either the State or Commonwealth Electoral Roll to enrol as owner/occupier electors.

**Enrolment Forms – Non-Resident Owners and Occupiers Only**  
Enrolment forms can be obtained from local governments and must be lodged with the Chief Executive Officer by 5.00 pm on Friday 28 August 2015. Further information can be obtained from the City of Perth.

**Gary Stevenson**  
CHIEF EXECUTIVE OFFICER  
City of Perth  
Telephone: 9461 3333



WESTERN AUSTRALIAN  
Electoral Commission



CITY of PERTH

**LOCAL GOVERNMENT ORDINARY ELECTION  
CALL FOR NOMINATIONS  
City of Perth**

An Ordinary Postal Election will be held on 17 October 2015 in the City of Perth to fill the following vacancies:

<b>District</b>	<b>1 Lord Mayor</b>	<b>4 year term</b>
<b>District</b>	<b>4 Councillors</b>	<b>4 year term</b>

**NOMINATIONS OPEN** on Thursday, 3 September 2015.  
**NOMINATIONS CLOSE** at 4.00pm on Thursday, 10 September 2015.  
Nominations must be lodged with the Returning Officer

- at any time during the above period by arrangement; or
- between 2.00pm and 4.00pm Thursday, 10 September 2015 (close of nominations) at the City of Perth, Council House 27 St Georges Terrace PERTH WA 6000.

**NOMINATION REQUIREMENTS**  
Candidates are required to lodge with the Returning Officer:

- a completed nomination in the prescribed form, signed and witnessed. (This form is available from the Returning Officer, the Western Australian Electoral Commission or the City of Perth;
- a single A4 page profile containing not more than 150 words of information about the candidate;
- a nomination deposit of \$80 (cash, bank cheque or postal order); and
- a recent passport-sized photograph (optional).


The Commission has developed an online system called Nomination Builder to assist candidates to complete their nomination form which includes the candidate profile. This is the preferred method of completing the nomination form and profile for elections conducted by the Commission. Candidates complete their nomination details and profile, print the completed form which has a reference number allocated and lodge it with the Returning Officer. The nomination builder can be accessed at [elections.wa.gov.au](http://elections.wa.gov.au)

Where an agent lodges a nomination on a candidate's behalf, it must be in the prescribed form with a written authorisation signed by the candidate.

The documents may be hand delivered, posted or faxed to the Returning Officer and must be received by the close of nominations.

**INFORMATION**  
Full details about eligibility and nomination procedures for prospective candidates can be obtained by contacting the Returning Officer on Mobile 0417 985 104 or the Western Australian Electoral Commission on 13 63 06.

**Kay HERON**  
RETURNING OFFICER



WESTERN AUSTRALIAN  
Electoral Commission



*City of PERTH*

**LOCAL GOVERNMENT ORDINARY POSTAL ELECTION  
ELECTION NOTICE**

**City of Perth**

*(Local Government Act 1995, s4.64)*

The City of Perth is holding an election by postal vote on Saturday, 17 October 2015 to fill vacancies in the offices of Lord Mayor and Councillors as listed below.

<b>District</b>	<b>1 Lord Mayor</b>	<b>Perth Ward</b>	<b>4 Councillors</b>
SCAFFIDI, Lisa		ADAMOS, Jim	
HARLEY, Reece		DAVIDSON, Janet	
		CHEN, Lily	
		TOULALAN, Andrew	
		BUTLER, Rob	
		GREEN, Jemma	
		CLARKE, Mathew	
		SCHIEFLER, Francois	
		HARDY, Chris	

**ELECTION PACKAGES** will be sent to all electors on the local government electoral roll where there is an election in their electorate.

**REPLACEMENT PACKAGES** can be obtained from the City of Perth prior to election day and from 8.00am to 6.00pm on election day if the package is not received or should any papers be missing.

**POST YOUR VOTE EARLY** Completed postal voting packages must reach the Returning Officer by 6.00pm on election day, Saturday, 17 October 2015.

**YOU MAY HAND DELIVER YOUR PACKAGE** to an electoral officer at the City of Perth during business hours before election day or at the polling place between 8.00am and 6.00pm on election day.

**CHIEF POLLING PLACE:**  
Council House 27 St Georges Terrace PERTH WA 6000

**THE COUNT OF VOTES** will commence at 6.00pm at the Chief Polling Place listed above.

**Kay HERON**  
**RETURNING OFFICER**  
Mob: 0417 985 104



*City of PERTH*

**LOCAL GOVERNMENT ORDINARY ELECTION  
RESULTS**

**City of Perth**

The results of the ordinary elections conducted as a postal vote on Saturday 17 October 2015 are as follows:

Ward District	Position	Candidates	Votes	Term of Office
	Lord Mayor	SCAFFIDI, Lisa HARLEY, Reece	2,266 1,872	4 year term
	4 Councillors	ADAMOS, Jim DAVIDSON, Janet CHEN, Lily TOULALAN, Andrew BUTLER, Rob GREEN, Jemma CLARKE, Mathew SCHIEFLER, Francois HARDY, Chris	2,052 2,203 1,927 1,405 1,804 2,004 1,076 1,073 1,023	4 year term 4 year term 4 year term 4 year term

**Lisa SCAFFIDI** is elected as Lord Mayor for the City of Perth and will hold office until 19 October 2019.  
**Jim ADAMOS, Janet DAVIDSON, Lily CHEN and Jemma GREEN** are elected as Councillors for the City of Perth and will hold office until 19 October 2019.

**Kay HERON**  
**RETURNING OFFICER**



## Appendix 3

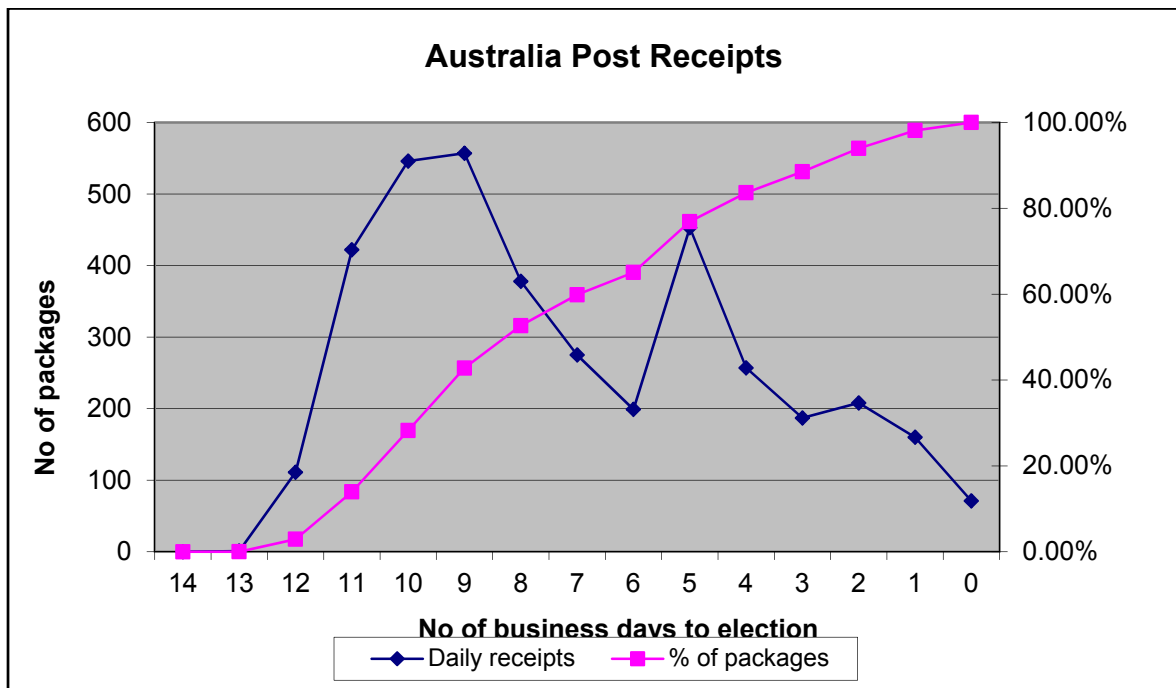
### Replacement and Provisional Election Packages Issued

DISTRICT	Replacement Election Packages	Provisional Election Packages
Perth	179	1
Total	179	1

## Appendix 4

### Receipt of packages from Australia Post

Business Days To Election	Daily Receipts	Cumulative totals	% of packages issued	% of packages received
14	0	0	0.00%	0.00%
13	1	1	0.01%	0.03%
12	111	112	0.98%	2.93%
11	422	534	4.69%	13.96%
10	546	1,080	9.49%	28.24%
9	557	1,637	14.38%	42.80%
8	378	2,015	17.70%	52.68%
7	275	2,290	20.12%	59.87%
6	199	2,489	21.86%	65.07%
5	453	2,942	25.84%	76.92%
4	257	3,199	28.10%	83.63%
3	187	3,386	29.74%	88.52%
2	208	3,594	31.57%	93.96%
1	160	3,754	32.98%	98.14%
0	71	3,825	33.60%	100%



## Appendix 5

### Election Result

#### MAYOR

Candidate	Votes		Expiry of term
SCAFFIDI, Lisa	2266	(54.76%)	19 October 2019
HARLEY, Reece	1872	(45.24%)	
<b>Total Valid Votes</b>	<b>4138</b>		
Informal	37	(0.89%)	
<b>Total Votes Received</b>	<b>4175</b>		

#### PERTH

Candidate	Votes		Expiry of term
ADAMOS, Jim	2052	(14.09%)	19 October 2019
DAVIDSON, Janet	2203	(15.12%)	19 October 2019
CHEN, Lily	1927	(13.23%)	19 October 2019
TOULALAN, Andrew	1405	(9.65%)	
BUTLER, Rob	1804	(12.38%)	
GREEN, Jemma	2004	(13.76%)	19 October 2019
CLARKE, Mathew	1076	(7.39%)	
SCHIEFLER, Francois	1073	(7.37%)	
HARDY, Chris	1023	(7.02%)	
<b>Total Valid Votes</b>	<b>14567</b>		
Informal	49	(0.34%)	
<b>Total Votes Received</b>	<b>14616</b>		

## Appendix 6

### Checking Process and Ballot Paper Reconciliation

<b>Number of packages dispatched</b>	<b>11385</b>
--------------------------------------	--------------

<b>Packages returned by voters</b>	<b>Packages</b>	<b>% of electors</b>
Total returned (This is defined as the participation rate)	4298	37.8%
Rejected from further checking - elector not identified	49	0.4%
<b>Total envelopes to be checked</b>	<b>4249</b>	<b>37.3%</b>

<b>Elector certificate check</b>		
Rejected - declaration not signed	18	0.2%
Rejected - person ineligible	1	0.0%
<b>Total ballot paper envelopes to be opened</b>	<b>4230</b>	<b>37.2%</b>

<b>Ballot paper extraction</b>	<b>Mayor</b>	<b>% of eligible electors</b>	<b>Councillor</b>	<b>% of eligible electors</b>
Total ballot paper envelopes to be opened	4230	37.2%	4230	37.2%
No ballot paper enclosed	55	0.5%	139	1.2%
Not admitted by RO determination	0	0.0%	0	0.0%
<b>Ballot papers admitted to count</b>	<b>4175</b>	<b>36.7%</b>	<b>4091</b>	<b>35.9%</b>

<b>Count of ballot papers</b>				
Formal ballot papers	4138	36.3%	4042	35.5%
Informal ballot papers	37	0.3%	49	0.4%
<b>Total ballot papers counted</b>	<b>4175</b>	<b>36.7%</b>	<b>4091</b>	<b>35.9%</b>





## Appendix 7

### Enrolment and Voter Participation

DISTRICT	Enrolment <sup>1</sup>	Voters Participation <sup>2</sup>	Percentage Participation
Perth	11385	4249	37.3%
Not identified <sup>3</sup>		49	
<b>Total</b>	11385	4298	37.8%

<sup>1</sup> Enrolment - electors at the close of roll, corrections up to close of poll and provisional voters.

<sup>2</sup> Voters participation - returned voting packages (accepted and rejected).

<sup>3</sup> Electors were unidentifiable because they returned a package with no elector certificate attached.

## Appendix 8

### Elector and Voter Participation by Age

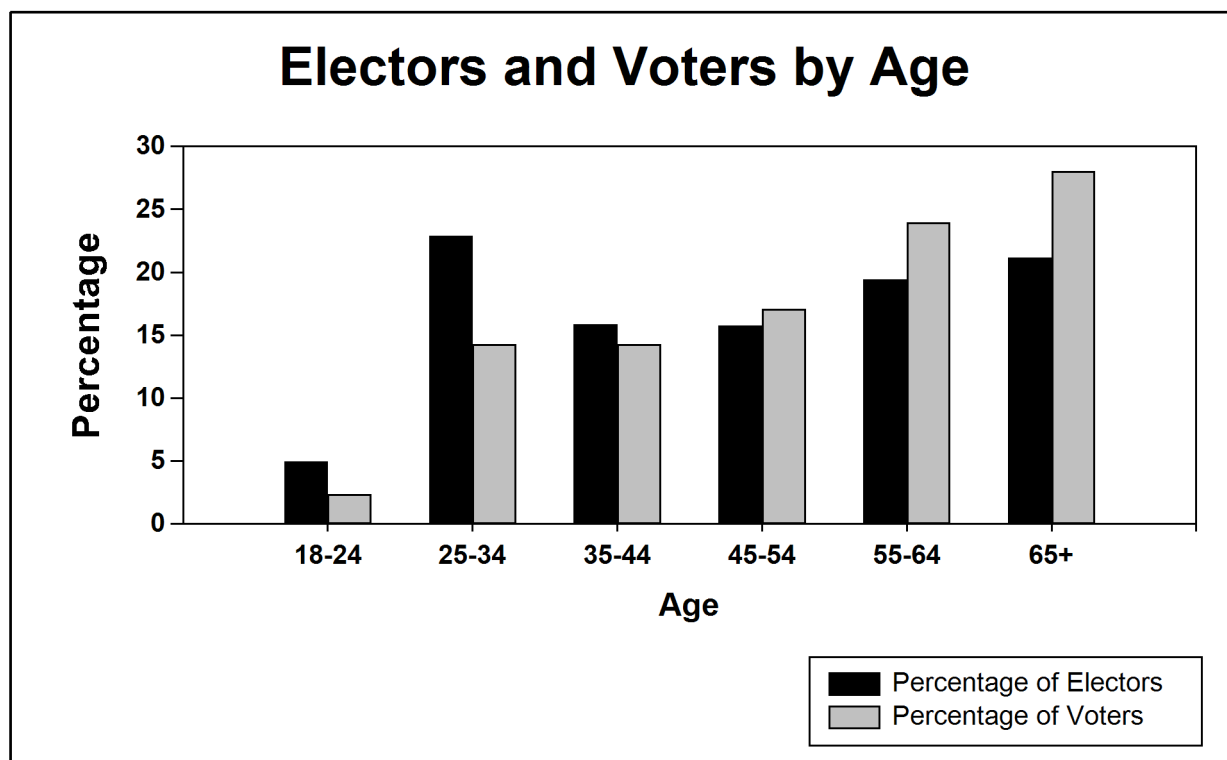
Age	Electors <sup>1</sup>	Percentage of Electors	Voters <sup>2</sup>	Percentage of Voters
18-24	564	5.0%	101	2.4%
25-34	2604	22.9%	607	14.3%
35-44	1803	15.8%	607	14.3%
45-54	1796	15.8%	726	17.1%
55-64	2209	19.4%	1018	24.0%
65+	2409	21.2%	1190	28.0%
No DOB <sup>3</sup>	0	0.0%	0	0.0%
Not identified <sup>4</sup>			49	
<b>Total</b>	<b>11385</b>	<b>100.0%</b>	<b>4298</b>	<b>100.0%</b>

<sup>1</sup> Elector figures for contested elections only.

<sup>2</sup> Voters - returned voting packages (accepted and rejected).

<sup>3</sup> No DOB - Voters for whom a date of birth was not supplied.

<sup>4</sup> Electors were unidentifiable because they returned a package with no elector certificate attached.



## Appendix 9

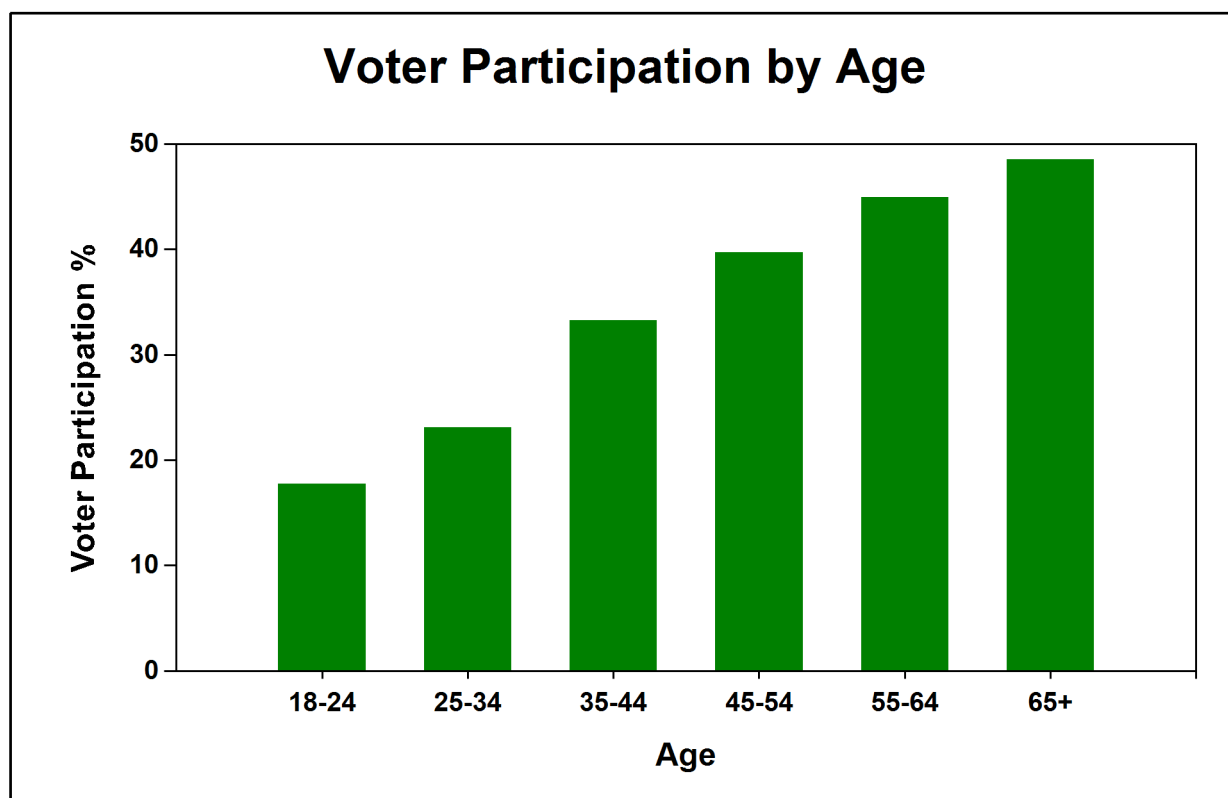
### Voter Participation by Age

DISTRICT	18-24	25-34	35-44	45-54	55-64	65+	No DOB <sup>2</sup>	Total
Perth	101	607	607	726	1018	1190	0	4249
Not identified <sup>3</sup>								49
<b>Total Voters</b>	101	607	607	726	1018	1190	0	4298
<b>Total Electors</b>	564	2604	1803	1796	2209	2409	0	11385
<b>Voter Participation</b>	17.9%	23.3%	33.7%	40.4%	46.1%	49.4%		37.8%

<sup>1</sup> Voters - returned voting packages (accepted and rejected).

<sup>2</sup> No DOB - Voters for whom a date of birth was not supplied.

<sup>3</sup> Voters were unidentifiable because they returned a package with no elector certificate attached.

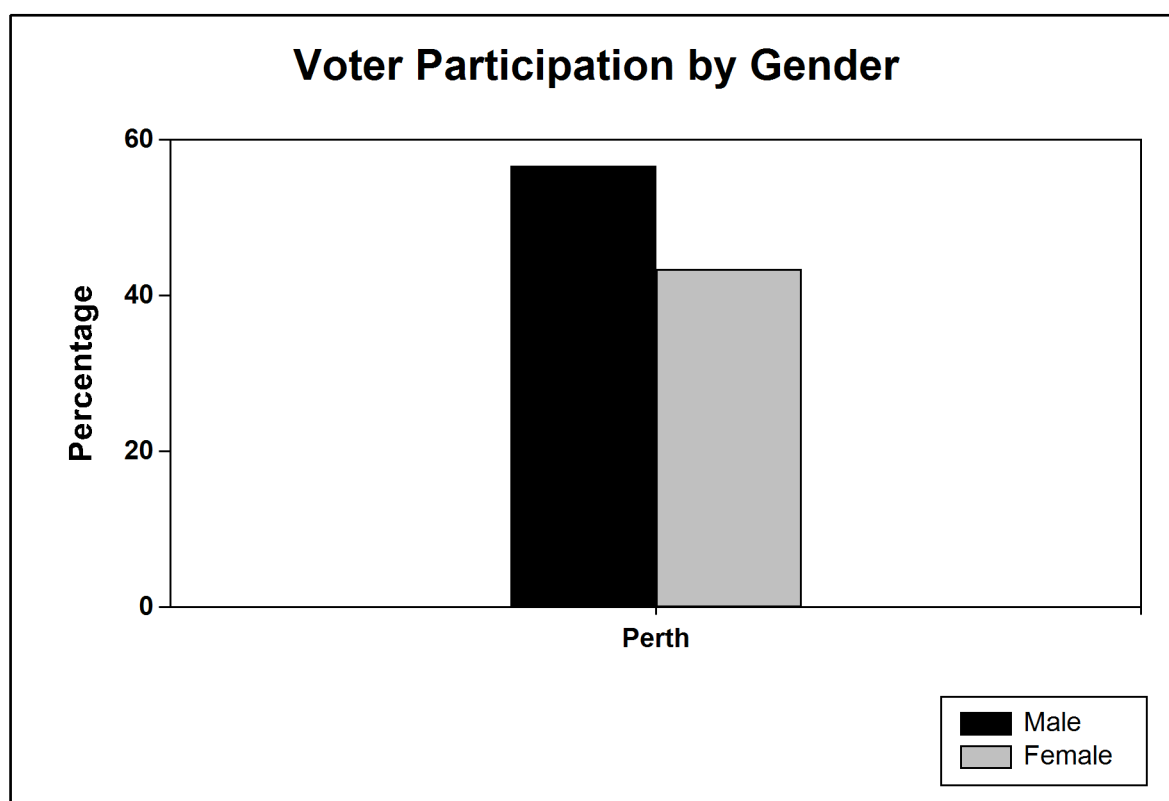


## Appendix 10

### Voter Participation by Gender

DISTRICT	Male		Female		Not Identified <sup>1</sup>	Total
	Number	%	Number	%		
Perth	2406	56.6%	1842	43.4%		4248
<b>Total</b>	<b>2406</b>	<b>56.0%</b>	<b>1842</b>	<b>42.9%</b>	<b>49</b>	<b>4297</b>

<sup>1</sup> Voters were unidentifiable because they returned a package with no elector certificate attached.



## Appendix 11

### Elector and Voter Participation by Enrolment Category

#### Electors by Enrolment Category<sup>1</sup>

DISTRICT	Residents		Owners / Occupiers		Total
Perth	8433	74.1%	2952	25.9%	11385
<b>Total</b>	<b>8433</b>	<b>74.1%</b>	<b>2952</b>	<b>25.9%</b>	<b>11385</b>

#### Voter Participation by Enrolment Category<sup>1</sup>

DISTRICT	Residents		Owners / Occupiers		Total
Perth	2731	64.3%	1518	35.7%	4249
Not identified <sup>2</sup>					49
<b>Total</b>	<b>2731</b>	<b>64.3%</b>	<b>1518</b>	<b>35.7%</b>	<b>4298</b>

<sup>1</sup> Elector figures for contested elections only.

<sup>2</sup> Voters were unidentifiable because they returned a package with no elector certificate attached.

## Appendix 12

### Candidacy Statistics

#### Number of Candidates

<b>Electorate</b>	<b>Number of Candidates</b>
Perth	2
Perth	9
<b>Total</b>	<b>11</b>

#### City of Perth Candidate Information

Number of male candidates	7
Number of female candidates	4
Number of male candidates elected	1
Number of female candidates elected	4
Number of sitting members re-elected	3
Number of sitting members not re-elected	1
Average age of candidates	47
Age range of candidates	22 - 69

## ITEM NO: 8

### AMENDED – COUNCIL POLICY 1.6 CITY OF PERTH COMMEMORATIVE WORKS

#### **RECOMMENDATION:**

**(APPROVAL)**

***That Council adopt the revisions to Policy 1.6 - Memorials, Monuments and Plaques, under the revised title of Policy 1.6 - Commemorative Works.***

#### **BACKGROUND:**

FILE REFERENCE:	P1017705
REPORTING UNIT:	Arts, Culture and Heritage
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	30 November 2015
MAP / SCHEDULE:	Schedule 13 - Draft Commemorative Works Policy 1.6 Schedule 14 - Outline of Commemorative Works Policy

The City of Perth's Public Art Collection includes 22 memorials/monuments. The City is also responsible for approximately 450 commemorative plaques. From time to time the City receives applications from the community proposing the installation of new memorials and commemorative plaques in the City's public spaces.

In 2003 the City adopted *Policy 1.6 - Memorials, Monuments and Plaques* with a view to providing sound criteria and processes for decision making. Commemorative works are inherently political items, and present a number of challenges in terms of assessing applications, and managing existing works in an objective and balanced way. Whilst these items are projects proposed by specific interest groups within the community, the City of Perth should support only those projects that merit a place in the City's public realm and will resonate with the broader community into the future. The age of the existing policy, significant changes to asset custodianship and organisational structure, and recent business impacting on commemorative works have highlighted the need for a substantial revision of the Memorials, Monuments and Plaques Policy.

At its meeting on 16 December 2008, a comprehensive review of the City's Policy manual was reported to Council in which it was noted that *Policy 1.6 – Memorials, Monuments and Plaques*:

*...needs a minor revision to reflect the current approvals process as well as indicating the correct Unit responsible for considering such requests, being the Urban Development Unit (part 12.1 of the policy).*

## LEGISLATION / STRATEGIC PLAN / POLICY:

### **Integrated Planning and Reporting Framework Implications**

### **Strategic Community Plan**

Council Four Year Priorities: Community Outcome Healthy and Active in Perth

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

## DETAILS:

As summarised in the provided Outline (Schedule 14) this new revision of the Policy (Schedule 13) is based on detailed research and the cross examination of the approach taken to manage commemorative works in other places in Australia and around the world. It has been grounded in the existing National standards for the assessment and management of places of cultural significance as set out in the Burra Charter. The revision is informed by the City's recent experiences as asset custodian of commemorative works including issues such as the relocation of the Talbot Hobbs Memorial and the removal of the St George's Terrace plaque commemorating Rolf Harris. The revision also outlines requirements consistent with the City's Public Art Strategy, the drafted Public Art Policy and the City's Asset Management Policy (Policy 9.12).

The Commemorative Works Policy will provide the City of Perth with:

- clearly articulated criteria and policy positions to guide Council decision making around commemorative works;
- the ability to communicate the City's expectations and requirements for commemorative works to applicants and others involved in dealing with commemorative works;
- guidelines to inform the City's operational approach to managing commemorative works, in conjunction with the Public Art Policy where appropriate; and,
- an approach to the management of commemorative works that is in alignment with national and international standards established by Australian Chapter of the International Council on Monuments and Sites (ICOMOS).

## FINANCIAL IMPLICATIONS:

Whilst there are no financial implications arising directly from this Report, *Policy 1.6 - Commemorative Works* will inform the City's management of new and existing commemorative works assets, currently valued in excess of \$3.3M, and associated expenses for administration and maintenance.



## CP1.6 Commemorative Works

### POLICY OBJECTIVE

This policy:

- Establishes principles and approaches consistent with National standards that inform the City of Perth's management of commemorative works including memorials, monuments and plaques.
- Guides the consideration of proposals from the community for the placement of new commemorative works within the City of Perth.
- Supports the provision and maintenance of commemorative works in the City of Perth that have significance for our diverse community and are a part of the cultural heritage and identity of our city.

### POLICY STATEMENT

#### PREAMBLE

The Burra Charter sets an Australian "standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians".

Memorials, monuments and plaques are places of cultural significance that the City of Perth owns, manages, and has the custodianship of. The City's policy guiding the management of both new and existing commemorative works is therefore appropriately informed by and in alignment with the articles of the Burra Charter.

#### DEFINITIONS

##### *Cultural Significance*

Article 1.2 in the Burra Charter defines cultural significance in the following terms:

*Cultural significance means aesthetic, historical, scientific, social or spiritual value for past, present or future generations.*

*Cultural significance is embodied in place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.*

*Places may have a range of values for different individuals or groups.*

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## CP 1.6 Commemorative Works

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### *Memorial/Monument*

Memorials and Monuments are objects that are built, placed or preserved in situ for the purpose of commemorating a person, community, place or event of public significance. Memorials and Monuments may incorporate architectural elements, statuary and monolithic objects, such as stones. While these objects may sometimes employ the services of artists in their design and construction, the intent and purpose of Memorials and Monuments is quite distinct from public art.

### *Plaque*

A plaque is a memorial tablet of stone, metal or other material inscribed with text and/or images commemorating a person, community, place or event of public significance, and/or presenting information that aids in the interpretation of a site or other object. Plaques may be affixed to a building, an object, or placed in the paving.

Throughout this policy, unless otherwise stated, all three kinds of object will be called commemorative works.

## **1. PRINCIPLES**

The principles guiding the City of Perth's approach to commemorative works are as follows:

The City of Perth's commemorative works:

- a) Are material features in the landscape corresponding to places of cultural significance, and are embodiments of cultural significance.
- b) Have an important role to play in the conservation of places of cultural significance and are assets to be conserved in a sustainable and sensitive way.
- c) Must be managed on the basis of appropriate evidence giving access to an understanding of the cultural significance embodied in the object and the place.
- d) Have an impact upon the use of places in the city and their management should be compatible with the uses of a place and should not be to the detriment of the cultural significance of a place.
- e) Should support the co-existence of diverse cultural values held by people in our community through recognition, respect, and encouragement, especially in cases where such values conflict.

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## CP 1.6 Commemorative Works

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- f) Should be managed in a way that provides for the participation of communities for whom the place has cultural significance.

## 2. CULTURAL SIGNIFICANCE

2.1 All decisions concerning the management of new and existing commemorative works should be informed by the collection and presentation of evidence that clearly establishes the cultural significance of the work and its relationship to the site and community.

2.2 A commemorative work will be considered to possess cultural significance if it can be shown to meet at least one of the following primary criteria:

- a) Historic Significance
  - i. The subject of the commemorative work has made an outstanding contribution to changing the course of history of the site or the City of Perth, or has had an impact on the development of Perth.
  - ii. The commemorative work, as a preserved historical object, embodies some aspect of the course or pattern of Western Australia's natural or cultural history.
- b) Aesthetic Significance
  - i. The commemorative work is an outstanding example of artistic achievement, style, design or technical accomplishment.
  - ii. The commemorative work plays a key role in enhancing the aesthetic experience of the site.
- c) Scientific Significance
  - i. The commemorative work provides unique access to key evidence with the potential to yield information or knowledge that will contribute to an understanding of Western Australia's natural or cultural history.
- d) Social or Spiritual Significance
  - i. The commemorative work embodies beliefs, ideas, customs, traditions, associations, practices, places or stories that contribute to a community's sense of ownership and identification with it.
  - ii. The commemorative work is the focus of existing or envisaged social, cultural or spiritual practices for the community.

2.3 New commemorative works can contribute to the conservation of a place of cultural significance through:

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## CP 1.6 Commemorative Works

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- a) Being themselves the site or focus of commemorative events and activities for the community (eg. parades, rituals, visitations etc).
- b) Reinstating some dimension of cultural significance for the community at the site that has been lost, destroyed or covered over.

2.4 Existing commemorative works may themselves be historical features of the landscape with cultural significance as heritage items that require preservation and conservation.

2.5 It is acknowledged that cultural significance can change as a result of the unfolding history of a place and as the result of new information. Strategies for the reinterpretation of commemorative works to re-contextualise, restore contemporary relevance and address cultural sensitivities should be employed, using appropriate reversible means, to address changes in cultural significance.

### 3. SUBJECTS FOR COMMEMORATIVE WORKS

3.1 The subject for a new commemorative work should be:

- a) An individual, or organisation, that has made an outstanding contribution to changing the course of history of the site or the City of Perth, or has had an impact on the development of Perth.
- b) An event or achievement that has made an outstanding contribution to changing the course of history of the site or the City of Perth, or has had an impact on the development of Perth.
- c) A culturally significant event or story that contributes to a community's sense of ownership and identification with a particular site in the City of Perth.

3.2 Works commemorating individuals, events or organisations should not be approved within 10 years of the death, completion or dissolution of the subject in order to ensure that there is ample opportunity to relatively objectively establish cultural significance.

3.3 Where the subject of a new or existing commemorative work has been established to be of cultural significance for the State or the Nation the City of Perth will seek to work in partnership with State and Federal Governments to establish and maintain such items.

3.4 New commemorative works should not be approved where the subject has already been commemorated elsewhere in the Perth metropolitan area, except where circumstances prove to be truly exceptional.

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## CP 1.6 Commemorative Works

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### 4. SITES FOR COMMEMORATIVE WORKS

4.1 Commemorative works in the City of Perth are site specific. A strong case must be made for the culturally significant correspondence between the nominated site, subject and planned form of any new memorial proposal.

4.2 New commemorative works proposed for a public place in the City of Perth must not diminish the cultural significance of the place for the broader community, and must not impact negatively on the existing uses of the place by the broader community.

4.3 New commemorative works proposals must be consistent with Council approved plans for the proposed site.

### 5. CRITERIA AND REQUIREMENTS FOR NEW COMMEMORATIVE WORKS

5.1 Applicants proposing new commemorative works must demonstrate in their application that the proposed commemorative works will be:

- i. designed and constructed by qualified professionals in a field relevant to the site, scale and complexity of the proposal;
- ii. constructed of durable materials to minimise ongoing maintenance requirements;
- iii. of high quality and be of a scale and character that is appropriate for the proposed site;
- iv. site specific with a demonstrated culturally significant correspondence between the nominated site, subject and planned form the new memorial;
- v. designed to meet all the requirements and criteria set out the City's Public Art Policy [XXX] for acquisition and accession into the Public Art Collection (not applicable to plaques); and,
- vi. must meet all of the requirements for set out in the City's Contributed Assets Policy 9.15 in order for the City of Perth to accept ownership of the asset.

5.2 The onus is on applicants proposing new commemorative works for public places in the City of Perth to provide in their application:

- i. a detailed assessment and statement demonstrating the cultural significance of the subject and proposed commemorative work. This assessment and statement is to be prepared by an independent expert with relevant credentials in keeping with the guidelines in the Burra Charter.
- ii. clear evidence that a public commemorative work is justified and that the work's value will be recognised by the broader community, as there are alternatives available which may be more appropriate for private commemoration.

5.3 No existing commemorative work in the City of Perth shall provide a precedent for future approvals.

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## CP 1.6 Commemorative Works

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### 6. COMMUNITY

Given the cultural significance of commemorative works, the City will require that appropriate community consultation is undertaken to ensure that relevant community interests are represented and community participation is facilitated to inform decision making.

### 7. FUNDING

7.1 All costs associated with all new memorials are to be financed by the applicants, including costs associated with community consultation and the assessment and evaluation of the proposal.

7.2 The City of Perth may, at its discretion, choose to partner with applicants, offering additional support for a new memorial project, where the broad community benefit of such a partnership has been established, and the City has resources available.

### 8. DONOR ACKNOWLEDGEMENT

8.1 Where approved by the City of Perth, acknowledgement of benefactors on the site of a commemorative work will be discrete and will not compete with the subject of the memorial.

8.2 Logos and donor acknowledgements, if approved by the City of Perth, will cover no more than 10% of the total text or surface area of any commemorative work.

### 9. OWNERSHIP AND MANAGEMENT

9.1 Unless otherwise established through a formal agreement in writing, all commemorative works approved for placement within the public realm of the City of Perth are deemed to be owned and under the unconditional control of the City of Perth and will be managed in accordance with the City's relevant policies and procedures.

9.2 As commemorative works are places of cultural significance they should be conserved indefinitely in keeping with the articles of the Burra Charter.

9.3 Memorials and Monuments (but not Plaques) approved by the City of Perth are managed and maintained as items accessioned into the City's Public Art Collection.

9.4 Commemorative plaques are documented in the City's asset register for plaques and will be managed and maintained by the City of Perth.

## CP 1.6 Commemorative Works

Document Control Box					
<b>Document Responsibilities:</b>					
<b>Custodian:</b>	Public Art Program Coordinator		<b>Custodian Unit:</b>	Arts, Culture and Heritage	
<b>Decision Maker:</b>	Council				
<b>Compliance Requirements:</b>					
<b>Legislation:</b>	Local Government Act 1995				
<b>Industry:</b>	The Burra Charter (ICOMOS Australia)				
<b>Organisational:</b>	Public Art Strategy, Public Art Policy [XXX]				
<b>Document Management:</b>					
<b>Risk Rating:</b>		<b>Review Frequency:</b>		<b>Next Due:</b>	<b>TRIM Ref: [AP####]</b>
<b>Version #</b>	<b>Decision Reference:</b>	<b>Synopsis:</b>			
1.	?	(Originally) BU6 – Memorial Footpath Plaques – Laying of			
2.	Council Meeting 24 June 2003 (P1017705)	Memorials, Monuments and Plaques 1.6			
3.					

### 2003 Memorials, Monuments and Plaques Policy 1.6:

- No criteria to guide the evaluation of the cultural significance of proposed memorials.
- Emphasis on design and planning criteria for assessment of applications.
- Application process directly references 2003 organisational structure.
- Loose criteria around suitable subjects for commemoration
- Defers ongoing asset management of commemorative works to a policy which does not cover these details.
- No indication of how community support

### Changing Circumstances:

- **2008** Review of Council Policy Manual identified Policy 1.6 in need of amendment, but no further action was completed.
- **2010** Council adopted recommendations of Public Art Review Report, assigned custodianship of memorials, monuments and plaques to Community Facilities – Arts and Culture
- **2010** Introduction of Integrated Planning and Reporting Framework to Local Government Act with new Asset Management requirements.
- **2015** City of Perth Public Art Strategy adopted
- **2015** New City of Perth – organisational restructure

## Policy Revision Outline: Policy 1.6 Commemorative Works

### Recent Relevant Experiences:

- Relocation of Talbot Hobbs Memorial
- Removal of Rolf Harris Commemorative Plaque
- Processing enquiries and applications

### Informed by:

- Review of Other Approaches
  - Washington DC
  - Canberra
  - Australian State Capital Cities
- Academic literature

### 2015 (Revision) Commemorative Works Policy 1.6:

- References a national standard of practice, the Burra Charter, as suitable benchmark for the evaluation of cultural significance of existing and proposed memorials
- More emphasis on cultural significance, establishes a Working Group to ensure representation of all relevant internal stakeholders.
- Custodianship of policy and assets and associated processes in alignment with New City of Perth structure.
- More rigorous overall, to ensure that only the most deserving proposals are supported.
- Greater restriction of suitable subjects:
  - Subjects must not be commemorated within 10 years of their death, completion or dissolution.
  - Subjects must relate to Perth (where of significance to the State or Nation - State or Federal government support should be essential).
  - The need for a public memorial should be clearly established, as families and interest groups have opportunities to create private memorials elsewhere.
- Limits the extent of sponsors/donor acknowledgement to discourage memorials becoming marketing opportunities.
- Asset management approach is in alignment with the Burra Charter, the City's Asset Management Policy and the Public Art Policy (where appropriate).
- Community consultation and expert evaluation of cultural significance are essential requirements and the responsibility of applicants.



## ITEM NO: 9

### ADOPTION – CITY OF PERTH PUBLIC ART POLICY

#### **RECOMMENDATION:**

**(APPROVAL)**

***That Council adopt the new City of Perth Public Art Policy, attached as Schedule 15.***

#### **BACKGROUND:**

FILE REFERENCE:	P1027707
REPORTING UNIT:	Arts, Culture and Heritage
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	30 November 2015
MAP / SCHEDULE:	Schedule 15 - Draft Public Art Policy Schedule 16 - Outline of Public Art Policy

The City of Perth has been providing public art for its community for many years. This activity has been supported on a project by project basis, within the high level policy context of *Policy 18.1 - Arts & Culture*. There has not been a detailed policy to guide decisions concerning public art commissioning and acquisitions, and the management of public art assets, projects and programs.

At its meeting on **27 January 2010**, Council adopted the fourteen recommendations of the Public Art Study Review Report. Recommendation one stated:

*“Adopt a Public Art Policy with clear collection management guidelines and a flexible approach to acquiring public art.”*

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

##### **Integrated Planning and Reporting Framework Implications**

##### **Strategic Community Plan**

Council Four Year Priorities: Community Outcome

Healthy and Active in Perth

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

## **DETAILS:**

The City of Perth Public Art Strategy (adopted by Council at its meeting held on **9 June 2015**) articulates a strategic direction for public art in the City of Perth, and identifies that the implementation of this Strategy requires the development of a Public Art Master Plan and a Public Art Policy. Large scale development incorporating public art and the need for a more proactive approach to the management of public art assets have also reinforced the need for the City of Perth to have and be able to communicate a clear policy position on public art.

The development of the draft Public Art Policy (Schedule 15) has been informed by recent experience:

- working with the Metropolitan Redevelopment Authority (MRA) in relation to contributed public art assets.
- delivering the City's temporary and ephemeral public art programs; and
- managing public art in alignment with the City's revised asset management requirements.

As outlined in Schedule 16, it is noted that the majority of works in the City of Perth's Public Art Collection were commissioned by others and are now aging assets. It is also noted that a large number of new works of public art are being delivered by the State Government and by private developers in the MRA's redevelopment areas, the majority of which the City of Perth will eventually receive as contributed assets. The adoption of a Public Art Policy will provide the City of Perth with a key decision making tool to address these circumstances through:

- clearly articulated criteria and policy positions to guide Council decision making in alignment with the Public Art Strategy;
- the ability to communicate the City's expectations and requirements for public art to others involved in delivering public art; and
- guidelines to inform the City's operational approach to managing and providing public art.

## **FINANCIAL IMPLICATIONS:**

Whilst there are no financial implications arising directly from this report, the Public Art Policy will inform the management of the City of Perth Public Art Collection, currently valued at approximately \$10 million, and the delivery of new works through the implementation of the City of Perth Public Art Strategy.

# CITY of PERTH Council Policy Manual

## CP[#] Public Art

### POLICY OBJECTIVE

The Public Art Policy supports the implementation and realisation of the City of Perth's strategic vision for public art, as set out in the City of Perth Public Art Strategy. Ensuring that "public art will showcase Perth's unique identity, diverse community and cultural heritage, and encourage residents and visitors alike to explore and realise new ideas in our exciting urban landscape".

### POLICY STATEMENT

#### 1. PURPOSE

This policy supports the development and delivery of high quality public art, whether enduring, temporary or ephemeral, and informs the sustainable management of the valuable cultural assets in City's Public Art Collection for the community present and future.

#### 2. POLICY FRAMEWORK

The Public Art Policy guides all aspects of the management of the City of Perth's Public Art projects, programs and services in alignment with the City of Perth Public Art Strategy, which is an informing strategy within the City's Integrated Planning and Reporting Framework.

The Public Art Policy is informed by *Policy 18.1 - Arts and Culture*.

The approval of memorials and monuments for accession into the City's Public Art Collection is governed by *Policy 1.6 - Commemorative Works* in parallel with the Public Art Policy.

#### 3. SCOPE

The Public Art Policy guides the delivery of all City of Perth public art projects and programs – with enduring, temporary or ephemeral outcomes – and should also inform projects and programs delivered by others within the City of Perth's boundaries.

#### 3.1 Definitions

##### 3.1.1 Public Art

- a. Public Art is an enduring, temporary or ephemeral work of art, created by an artist that has been commissioned or acquired specifically to be made accessible within the public realm.

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- b. For the purposes of this policy, Public Art does not include:
- busking, art markets, pop-up galleries;
  - community arts programs;
  - commercial promotions in any form including business logos or brands;
  - directional/way-finding elements such as super-graphics, signage or colour coding;
  - objects that are mass-produced or reproduced;
  - most art reproductions; or,
  - services or utilities necessary to operate or maintain artworks.

### 3.1.2 Artist

- a. It is acknowledged that the term 'artist' is self-referencing. For the purposes of this policy Artists are expected to be able to meet at least two of the following criteria:
- A person who has completed a university degree or a diploma in a relevant arts field (ie visual arts, multi-media, fine arts) as appropriate to the public art commission brief;
  - A person who evidences the sale of their artwork through one or more reputable art galleries whose primary business is dealing in the works of professional Artists;
  - A person who has had works of art purchased by major public collections
  - A person who evidences their experience in implementing successful Public Art projects; or,
  - A person who earns the majority of their income from arts-related activities, including; teaching, selling artwork, or undertaking Public Art commissions.

### 3.1.3 Emerging Artist

- a. Artists applying for Public Art opportunities targeted at Emerging Artists will be required to demonstrate that they are not yet well established in their field of art practice, and provide evidence in their submissions that they are actively seeking to develop their practice artistically and professionally through at least two of the following avenues:
- training and education in areas relevant to their creative practice (not limited to academic training);
  - developing an independent body of high quality creative work; or,
  - exhibiting work or delivering other public outcomes from their creative practice.
- b. The City of Perth reserves the right to determine whether applicants have adequately demonstrated their status as an Emerging Artist for the purposes

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of eligibility. In making an assessment, the City may consider the following amongst indicators of artists' levels of establishment:

- Representation by a commercial gallery;
- Employment in a studio teaching role in a tertiary educational institution;
- Regular employment as an artist in other contexts (e.g. community arts);
- Representation in key collections, public or private;
- Curatorial selection/invitation for key exhibitions not specifically targeted at young and emerging artists;
- Awards, grants and other forms of recognition not specifically targeted at young and emerging artists; or,
- Large budget and/or multiple public art commissions - especially enduring public art.

### 4. PRINCIPLES

The following guiding principles apply to Public Art in the City of Perth.

Public art will:

- 4.1 Acknowledge all Western Australians as stakeholders in the capital city community and the City will work in partnership and collaboration to deliver public art that creates a sense of ownership, identity and pride in the city.
- 4.2 Engage and include the City of Perth's diverse community, irrespective of age, ability, social or cultural background.
- 4.3 Acknowledge and celebrate Aboriginal culture, storytelling and traditions, in consultation with our Aboriginal community.
- 4.4 Uphold artistic freedom and encourage commentary and debate as a sign of a healthy and engaged community.
- 4.5 Contribute to creating an internationally recognisable identity, attracting visitors to the city and delivering both direct and indirect economic benefits.
- 4.6 Showcase the best of contemporary Western Australian, Australian and international art, encouraging new ideas and the application of new technologies and approaches, delivering public art of the highest aesthetic and fabrication standards.
- 4.7 Be preserved and promoted as a valuable resource for the community and managed and developed sustainably and responsibly in accordance with the City's asset management policies and industry standards.

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### 5. RESOURCING

The City of Perth will resource public art through:

#### 5.1 Budgeted Operational Funds

An annual allocation providing Operational funds for;

- a. staffing and administration costs associated with the City's public art;
- b. development and implementation of non-capital Public Art projects, programs and services; and,
- c. collection management (including scheduled inspections, audits, valuations, research, maintenance, preservation, storage, interpretation, display, promotion and access).

#### 5.2 Budgeted Capital Funds

Capital Funds allocated for enduring Public Art projects, identified for delivery in alignment with the City's Public Art Strategy and other strategic plans.

#### 5.3 Public Art Reserve Account

Allows for the accumulation of funds providing financial capacity to deliver major public art projects as identified in the City's Public Art Strategy and Master Plan. The Public Art Reserve Account is funded through:

- a. an annual budget allocation;
- b. contributions in lieu of public art projects associated with any Percent for Art schemes that the City may implement; or,
- c. monetary donations, gifts and bequests.

#### 5.4 Partnership and Collaboration

Where there is opportunity and it is appropriate the City of Perth will work collaboratively and in partnership with individuals, community groups, other agencies and corporations to achieve world-class public art that is characterised by excellence and innovation.

### 6. ROLES AND RESPONSIBILITIES

6.1 Responsibility for the Public Art Policy and the Public Art Collection rests with the Arts, Culture and Heritage Unit.

6.2 Other business units within the City of Perth may initiate and deliver public art outcomes in consultation with the Public Art Program Coordinator to ensure alignment with the City of Perth Public Art Strategy and policies and procedures relevant to public art.

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6.3 Management and delivery of public art is guided and assisted by the expert advice of professionals who are members of the following panels/groups established by the City:

- Public Art Advisory Panel
- Public Art Working Group
- Aboriginal Reference Group

6.4 The advice of these panels/groups on public art programs, projects and selected Artists, curators and consultants will be reported to Council, as appropriate, to inform the City's decision making.

## 7. CRITERIA

Decisions about the delivery and management of works of art in the City of Perth's public realm will be made on the basis of the following criteria, ensuring:

- i. consistency with the principles set out in the City of Perth Public Art Policy.
- ii. alignment with the objectives set out in the City's Public Art Strategy, and other relevant strategic, program, and project plans and frameworks.
- iii. commissioned public art addresses the requirements of the relevant briefs.
- iv. compliance with all relevant codes and regulations applicable to works in the public realm and the site and intended use of the work.
- v. artistic excellence, as befits work displayed in a capital city and as defined by the advice of a Public Art Advisory Panel.
- vi. quality fabrication, physical integrity and durability appropriate to the work's intended lifespan to minimise maintenance or conservation requirements.
- vii. inclusive display to a diverse audience without hindrance to public access or safety, and, where relevant, without breaching the creator's moral rights.
- viii. relevance and appropriateness to site, the City of Perth and its community of residents, businesses and visitors.
- ix. sustainable outcomes, considering immediate and future costs, including costs associated with any impacts on the site or its management.
- x. authentic and original works of ethical provenance.

## 8. PROCUREMENT AND ACQUISITIONS

8.1 Procurement for public art projects and programs will be in alignment with the City's procurement processes and policies. Artists and public art consultants and curators, where appropriate, shall be engaged by the City for public art projects.

8.2 All acquisitions and selection of artworks for City of Perth projects, programs and services will be in alignment with the Criteria set out at 7 and will be informed by the advice of a Public Art Advisory Panel.

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### 8.3 Acquisition and Procurement Methods

#### 8.3.1 Commission

The commissioning of site specific Public Art shall be the primary method of procurement for new works of Public Art. Commissioning methodologies shall be guided by the advice of a Public Art Advisory Panel on industry best practice, and suitability for the project in question.

The selection of public art for commissioning will involve the evaluation of competing creative submissions that respond to a site-specific brief.

#### 8.3.2 Purchase

The Public Art Advisory Panel shall consider any reasonable proposal for the direct purchase of an existing work of Public Art, in accordance with the acquisition criteria and the City of Perth *Policy 9.7 - Purchasing*.

On the advice of the Public Art Advisory Panel, direct purchase of a work of public art may be recommended for consideration by Council.

#### 8.3.3 Contributed Public Art Assets

Unsolicited gifts, donations or contributions of Public Art assets, whether existing or commissioned, are not accepted by the City of Perth. Where an external party, private or public entity, wishes to initiate a Public Art commission or acquisition that is intended to become an asset contributed to the City of Perth, a preliminary proposal may be presented for the City's consideration.

In addition to the criteria set out at 7, proposals for new memorials and monuments shall also be assessed in accordance with *Policy 1.6 - Commemorative Works* and *Policy 9.12 - Contributed Assets Policy* and in consultation with the Public Art Advisory Panel.

### 8.4 Acceptance of Assets

8.4.1 Ownership, care and responsibility for any art asset in the public realm is only to be accepted by the City of Perth when the work complies with the criteria detailed in section 7.

8.4.2 The Western Australian Government, Metropolitan Redevelopment Authority, other government entities or private developers may plan to include Public Art in their developments and intend for these to become contributed assets, transferred to the City's care and control. The City will only accept these assets when the developer has:

- obtained the City's prior, in principle acceptance of the assets; and,



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- invited and facilitated the participation of a representative from the City with expertise in Public Art, as an observer and advisor, with visibility and input at all key stages of the planning, development, commissioning and delivery of the assets.

8.4.3 To fulfil the requirements of ownership and responsibility for art assets in the public realm, the suppliers of these assets must provide the City of Perth City with all necessary information, documentation and materials required to:

- meet the City's Asset Management requirements;
- populate the City's Public Art Database;
- demonstrate compliance with all relevant regulations and legislation; and,
- make effective any special agreements required to transfer ownership and maintain the work.

## 9. TYPES OF PUBLIC ART AND ART ASSETS IN THE PUBLIC REALM

Works of art in the City of Perth's public realm are managed on the basis of their status as assets and the asset class to which they have been assigned, usually at the point of acquisition. Not all works of art in the public realm are considered to be assets of the City, and some are managed as temporary and ephemeral works with a limited life span.

### 9.1 Temporary Public Art

Temporary works of Public Art are installed and then removed from site after a predetermined period, with no lasting physical impacts on the site. Temporary works are expected to require no maintenance or management, or that any required maintenance/management will be carried out by the artist as an integral part of the City's contract with the artist.

### 9.2 Ephemeral Public Art

Ephemeral works are temporary works typically delivered as a one-off event or performance with no lasting presence on site, or are works that embrace their own natural dissipation or deterioration whilst they remain on site.

### 9.3 Murals (Temporary) and Street Art

Most murals and all works of street art are considered to be works of temporary public art and are not considered assets. Murals and Street Art commissioned by the City of Perth and other entities will be protected by suitable anti-graffiti coatings at the cost of the commissioner to facilitate the management of subsequent graffiti damage. Additional investment in the maintenance of temporary murals and street art will be made only in exceptional circumstances and entirely at the City's discretion.

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### 9.4 Placemaking Elements

Placemaking Elements are assets that are integrated aesthetic or cultural features of the landscape or built environment, and some (but not all) are the work of professional artists, as defined above at 3.1.2. Integrated works of art are those that form an inextricable part of the fabric of the building or landscape, and/or are site specific to the extent that the work's significance would be compromised in isolation from its site. Integrated works of art may be classified as Placemaking Elements at the point of commission/acquisition without diminishing their status as works of art, in recognition that such works are wholly dependent on the life and care of the buildings or landscape into which they are integrated. These assets are managed in a number of ways by the City's operational units with relevant expertise, as is deemed most appropriate to the site and the work, giving priority to overall service delivery at the site as a whole.

### 9.5 Memorials and Monuments

Memorials and monuments are works that perform a commemorative function for the community and have been approved in accordance with the *Policy 1.6 - Commemorative Works*. These assets are commissioned and funded wholly by the applicants, and become contributed assets when approved and accepted for accession into the City of Perth's Public Art Collection for their long term care and maintenance.

### 9.6 Enduring Public Art

Enduring Public Art assets are long lasting works of Public Art commissioned from professional Artists for sites in the public realm in alignment with the definitions and criteria set out in the City's Public Art Strategy and policies. Enduring Public Art assets are accessioned into the Public Art Collection for their long term care and maintenance.

## 10. ASSET MANAGEMENT

Assets accessioned into the City of Perth's Public Art Collection, and Placemaking Elements where applicable, shall be managed and maintained in accordance with relevant industry standards for the care of items of cultural significance and *Policy 9.12- Asset Management*.

## 11. PUBLIC ART COLLECTION

The City of Perth has a collection of major, historic and contemporary works of Public Art, memorials and monuments, commissioned or acquired by the City specifically for public sites in Perth. Within the City's boundaries there are also privately owned and managed works of Public Art and memorials and monuments. The City of Perth's Public Art Collection includes only Public Art assets owned by the City.

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### 11.1 Accession

All items accepted for acquisition into the City of Perth's Public Art Collection shall be accessioned. This process shall be documented and objects registered on the relevant Asset Register and collection databases, with full acquisition, provenance and catalogue information. These records shall be retained by the City in perpetuity.

### 11.2 Deaccession

11.2.1 De-accessioning is the process whereby works are permanently removed from a collection. Assets in the Public Art Collection must meet one or more of the following criteria to be considered for de-accession:

- i. The item has met one the disposal criteria identified in Section 5 of *Policy 9.14 - Disposal of Assets*.
- ii. It no longer meets the Criteria set out in section 7.
- iii. It is a duplicate or reproduction that serves no specific function;
- iv. The City can no longer adequately and sustainably care and maintain the item through the allocation of resources commensurate with the item's current value and artistic, cultural, social, or historical merit;
- v. It has been integrated into the fabric of a building, street or park, which is subject to redevelopment and where it is not salvageable;
- vi. It has no provenance, cannot be displayed, and is not suitable for research.
- vii. The City has been ordered to return to the item to its rightful owner by a court of law or the City recognises that it is not the rightful owner and has identified the rightful owner.

11.2.2 A recommendation to de-accession an item from the Public Art Collection may be made to Council for consideration on the advice of the Public Art Advisory Panel.

11.2.3 As items in the Public Art Collection are generally highly visible and enduring features of the City's public spaces, the City of Perth may invite public comment on its intention to de-accession in order to better gauge all dimensions of the value and significance of the work.

11.2.4 Where de-accession of an item in the Public Art Collection is requested to facilitate development or the requirements of an external entity, and is approved by the Council, the applicant will be required to reimburse any costs incurred by the City for the de-accession and disposal of the asset.

### 11.3 Disposal

11.3.1 De-accessioned items shall be disposed of in accordance with *Policy 9.14 - Disposal of Property*. De-accession records relevant to collection management shall be retained by the City in perpetuity.

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11.3.2 Collection items approved for disposal, which are no longer serviceable will be dismantled and disposed of in a professionally responsible, ethical and sustainable manner.

11.3.3 Where any item of Public Art is approved for deaccession and/or disposal and it can be removed from site, the City will make all reasonable effort to provide the artist or the artist's estate with the first option to make arrangements to take possession of the work within a reasonable time frame, on terms agreed with the City of Perth and consistent with the City's policies.

### 11.4 Re-locating Public Art

The City may determine to relocate Public Art where the work's condition is sustainable and the current location of the work of Public Art is either no longer viable or suitable. Public Art shall be relocated by suitably qualified persons as directed by the City of Perth at the cost of the requesting body.

### 11.5 Storage

Collection items removed from site, but not deaccessioned shall be stored securely in a location that will not put the item at risk of damage or accelerated deterioration. The movements and locations of all works not on site will be clearly documented.

### 11.6 Conservation and Preservation

The City shall apply a high standard of care for its Public Art Collection to promote its long-term preservation for future generations. The City shall employ preventive conservation practices to the extent practicable. Only professionally trained staff and contractors shall handle and manage the conservation and preservation of works in the Public Art Collection.

## 12. STANDARDS OF PRESENTATION

12.1 Public Art delivered by the City shall be displayed and interpretative material provided to a standard informed by relevant museum best practice.

12.2 Public Art projects and programs shall be documented and, where possible and appropriate, a quality catalogue or other informational materials shall be produced and disseminated in relation to the project or program.

12.3 Works of Public Art will be attributed with the following information at the site of any work of Public Art: creator's name; title of the work; date of the work; medium; and, the name of the donor or credit to the source of the work.

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### 13. LIFE SPAN OF PUBLIC ART

13.1 The life span and the City's commitments to the maintenance of any work of Public Art will be established at the point of acquisition or commission by written agreement between the City of Perth and the Artist/s.

13.2 The City of Perth will work to ensure that Public Art is maintained in good condition, appropriate for public display, throughout the agreed lifespan of the work.

13.3 At the end of the agreed life of a work of Public Art, the City of Perth may dispose of the artwork in accordance with relevant legislation and City policies, or may review the work and make a determination on a sustainable extension of the life of the work.

13.4 Irrespective of whether a work has reached the end of its life, the City of Perth is not obliged to maintain or conserve any of its works of Public Art where they:

- have been irreversibly compromised by their physical condition or by changes to their environment; or,
- represent an obstacle or risk to people or the intended use of the site.

### 14. RIGHTS AND OBLIGATIONS

14.1 During exhibition and display, and in subsequent management of the work and related materials, the City will observe and work to protect the creator's moral rights in accordance with the Copyright Amendment (Moral Rights) Act 2000.

14.2 The use and reproduction of works of Public Art, or images of works of public art for display, exhibition and publication shall be in accordance with contractual arrangements established with the Artist and all relevant laws governing copyright and intellectual property.

14.3 The City's non-exclusive license to copy or reproduce Public Art through photography or other means for any purpose is subject to the approval by Public Art Officers to ensure the quality of reproduction and to uphold any commitments made by the City in agreements with Artists, creators, donors or copyright holders in respect to the Copyright Act (Commonwealth) 1968.

14.4 The City is not authorised to grant permission to a third party to reproduce works of art or an image of works of Public Art for commercial purposes or any other purpose that is not covered by Fair Dealing as defined by the Australian Copyright Council.

Document Control Box			
Document Responsibilities:			
Custodian:	Public Art Program Coordinator	Custodian Unit:	Arts, Culture and Heritage
Decision Maker:	Council		
Compliance Requirements:			
Legislation:	Local Government Act 1995		

## CP [##] Public Art

	Copyright Act (Commonwealth) 1968 Copyright Amendment (Moral Rights) Act 2000				
Industry:	National Standards for Australian Museums and Galleries, Relevant Standards, Codes and Regulations for Design and Construction and the Public Realm				
Organisational:	Public Art Strategy, Arts and Culture Policy 18.1, Asset Management Policy 9.12				
Document Management:					
Risk Rating:		Review Frequency:		Next Due:	
				TRIM Ref:	[AP####]
Version #	Decision Reference:	Synopsis:			
1.	ELG				
2.	ELG	.			
3.					

### Prior Approach

- Guided broadly by Arts & Culture Policy 18.1.
- No approved Policy to establish detailed definitions and criteria to aid decision making.
- Commissions pursued by the City on a project by project basis.
- Nearly 60% of works in the City's Collection commissioned by other agencies.
- No comprehensive asset register, or clearly articulated asset management approach.
- More than 65% of works are more than 15 years old.



### Changing Circumstances:

- **2010** Council adopted recommendations of Public Art Review Report, committing to the development of a Public Art Policy
- **2010** Introduction of Integrated Planning and Reporting Framework to Local Government Act with new Asset Management requirements.
- **2014** Public Art Research Project produced an accurate asset register.
- **2014** First dedicated Public Art staff recruited.
- **2015** City of Perth Public Art Strategy adopted.
- **2015** New City of Perth – organisational restructure.
- Multiple redevelopments within the City's boundaries, % for art requirements delivering public art *en masse*, the majority of which the City will eventually acquire as contributed assets.

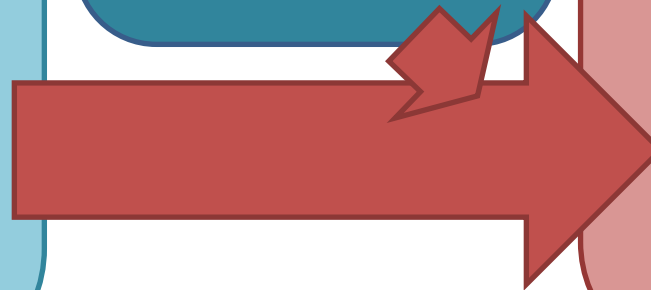
## New Public Art Policy Outline

### Informed by:

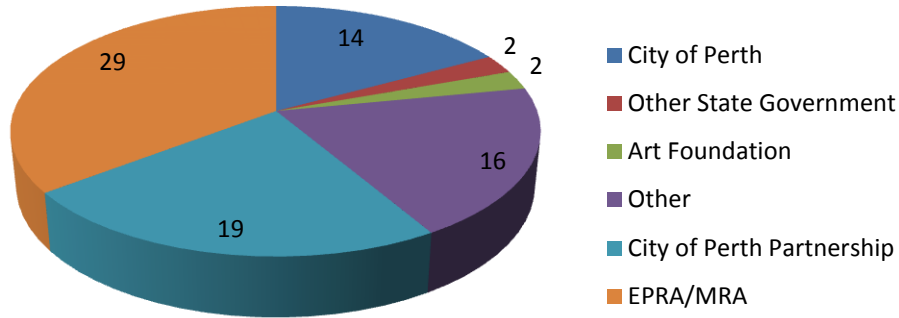
- Development of Asset Management Plan
- Involvement in commissions in MRA development areas, King's Square and Elizabeth Quay
- Negotiations around major relocation projects.
- Public Art maintenance.
- Review of other Policy approaches.
- Review of academic literature.
- Delivery of Temporary and Ephemeral public art commissions

### 2015 New Public Art Policy XXX:

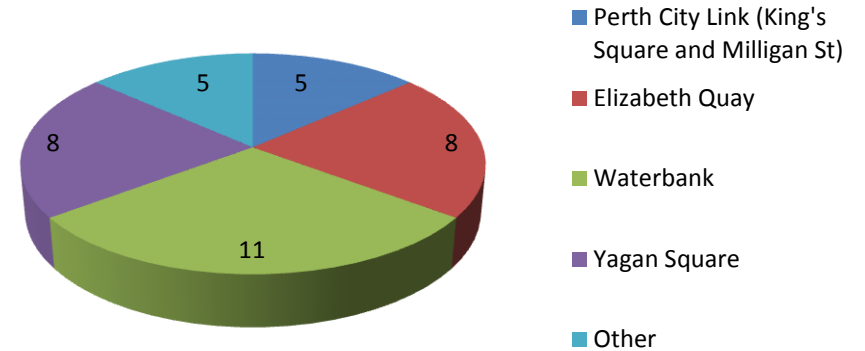
- Establishes a Public Art Advisory Panel as in other Australian Capital cities, to provide independent advice and ensure quality outcomes.
- Establishes a Working Group to ensure representation of all relevant internal stakeholders.
- Articulates clear criteria and definitions to aid decision making.
- Articulates the City's requirements and expectations in relation to contributed public art assets.
- Articulates the City's approach to asset management for items in the City's Public Art Collection.
- Applicable to enduring and temporary and ephemeral works of public art.
- In alignment with the City's Public Art Strategy.
- Outlines the City's commitments to works of public art in relation to life span and their place in the public realm.
- Outlines the City's commitments to uphold the moral rights and intellectual property of artists.



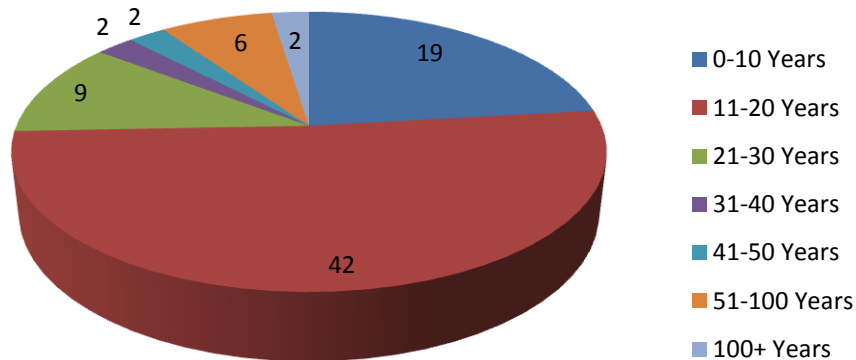
### Provenance of Works in the City of Perth Public Art Collection



### Contributed Public Art Assets Expected by 2029



### Age of Works in the City of Perth Public Art Collection



### Public Art Collection Growth Forecast (Due to Contributed Assets)

Current Valuation (82 Works): **\$9,724,078**  
 Forecast Contributed Assets of Known Value (14 Works): **\$6,420,502**  
 (+ 66%)

Forecast Contributed Assets of Unknown Value:

- Waterbank (11 Commissions)
- Yagan Square (8 Commissions)
- Other Precincts of Perth City Link (% for Art Commissions)
- Other Precincts of Riverside (% for Art Commissions)
- Perth Stadium Pedestrian Bridge (% for Art Commissions)
- Other Works Including PPAF Commissions (4)