



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, 6 December 2016 at 4.00pm.**

Yours faithfully

**ROBERT MIANICH
ACTING CHIEF EXECUTIVE OFFICER**

1 December 2016

Committee Members (appointed 22 October 2015):

Members:

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

1st Deputy:

Cr Green

2nd Deputy:

Cr Yong



Please convey apologies to Governance on 9461 3250
or email governance@cityofperth.wa.gov.au

EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



CITY of PERTH

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

BUILDING ALARMS

Alert Alarm and Evacuation Alarm.

ALERT ALARM

beep beep beep

All Wardens to respond.

Other staff and visitors should remain where they are.



EVACUATION ALARM/PROCEDURES

whoop whoop whoop

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

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

EVACUATION ASSEMBLY AREA



Assembly Area

Alternate Assembly Area

FINANCE AND ADMINISTRATION COMMITTEE

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

Members:	1st Deputy:	2nd Deputy:
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.
- *Question Sheets are also available on the City's web site: 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.

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

6 DECEMBER 2016

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 – 15 November 2016**
- 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*, the meeting will be required to be closed to the public prior to discussion of the following:

Item No.	Item Title	Reason
Confidential Item 11	City of Perth Parking Revenue for Financial year 2016/17	s 5.23(2)(e)(ii)

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 schedule listed below, it is recommended that Committee resolve to close the meeting to the public prior to discussion of the following:

Confidential Schedule No.	Item No. and Title	Reason
Confidential Schedules 9 & 10	Item 6 – Tender 046-16/17 – Mechanical Ventilation Maintenance in Car Parks	s 5.23(2)(e)(iii)
Confidential Schedule 11	Item 7 – Quarterly Leasing Report – October to December 2016	s 5.23(2)(e)(iii)
Confidential Schedule 13	Item 8 – Resources Tribute Project – Perth Public Art Foundation Request for Support	s 5.23(2)(e)(iii)
Confidential Schedules 15 & 16	Item 10 – Parking Promotion January 2017	s 5.23(2)(e)(ii)

(Cont'd)

8. Reports

9. Motions of which Previous Notice has been Given

10. General Business

10.1 Responses to General Business from a Previous Meeting

- **City of Perth property management (raised at FA 04/10/16).**

The current potential development properties are 18 Stirling Street and the Gasworks Building. The Properties Unit are conducting condition surveys of the portfolio to ascertain the future maintenance and capital requirements of the existing stock.

- **Land value capture opportunities (raised at FA 04/10/16).**

This Item has been listed for consideration at the Planning Committee meeting to be held 5.30pm, Tuesday 6 December 2016.

10.2 New General Business

11. Items for Consideration at a Future Meeting

Outstanding General Business Items:

The following items are currently being investigated and actioned by Officers. Information will be provided to Elected Members when available.

- **Potential Revolving Heritage Fund (raised at FA 04/10/16).**
- **Potential Financial Opportunities and Shared Services across local governments (raised at FA 04/10/16).**
- **Council Policy 1.9 – Public Relations Policy – Media Statements and Press Releases (raised at FA 04/10/16).**
- **Taxis in the city (raised at FA 04/10/16).**
- **City of Perth Art collection (raised at FA 04/10/16).**

(Cont'd)

Outstanding Reports:

- **Council Dining Room (raised FA30/09/14, updated 21/04/15 and 23/08/16).**
- **Audit of commercial buildings that are vacant / in disrepair (raised at Council 30/08/16).**
- **Air and land rights available to City of Perth for potential creation of affordable housing (raised at Council 30/08/16).**
- **Council Policy 10.6 – Elected Member Expense Reimbursements (raised at FA 04/10/16).**

12. Closure

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ITEM NO: 1

INVESTMENTS AND INVESTMENT RETURNS FOR THE PERIOD ENDED 31 OCTOBER 2016

RECOMMENDATION:

(INFORMATION)

That the Finance and Administration Committee receives the report detailing investments and investment returns for the period ended 31 October 2016, as detailed in Schedule 1.

BACKGROUND:

FILE REFERENCE:	P1032980-6
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	16 November 2016
MAP / SCHEDULE:	Schedule 1 – Investment Report for the period ended 31 October 2016 Short Term Investments and Institution of Credit Rating

Investments are made in accordance with Council Policy 9.3 – Management of Investments. The policy sets objectives and risk management guidelines for investing surplus and reserve funds not immediately required for any other purpose.

This report reviews the results for the month of October 2016.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Section 6.14 of the <i>Local Government Act 1995</i> Regulation 19C of the <i>Local Government (Financial Management) Regulations 1996</i>
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Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Community Outcome Capable and Responsive Organisation A capable, flexible and sustainable organisation with a strong and effective governance system to provide leadership as a Capital City and deliver efficient and effective community centred services.
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Policy

Policy No and Name:	9.3 – Management of Investments
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DETAILS:

	Actual \$	Budget \$	Variation \$
Interest Earnings	319,253	380,099	(60,846)

Average Rate	2.09%
Benchmark Rate	1.73%
RBA Cash Rate	1.50%

*Figures exclude interest on rate arrears.

Call Accounts

Balance at 31 October 2016	\$14.4 million
Interest Earned	\$21,624
Rate for balances over \$2 million	1.75%

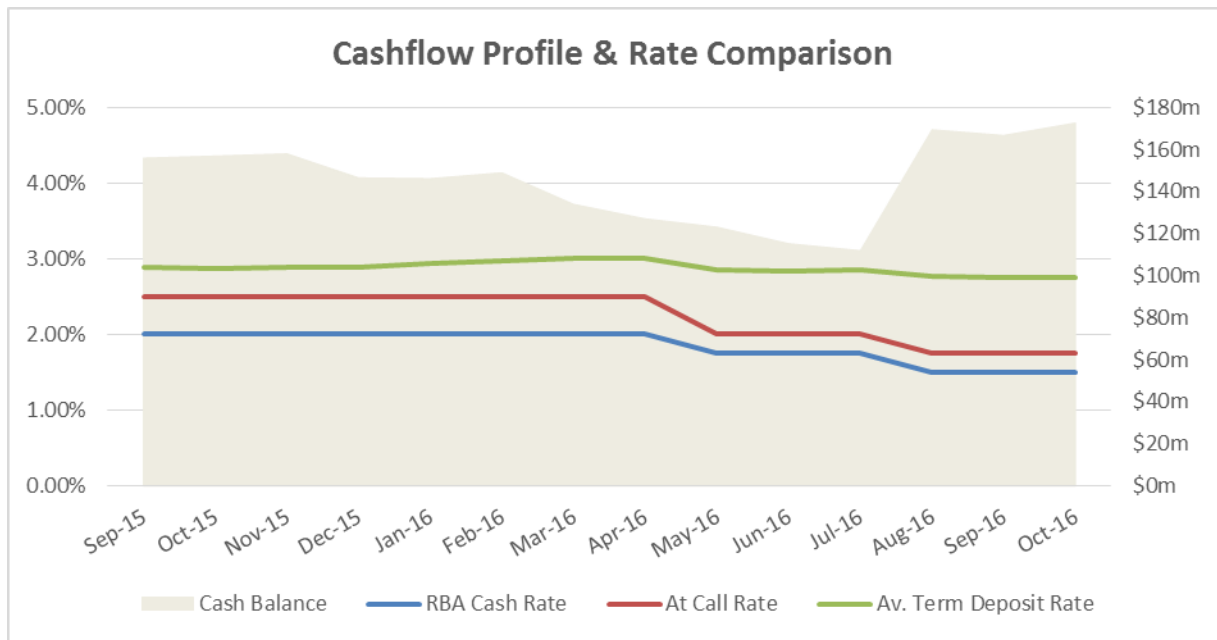
Term Deposits

Balance at 31 October 2016	\$161.6 million
Interest Earned	\$380,675
Average Rate (Municipal funds)	2.75%
Most Recent Rate (Municipal funds)	2.65%

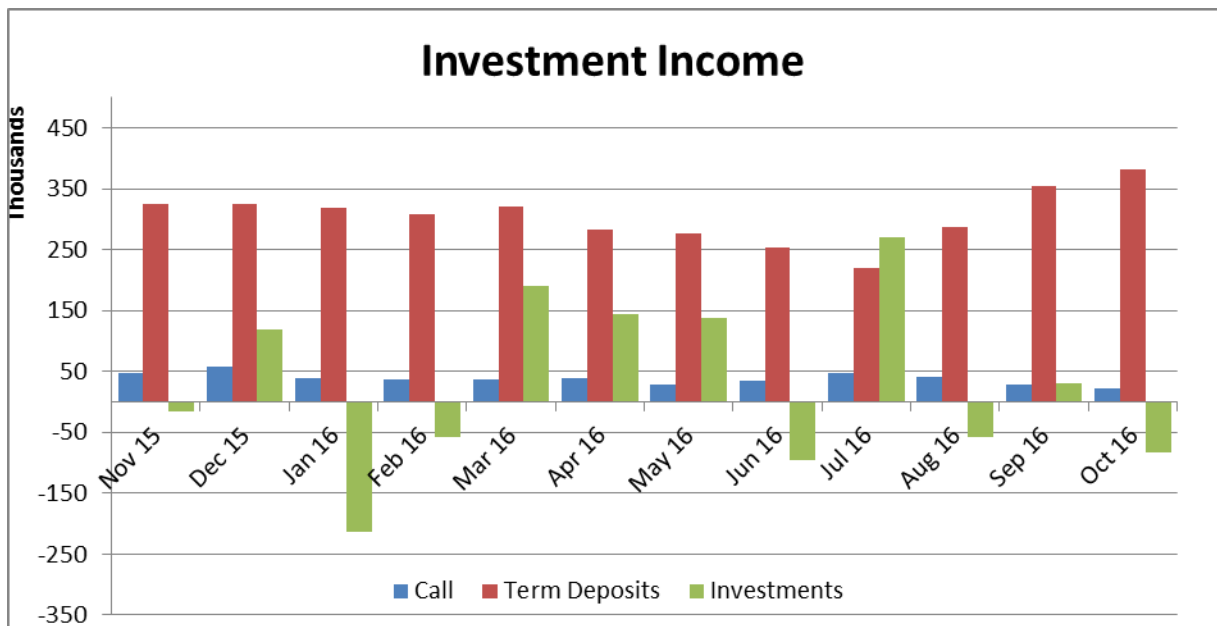
Other Investments

	Interest Earned \$	Interest Rate %
Emerald Mortgage Backed Security	9,796	2.61
Colonial Share Index Balanced Fund	(92,842)	N/A

The ASX 200 closed at 5,334 at the end of October, a fall of 2% in the month. This was reflected in the performance of the Colonial Share Index balanced fund that produced a negative return of \$92,842 for the month.



The above chart shows the City's cash flow cycle reflecting the significant inflow of rates income in August. It also compares the average interest rates the City earns with the RBA cash rate.



Spread of Investments

The City's exposure to investment institutions is as follows:

Institution	Credit Rating	Percentage	Percentage Allowed
ANZ	A1+	3%	100%
Bankwest	A1+	2%	
NAB	A1+	27%	
		32%	
		57%	
AMP	A1	6%	60%
Suncorp Metway	A1	19%	
		25%	
		39%	
		57%	
Bank of Queensland	A2	36%	10%
ING	A2	3%	
		39%	
Barclays	NR	2%	
Colonial	NR	2%	
		4%	

FINANCIAL IMPLICATIONS:

Reported investment earnings (excluding interest on rates arrears) at \$319,253 after Trust Account adjustments, were \$60,846 below budget in October.

COMMENTS

The City continues to adhere to its policy of obtaining the best returns commensurate with risk and the constraints imposed by the State Government regulations.

SCHEDULE 1

31-Oct-16				
INSTITUTION AND CREDIT RATING				
INSTITUTION	AMOUNT	PERCENTAGE	CREDIT RATING	MAX AMOUNT
ANZ	4,855,234.62	3%	A1+	OK
AMP	10,151,536.13	6%	A1	OK
ING	5,500,000.00	3%	A2	OK
BOQLD	65,000,000.00	36%	A2	OK
BANKWEST	4,005,599.38	2%	A1+	OK
BARCLAYS	2,734,885.19	2%	NR	OK
C B A	-	0%	A1+	OK
BENDIGO	-	0%	A2	OK
MACQUARIE	0.00	0%	A1	OK
MEQUITY	0.00	0%	A2	OK
NAB	49,086,146.59	27%	A1+	OK
ST GEORGE	-	0%	A1+	OK
SUNCORP METWAY	34,000,000.00	19%	A1	OK
WESTPAC	-	0%	A1+	OK
COLONIAL	4,257,633.78	2%	NR	OK
TOTAL	179,591,035.69	100%		

GLOBAL CREDIT EXPOSURE			
INSTITUTION	AMOUNT	PERCENTAGE	MAX ALLOWED
A1+, A1, AA	102,098,516.72	57%	100%
A2	70,500,000.00	39%	60%
A3 and Unrated	6,992,518.97	4%	10%
TOTAL	179,591,035.69	100%	

A1+	45%	INDIVIDUAL ADI EXPOSURE ALLOWED
A1	45%	
A2	40%	
A3	10%	
AAA	45%	
AA	45%	
Unrated	10%	

INVESTMENT REPORT

	Market Value	Market Value	Cost & Impairment	% of	Interest Earned	Weighted Average Monthly	Interest Earned
31-Oct-16	30-Sep-16	31-Oct-16	31-Oct-16	Class	Oct	Rate	YTD
Municipal							
Short term Direct Investments							
Call	\$10,234,264	\$9,922,382	\$9,922,382	5.7%	\$17,120	2.06%	\$114,413
Term Deposits	\$84,500,000	\$93,500,000	\$93,500,000	53.3%	\$211,659	2.75%	\$550,903
Short	\$94,734,264	\$103,422,382	\$103,422,382		\$228,779	2.70%	\$665,317
Total Municipal - Cash Back Securities	\$94,734,264	\$103,422,382	\$103,422,382		\$228,779	2.70%	\$665,317
Total Municipal Investments	\$94,734,264	\$103,422,382	\$103,422,382		\$228,779	2.70%	\$665,317
Reserves							
Short term Direct Investments							
Call	\$2,602,301	\$3,412	\$3,412	0.0%	\$2,871	1.75%	\$15,666
Term Deposits	\$62,000,000	\$62,000,000	\$62,000,000	35.4%	\$154,656	2.97%	\$633,083
Total	\$64,602,301	\$62,003,412	\$62,003,412		\$157,527	2.95%	\$648,749
Floating Rate Notes/ CLNs							
WPAC- Sub Debt -FRN	\$0	\$0	\$0	0.0%	\$0	0.00%	\$0
Total	\$0	\$0	\$0		\$0	0.00%	\$0
Medium term Direct Investments							
Barclays - Emerald-MBS	2,736,660	2,736,660	\$2,734,885	1.6%	\$9,796	2.61%	\$40,275
Total	\$2,736,660	\$2,736,660	\$2,734,885		\$9,796	2.61%	\$40,275
Total Reserve - Cash Back Securities	\$67,338,961	\$64,740,072	\$64,738,297		\$167,323	2.93%	\$689,024
Balanced Funds							
Colonial Share Index	\$4,350,392	\$4,257,634	\$4,257,634	100%	-\$92,842	-22.21%	\$119,153
Total	\$4,350,392	\$4,257,634	\$4,257,634		-\$92,842	-22.21%	\$119,153
Total Reserve Investments	\$71,689,353	\$68,997,706	\$68,995,931		\$74,481	-22.21%	\$808,177
Trust							
Short term Direct Investments							
Call	\$1,276,085	\$1,086,576	\$1,086,576	0.6%	\$1,633	1.84%	\$7,347
Term Deposits	\$6,086,147	\$6,086,147	\$6,086,147	3.5%	\$14,360	2.80%	\$57,713
Total	\$7,362,232	\$7,172,723	\$7,172,723		\$15,993	2.70%	\$65,060
Total Trust - Cash Back Securities	\$7,362,232	\$7,172,723	\$7,172,723		\$15,993	2.70%	\$65,060
Total Investments-Cash Back Securities	\$169,435,457	\$175,335,177	\$175,333,402		\$412,095	2.79%	\$1,419,400
Grand Total Investments	\$173,785,849	\$179,592,811	\$179,591,036		\$319,253	2.11%	\$1,538,554

INVESTMENT
RATES:

CASH RATE

1.50%

BENCHMARK

1.73%

AVERAGE excl.Trust

2.09%

CITY OF PERTH - SHORT TERM INVESTMENTS (Excluding Call) AS AT 31 OCTOBER 2016

<u>FUND</u>	<u>INSTITUTION</u>	<u>TYPE</u>	<u>AMOUNT</u>	<u>RATE</u>	<u>LODGED</u>	<u>MATURITY</u>	<u>Total Investment Days</u>	<u>TOTAL INTEREST individual outstanding investment</u>
MUNICIPAL	BANKWEST	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.55%	30/09/2016	30/11/2016	61	\$ 12,784.93
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.50%	25/08/2016	15/12/2016	112	\$ 23,013.70
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.80%	9/08/2016	31/01/2017	175	\$ 67,123.29
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.80%	11/08/2016	16/02/2017	189	\$ 72,493.15
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.75%	29/08/2016	23/02/2017	178	\$ 40,232.88
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.80%	17/08/2016	23/02/2017	190	\$ 43,726.03
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 2,500,000.00	2.75%	31/08/2016	28/02/2017	181	\$ 34,092.47
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.78%	12/08/2016	28/02/2017	200	\$ 76,164.38
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 1,000,000.00	2.70%	8/09/2016	9/03/2017	182	\$ 13,463.01
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 1,000,000.00	2.70%	14/09/2016	16/03/2017	183	\$ 13,536.99
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 9,000,000.00	2.75%	25/08/2016	16/03/2017	203	\$ 137,650.68
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.75%	16/08/2016	16/03/2017	212	\$ 47,917.81
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.80%	17/08/2016	31/03/2017	226	\$ 86,684.93
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.70%	5/10/2016	6/04/2017	183	\$ 27,073.97
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.77%	13/10/2016	13/04/2017	182	\$ 41,436.16
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.70%	25/08/2016	28/04/2017	246	\$ 54,591.78
MUNICIPAL	ING	Short Term Direct Investments TERM DEPOSITS	\$ 3,500,000.00	2.64%	13/10/2016	13/04/2017	182	\$ 46,073.42
MUNICIPAL	ING	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.64%	13/10/2016	13/04/2017	182	\$ 26,327.67
MUNICIPAL	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 4,000,000.00	3.00%	19/05/2016	17/11/2016	182	\$ 59,835.62
MUNICIPAL	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.78%	9/08/2016	30/11/2016	113	\$ 43,032.88
MUNICIPAL	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.80%	9/08/2016	15/12/2016	128	\$ 49,095.89
MUNICIPAL	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.80%	9/08/2016	30/12/2016	143	\$ 54,849.32
MUNICIPAL	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 4,000,000.00	2.80%	9/08/2016	12/01/2017	156	\$ 47,868.49
MUNICIPAL	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.50%	5/10/2016	5/01/2017	92	\$ 12,602.74
MUNICIPAL	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.62%	9/09/2016	9/02/2017	153	\$ 21,964.93
MUNICIPAL	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 4,500,000.00	2.65%	21/10/2016	20/04/2017	181	\$ 59,134.93
			\$ 93,500,000.00					
RESERVES	AMP	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	3.05%	11/07/2016	5/01/2017	178	\$ 74,369.86
RESERVES	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	3.00%	19/05/2016	17/11/2016	182	\$ 74,794.52
RESERVES	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 4,500,000.00	3.03%	16/06/2016	12/01/2017	210	\$ 78,447.95
RESERVES	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.75%	16/08/2016	16/03/2017	212	\$ 31,945.21
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 2,500,000.00	2.96%	26/05/2016	24/11/2016	182	\$ 36,898.63
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.80%	4/08/2016	1/12/2016	119	\$ 27,386.30
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 1,000,000.00	2.97%	16/06/2016	15/12/2016	182	\$ 14,809.32
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.98%	23/06/2016	22/12/2016	182	\$ 29,718.36
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 2,500,000.00	2.95%	30/06/2016	5/01/2017	189	\$ 38,188.36
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 4,000,000.00	2.95%	7/07/2016	12/01/2017	189	\$ 61,101.37
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.86%	29/07/2016	23/02/2017	209	\$ 81,882.19
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	3.01%	9/06/2016	8/12/2016	182	\$ 75,043.84
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 7,000,000.00	3.05%	3/06/2016	8/12/2016	188	\$ 109,967.12
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.98%	30/06/2016	5/01/2017	189	\$ 46,292.05
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 8,000,000.00	3.03%	9/06/2016	5/01/2017	210	\$ 139,463.01
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 2,500,000.00	2.65%	21/10/2016	20/04/2017	181	\$ 32,852.74
			\$ 62,000,000.00					
ROD EVANS TRUST	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 316,998.76	2.66%	18/08/2016	17/11/2016	91	\$ 2,102.27
TRUST	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 1,000,000.00	2.66%	18/08/2016	17/11/2016	91	\$ 6,631.78
TRUST	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.90%	21/07/2016	19/01/2017	182	\$ 28,920.55
TRUST	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.86%	28/07/2016	23/02/2017	210	\$ 32,909.59
TRUST	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 769,147.83	2.63%	8/09/2016	8/06/2017	273	\$ 15,129.88
			\$ 6,086,146.59					
TOTAL investments			\$ 161,586,146.59					\$ 2,251,626.94

ITEM NO: 2

FINANCIAL STATEMENTS AND FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2016

RECOMMENDATION:

(APPROVAL)

That Council approves the Financial Statements and the Financial Activity Statement for the period ended 31 October 2016 as detailed in Schedule 2.

BACKGROUND:

FILE REFERENCE:	P1014149-25
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	18 November 2016
MAP / SCHEDULE:	Schedule 2 – Financial Statements and Financial Activity Statement for the period ended 31 October 2016

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	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>
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Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Community Outcome Capable and Responsive Organisation A capable, flexible and sustainable organisation with a strong and effective governance system to provide leadership as a Capital City and deliver efficient and effective community centred services.
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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 2016 with the original budget approved by Council on **28 June 2016** and budget adjustments adopted by Council on **30 August 2016**.

**FINANCIAL ACTIVITY STATEMENT FOR THE FOUR MONTHS TO
31 OCTOBER 2016**

REPORT OF VARIANCES TO BUDGET

This report compares the actual performance for the four months to 31 October 2016 compared to the adopted 2016/17 Budget and budget adjustments adopted by Council on 30 August 2016.

Operating Revenue

- Parking revenue year to date was \$24.6 million, which was \$(1,200,000) below budget. The performance of each of the four months has been below budget; however the unfavorable variance to budget has been gradually diminishing from 8.2% in July to 4.7% in October.
- The variance consisted of \$(1,402,000) for Undercover Car Parks, \$(66,000) for Open Air Car Parks, partly offset by a positive variance of \$268,000 for Kerbside Parking.
- The unfavourable variances for Undercover Car Parks were mainly due to year on year patronage lower than expected: His Majesty's \$(243,000) or 3.8% lower patronage, Alexander Library \$(177,000) or 11.8% lower patronage and Elder Street Carpark \$(174,000) or 11.4% lower patronage.
- Fines and Costs were lower than budget by \$(563,000). Of this variance 95% related to less than expected revenue generated from parking fines.
- Rubbish collection yielded \$401,000 more than expected compared to the original budget. The majority of this variance relates to rubbish charges raised for residents formerly of the City of Subiaco. With the City of Perth Act coming into effect, a report was adopted by Council on 1 November 2016 to adjust the budget 2016/17 for major income and expenditure items. This variance to budget will be reduced with the impact of the budget adjustment taking effect from November 2016.
- Recurrent Grants were below budget by \$(316,000) predominantly for Government funding grants. This is a timing variance only.

Operating Expenditure

- Employee costs ended the month on 2.2% or \$562,000 below budget mainly due to the timing of recruitment with a number of positions vacant in the approved Workforce Plan.
- Materials and Contracts were 26.4% or \$4,593,000 below budget. The variance is expected to be a timing variance only with budget spend progressing slower than originally anticipated.

FINANCIAL ACTIVITY STATEMENT FOR THE FOUR MONTHS TO 31 OCTOBER 2016

REPORT OF VARIANCES TO BUDGET

- The main areas of underspend were: Consultancy \$924,000, Infrastructure Maintenance \$770,000 (mainly for River Wall \$355,000 and footpaths \$150,000) and Property Maintenance \$451,000 (mainly for Council House \$238,000 and Concert Hall \$49,000). Various smaller variances were spread throughout the City's accounts.
- Utilities were below budget by \$190,000 predominantly due to lower than expected spend on power.
- Depreciation was \$(139,000) over budget, a variance of 1.2%.
- Loss on disposal of assets was \$(795,000) above budget. As part of the capitalisation process of new assets, relevant obsolete assets were written off. The finalisation of the year end process resulted in a loss of \$899,000 for infrastructure assets during September. This is a timing variance.
- Other Expenditure was \$212,000 below budget with the main contributor to this variance being slower than anticipated spend on Donations and Sponsorships, a timing variance only.

Investing Activities

- Capital Grants were \$(1,038,000) below budget due to slower than anticipated delivery of capital projects.
- Capital expenditure was \$11.0 million below budget. The program of project works has progressed slower than anticipated resulting in this significant variance. The actual capital expenditure does not however reflect committed expenditure on projects which have commenced. Reprioritisation of some projects and adjustments to the total value of the program will be considered as part of the budget review to commence in January 2017.

Capital expenditure for the month totalled \$2.5 million and included \$821,000 for IT servers, storage and Business Continuity, \$321,000 for various Fleet and Plant replacements and \$283,000 for various road rehabilitation projects.

Financing Activities

- Transfers to Reserves were \$815,000 below budget. Utilisation of reserve funds was lower than expected, this being a timing variance.
- Transfers from Reserves were below budget by \$(5.6 million). This is due to slower than anticipated progress on capital expenditure.

**FINANCIAL ACTIVITY STATEMENT FOR THE FOUR MONTHS TO
31 OCTOBER 2016**

REPORT OF VARIANCES TO BUDGET

Amounts sourced from Rates

- Rates revenue raised was \$3.3 million above budget. This was predominantly due to rates issued to former City of Subiaco residents and the 2016/17 impact of interim rates from the final months of the prior financial year, which were identified after completion of the 2016/17 budget. A report was presented to Council on 1 November to adjust the budget 2016/17 for major income and expenditure resulting from the City of Perth Act. This variance to budget will be reduced with the impact of the budget adjustment taking effect from November 2016.

CITY OF PERTH

FINANCIAL ACTIVITY STATEMENT - for the period ended 31 October 2016

	Budget 2016/17 \$	Budget YTD 31-Oct-16 \$	Actual YTD 31-Oct-16 \$	Variance YTD 31-Oct-16 \$
Proceeds from Operating Activities				
Operating Revenue				
<i>Nature of Income</i>				
Parking Fees	76,973,664	25,756,915	24,556,977	(1,199,939)
Fines and Costs	10,610,604	3,444,740	2,882,186	(562,554)
Investment Income and Interest	4,672,819	1,950,500	1,956,760	6,260
Community Service Fees	1,577,941	552,049	480,058	(71,991)
Rubbish Collection	8,071,814	7,867,046	8,267,831	400,785
Rentals and Hire Charges	5,251,214	1,791,853	1,687,655	(104,199)
Recurrent Grants	1,514,031	609,631	293,402	(316,229)
Contributions, Donations and Reimbursements	585,576	186,859	171,477	(15,382)
Other Income	4,681,208	2,201,998	2,168,643	(33,355)
Distribution from TPRC	1,000,000	-	-	-
	114,938,870	44,361,591	42,464,988	(1,896,603)
Less: Operating Expenditure				
<i>Nature of Expenditure</i>				
Employee Costs	77,205,326	25,894,875	25,332,924	561,950
Materials and Contracts	53,092,971	17,373,961	12,780,786	4,593,175
Utilities	3,596,588	1,181,116	990,823	190,293
Insurance Expenditure	1,197,885	398,279	353,755	44,524
Depreciation and Amortisation	33,144,020	11,048,007	11,187,224	(139,217)
Interest Expenses	1,562,208	542,320	658,356	(116,036)
Expense Provisions	998,010	328,724	304,411	24,314
Loss on Disposal of Assets	1,437,448	479,149	1,273,653	(794,504)
Other Expenditure	24,085,422	8,571,446	8,359,932	211,514
	196,319,879	65,817,877	61,241,864	4,576,013
Add back Depreciation	(33,144,020)	(11,048,007)	(11,187,224)	139,217
(Loss) / Profit on Disposals	(1,437,448)	(479,149)	(1,273,653)	794,504
	161,738,411	54,290,721	48,780,987	5,509,734
Net Surplus/(Deficit) from Operations	(46,799,540)	(9,929,130)	(6,315,999)	3,613,131
Investing Activities				
Capital Grants	5,768,315	1,922,772	884,497	(1,038,275)
Capital Expenditure	(65,961,257)	(17,574,570)	(6,561,160)	11,013,410
Proceeds from Disposal of Assets/Investments	1,280,000	326,137	313,881	(12,256)
	(58,912,942)	(15,325,661)	(5,362,782)	9,962,879
Financing Activities				
Repayment of Borrowings	(6,111,896)	(2,701,226)	(2,701,226)	-
Transfers to Reserves	(27,749,200)	(1,789,588)	(974,625)	814,963
Transfer from Reserves	34,665,203	23,414,542	17,854,895	(5,559,647)
	804,106	18,923,728	14,179,044	(4,744,684)
Add: Opening Funds	27,795,809	27,795,809	21,028,299	(6,767,510)
Net Surplus/(Deficit) before Rates	(77,112,568)	21,464,745	23,528,562	2,063,817
Amount Sourced from Rates	84,143,608	84,584,855	87,860,858	3,276,004
Closing Funds	7,031,041	106,049,600	111,389,421	5,339,821

Net Cash on Hand				
Cash On Hand	5,928,176	3,306,417	3,825,717	519,300
Money Market Investments	102,924,170	166,376,168	164,909,170	(1,466,998)
Funds on Hand	108,852,346	169,682,585	168,734,887	(947,698)
Analysis of Funds on Hand				
Reserves	79,211,467	69,500,609	68,622,480	(878,129)
Provisions	12,379,102	12,321,417	10,747,007	(1,574,410)
General Funds	17,261,777	87,860,559	89,365,400	1,504,841
Funds on Hand	108,852,346	169,682,585	168,734,887	(947,698)

CITY OF PERTH

CURRENT POSITION AS AT THE END OF THE PERIOD 31 OCTOBER 2016

	2016/17 Budget \$	2016/17 Budget YTD \$	2016/17 Actual YTD \$	2016/17 Variance \$
Current Assets				
Cash and Cash Equivalents	5,928,176	3,306,417	3,825,717	519,300
Deposits and Prepayments	446,730	12,898,966	14,596,506	1,697,540
Money Market Investments - Municipal Funds	23,712,703	96,875,558	96,286,690	(588,869)
Money Market Investments - Restricted Funds	79,211,467	69,500,609	68,622,480	(878,129)
Trade and Other Receivables	4,020,574	27,865,603	28,451,021	585,418
Inventories	972,964	1,010,635	958,591	(52,044)
Total Current Assets	114,292,614	211,457,789	212,741,005	1,283,216
Current Liabilities				
Trade and Other Payables	26,646,668	35,536,082	32,115,112	(3,420,970)
Employee Entitlements	12,379,102	11,949,919	10,747,007	(1,202,912)
Provisions	400,750	371,498	613,992	242,494
Borrowings	7,083,366	6,313,733	6,313,733	0
Total Current Liabilities	46,509,886	54,171,232	49,789,844	(4,381,388)
Working Capital Position Brought Forward	67,782,728	157,286,557	162,951,161	5,664,604
Deduct Restricted Cash Holdings	(79,211,467)	(69,500,609)	(68,622,480)	878,129
Deduct Restricted Cash - Non-current leave	11,376,413	11,949,919	10,747,007	(1,202,912)
Add Current Borrowings	7,083,366	6,313,733	6,313,733	0
Current Funds Position Brought Forward	7,031,041	106,049,600	111,389,421	5,339,821

EXPLANATORY NOTES – FINANCIAL ACTIVITY STATEMENT

BACKGROUND

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

PURPOSE

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

PRESENTATION

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

FORMAT

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



CITY of PERTH

CITY of PERTH

Financial Statements

For the 4 months ended 31 October 2016

**CITY OF PERTH
MUNICIPAL**

Statement of Comprehensive Income for the 4 months ended 31 October 2016

(By Program)

	<i>Note</i>	Budget 2016/2017	Revised Budget YTD	Actual YTD 31/10/2016	YTD Variance	
		\$	\$	\$	\$	%
OPERATING REVENUE						
General Purpose Funding Rates		86,075,041	85,477,207	88,657,040	3,179,833	3.7%
General Purpose Funding Other		5,038,022	1,998,751	1,723,329	(275,422)	-13.8%
Law, Order, Public Safety		23,178	7,434	15,809	8,375	112.7%
Health		780,345	662,995	759,390	96,395	14.5%
Education and Welfare		2,105,728	760,190	673,970	(86,220)	-11.3%
Housing		781,872	260,624	180,783	(79,841)	-30.6%
Community Amenities		10,789,799	8,748,660	9,132,606	383,946	4.4%
Recreation and Culture		1,732,910	423,354	408,729	(14,625)	-3.5%
Transport		90,120,021	30,048,175	28,216,746	(1,831,429)	-6.1%
Economic Services		831,710	291,075	323,756	32,681	11.2%
Other Property and Services		803,852	267,981	233,691	(34,290)	-12.8%
Total Operating Income		199,082,478	128,946,446	130,325,849	1,379,403	1.1%
OPERATING EXPENDITURE						
Governance		10,394,320	3,828,322	3,892,607	(64,285)	-1.7%
General Purpose Funding		6,128,645	2,123,741	1,338,462	785,279	37.0%
Law, Order, Public Safety		3,758,622	1,221,033	1,167,257	53,776	4.4%
Health		4,603,806	1,550,159	970,003	580,156	37.4%
Education and Welfare		3,688,491	1,222,484	1,184,035	38,449	3.1%
Housing		554,156	184,574	170,556	14,018	7.6%
Community Amenities		30,384,835	10,329,559	9,864,181	465,378	4.5%
Recreation and Culture		35,350,738	11,284,936	10,204,848	1,080,088	9.6%
Transport		85,682,324	28,632,991	25,510,511	3,122,480	10.9%
Economic Services		10,316,035	3,355,776	3,272,133	83,643	2.5%
Other Property and Services		5,020,459	1,688,486	2,327,500	(639,014)	-37.8%
Total Operating Expenditure		195,882,431	65,422,061	59,902,093	5,519,968	8.4%
NET FROM OPERATIONS		3,200,047	63,524,385	70,423,756	6,899,371	10.9%
GRANTS/CONTRIBUTIONS						
For the Development of Assets						
- Law, Order, Public Safety		240,150	80,050	-	(80,050)	-100.0%
- Recreation and Culture		2,693,400	897,800	96,780	(801,020)	-89.2%
- Transport		2,834,765	944,922	758,586	(186,336)	-19.7%
Total Grants/Contributions		5,768,315	1,922,772	884,497	(1,038,275)	-54.0%
DISPOSAL/WRITE OFF OF ASSETS						
Gain/(Loss) on Disposal of Assets	2	(1,437,448)	(359,361)	(1,273,654)	(914,293)	254.4%
Change in net assets resulting from operations before significant items		7,530,914	65,087,796	70,034,599	4,946,803	7.6%
SIGNIFICANT ITEMS						
Distribution from TPRC		1,000,000	-	-	-	0.0%
Change in net assets resulting from operations after significant items		8,530,914	65,087,796	70,034,599	4,946,803	7.6%

**CITY OF PERTH
MUNICIPAL**

Statement of Comprehensive Income for the 4 months ended 31 October 2016

(By Nature)

	<i>Note</i>	Budget 2016/2017	Revised Budget YTD	Actual YTD 31/10/2016	YTD Variance	
		\$	\$	\$	\$	%
OPERATING REVENUE						
Rates		85,143,608	84,584,855	87,860,858	3,276,003	3.9%
Grants and Contributions for Non Capital Purposes		1,514,031	609,631	293,402	(316,229)	-51.9%
Donations and Reimbursements		585,576	186,859	171,477	(15,382)	-8.2%
Fees and Charges		105,213,130	41,096,478	39,555,722	(1,540,756)	-3.7%
Interest and Investment Income		4,672,819	1,950,500	1,956,760	6,260	0.3%
Other Revenue		1,953,314	518,122	487,630	(30,492)	-5.9%
Total Revenue from Operating Activities		199,082,478	128,946,446	130,325,849	1,379,403	1.1%
OPERATING EXPENDITURE						
Employee Costs		77,205,335	25,894,875	25,332,924	561,951	2.2%
Materials and Contracts		53,092,963	17,373,961	12,782,798	4,591,163	26.4%
Utilities		3,596,588	1,181,116	990,823	190,293	16.1%
Depreciation and Amortisation		33,144,020	11,048,007	11,187,222	(139,215)	-1.3%
Interest		1,562,208	542,320	658,356	(116,036)	-21.4%
Insurance		1,197,885	398,279	353,755	44,524	11.2%
Expenses Provision		998,010	328,724	304,410	24,314	7.4%
Other Expenses from Ordinary Activities		25,085,422	8,654,779	8,291,808	362,971	4.2%
Total Expenses from Ordinary Activities		195,882,431	65,422,061	59,902,093	5,519,968	8.4%
Change in Net Assets from Ordinary Activities before Capital Amounts		3,200,047	63,524,385	70,423,756	6,899,371	10.9%
GRANTS/CONTRIBUTIONS						
Grants and Contributions- Capital		5,768,315	1,922,772	884,497	(1,038,275)	-54.0%
NET OPERATING SURPLUS		8,968,362	65,447,157	71,308,253	5,861,097	9.0%
DISPOSAL/WRITE OFF OF ASSETS	2	(1,437,448)	(359,361)	(1,273,654)	(914,293)	254.4%
SIGNIFICANT ITEMS						
Distribution from TPRC		1,000,000	-	-	-	0.0%
<i>Change in net assets resulting from operations after capital amounts and significant items</i>		8,530,914	65,087,796	70,034,599	4,946,803	7.6%

**CITY OF PERTH
MUNICIPAL**

Statement of Financial Position as at 31 October 2016

	Note	31/10/2016	30/06/2016
CURRENT ASSETS		\$	\$
Cash and Cash Equivalents	11	3,825,717	10,063,697
Deposits/Prepayments	4	14,596,506	1,246,983
Investments	3, 11	164,909,170	100,249,402
Trade and Other Receivables	5	13,793,932	10,022,460
Rates Receivable	1	14,657,089	190,815
Inventories		958,591	1,016,223
TOTAL CURRENT ASSETS		212,741,005	122,789,580
NON CURRENT ASSETS			
Investments	3	7,305,786	7,162,072
Trade and Other Receivables	5	50,690	32,434
Property, Plant and Equipment	8	688,672,801	694,573,987
Infrastructure	8	482,043,953	485,179,495
Capital Work in Progress	8	34,598,558	32,151,366
TOTAL NON CURRENT ASSETS		1,212,671,788	1,219,099,354
TOTAL ASSETS		1,425,412,793	1,341,888,934
CURRENT LIABILITIES			
Trade and Other Payables	6	32,115,112	15,973,970
Employee Benefits	7	10,747,007	11,051,588
Provisions	7	613,992	390,015
Loan Liability	9	6,313,733	6,772,073
TOTAL CURRENT LIABILITIES		49,789,844	34,187,646
NON CURRENT LIABILITIES			
Employee Benefits	7	1,762,097	1,762,097
Provisions	7	4,389,427	4,259,487
Loan Liability	9	27,312,043	29,554,929
TOTAL NON CURRENT LIABILITIES		33,463,567	35,576,513
TOTAL LIABILITIES		83,253,411	69,764,159
NET ASSETS		\$1,342,159,382	\$1,272,124,775
EQUITY			
Accumulated Surplus		710,766,309	623,860,830
Asset Revaluation Reserve	10	560,035,698	560,035,698
Reserves	10	71,357,375	88,228,247
TOTAL EQUITY		\$1,342,159,382	\$1,272,124,775

**CITY OF PERTH
MUNICIPAL**

Statement of Changes in Equity for the 4 months ended 31 October 2016

	Accumulated Surplus	Asset Revaluation Reserve	Cash Backed Reserves	Total Equity
	\$	\$	\$	\$
Balance at 1 July 2015	612,108,629	560,795,095	87,574,492	1,260,478,216
Change in net assets resulting from operations	11,646,560	-	-	11,646,560
Transfer to Cash Backed Reserves	(24,631,265)	-	24,631,265	-
Transfers to Asset Revaluation Reserve	(3,047,888)	3,047,888	-	-
Transfers from Asset Revaluation Reserve	3,807,285	(3,807,285)	-	-
Transfer from Cash Backed Reserves	23,977,510	-	(23,977,510)	-
Balance at 30 June 2016	\$623,860,830	\$560,035,698	\$88,228,247	\$1,272,124,776
Balance at 1 July 2016	\$	\$	\$	\$
Change in net assets resulting from operations	623,860,830	560,035,698	88,228,247	1,272,124,775
Transfer to Cash Backed Reserves	70,034,599	-	-	70,034,599
Transfers to Asset Revaluation Reserve	(974,625)	-	974,625	-
Transfers from Asset Revaluation Reserve	-	-	-	-
Transfer from Cash Backed Reserves	17,845,507	-	(17,845,507)	-
Balance at the end of the reporting period	\$710,766,309	\$560,035,698	\$71,357,365	\$1,342,159,374

**CITY OF PERTH
MUNICIPAL**

Statement of Cash Flows for the 4 months ended 31 October 2016

	Note	Budget 2016/2017	YTD Actual 31/10/2016	YTD Variation	
		\$	\$	\$	%
Cash Flows from Operating Activities					
Receipts					
Rates		85,150,558	68,782,236	(16,368,322)	-19.2%
Fees and Charges		110,473,787	40,930,452	(69,543,335)	-63.0%
Interest		4,672,819	1,336,417	(3,336,402)	-71.4%
Other		2,000,854	560,816	(1,440,038)	-72.0%
		202,298,018	111,609,921	(90,688,097)	-44.8%
Payments					
Employee Costs		(76,246,522)	(24,376,839)	51,869,683	68.0%
Materials and Contracts		(45,634,268)	(11,327,557)	34,306,711	75.2%
Interest		(1,546,536)	(662,385)	884,151	57.2%
Other		(31,117,629)	(9,789,524)	21,328,105	68.5%
		(154,544,955)	(46,156,305)	108,388,650	70.1%
Net Cash Flows from Operating Activities	12	47,753,063	65,453,616	17,700,554	-37.1%
Cash Flows from Investing Activities					
Receipts					
Distribution from TPRC		1,000,000	-	(1,000,000)	-100.0%
Proceeds from Disposal of Assets		1,280,000	457,595	(822,405)	-64.3%
Proceeds from Disposal of Investments(Non Current)		-	(143,714)	(143,714)	0.0%
Payments					
Purchase Land and Buildings		(14,005,532)	-	14,005,532	-100.0%
Purchase Infrastructure Assets		(29,412,097)	(92,967)	29,319,130	-99.7%
Purchase Plant and Mobile Equipment		(17,160,028)	(684,525)	16,475,503	96.0%
Purchase Office Furniture and Equipment		(2,153,478)	-	2,153,478	-100.0%
Work in Progress		-	(5,143,188)	(5,143,188)	0.0%
		(62,731,135)	(5,920,680)	56,810,455	90.6%
Net Cash Flows from Investing Activities		(60,451,135)	(5,606,799)	54,844,336	90.7%
Cash Flows from Financing Activities					
Repayment of Borrowings		(6,111,896)	(2,701,226)	3,410,670	55.8%
		(6,111,896)	(2,701,226)	3,410,670	55.8%
Cash Flows from Government and Other Parties					
Receipts from Appropriations/Grants					
Recurrent		4,414,618	391,693	(4,022,925)	-91.1%
Capital		5,768,315	884,497	(4,883,818)	-84.7%
		10,182,933	1,276,190	(8,906,743)	-87.5%
Net Increase (Decrease) in Cash Held		(8,627,035)	58,421,781	67,048,817	-777.2%
Cash at 1 July 2016		117,479,382	110,313,099	(7,166,283)	-6.1%
Cash at 31 October 2016	11	108,852,347	168,734,887	59,882,540	55.0%

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Notes to the Balance Sheet for the 4 months ended 31 October 2016

1 Rates Receivable

	Actual YTD 31/10/2016	2015/16 YTD 31/10/2015
Outstanding Amount at 30 June 2016	\$ 190,816	\$ 64,096
Rates Levied for the Year	87,774,659	81,453,869
Late Payment Penalties	96,890	80,712
Ex Gratia Rates	17,741	17,464
Rates Administration Fee	305,984	272,043
Rates Instalment Interest	367,824	341,532
Back Rates	68,458	21,690
Bins Levy	232,149	218,664
	89,054,521	82,470,070
Amount Received during the Period	74,397,432	69,096,064
Outstanding Amount at 31 October 2016	\$14,657,089	\$13,374,006

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

	Annual Budget	Actual YTD 31/10/2016
Land and Buildings	\$ -	\$ -
Proceeds on Disposal	-	-
Less: Carrying amount of assets sold/written off	-	-
(Loss) on Disposal/Write Off	-	-
Infrastructure	-	-
Proceeds on Disposal	-	-
Less: Carrying amount of assets written off	1,640,250	1,306,469
(Loss) on Write Off	(1,640,250)	(1,306,469)
Plant and Mobile Equipment	-	-
Proceeds on Disposal	1,280,000	457,595
Less: Carrying amount of assets sold/written off	1,077,198	424,780
Profit on Disposal/Write Off	202,802	32,815
Furniture and Equipment	-	-
Proceeds on Disposal	-	-
Less: Carrying amount of assets sold /written off	-	-
(Loss) on Disposal/Write Off	-	-
Gain/(Loss) on Disposal/Write off of Assets	(\$1,437,448)	(\$1,273,654)

3 Investments

Current	31/10/2016	30/06/2016
Short Term Cash Investments *	\$ -	\$ -
Call Funds	5,151,536	12,111,382
Bank/Term Deposits	155,500,000	84,000,000
Managed Funds	4,257,634	4,138,020
Total Current Investments	\$164,909,170	\$100,249,402

* Short Term Cash Investments as stated in Note 11.

Non Current Investments	31/10/2016	30/06/2016
Mortgage Backed Securities (MBS)	\$ 2,734,885	\$ 2,743,759
	2,734,885	2,743,759
Equity in Local Government House	10,000	10,000
Equity in Mindarie Regional Council	420,412	420,412
Equity in Tamala Park Regional Council	4,140,489	3,987,901
	\$7,305,786	\$7,162,072

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Notes to the Balance Sheet for the 4 months ended 31 October 2016

4 Deposits/Prepayments

	31/10/2016	30/06/2016
	\$	\$
Prepaid Insurance	1,631,711	-
Prepaid Parking Bay Licence Fees	11,482,621	-
Other	1,482,174	1,246,983
	\$14,596,506	\$1,246,983

5 Trade And Other Receivables

	31/10/2016	30/06/2016
Current	\$	\$
Emergency Services Levy (ESL)	4,846,467	36,912
Accrued Interest and Investment Income	1,157,012	536,669
Accrued Income	1,254,360	1,445,677
Modified Penalties/Fines and Costs	7,727,598	7,468,902
Debtors - General		
Australian Taxation Office - GST Refundable	59,347	177,492
Works and Services	40,544	35,731
Other Debtors	2,200,617	3,744,857
	17,285,945	13,446,240
Less: Provision for Doubtful Debts	(3,492,013)	(3,423,780)
	\$13,793,932	\$10,022,460
Non Current		
Pensioners' Rates Deferred	50,690	32,434
	\$50,690	\$32,434

6 Trade And Other Payables

	31/10/2016	30/06/2016
Current	\$	\$
Trade Creditors	5,265,853	10,591,073
Emergency Services Levy	18,547,907	-
Interest Payable on Loans	195,819	199,848
Accrued Expenses - Operating	4,750,284	2,293,106
Accrued Expenses - Capital	440,420	10,837
Advances Received for Recoverable Works	57,837	40,635
Income Received / Raised in Advance	741,613	1,008,030
Other Creditors	2,115,379	1,830,441
	\$32,115,112	\$15,973,970

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Notes to the Balance Sheet for the 4 months ended 31 October 2016

7 Employee Benefits

	31/10/2016	30/06/2016
Current	\$	\$
Leave Entitlements		
Annual Leave	4,313,627	4,454,492
Self Funded Leave	210,214	238,785
Long Service Leave	6,090,756	6,222,059
Recognition of Employees- Presentations	132,410	136,252
	\$10,747,007	\$11,051,588
Non Current		
Annual Leave	629,989	629,989
Long Service Leave	1,132,108	1,132,108
	\$1,762,097	\$1,762,097

Provisions

	31/10/2016	30/06/2016
Current	\$	\$
Workers Compensation	613,992	390,015
	\$613,992	\$390,015
Non Current		
Provision for Equipment Replacement PCEC	4,389,427	4,259,487
	\$4,389,427	\$4,259,487

8 Property, Plant and Equipment and Work in Progress

	31/10/2016	30/06/2016
	\$	\$
Land and Air Rights - at cost/fair value	380,133,677	380,133,678
Less: Accumulated Depreciation	(3,325,446)	(3,135,072)
	376,808,231	376,998,606
Buildings - at fair value	378,864,742	378,864,743
Less: Accumulated Depreciation	(156,730,296)	(154,004,183)
	222,134,446	224,860,560
Improvements - at fair value	52,659,660	52,659,661
Less: Accumulated Depreciation	(6,297,609)	(5,565,355)
	46,362,051	47,094,306
Infrastructure Assets - at cost/fair value	755,654,160	755,794,940
Less: Accumulated Depreciation	(273,610,207)	(270,615,444)
	482,043,953	485,179,496
Plant and Mobile Equipment - at cost/fair value	47,194,666	47,541,666
Less: Accumulated Depreciation	(30,353,962)	(29,432,643)
	16,840,704	18,109,023
Office Furniture and Equipment - at cost/fair value	41,913,964	41,871,404
Less: Accumulated Depreciation	(16,181,866)	(15,155,180)
	25,732,098	26,716,224
Agricultural - at cost	795,271	795,271
Less: Accumulated Depreciation	-	-
	795,271	795,271
Property, Plant and Equipment	1,170,716,754	1,179,753,486
Work in Progress - at cost	34,598,558	32,151,366
	34,598,558	32,151,366
Total Property, Plant and Equipment and Work in Progress	\$1,205,315,312	\$1,211,904,848

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Notes to the Balance Sheet for the 4 months ended 31 October 2016

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

	Balance 30/06/2016	Acquisitions Actual YTD 31/10/2016	Transfers Actual YTD 31/10/2016	Disposals/ Write off/ Actual YTD 31/10/2016	Revaluation Actual YTD 31/10/2016	Balance 31/10/2016
	\$	\$	\$	\$		\$
Land and Air Rights	380,133,678	-	-	-	-	380,133,678
Buildings	378,864,743	-	-	-	-	378,864,743
Improvements	52,659,661	-	-	-	-	52,659,661
Infrastructure Assets	755,794,940	92,967	3,061,691	(3,295,437)	-	755,654,161
Plant and Mobile Equipment	47,541,666	684,525	-	(1,031,525)	-	47,194,666
Office Furniture and Equipment	41,871,404	-	42,560	-	-	41,913,964
Agricultural	795,271	-	-	-	-	795,271
Work in Progress	32,151,366	5,572,771	(3,125,579)	-	-	34,598,558
	\$1,689,812,729	\$6,350,263	(21,328)	(4,326,962)	-	\$1,691,814,702

9 Loan Liability

	31/10/2016	30/06/2016
Current	\$	\$
Loans - Western Australian Treasury Corporation	6,313,733	6,772,973
Non Current		
Loans - Western Australian Treasury Corporation	27,312,043	29,554,929

10 Reserve Funds

Purpose of Reserve Fund	Balance 30/06/2016	Transfer from Accumulated Surplus	Transfer to Accumulated Surplus	Balance 31/10/2016
	\$	\$	\$	\$
Refuse Disposal and Treatment	2,935,851	37,847	-	2,973,698
Concert Hall - Refurbishment and Maint.	4,835,978	60,728	-	4,896,706
Asset Enhancement	26,232,133	328,572	(243,150)	26,317,555
Street Furniture Replacement	371,375	7,096	4,694	383,165
Parking Levy	18,160,738	11,176	(17,278,906)	893,008
Art Acquisition	374,845	4,634	-	379,479
Heritage Incentive	618,109	7,692	-	625,801
Parking Facilities Development	23,671,273	296,509	(328,145)	23,639,637
Employee Entitlements	1,762,097	23,131	-	1,785,228
David Jones Bridge	292,381	3,629	-	296,010
Bonus Plot Ratio	613,783	7,707	-	621,490
PCEC Fixed Plant Replacement	4,244,225	134,224	-	4,378,449
Enterprise and Initiative	3,915,439	49,168	-	3,964,607
Public Art	200,017	2,512	-	202,529
	88,228,244	974,625	(17,845,507)	71,357,362
* Asset Revaluation	560,035,698	-	-	560,035,698
	\$648,263,942	\$974,625	(\$17,845,507)	\$631,393,060

* 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 2016

11 Cash Reconciliation

	31/10/2016	30/06/2016
	\$	\$
Cash and Cash Equivalents	3,825,717	10,063,697
Short Term Cash Investments	164,909,170	100,249,402
	\$168,734,887	\$110,313,099

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

	31/10/2016	30/06/2016
	\$	\$
Change in Net Assets Resulting from Operations	70,034,599	13,793,738
Adjustment for items not involving the movement of Funds:		
Depreciation	11,187,222	31,545,687
Doubtful Debts	68,233	369,586
Non Capitalised Work in Progress	21,328	(4,620,525)
(Gain)/Loss on Disposal/Write off/Contribution of Assets	1,273,654	1,569,290
	82,585,036	42,657,776
Revenues Provided By :		
Government Grants	(1,276,190)	(6,812,016)
Contribution from Other Parties	-	(49,890)
	(1,276,190)	(6,861,906)
Change in Operating Assets and Liabilities		
Add Back		
Decrease in Inventories	57,632	377,978
Decrease in Deposits and Prepayments	-	92,261
Decrease in Accrued Interest and Dividend Income	-	63,628
Decrease in Deferred Debtors	-	7,133
Decrease in Accrued Income	191,317	-
Increase in Income Received /Raised in Advance	-	99,641
Increase in Accrued Expenses	2,457,178	-
Increase in Provisions	49,336	-
Increase in Trade and Other Payables	13,507,625	-
Deduct		
Decrease in Trade and Other Payables	-	(2,565,858)
Decrease in Income Received /Raised in Advance	(249,215)	-
Decrease in Accrued Interest Payable	(4,029)	(41,167)
Increases in Deferred Debtors	(18,256)	-
Decrease in Provisions	-	(407,068)
Decrease in Accrued Expenses	-	(324,459)
Increase in Trade and Other Receivables	(17,876,953)	(2,033,367)
Increase in Prepayments	(13,349,523)	-
Increase in Accrued Income	-	(193,777)
Increase in Accrued Interest and Investment Income	(620,343)	-
	(15,855,231)	(4,925,055)
Net Cash Provided by Operating Activities	\$65,453,618	\$30,870,815

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Notes to the Balance Sheet for the 4 months ended 31 October 2016

13 Ratios

	31/10/2016	30/06/2016
1 Current Ratio		
<u>Current Assets</u> minus <u>Restricted Assets</u>		
<u>Current Liabilities</u> minus <u>Liabilities</u> associated with <u>Restricted Assets</u>	2.89	1.09
2 Debt Ratio		
<u>Total Liabilities</u>		
<u>Total Assets</u>	5.84%	5.20%
3 Debt Service Ratio		
<u>Debt Service Cost</u>		
<u>Available Operating Revenue</u>	2.58%	4.44%
4 Rate Coverage Ratio		
<u>Net Rate Revenue</u>		
<u>Operating Revenue</u>	68.03%	43.96%
5 Outstanding Rates Ratio		
<u>Rates Outstanding</u>		
<u>Rates Collectable</u>	16.46%	0.23%
6 Untied Cash to Unpaid Creditors Ratio		
<u>Untied Cash</u>		
<u>Unpaid Trade Creditors</u>	19.01	2.34
7 Gross Debt to Revenue Ratio		
<u>Gross Debt</u>		
<u>Total Revenue</u>	25.80%	18.99%
8 Gross Debt to Economically Realisable Assets Ratio		
<u>Gross Debt</u>		
<u>Economically Realisable Assets</u>	3.56%	4.24%

Restricted Assets includes reserve funds and tied contributions not utilised at 31.10.2016

ITEM NO: 3

PAYMENTS FROM MUNICIPAL AND TRUST FUNDS – OCTOBER 2016

RECOMMENDATION:

(APPROVAL)

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 October 2016, be received and recorded in the Minutes of Council, the summary of which is as follows:

FUND	PAID
Municipal Fund	\$ 15,675,014.39
Trust Fund	\$ 33,655.54
TOTAL:	\$ 15,708,669.93

BACKGROUND:

FILE REFERENCE:	P1032265-61
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	7 November 2016
MAP / SCHEDULE:	TRIM ref. 202056/16 (Summary available on the Elected Members Portal)

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i>
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Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Community Outcome Capable and Responsive Organisation A capable, flexible and sustainable organisation with a strong and effective governance system to provide leadership as a Capital City and deliver efficient and effective community centred services.
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COMMENTS:

Payments for the month of October 2016 included the following significant items:

- \$1,230,458.15 to LGIS Workcare, LGIS Liability and LGIS Property for the second instalment of the City's insurance renewals for 2016/17;
- \$711,834.69 to the Western Australian Treasury Corporation for the loan payment for the City of Perth Library and Public Plaza Project; and
- \$494,650.30 to the Department of Fire and Emergency Services for the adjustment of the emergency services levy first quarter contribution for 2016/17.

ITEM NO: 4

REVIEW COMPLETED – CITY OF PERTH THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007 – REPEAL AND REPLACE

RECOMMENDATION:

(APPROVAL)

That Council:

- 1. in accordance with Section 3.16(4) of the Local Government Act 1995, receives this report to complete the review of the City of Perth Thoroughfares and Public Places Local Law 2007 and determines, BY AN ABSOLUTE MAJORITY, to repeal the local law, as detailed in Schedule 3;***
- 2. approves in accordance with Section 3.12(3) of the Local Government Act 1995, the giving of State-wide public notice of the intention to make the City of Perth Thoroughfares and Public Places Local Law 2016, as detailed in Schedule 5, with the purpose and effect being:***

2.1 Purpose:

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;

2.2 Effect:

The effect of this local law is to establish requirements with which any persons using, or on, thoroughfares and public places throughout the district must comply.

BACKGROUND:

FILE REFERENCE: P1015922-2
RESPONSIBLE UNIT: Governance
RESPONSIBLE DIRECTORATE: Corporate Services
DATE: 3 October 2016
MAP / SCHEDULE: Schedule 3 – *City of Perth Thoroughfares and Public Places 2007* (Current Local Law)
Schedule 4 – Comparison of changes
Schedule 5 – Proposed City of Perth Thoroughfares and Public Places Local Law 2016

The current *City of Perth Thoroughfares and Public Places Local Law 2007* was approved by Council at its meeting held on **30 January 2007**, gazetted on 2 March 2007 and effective as of 16 March 2007.

Amendments were made to the local law as follows:

Title	Approval	Notes
<i>City of Perth Thoroughfares and Public Places Amendment Local Law 2013</i>	27 August 2013 (approved by Council) 3 September 2013 (gazetted in WA Government Gazette)	The 2013 amendment local law specifically introduced a new clause to prohibit smoking in mall reserves in the City of Perth.
<i>City of Perth Thoroughfares and Public Places Amendment Local Law 2015</i>	15 December 2015 (approved by Council) 8 January 2016 (gazetted in WA Government Gazette)	The 2015 amendment local law was necessary in order to repeal the <i>City of Perth Signs Local Law 2005</i> and to include new enforceable signage clauses in the <i>City of Perth Thoroughfares and Public Places Local Law</i> . (Advice from the Department of Local Government and Communities (DLGC) and Parliament's Joint Standing Committee on Delegated Legislation (JSCDL) indicated that local governments only have the power to regulate signs on thoroughfares or public places).

The amendment local laws as indicated above, together with the originally made local law (*City of Perth Thoroughfares and Public Places Local Law 2007*), constitute the Principal Local Law.

As part of the City of Perth's continuous review and improvement of local laws, there have been a number of factors identified within the Principal Local Law affecting its application and interpretation in the contemporary environment. This includes the recent introduction of the *City of Perth Act 2016* and the changes to the boundaries of the City of Perth and the City of Subiaco impacting on the enforcement of the City of Perth's local laws.

The local law review process is initiated by State-wide public notice calling for submissions. On finalisation of the public submission period, Council is to consider submissions received and to finalise the review by determining if the local law is required to be amended or repealed. In the case where Council determines a local law is to be repealed, then in accordance with Section 3.12 of the *Local Government Act 1995*, a new local law can be established.

Advice received from the Department of Local Government and Communities (DLGC) has indicated that as the Principal Local Law is currently split into three different pieces of legislation, Council should, upon its next review of the local law, consider repealing the Principal Local Law and replacing it with a new version.

Section 3.12 of the *Local Government Act 1995* details the procedure for making new local laws as follows:

- Council is to approve the giving of State-wide public notice of the intention to make a local law or to review an existing local law. The public notice is to include the purpose and effect of the local law, inspection details and advice regarding the six week public submission period;
- As soon as the public notice is given, the City of Perth is to provide a copy of the proposed local law to the Minister of Local Government and Communities, and any other relevant Ministers to which the local law relates and to any person requesting a copy;
- After the last day for submissions, Council is required to consider any submissions received and may resolve by an absolute majority decision to make the local law, or to make a local law that is not significantly different from the proposed local law as advertised;
- If adopted, the City will subsequently be required to undertake the following to finalise this process:
 - Publish the local law in the *Government Gazette*;
 - Provide a copy of the relevant document to the Joint Standing Committee on Delegated Legislation 10 days after its publication in the *Government Gazette*;
 - Provide a copy of the Gazettal to the Minister for Local Government and Communities and any other relevant Minister; and
 - 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.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Sections 3.12 and 3.16 of the <i>Local Government Act 1995</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Community Outcome Capable and Responsive Organisation A capable, flexible and sustainable organisation with a strong effective governance system to provide leadership as a Capital City and deliver efficient and effective community centred services.

DETAILS:

An internal statutory review of the Principal Local Law (refer to Schedule 3) has been conducted by the City of Perth. A number of changes have been identified that will improve the clarity and effectiveness of the legislation and are detailed in the attached Schedule 4:

- The interchangeable use of the terms “Council”, “City or “local government” have been addressed within the proposed local law. It is proposed to use the term “local government” to provide clarity. This point has also been subject to advice received from the DLGC and Joint Standing Committee on Delegated Legislation (JSCDL), and the City of Perth will consistently use the term “local government” in future reviews of all its local laws;
- Amendments to a number of definitions have been proposed to ensure that they align with standard definitions in other State legislation;
- Five penalties have been increased by 100% in order to provide for a more sufficient deterrent in the event of offences occurring. 12 new penalties have been proposed for new clauses;
- Drafting changes, such as the correct numbering of clauses and minor wording amendments, have been used in the new local law to align it with current drafting standards adopted by the Office of Parliamentary Counsel; and
- New clauses have been drafted to regulate the potential obstructions caused by waste receptacles left in thoroughfares for an extended period of time, and also, to deter the entry of persons into closed or locked thoroughfares.

Modified Penalties

The majority of Modified Penalties detailed in the First Schedule of the Principal Local Law have been carried over into the proposed penalties for offences within the proposed City of Perth Thoroughfares and Public Places Local Law 2016. There are also proposed new penalties that align with new clauses and five penalties have been proposed for increases to ensure appropriate deterrents.

New penalties are proposed in relation to:

- New clauses 2.1(5) to 2.1(8) regarding general prohibitions in relation to road reserves (penalty amount of \$125);
- New clause 2.1(16) regarding the unattended bags or baggage in any mall reserve, thoroughfare or public place (penalty of \$125);
- New clause 2.2(1)(o) to 2.2(1)(q) regarding unauthorised activities on a thoroughfare or public place (penalty of \$125); and
- Waste receptacles that cause obstruction in thoroughfares (penalty of \$100).

In order to act as sufficient deterrents, increased penalties (100%) are proposed for activities in relation to unauthorised digging, unauthorised items being placed on verges, and unauthorised activities that cause obstruction to persons or vehicles.

The comparison between the Modified Penalties of the existing Principal Local Law and the proposed new local law is detailed in Schedule 4.

Risk Management Implications

It is noted that should the City of Perth not follow the local law creation process as detailed in the *Local Government Act 1995*, the local law may be disallowed by the JSCDL. The local law must also be cognisant of previous findings of the JSCDL, specifically with regard to provisions that the JSCDL has stated are outside the local law making power of local governments

FINANCIAL IMPLICATIONS:

Costs of approximately \$2,000 will be incurred for the Public Notice and gazettal of the Local Law. These costs will be met through existing operating budgets.

All amounts quoted in this report are exclusive of GST.

COMMENTS:

In accordance with Section 3.12(3) of the *Local Government Act 1995*, it is recommended that Council resolves to repeal the *City of Perth Thoroughfares and Public Places Local Law 2007* and in accordance with Section 3.12(3) of the *Local Government Act 1995*, give state-wide public notice of its intention to make the proposed City of Perth Thoroughfares and Public Places Law 2016 as detailed in Schedule 5.

SCHEDULE 3

Consolidated Extract from the Government Gazette No 39, 2 March 2007
Includes Amendments from Government Gazette No. 36, 29 February 2008
Includes Amendments from Government Gazette No. 4154, 3 September 2013
Includes Amendments from Government Gazette No. 22, 8 January 2016

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.

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 (1) 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.

- (2) 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.

(Clause 1.4 amended in Government Gazette No. 22, 8 January 2016)

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;

(Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)

“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*;

(Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)

“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;

“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;

(Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)

“footpath” has the meaning given to it in the *Road Traffic Code 2000*;

“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;

(Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)

“intersection” has the meaning given to it in the *Road Traffic Code 2000*;

(Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)

“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;

(Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)

“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*;
(Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)

“owner” or **“occupier”** in relation to land does not include the City;

“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 sign” means a portable free standing advertising sign;
(Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)

“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;
(Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)

“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;
(Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)

“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;
 - (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

(Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)

“**wheeled toy**” means a child’s pedal car, a tricycle, a scooter or a similar toy, but only if it is being used by a child under 12 years of age.

PART 2 - ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES

General prohibitions

2.1 A person shall not –

- (a) plant any plant other than lawn on a thoroughfare within 6 metres of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless –
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the City; or
 - (ii) the person is acting under the authority of a written law;
- (c) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2 metres of a carriageway;
- (d) damage a street tree or remove a street tree or part of a street tree irrespective of whether the street tree was planted by the owner or occupier of the lot abutting the thoroughfare or by the City, unless –
 - (i) the removal of the street tree is authorised by the City in writing; or
 - (ii) the person is acting under authority of written law;
- (e) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (f) 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;
(Clause 2.1 amended in Government Gazette No. 22, 8 January 2016)
- (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;

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- (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;

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- (i) within a mall, an arcade or verandah of a shopping centre, ride any bicycle or wheeled recreational device;

(Clause 2.1 amended in Government Gazette No. 22, 8 January 2016)

- (j) on a public place use anything or do anything so as to create a nuisance; and

- (k) smoke any tobacco product within any mall reserve, which is not an 'outdoor eating area' as defined by the *Tobacco Products Control Act 2006*.

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(Clause 2.1 amended in Government Gazette No. 22, 8 January 2016)

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;

(Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)

- (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;
(Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)
- (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;
(Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)
- (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;
(Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)
- (m) interfere with the soil of, or any thing in a thoroughfare or take any thing from a thoroughfare; or
(Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)
- (n) install a full or part road closure on any road or portion of road.
(Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)
- (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.

(Clause 2.4 amended in Government Gazette No. 22, 8 January 2016)

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 permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or

(Clause 2.5 amended in Government Gazette No. 22, 8 January 2016)

- (b) the registered owner of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.

(Clause 2.5 amended in Government Gazette No. 22, 8 January 2016)

- (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.

(Clause 2.16 amended in Government Gazette No. 22, 8 January 2016)

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;

(Clause 2.17 amended in Government Gazette No. 22, 8 January 2016)

Bunting

- 2.18 A person shall not erect bunting on any street, hoarding, wall, building, fence or structure on a public place;

(Clause 2.18 amended in Government Gazette No. 22, 8 January 2016)

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;

(Clause 2.19 amended in Government Gazette No. 22, 8 January 2016)

No driving on closed thoroughfare

- 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.

(Clause 2.20 amended in Government Gazette No. 22, 8 January 2016)

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;

(Clause 4.3 amended in Government Gazette No. 22, 8 January 2016)

- (g) the obtaining of public risk insurance in an amount and on terms reasonably required by the City;
(Clause 4.3 amended in Government Gazette No. 22, 8 January 2016)
- (h) the imposition of a bond to repair any resulting damage to a thoroughfare or public place; and;
(Clause 4.3 amended in Government Gazette No. 22, 8 January 2016)
- (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.
(Clause 4.3 amended in Government Gazette No. 22, 8 January 2016)

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.

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

Item No.	Offence Clauses	Modified Penalty \$
1	2.1(a)	125
2	2.1(b)	250
3	2.1(c)	125
4	2.1(d)	500
5	2.1(e)	125
6	2.1(f)	350
7	2.1(g)	125
8	2.1(h)	125
9	2.1(i)	125
10	2.1(j)	250
11	2.1(k)	100
12	2.2(1)(a)	125
13	2.2(1)(b)	125
14	2.2(1)(c)	125
15	2.2(1)(d)	250
16	2.2(1)(e)	250
17	2.2(1)(f)	500
18	2.2(1)(g)	350
19	2.2(1)(h)	125
20	2.2(1)(i)	250
21	2.2(1)(j)	500
22	2.2(1)(k)	500
23	2.2(1)(l)	250
24	2.2(1)(m)	125
25	2.2(1)(n)	500
26	2.3(1)	125
27	2.4	125
28	2.5(1)	250
29	2.6(2)	350
30	2.7(1)	125
31	2.8	125
32	2.9	125

Item No.	Offence Clauses	Modified Penalty \$
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

SCHEDULE 4

Comparison of *City of Perth Thoroughfares and Public Places Local Law 2007* with the proposed new *City of Perth Thoroughfares and Public Places 2016*

<i>Thoroughfares and Public Places 2007 – Original Clauses</i>	<i>Thoroughfares and Public Places 2016 – Proposed Changes</i>	<i>Comments</i>
PART 1 – PRELIMINARY		
Under the powers conferred by the <i>Local Government Act 1995</i> and under all other powers enabling it, the Council of the City of Perth resolved on 30 January 2007 to make the <i>Thoroughfares and Public Places Local Law 2007</i> , as set out below.	Under the powers conferred by the <i>Local Government Act 1995</i> and under all other powers enabling it, the Council of the City of Perth resolved on 30 January 2007 to make the <i>Thoroughfares and Public Places Local Law 2007 2016</i> , as set out below.	Preamble to be updated to reflect upcoming Council resolution to make proposed new local law.
Title 1.1 This local law may be cited as the <i>Thoroughfares and Public Places Local Law 2007</i> .	1.1 Title This local law may be cited as the <i>Thoroughfares and Public Places Local Law 2016</i> .	Clause updated to reflect new local law and minor formatting.
Commencement 1.2 This local law comes into operation 14 days after the date of its publication in the <i>Government Gazette</i> .	1.2 Commencement This local law comes into operation 14 days after the date of its publication in the <i>Government Gazette</i> .	Minor formatting only.
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.	1.3 Purpose and <u>Effect</u> (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 on, thoroughfares and public property within the district, must comply.	Minor formatting and minor clause title change for clarity.
Repeal 1.4 (1) The <i>City of Perth Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law</i> as published in the <i>Government Gazette</i> on 1 November 2000 including amendments, is repealed on the day that this local law comes into operation.	1.4 Repeal The <i>City of Perth <u>Thoroughfares and Public Places Local Law 2007</u></i> as published in the <i>Government Gazette</i> on <u>2 March 2007</u> including amendments, is repealed on the day that this local law comes into operation.	New clause to indicate the local law to be repealed.

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
1.4 continued (2) 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. (Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)	1.4 continued (2) 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. (Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)	The original clause is no longer required as the <i>City of Perth Signs Local Law 2005</i> has now been repealed as a part of the previous amendment local law.
Application 1.5 This local law applies throughout the district.	1.5 Application This local law applies throughout the district.	Minor formatting only.
Definitions 1.6 In this local law unless the context requires otherwise – “ Act ” means the <i>Local Government Act 1995</i> ;	1.6 <u>Terms Used</u> In this local law unless the context requires otherwise – Act means the <i>Local Government Act 1995</i> ;	Clause title changed to “Terms used” as this is the current style adopted by the Office of Parliamentary Counsel. Minor formatting only.
“ 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; (Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)	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; (Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)	Minor formatting only.
	<u>alternative verge treatment means a verge treatment which is not a permissible verge treatment and which has been approved by the local government in writing;</u>	New definition included to support Clause 2.8.
“ applicant ” means a person who applies for a permit;	applicant means a person who applies for a permit;	Minor formatting only.
“ 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	authorised person means a person authorised by the <u>City local government</u> under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;	Minor formatting and rewording for clarity.
“ 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,	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,	Definition has been amended for consistency with other standard definitions that are already defined in legislation.

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
wheeled recreational device, wheeled toy, scooter or a power assisted pedal cycle (if the motor is operating);	wheeled recreational device, wheeled toy, scooter or a power assisted pedal cycle (if the motor is operating); <u>has the meaning given in the Road Traffic Code 2000;</u>	
“ built-up area ” has the meaning given to it in the Road Traffic Code 2000;	built-up area has the meaning given to it in the <i>Road Traffic Code 2000</i> ;	Minor formatting only.
“ 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;	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 <u>local government’s</u> regular domestic rubbish collection service;	Minor formatting and rewording for clarity.
“ carriageway ” has the meaning given to it in the <i>Road Traffic Code 2000</i> ; (Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)	carriageway has the meaning given to it in the <i>Road Traffic Code 2000</i> ; (Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)	Minor formatting only.
“ CEO ” means the Chief Executive Officer of the City;	CEO means the Chief Executive Officer of the City <u>local government</u> ;	Minor formatting and rewording for clarity.
“ City ” means the local government of the City of Perth;	“City” means the local government of the City of Perth;	Definition deleted in response to advice from the DLGC and JSCDL regarding the potentially ambiguous use of the term “City” in the local law.
“ commencement day ” means the day on which this local law comes into operation;	commencement day means the day on which this local law comes into operation;	Minor formatting only.
“ Council ” means the Council of the City;	Council means the Council of the City <u>local government</u> ;	Minor formatting and rewording for clarity.
“ crossing ” means a crossing giving access from a public thoroughfare to – (a) private land; or (b) a private thoroughfare serving private land;	crossing means a crossing giving access from a public thoroughfare to – (a) private land; or (b) a private thoroughfare serving private land;	Minor formatting only.
“ district ” means the district of the City;	district means the district of the City <u>local government</u> ;	Minor formatting and rewording for clarity.
“ 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	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	Minor formatting only.

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
vehicle; (Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)	vehicle; (Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)	
“ footpath ” has the meaning given to it in the <i>Road Traffic Code 2000</i> ;	footpath has the meaning given to it in the <i>Road Traffic Code 2000</i> ;	Minor formatting and rewording for clarity.
“ garden ” means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants.	garden means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants.	Minor formatting only.
“ handheld sign ” means a sign held or carried by a person but does not include an election sign;	handheld sign means a sign held or carried by a person but does not include an election sign;	Minor formatting only.
“ intersection ” has the meaning given to it in the <i>Road Traffic Code 2000</i> ;	Intersection has the meaning given to it in the <i>Road Traffic Code 2000</i> ;	Minor formatting and rewording for clarity.
“ kerb ” includes the edge of a carriageway;	kerb includes the edge of a carriageway;	Minor formatting only.
“ 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;	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;	Minor rewording for clarity to exclude street trees.
“ liquor ” has the meaning given to it in section 3 of the <i>Liquor Licensing Act</i> 1988;	liquor has the meaning given to it in section 3 of the <i>Liquor Licensing Act</i> 1988;	Minor formatting and rewording for clarity.
New definition of local government	<u>local government means the local government of the City of Perth;</u>	New definition included for clarity as advised by the DLGC and the JSCDL.
“ 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 <i>Land</i> <i>Administration Act 1997</i> ; 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;	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 <i>Land</i> <i>Administration Act 1997</i> ; 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;	Minor formatting only.
“ lot ” has the meaning given to it in the <i>Planning and Development Act 2005</i> ;	lot has the meaning given to it in the <i>Planning and Development Act 2005</i> ;	Minor formatting and rewording for clarity.
“ mall reserve ” has the meaning given to it in the <i>Land Administration Act 1997</i> ;	mall reserve has the meaning given to it in the <i>Land Administration Act 1997</i> ;	Minor formatting and rewording for clarity.

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
	<p><u>nuisance</u> means:</p> <p>(a) <u>any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social wellbeing of another person;</u></p> <p>(b) <u>anything a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or</u></p> <p>(c) <u>anything a person does in or on a public place which unreasonably detracts from or interferes with the enjoyment or value of nearby land owned by another person, provided that anything done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;</u></p>	<p>New definition included for clarity as the term “nuisance” has not been defined previously and is utilised within Part 2 of the local law.</p> <p>The addition of a definition, taken from the City of Subiaco <i>Activities in Thoroughfares, Public Places Local Law 2014</i>, is considered to be appropriate given that the new local law will apply to the extended City of Perth.</p>
“owner” or “occupier” in relation to land does not include the City;	owner or occupier in relation to land does not include the City <u>local government</u> ;	Minor formatting and rewording for clarity.
	<u>permissible verge treatment</u> means <u>any treatment described in Clause 2.7(2);</u>	New definition included to support Clause 2.7.
“permit” means a permit issued under this local law;	permit means a permit issued under this local law;	Minor formatting only.
“permit holder” means a person who holds a valid permit;	permit holder means a person who holds a valid permit;	Minor formatting only.
“person” does not include the City;	person does not include the City <u>local government</u> ;	Minor formatting and rewording for clarity.
“portable sign” means a portable free standing advertising sign;	portable sign means a portable free standing advertising sign;	Minor formatting only.
“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	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	Minor formatting and rewording for clarity.

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
similar place;	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; (Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)	public amenity facility means facilities or items offered by the City <u>local government</u> for the hire or use by the general public in and on local government property; (Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)	Minor formatting and rewording for clarity.
“ 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;	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;	Minor formatting only.
“ real estate sign ” means a portable sign which is used to direct persons to and for the purposes of advertising a residential home open;	real estate sign means a portable sign which is used to direct persons to and for the purposes of advertising a residential home open;	Minor formatting only.
	<u>receptacle means a receptacle, including a recycling waste receptacle –</u> <u>(a) that has been supplied for the use of the premises by the local government or its contractor, or which has been otherwise approved by the local government; and</u> <u>(b) the waste from which is collected and removed from the premises by the local government or its contractor;</u>	New definition included to support Clause 3.7.
“ Regulations ” means the <i>Local Government (Functions and General) Regulations 1996</i> ;	Regulations means the <i>Local Government (Functions and General) Regulations 1996</i> ;	Minor formatting only.
“ retailer ” means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop;	retailer means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop;	Minor formatting only.
“ shopping trolley ” means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods;	shopping trolley means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods;	Minor formatting only.
“ smoke ” has the meaning given to it in the <i>Tobacco Products Control Act 2006</i> ;	smoke has the meaning given to it in the <i>Tobacco Products Control Act 2006</i> ;	Minor formatting and rewording for clarity.

<i>Thoroughfares and Public Places 2007 – Original Clauses</i>	<i>Thoroughfares and Public Places 2016 – Proposed Changes</i>	<i>Comments</i>
“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;	<i>street tree</i> 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;	Minor formatting only.
“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;	<i>thoroughfare</i> 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 <i>has the meaning given in the Act;</i>	Definition has been amended for consistency with other standard definitions that are already defined in legislation.
“tobacco product” has the meaning given to it in the <i>Tobacco Products Control Act 2006</i> ;	<i>tobacco product</i> has the meaning given to it in the <i>Tobacco Products Control Act 2006</i> ;	Minor formatting and rewording for clarity.
“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;	<i>utility</i> 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;	Minor formatting only.
“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;	<i>vehicle</i> 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;	Minor formatting only.
“verge” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath;	<i>verge</i> means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath;	Minor formatting only.
“wheeled recreational device” means a wheeled device, built to transport a	<i>wheeled recreational device</i> means a wheeled device, built to transport a	Minor formatting only.

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
<p>person, propelled by human power or gravity, and ordinarily used for recreation and play –</p> <p>(a) including –</p> <p>(i) in-line skates, rollerskates, a skateboard or similar wheeled device;</p> <p>(ii) a scooter being used by a person aged 12 years of age or older;</p> <p>(iii) a unicycle; and</p> <p>(iv) an electronic personal transporter,</p> <p>but not including a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy; and (Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)</p>	<p>person, propelled by human power or gravity, and ordinarily used for recreation and play –</p> <p>(a) including –</p> <p>(i) <u>(a)</u> in-line skates, rollerskates, a skateboard or similar wheeled device;</p> <p>(ii) <u>(b)</u> a scooter being used by a person aged 12 years of age or older;</p> <p>(iii) <u>(c)</u> a unicycle; and</p> <p>(iv) <u>(d)</u> an electronic personal transporter,</p> <p>but not including a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy; and (Clause 1.6 amended in Government Gazette No. 22, 8 January 2016)</p>	
<p>“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.</p>	<p>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</p>	<p>Minor formatting only.</p>
PART 2 – ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES		
<p>General Prohibitions</p> <p>2.1 A person shall not –</p> <p>(a) plant any plant other than lawn on a thoroughfare within 6 metres of an intersection; (Amd GG No. 36, 29.02.08)</p> <p>(b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless –</p> <p>(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</p> <p>(ii) the person is acting under the authority of a written law;</p> <p>(c) plant any plant, other than grass or a similar plant on a</p>	<p>2.1 General Prohibitions</p> <p>A person shall not –</p> <p>(a) <u>(1)</u> plant any plant other than lawn <u>or prostrate ground covers with a maximum height of 100mm</u> on a thoroughfare <u>so that the plant is</u> within 6 metres of an intersection; (Amd GG No. 36, 29.02.08)</p> <p>(b) <u>(2)</u> plant any plant, other than <u>lawn or a prostrate ground covers with a maximum mature height of 100mm</u> on a thoroughfare so that it is within 2 metres of a carriageway;</p> <p>(c) <u>(3)</u> damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless –</p> <p>(i) <u>(a)</u> the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and</p>	<p>Clause 2.1 has been renumbered throughout for consistency with the drafting of this local law.</p> <p>Rewording of 2.1(1) for clarity.</p> <p>Renumbered and reordered clause with minor wording changes for clarity.</p> <p>Minor formatting and rewording for clarity.</p>

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
<p>thoroughfare so that it is within 2 metres of a carriageway;</p> <p>(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 –</p> <p>(i) the removal of the street tree is authorised by the City in writing; or</p> <p>(ii) the person is acting under authority of written law;</p>	<p>the lawn or the garden or the particular plant has not been installed or planted by the City <u>local government</u>; or</p> <p>(ii) <u>(b)</u> the person is acting under the authority of a written law;</p> <p>(4) <u>(4)</u> 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 <u>local government</u>, unless –</p> <p>(i) <u>(a)</u> the removal of the street tree is authorised by the City <u>local government</u> in writing; or</p> <p>(ii) <u>(b)</u> the person is acting under authority of written law;</p> <p><u>(5) install anything within the verge other than a permissible verge treatment;</u></p> <p><u>(6) install play equipment or structures within the verge;</u></p> <p><u>(7) attach or tie anything to a street tree;</u></p> <p><u>(8) install synthetic or artificial turf on the verge;</u></p>	<p>Minor formatting and rewording for clarity.</p> <p>New subclause.</p> <p>New subclause.</p> <p>New subclause.</p> <p>New subclause.</p>
<p>(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;</p> <p>(f) 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; (Clause 2.1 amended in Government Gazette No. 22, 8 January 2016)</p>	<p>(e) <u>(9)</u> place on any <u>thoroughfare</u> 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 <u>thoroughfare</u>;</p> <p>(f) <u>(10)</u> 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 <u>local government</u> or a person acting under the authority of a written law; (Clause 2.1 amended in Government Gazette No. 22, 8 January 2016)</p>	<p>Renumbered subclause.</p> <p>The word “footpath” has been replaced with “thoroughfare” for clarity.</p> <p>Renumbered subclause.</p> <p>Minor formatting and rewording for clarity.</p>

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
<p>(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;</p> <p>(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;</p> <p>(i) within a mall, an arcade or verandah of a shopping centre, ride any bicycle or wheeled recreational device: (Clause 2.1 amended in Government Gazette No. 22, 8 January 2016)</p> <p>(j) on a public place use anything or do anything so as to create a nuisance; and</p> <p>(k) smoke any tobacco product within any mall reserve, which is not an 'outdoor eating area' as defined by the <i>Tobacco Products Control Act 2006</i>. (Clause 2.1 amended in Government Gazette No. 22, 8 January 2016)</p>	<p>(g) <u>(11)</u> 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;</p> <p>(h) <u>(12)</u> 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;</p> <p>(i) <u>(13)</u> within a mall, an arcade or verandah of a shopping centre, ride any bicycle or wheeled recreational device: (Clause 2.1 amended in Government Gazette No. 22, 8 January 2016)</p> <p><u>(a) Subclause (13) does not apply to the Western Australia Police;</u></p> <p>(j) <u>(14)</u> on a public place use anything or do anything so as to create a nuisance; and</p> <p>(k) <u>(15)</u> smoke any tobacco product within any mall reserve, which is not an 'outdoor eating area' as defined by the <i>Tobacco Products Control Act 2006</i>; and (Clause 2.1 amended in Government Gazette No. 22, 8 January 2016)</p> <p><u>(16) leave bags or baggage unattended in any mall reserve, thoroughfare or public place.</u></p>	<p>Renumbered subclause.</p> <p>Renumbered subclause.</p> <p>Renumbered subclause and new part (a) included to account for Western Australia Police Officers in regards to this subclause.</p> <p>Renumbered subclause.</p> <p>Renumbered subclause.</p> <p>New subclause included to ensure the enforcement of public safety and security.</p>
<p>Activities allowed with a permit</p> <p>2.2</p> <p>(1) A person shall not, without a permit –</p> <p>(a) dig or otherwise create a trench through or under a kerb or footpath;</p> <p>(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</p>	<p>2.2 Activities allowed with a permit</p> <p>(1) A person shall not, without a permit –</p> <p>(a) dig or otherwise create a trench through or under a kerb or footpath;</p> <p>(b) subject to this Part, throw, place or deposit any thing on a verge except for removal by the City <u>local government</u> under a bulk rubbish collection, and then only in accordance with the terms and</p>	<p>Minor formatting and rewording for clarity.</p>

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
during the period of time advertised in connection with that collection by the City;	conditions and during the period of time advertised in connection with that collection by the <u>local government</u> ;	
(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; (Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)	(c) cause any obstruction to a vehicle, a person <u>or persons, by placing objects or personal property on a thoroughfare or public place, or by a person or persons sitting or laying on a thoroughfare or public place</u> for the purposes of an event, works or other activities; (Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)	Minor formatting and reworded clause for clarity and to deter unauthorised protests and activities that hamper normal usage of any City of Perth thoroughfare or public place.
(d) cause any obstruction to a water channel or a water course in a thoroughfare;	(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;	(e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;	
(f) damage a thoroughfare;	(f) damage a thoroughfare;	
(g) light any fire or burn any thing on a thoroughfare;	(g) light any fire or burn any thing on a thoroughfare;	
(h) fell any tree onto 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;	(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;	Minor deletion for clarity.
(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; (Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)	(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; (Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)	Minor formatting only.

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
(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; (Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)	(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; (Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)	Minor formatting only.
(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; (Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)	(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; (Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)	Minor formatting only.
(m) interfere with the soil of, or any thing in a thoroughfare or take any thing from a thoroughfare; (Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)	(m) interfere with the soil of, or any thing in a thoroughfare or take any thing from a thoroughfare; (Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)	Minor formatting only.
(n) install a full or part road closure on any road or portion of road; (Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)	(n) install a full or part road closure on any road or portion of road; (Clause 2.2 amended in Government Gazette No. 22, 8 January 2016)	Minor formatting only.
New sub-clause	<u>(o) collect money or distribute pamphlets on any part of a thoroughfare or public place;</u>	New sub-clause is considered necessary to enable the City of Perth to regulate the activity of charity collectors or pamphlet distributors on thoroughfares and public places. Proposed penalty of \$125.
New sub-clause	<u>(p) use the local government's electricity in a thoroughfare or public place; and</u>	New sub-clause is considered necessary to deter unauthorised use of electricity in thoroughfares and public places. Proposed penalty of \$125.
New sub-clause	<u>(q) use a loud hailer or an amplified speaker system in a thoroughfare or public place.</u>	New sub-clause is considered necessary to deter unauthorised use of loud hailer or amplified speaker systems in thoroughfares and public places. Proposed penalty of \$125.

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(2) The City may exempt a person from compliance with subclause (1) on the application of that person.	(2) The City <i>local government</i> may exempt a person from compliance with subclause (1) on the application of that person.	Minor rewording only.
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.	2.3 No possession and consumption of liquor on thoroughfare (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 <i>Liquor Licensing Act 1988</i> 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.	Minor formatting with no wording change.
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.	2.4 Discharging in public places 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.	Minor formatting with no wording change.
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	2.5 Temporary crossings – permit required (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	Minor formatting with no wording change.

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<p>the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.</p> <p>(2) The “person responsible for the works” in subclause (1) is to be taken to be –</p> <p>(a) the builder named on the building permit issued under the Building Act 2011, if one has been issued in relation to the works; or</p> <p>(b) the registered owner of the lot, if no building permit has been issued under the Building Act 2011 in relation to the works.</p> <p>(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.</p>	<p>the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.</p> <p>(2) The “person responsible for the works” in subclause (1) is to be taken to be –</p> <p>(a) the builder named on the building permit issued under the <i>Building Act 2011</i>, if one has been issued in relation to the works; or</p> <p>(b) the registered owner of the lot, if no building permit has been issued under the <i>Building Act 2011</i> in relation to the works.</p> <p>(3) If the City <u>local government</u> 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.</p>	<p>Minor rewording for clarity.</p>
<p>Removal of redundant crossing</p> <p>2.6</p> <p>(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;</p>	<p>2.6 Removal of redundant crossing</p> <p>(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 <u>local government</u>;</p>	<p>Minor rewording for clarity.</p>
<p>(2) The City may give written notice to the owner or occupier of a lot requiring her or him to –</p> <p>(a) remove any part of or all of a crossing which does not give access to the lot; and</p> <p>(b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which</p>	<p>(2) The City <u>local government</u> may give written notice to the owner or occupier of a lot requiring her or him to –</p> <p>(a) remove any part of or all of a crossing which does not give access to the lot; and</p> <p>(b) reinstate the kerb, drain, footpath, verge and any other</p>	<p>Minor rewording for clarity</p>

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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.	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.	
New clause	<p><u>2.7 Permissible verge treatments</u></p> <p><u>(1) An owner or occupier of land which abuts on a verge may on that part of the verge directly in front of their land, install a permissible verge treatment.</u></p> <p><u>(2) Permissible verge treatments include the planting of:</u></p> <p><u>(a) prostrate native ground covers with a maximum mature height of 100mm; and / or</u></p> <p><u>(b) organic mulch.</u></p>	New clause to define permissible verge treatments.
<p>Approved verge treatments to be installed</p> <p>2.7</p> <p>(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.</p> <p>(2) An application to install a verge treatment shall be forwarded to the City and include –</p> <p>(a) the address of the property adjoining the verge where the proposed treatment is to be installed; and</p> <p>(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.</p> <p>(3) In determining an application to install a verge treatment, the City is</p>	<p>Approved <u>2.8 Alternative verge treatments to be installed</u></p> <p><u>2.7</u></p> <p>(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 <u>an alternative</u> verge treatment unless authorised in writing by the <u>City local government</u>.</p> <p>(2) An application to install a <u>an alternative</u> verge treatment shall be forwarded to the <u>City local government</u> and include –</p> <p>(a) the address of the property adjoining the verge where the proposed treatment is to be installed; and</p> <p>(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.</p>	Clause renumbered and reworded for clarity.

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
<p>to have regard to –</p> <p>(a) any relevant City policies or standards in relation to the type of treatments to be installed; and</p> <p>(b) any pedestrian or vehicle safety considerations in regards to the proposed treatment.</p> <p>(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.</p>	<p>(3) In determining an application to install a verge treatment, the <u>City local government</u> is to have regard to –</p> <p>(a) any relevant <u>City local government</u> policies or standards in relation to the type of treatments to be installed; and</p> <p>(b) any pedestrian or vehicle safety considerations in regards to the proposed treatment.</p> <p>(4) The owner or occupier of the lot abutting a verge treatment referred to in subclause (1) <u>clause 2.7</u> are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.8 <u>2.9</u>.</p>	
<p>Obligations of owner or occupier</p> <p>2.8 An owner or occupier who who installs or maintains a verge treatment approved by the City shall –</p> <p>(a) only install the verge treatment approved by the local government;</p> <p>(b) keep the verge treatment in a good and tidy condition and ensure that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;</p> <p>(c) not place any obstruction on or around the verge treatment; and</p> <p>(d) not disturb a footpath on the verge.</p>	<p><u>2.9</u> Obligations of owner or occupier</p> <p><u>2.8</u> An owner or occupier who installs or maintains a verge treatment approved by the local government shall –</p> <p>(a)<u>(1)</u> only install the verge treatment approved by the local government;</p> <p>(b)<u>(2)</u> keep the verge treatment in a good and tidy condition and ensure that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;</p> <p>(c)<u>(3)</u> not place any obstruction on or around the verge treatment; and</p> <p>(d)<u>(4)</u> not disturb a footpath on the verge.</p>	<p>Clause renumbered and reworded for clarity.</p>
<p>Notice to owner or occupier</p> <p>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.</p>	<p><u>2.10</u> Notice to owner or occupier</p> <p><u>2.9</u> The <u>City local government</u> 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.</p>	<p>Clause renumbered and reworded for clarity.</p>

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
<p>Existing verge treatments – transitional provisions</p> <p>2.10</p> <p>(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.</p> <p>(2) A verge treatment which –</p> <p>(a) was installed prior to the commencement day; and</p> <p>(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 providing the verge treatment does not present a safety issue or hazard.</p>	<p>2.11 Existing verge treatments – transitional provisions</p> <p>2.10</p> <p>(1) In this clause “former provisions” means the local law of the City <u>local government</u> which permitted certain types of verge treatments, whether with or without the consent of the <u>local government</u>, and which was repealed by this local law.</p> <p>(2) A verge treatment which –</p> <p>(a) was installed prior to the commencement day; and</p> <p>(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 <u>providing the verge treatment does not present a safety issue or hazard</u>.</p>	<p>Clause renumbered and reworded for clarity.</p> <p>Inclusion of new wording for clarity.</p>
<p>Power to carry out public works on verge</p> <p>2.11</p> <p>Where the City or an utility empowered to do so under a written law disturbs a verge, the City or the utility –</p> <p>(1) is not liable to compensate any person for that disturbance;</p> <p>(2) may backfill with sand, if necessary, any garden or lawn; and</p> <p>(3) is not liable to replace or restore any –</p> <p>(a) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or</p> <p>(b) sprinklers, pipes, reticulation or other equipment.</p>	<p>2.12 Power to carry out public works on verge</p> <p>2.11</p> <p>Where the City <u>local government</u> or an utility empowered to do so under a written law disturbs a verge, the City <u>local government</u> or the utility –</p> <p>(1) is not liable to compensate any person for that disturbance;</p> <p>(2) may backfill with sand, if necessary, any garden or lawn; and</p> <p>(3) is not liable to replace or restore any –</p> <p>(a) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or</p> <p>(b) sprinklers, pipes, reticulation or other equipment.</p>	<p>Clause renumbered and reworded for clarity.</p>

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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.	2.13 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 <u>local government</u> may assign a Number to a lot in the district and may assign another Number to the lot instead of that previously assigned.	Clause renumbered and reworded for clarity.
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 – (1) a public place, as defined in clause 1.6; and (2) local government property.	2.14 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 – (1) a public place, as defined in clause 1.6; and (2) local government property.	Clause renumbered.
Signs erected by the local government 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.	2.15 Signs erected by the local government 2.14 (1) The City <u>local government</u> 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.	Clause renumbered and reworded for clarity.
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	2.16 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 <u>local government</u> repealed by this local law, then on and from the	Clause renumbered and reworded for clarity.

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
<p>is to be taken to be a sign erected under clause 2.14(1) if –</p> <p>(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</p> <p>(b) the condition of use specified is not inconsistent with any provision of this local law.</p>	<p>commencement day, it is to be taken to be a sign erected under clause 2.14(1) <u>2.15(1)</u> if –</p> <p>(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</p> <p>(b) the condition of use specified is not inconsistent with any provision of this local law.</p>	
<p>Advertising signs and portable direction signs</p> <p>2.16</p> <p>(1) A person shall not, without a permit –</p> <p>(a) erect or place an advertising sign on a thoroughfare; or</p> <p>(b) post any bill or paint, place or affix any advertisement on a thoroughfare.</p> <p>(2) Notwithstanding subclause (1), a advertising sign –</p> <p>(a) on a footpath;</p> <p>(b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.75 metres;</p> <p>(c) on or within 600mm metres of a carriageway;</p> <p>(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</p> <p>(e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.</p> <p>(3) In determining an application for a permit for the purpose of clause 2.16(1), the local government is to have regard to –</p>	<p>2.17 Advertising signs and portable direction signs</p> <p>2.16</p> <p>(1) A person shall not, without a permit –</p> <p>(a) erect or place an advertising sign on a thoroughfare; or</p> <p>(b) post any bill or paint, place or affix any advertisement on a thoroughfare.</p> <p>(2) Notwithstanding subclause (1), a advertising sign –</p> <p>(a) on a footpath;</p> <p>(b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.75 metres;</p> <p>(c) on or within 600mm metres of a carriageway;</p> <p>(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</p> <p>(e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.</p> <p>(3) In determining an application for a permit for the purpose of clause 2.16(1), the local government is to have regard to –</p>	<p>Clause renumbered.</p>

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
<p>(a) any other written law regulating the erection or placement of signs within the district;</p> <p>(b) the dimensions of the sign;</p> <p>(c) other advertising signs already approved or erected in the vicinity</p> <p>(d) whether or not the sign will create a hazard to persons using a thoroughfare; and</p> <p>(e) the amount of public liability insurance cover, if any, to be obtained by the applicant. (Clause 2.16 amended in Government Gazette No. 22, 8 January 2016)</p>	<p>(a) any other written law regulating the erection or placement of signs within the district;</p> <p>(b) the dimensions of the sign;</p> <p>(c) other advertising signs already approved or erected in the vicinity</p> <p>(d) whether or not the sign will create a hazard to persons using a thoroughfare; and</p> <p>(e) the amount of public liability insurance cover, if any, to be obtained by the applicant. (Clause 2.16 amended in Government Gazette No. 22, 8 January 2016)</p>	
<p>Portable signs</p> <p>2.17</p> <p>(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;</p> <p>(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;</p> <p>(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 (Clause 2.17 amended in Government Gazette No. 22, 8 January 2016)</p>	<p><u>2.18</u> Portable signs</p> <p><u>2.17</u></p> <p>(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;</p> <p>(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 <u>City local government</u>, inclusive of the said community information signs;</p> <p>(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 (Clause 2.17 amended in Government Gazette No. 22, 8 January 2016)</p>	<p>Clause renumbered and reworded for clarity.</p>
<p>Bunting</p> <p>2.18</p> <p>A person shall not erect bunting on any street, hoarding, wall, building, fence or structure on a public place; (Clause 2.18 amended in Government Gazette No. 22, 8 January 2016)</p>	<p><u>2.19</u> Bunting</p> <p><u>2.18</u></p> <p>A person shall not erect bunting on any street, hoarding, wall, building, fence or structure on a public place; (Clause 2.18 amended in Government Gazette No. 22, 8 January 2016)</p>	<p>Clause renumbered.</p>

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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; (Clause 2.19 amended in Government Gazette No. 22, 8 January 2016)	<u>2.20</u> 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 <u>local government</u> or associated with an event approved by the <u>local government</u> . (Clause 2.19 amended in Government Gazette No. 22, 8 January 2016)	Clause renumbered and reworded for clarity.
No driving on closed thoroughfare 2.20 (1) A person shall not drive or take a vehicle on a closed thoroughfare (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. (Clause 2.20 amended in Government Gazette No. 22, 8 January 2016)	<u>2.21</u> No driving on closed thoroughfare 2.20 (1) A person shall not drive or take a vehicle on a closed thoroughfare (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. (Clause 2.20 amended in Government Gazette No. 22, 8 January 2016)	Clause renumbered.
New Clause	<u>2.22 No entry into a closed or locked mall reserve</u> <u>A person shall not enter into a closed or locked mall reserve.</u>	New clause included to regulate the closure of mall reserves within the district and to act as a deterrent in the event of an offence. Proposed penalty of \$250.
PART 3 – OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS	PART 3 – OBSTRUCTING ANIMALS, VEHICLES OR, SHOPPING TROLLEYS OR <u>WASTE RECEPTACLES</u>	New Part Title due to proposed new clause 3.7 relating to waste receptacles.
Leaving animals or vehicles in a public place or on local government 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	<u>3.1</u> Leaving animals or vehicles in a public place or on local government property (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	Minor formatting of title and new subclause (3) included to align with the WALGA Model Local Law.

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<p>government property, unless that person has first obtained a permit or is authorised to do so under a written law;</p> <p>(2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding one hour.</p>	<p>government property, unless that person has first obtained a permit or is authorised to do so under a written law;</p> <p>(2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding one hour.</p> <p><u>(3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours</u></p>	
<p>Prohibitions relating to animals</p> <p>3.2</p> <p>(1) In subclause (2), “owner” in relation to an animal includes –</p> <p>(a) an owner of it;</p> <p>(b) a person in possession of it;</p> <p>(c) a person who has control of it; and</p> <p>(d) a person who ordinarily occupies the premises where the animal is permitted to stay.</p> <p>(2) An owner of an animal shall not –</p> <p>(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 ridden or driven;</p> <p>(b) subject to subclause (4), allow an animal to excrete in a public place or local government property;</p> <p>(c) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or</p> <p>(d) train or race the animal on a thoroughfare.</p> <p>(3) An owner of a horse shall not lead, ride or drive a horse on a</p>	<p><u>3.2</u> Prohibitions relating to animals</p> <p>(1) In subclause (2), “owner” in relation to an animal includes –</p> <p>(a) an owner of it;</p> <p>(b) a person in possession of it;</p> <p>(c) a person who has control of it; and</p> <p>(d) a person who ordinarily occupies the premises where the animal is permitted to stay.</p> <p>(2) An owner of an animal shall not –</p> <p>(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 ridden or driven;</p> <p>(b) subject to subclause (4), allow an animal to excrete in a public place or local government property;</p> <p>(c) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or</p> <p>(d) train or race the animal on a thoroughfare.</p> <p>(3) An owner of a horse shall not lead, ride or drive a horse on a</p>	<p>Minor formatting of title only.</p>

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<p>thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.</p> <p>(4) An owner of an animal does not commit an offence under subclause (2)(b) if any excreta is removed immediately by the owner.</p>	<p>thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.</p> <p>(4) An owner of an animal does not commit an offence under subclause (2)(b) if any excreta is removed immediately by the owner.</p>	
<p>Shopping trolley to be marked</p> <p>3.3 A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.</p>	<p><u>3.3</u> Shopping trolley to be marked</p> <p>A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.</p>	Minor formatting of title only.
<p>Person not to leave shopping trolley in public place</p> <p>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.</p>	<p><u>3.4</u> Person not to leave shopping trolley in public place</p> <p>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.</p>	Minor formatting of title only.
<p>Retailer to remove abandoned shopping trolley</p> <p>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.</p> <p>(2) A retailer shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer-</p> <p>(a) requests the City to collect and deliver the shopping trolley to the retailer; and</p> <p>(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.</p>	<p><u>3.5</u> Retailer to remove abandoned shopping trolley</p> <p>(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 local government may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.</p> <p>(2) A retailer shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer –</p> <p>(a) requests the City <u>local government</u> to collect and deliver the shopping trolley to the retailer; and</p> <p>(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 <u>local government</u>.</p>	Minor formatting of title and rewording for clarity.

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<p>Retailer taken to own shopping trolley</p> <p>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.</p>	<p>3.6 Retailer taken to own shopping trolley</p> <p>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.</p>	Minor formatting of title only.
	<p><u>3.7 Waste receptacles</u></p> <p><u>An owner or occupier of premises shall</u> =</p> <p><u>(1) before and after collection time, and for no longer than 24 hours, keep the receptacle on the premises and located –</u></p> <p><u>(a) beyond a thoroughfare; or</u></p> <p><u>(b) In such other position as is approved by the local government;</u></p> <p><u>(2) within 24 hours prior to collection time, place the receptacle in the street as close as practicable to the street alignment of the premises but so that it does not obstruct any thoroughfare.</u></p>	New clause required to address the issue of waste receptacles obstructing thoroughfares and the introduction of a proposed penalty of \$100 to act as an appropriate deterrent.
PART 4 - PERMITS		
<p>Application for permit</p> <p>4.1</p> <p>(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).</p> <p>(2) An application for a permit under this local law shall –</p> <p>(a) be in the form determined by the City;</p> <p>(b) be signed by the applicant;</p> <p>(c) provide the information required by the form; and</p> <p>(d) be forwarded to the CEO together with any fee imposed and determined by the local government under</p>	<p>4.1 Application for permit</p> <p>(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).</p> <p>(2) An application for a permit under this local law shall –</p> <p>(a) be in the form determined by the City <u>local government</u>;</p> <p>(b) be signed by the applicant;</p> <p>(c) (b) provide the information required by the form; and</p> <p>(c) be forwarded to the CEO together with any fee imposed and determined by the local government under and in</p>	<p>Minor formatting of title and rewording for clarity.</p> <p>Delete 4.1(2)(b) as the City of Perth is moving to an electronic forms and permits system and will no longer utilise paper forms.</p>

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and in accordance with sections 6.16 to 6.19 of the Act.	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.	(3) The City <u>local government</u> may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.	Minor rewording for clarity.
(4) The City may require an applicant to give local public notice of the application for a permit.	(4) The City <u>local government</u> may require an applicant to give local public notice of the application for a permit.	Minor rewording for clarity.
(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).	(5) The City <u>local government</u> 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).	Minor rewording for clarity.
(6) deleted (Amd GG No. 36 29.02.08)	(6) deleted (Amd GG No. 36 29.02.08)	The clause amendment reference is to deleted as it is no longer required given that this is a proposed new local law.
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	<u>4.2</u> Decision on application for permit (1) The City <u>local government</u> 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 <u>local government</u> approves an application for a permit, it is to issue to the applicant a permit in the form determined by the City <u>local government</u> . (3) If the City <u>local government</u> refuses to approve an application for a permit, it is, as soon as practicable after the decision is made –	Minor rewording for clarity throughout clause.

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<p>notice of, and written reasons for, the refusal; and</p> <p>(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.</p> <p>(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).</p> <p>(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).</p>	<p>(a) to give the applicant written notice of, and written reasons for, the refusal; and</p> <p>(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</p> <p>(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 <u>local government</u> to impose other conditions on the permit under subclause (1)(a).</p> <p>(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 <u>local government</u> to refuse the application for a permit on other grounds under subclause (1)(b).</p>	
<p>Conditions which may be imposed on permit 4.3</p> <p>The City may approve an application for a permit subject to conditions relating to –</p> <p>(a) the payment of a fee;</p> <p>(b) the duration and commencement of the permit;</p> <p>(c) the commencement of the permit being contingent on the happening of an event;</p> <p>(d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;</p> <p>(e) the granting of another approval, permit, licence or authorisation which may be required under any written law;</p> <p>(f) the area of the district to which</p>	<p><u>4.3</u> Conditions which may be imposed on permit</p> <p>The City <u>local government</u> may approve an application for a permit subject to conditions relating to –</p> <p>(a) <u>(1)</u> the payment of a fee;</p> <p>(b) <u>(2)</u> the duration and commencement of the permit;</p> <p>(c) <u>(3)</u> the commencement of the permit being contingent on the happening of an event;</p> <p>(d) <u>(4)</u> the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;</p> <p>(e) <u>(5)</u> the granting of another approval, permit, licence or authorisation which may be required under any written law;</p> <p>(f) <u>(6)</u> the area of the district to which</p>	<p>Renumbering of subclauses for consistency and minor rewording for clarity throughout clause.</p>

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<p>the permit applies; (Clause 4.3 amended in Government Gazette No. 22, 8 January 2016)</p> <p>(g) the obtaining of public risk insurance in an amount and on terms reasonably required by the City; (Clause 4.3 amended in Government Gazette No. 22, 8 January 2016)</p> <p>(h) the imposition of a bond to repair any resulting damage to a thoroughfare or public place; and; (Clause 4.3 amended in Government Gazette No. 22, 8 January 2016)</p> <p>(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. (Clause 4.3 amended in Government Gazette No. 22, 8 January 2016)</p>	<p>the permit applies; (Clause 4.3 amended in Government Gazette No. 22, 8 January 2016)</p> <p>(g) <u>(7)</u> the obtaining of public risk insurance in an amount and on terms reasonably required by the <u>City local government</u>; (Clause 4.3 amended in Government Gazette No. 22, 8 January 2016)</p> <p>(h) <u>(8)</u> the imposition of a bond to repair any resulting damage to a thoroughfare or public place; and (Clause 4.3 amended in Government Gazette No. 22, 8 January 2016)</p> <p>(i) <u>(9)</u> require the submission of a construction management plan to mitigate any nuisance or congestion and to ensure safety to a thoroughfare or public place. (Clause 4.3 amended in Government Gazette No. 22, 8 January 2016)</p>	
<p>Security for restoration and reinstatement</p> <p>4.4</p> <p>(1) The City may require the payment of a bond for a sum determined by the City –</p> <p>(a) as a condition of a permit; or</p> <p>(b) before the issue of a permit;</p> <p>for the purposes of ensuring that –</p> <p>(i) a public place can be repaired or reinstated where a permit issued for an activity may cause damage to the public place; or</p> <p>(ii) conditions of approval in so far as they relate to the public place or local government property are complied with.</p> <p>(2) A bond required under subclause (1) is to be paid into an account established by the City for the purposes of this clause.</p>	<p><u>4.4</u> Security for restoration and reinstatement</p> <p>(1) The <u>City local government</u> may require the payment of a bond, <u>or the provision of a bank guarantee</u>, for a sum determined by the <u>City local government</u> –</p> <p>(a) as a condition of a permit; or</p> <p>(b) before the issue of a permit;</p> <p>for the purposes of ensuring that –</p> <p>(i) a public place can be repaired or reinstated where a permit issued for an activity may cause damage to the public place; or</p> <p>(ii) conditions of approval in so far as they relate to the public place or local government property are complied with.</p> <p>(2) A bond, <u>or bank guarantee</u>, required under subclause (1) is to be paid into an account established by the <u>local government</u> for the purposes of</p>	<p>Minor formatting and wording changes throughout clause.</p> <p>Inclusion of wording for “bank guarantees” to enable the use of both bonds and bank guarantees as appropriate.</p> <p>Inclusion of wording for “bank guarantees” to enable the use of both bonds and bank guarantees as appropriate</p>

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
<p>(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.</p>	<p>this clause.</p> <p>(3) A bond, <u>or bank guarantee</u>, required under subclause (1) shall be returned to the permit holder if the <u>City local government</u> is satisfied that the activity has not caused damage to the public place or local government property used for the activity.</p>	<p>Inclusion of wording for “bank guarantees” to enable the use of both bonds and bank guarantees as appropriate.</p>
<p>Compliance with conditions</p> <p>4.5</p> <p>Where –</p> <p>(a) an application for a permit has been approved subject to conditions; or</p> <p>(b) a permit is to be taken to be subject to conditions under this local law,</p> <p>the permit holder shall comply with each of those conditions.</p>	<p><u>4.5</u> Compliance with conditions</p> <p>Where –</p> <p>(a) <u>(1)</u> an application for a permit has been approved subject to conditions; or</p> <p>(b) <u>(2)</u> a permit is to be taken to be subject to conditions under this local law,</p> <p>the permit holder shall comply with each of those conditions.</p>	<p>Minor reformatting of title and renumbering of clauses to be consistent with the drafting of the local law.</p>
<p>Amendment of permit conditions</p> <p>4.6</p> <p>(1) A permit holder may apply in writing to the City to amend any of the terms or conditions of the permit.</p> <p>(2) The City may, in respect of an application under subclause (1) –</p> <p>(a) amend the permit, either in accordance with the application or otherwise as it sees fit; or</p> <p>(b) decline to amend the permit.</p> <p>(3) The City may, at any time, amend any of the terms and conditions of the permit.</p> <p>(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</p>	<p><u>4.6</u> Amendment of permit conditions</p> <p>(1) A permit holder may apply in writing to the <u>City local government</u> to amend any of the terms or conditions of the permit.</p> <p>(2) The <u>City local government</u> may, in respect of an application under subclause (1) –</p> <p>(a) amend the permit, either in accordance with the application or otherwise as it sees fit; or</p> <p>(b) decline to amend the permit.</p> <p>(3) The <u>City local government</u> may, at any time, amend any of the terms and conditions of the permit.</p> <p>(4) If the <u>City local government</u> 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</p>	<p>Minor rewording for clarity.</p>

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
<p>amended term or condition, or both, of the permit apply from the date of the notification.</p> <p>(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 –</p> <p>(a) to give to the permit holder written notice of, and written reasons for, its decision to amend; and</p> <p>(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.</p>	<p>specified in the amendment, the amended term or condition, or both, of the permit apply from the date of the notification.</p> <p>(5) If the City <u>local government</u> 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 –</p> <p>(a) to give to the permit holder written notice of, and written reasons for, its decision to amend; and</p> <p>(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.</p>	
<p>Duration of permit</p> <p>4.7 A permit is valid for six months from the date on which it is issued, unless it is –</p> <p>(a) otherwise stated in this local law or in the permit; or</p> <p>(b) cancelled under clause 4.11.</p>	<p><u>4.7</u> Duration of permit</p> <p>A permit is valid for six months from the date on which it is issued, unless it is –</p> <p>(a) <u>(1)</u> otherwise stated in this local law or in the permit; or</p> <p>(b) <u>(2)</u> cancelled under clause 4.11.</p>	<p>Renumbering of subclauses for consistency in the drafting of the local law.</p>
<p>Renewal of permit</p> <p>4.8 (1) A permit holder may apply to the City to expiry of a permit for the renewal of the permit.</p> <p>(2) The provisions of –</p> <p>(a) this Part; and</p> <p>(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 <i>mutatis mutandis</i>.</p>	<p><u>4.8</u> Renewal of permit</p> <p>(1) A permit holder may apply to the City <u>local government</u> to expiry of a permit for the renewal of the permit.</p> <p>(2) The provisions of –</p> <p>(a) this Part; and</p> <p>(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 <i>mutatis mutandis</i>.</p>	<p>Minor rewording and formatting for clarity.</p>
<p>Transfer of permit</p>	<p><u>4.9</u> Transfer of permit</p>	<p>Minor rewording and</p>

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
<p>4.9</p> <p>(1) An application for the transfer of a valid permit is to –</p> <p>(a) be made in writing;</p> <p>(b) be signed by the permit holder and the proposed transferee of the permit;</p> <p>(c) provide such information as the City may require to enable the application to be determined; and</p> <p>(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.</p> <p>(2) The City may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.</p> <p>(3) Where the City approves an application for the transfer of a permit, the transfer may be effected by –</p> <p>(a) an endorsement on the permit signed by the CEO; or</p> <p>(b) issuing to the transferee a permit in the form determined by the City.</p> <p>(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.</p>	<p>(1) An application for the transfer of a valid permit is to –</p> <p>(a) be made in writing;</p> <p>(b) be signed by the permit holder and the proposed transferee of the permit;</p> <p>(c) provide such information as the <u>City local government</u> may require to enable the application to be determined; and</p> <p>(d) be forwarded to the CEO together with any fee imposed and determined by the <u>City local government</u> under and in accordance with sections 6.16 to 6.19 of the Act.</p> <p>(2) The <u>City local government</u> may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.</p> <p>(3) Where the <u>City local government</u> approves an application for the transfer of a permit, the transfer may be effected by –</p> <p>(a) an endorsement on the permit signed by the CEO; or</p> <p>(b) issuing to the transferee a permit in the form determined by the <u>City local government</u>.</p> <p>(4) Where the <u>City local government</u> 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.</p>	<p>formatting for clarity.</p>
<p>Production of permit</p> <p>4.10</p> <p>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.</p>	<p>4.10 Production of permit</p> <p>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.</p>	<p>Minor formatting for clarity.</p>

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<p>permit as soon as practicable to the City.</p> <p>(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.</p> <p>(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.</p>	<p>the City <u>local government</u>.</p> <p>(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.</p> <p>(6) Where a permit is cancelled or suspended through no fault of the permit holder, the City <u>local government</u> 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.</p>	
PART 5 – OBJECTIONS AND APPEALS		
<p>Application of Part 9 Division 1 of Act</p> <p>5.1</p> <p>(1) Where the City makes a decision as to whether it will –</p> <p>(a) grant an application for a permit or the issue of an approval;</p> <p>(b) vary, cancel or suspend a permit;</p> <p>(c) impose or amend a condition to which a permit is subject; or</p> <p>(d) use the proceeds of a bond under clause 7.2(2),</p> <p>the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.</p> <p>(2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the City.</p>	<p><u>5.1</u> Application of Part 9 Division 1 of Act</p> <p>(1) Where the City <u>local government</u> makes a decision as to whether it will –</p> <p>(a) grant an application for a permit or the issue of an approval;</p> <p>(b) vary, cancel or suspend a permit;</p> <p>(c) impose or amend a condition to which a permit is subject; or</p> <p>(d) use the proceeds of a bond under clause 7.2(2),</p> <p>the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.</p> <p>(2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the City <u>local government</u>.</p>	<p>Minor reformatting and rewording for clarity.</p>
PART 6 – MISCELLANEOUS NOTICES		
<p>Notice to redirect or repair sprinkler</p> <p>6.1</p> <p>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</p>	<p><u>6.1</u> Notice to redirect or repair sprinkler</p> <p>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</p>	<p>Minor reformatting and rewording for clarity.</p>

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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.	or obstruction to any person using a thoroughfare, the <u>City local government</u> 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.	6.2 Hazardous plants (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the <u>City local government</u> 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 <u>City local government</u> .	Minor reformatting and rewording for clarity.
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.	6.3 Notice to repair damage to thoroughfare Where any portion of a thoroughfare has been damaged, the <u>City local government</u> 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 <u>City local government</u> .	Minor reformatting and rewording for clarity.
Notice to remove thing unlawfully placed on thoroughfare 6.4 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.	6.4 Notice to remove thing unlawfully placed on thoroughfare Whenever the <u>City local government</u> 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.	Minor reformatting and rewording for clarity.
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.	7.1 Offence to fail to comply with notice Whenever the <u>City local government</u> 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.	Minor reformatting and rewording for clarity.

Thoroughfares and Public Places 2007 – Original Clauses	Thoroughfares and Public Places 2016 – Proposed Changes	Comments
<p>City may undertake requirements of notice</p> <p>7.2</p> <p>(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.</p> <p>(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 local government.</p> <p>(3) The liability of a permit holder to pay the City's local government's costs under this clause is not limited to the amount, if any, secured under clause 4.4.</p>	<p><u>7.2</u> City The local government may undertake requirements of notice</p> <p>(1) Where a person fails to comply with a notice referred to in clause 7.1, the City <u>local government</u> may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.</p> <p>(2) The City <u>local government</u> 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 <u>local government</u>.</p> <p>(3) The liability of a permit holder to pay the City's <u>local government's</u> costs under this clause is not limited to the amount, if any, secured under clause 4.4.</p>	<p>Minor reformatting and rewording for clarity.</p>
<p>Offences</p> <p>7.3</p> <p>(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.</p> <p>(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.</p>	<p><u>7.3</u> Offences</p> <p>(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.</p> <p>(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.</p>	<p>Minor formatting of title only.</p>
<p>Infringement provisions and modified penalties</p> <p>7.4</p> <p>(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.</p> <p>(2) The amount of the modified penalty for a prescribed offence is</p>	<p><u>7.4</u> Infringement provisions and modified penalties</p> <p>(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.</p> <p>(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the</p>	<p>Minor formatting of title only.</p>

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<p>that specified adjacent to the clause in the First Schedule.</p> <p>(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 –</p> <p>(a) commission of the prescribed offence is a relatively minor matter; and</p> <p>(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.</p>	<p>clause in the First Schedule.</p> <p>(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 –</p> <p>(a) commission of the prescribed offence is a relatively minor matter; and</p> <p>(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.</p>	
<p>Forms</p> <p>7.5</p> <p>Unless otherwise specified, for the purposes of this local law –</p> <p>(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;</p> <p>(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</p> <p>(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.</p>	<p><u>7.5</u> Forms</p> <p>Unless otherwise specified, for the purposes of this local law –</p> <p>(a) <u>(1)</u> 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;</p> <p>(b) <u>(2)</u> 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</p> <p>(c) <u>(3)</u> 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.</p>	<p>Minor formatting of title and renumbering of subclauses for consistency in the drafting of the local law.</p>
<p>Authorised persons</p> <p>7.6</p> <p>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.</p>	<p><u>7.6</u> Authorised persons</p> <p>Unless expressly stated otherwise by the <u>City local government</u>, a person appointed by the <u>City local government</u> to be an authorised person for the purposes of this local law is taken to have also been appointed by the <u>City local government</u> 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.</p>	<p>Minor reformatting and rewording for clarity.</p>

FIRST SCHEDULE – OFFENCES AND MODIFIED PENALTIES
[CLAUSES 7.3 AND 7.4]

Item No.	<i>Thoroughfares and Public Places Local Law 2007 – Original Penalties</i>	New Item No. in proposed local law	Thoroughfares and Public Places Local Law 2016 – Proposed New Penalties	Amendments / Additions / Reason
1	\$125 Clause 2.1(a)	1	\$125 Clause 2.1(1)	<ul style="list-style-type: none"> • Clause reworded with no change to penalty.
2	\$125 Clause 2.1(c)	2	\$125 Clause 2.1(2)	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
3	\$250 Clause 2.1(b)	3	\$250 Clause 2.1(3)	<ul style="list-style-type: none"> • Clause reworded with no change to penalty.
4	\$500 Clause 2.1(d)	4	\$500 Clause 2.1(4)	<ul style="list-style-type: none"> • Clause reworded with no change to penalty.
	New clause	5	\$125 Clause 2.1(5)	<ul style="list-style-type: none"> • New clause and new penalty required as deterrent.
	New clause	6	\$125 Clause 2.1(6)	<ul style="list-style-type: none"> • New clause and new penalty required as deterrent.
	New clause	7	\$125 Clause 2.1(7)	<ul style="list-style-type: none"> • New clause and new penalty required as deterrent.
	New clause	8	\$125 Clause 2.1(8)	<ul style="list-style-type: none"> • New clause and new penalty required as deterrent.
5	\$125 Clause 2.1(e)	9	\$125 Clause 2.1(9)	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
6	\$350 Clause 2.1(f)	10	\$350 Clause 2.1(10)	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
7	\$125 Clause 2.1(g)	11	\$125 Clause 2.1(11)	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
8	\$125 Clause 2.1(h)	12	\$125 Clause 2.1(12)	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
9	\$125 Clause 2.1(i)	13	\$125 Clause 2.1(13)	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
10	\$125 Clause 2.1(j)	14	\$125 Clause 2.1(14)	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
11	\$100 Clause 2.1(k)	15	\$100 Clause 2.1(15)	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
	New clause	16	\$125 Clause 2.1(16)	<ul style="list-style-type: none"> • New clause and new penalty required as deterrent.
12	\$125 Clause 2.2(1)(a)	17	\$250 Clause 2.2(1)(a)	<ul style="list-style-type: none"> • No change to clause. • Penalty increase of 100% required as sufficient deterrent.
13	\$125 Clause 2.2(1)(b)	18	\$250 Clause 2.2(1)(b)	<ul style="list-style-type: none"> • No change to clause. • Penalty increase of 100% required as sufficient deterrent.
14	\$125 Clause 2.2(1)(c)	19	\$250 Clause 2.2(1)(c)	<ul style="list-style-type: none"> • No change to clause. • Penalty increase of 100% required as sufficient deterrent.

FIRST SCHEDULE – OFFENCES AND MODIFIED PENALTIES
[CLAUSES 7.3 AND 7.4]

Item No.	<i>Thoroughfares and Public Places Local Law 2007 – Original Penalties</i>	New Item No. in proposed local law	Thoroughfares and Public Places Local Law 2016 – Proposed New Penalties	Amendments / Additions / Reason
15	\$250 Clause 2.2(1)(d)	20	\$250 Clause 2.2(1)(d)	<ul style="list-style-type: none"> No change to clause or penalty.
16	\$250 Clause 2.2(1)(e)	21	\$250 Clause 2.2(1)(e)	<ul style="list-style-type: none"> No change to clause or penalty.
17	\$500 Clause 2.2(1)(f)	22	\$500 Clause 2.2(1)(f)	<ul style="list-style-type: none"> No change to clause or penalty.
18	\$350 Clause 2.2(1)(g)	23	\$350 Clause 2.2(1)(g)	<ul style="list-style-type: none"> No change to clause or penalty.
19	\$125 Clause 2.2(1)(h)	24	\$125 Clause 2.2(1)(h)	<ul style="list-style-type: none"> No change to clause or penalty.
20	\$250 Clause 2.2(1)(i)(i)	25	\$250 Clause 2.2(1)(i)(i)	<ul style="list-style-type: none"> No change to clause. Penalty separated with no change to amount.
	Existing clause separated out	26	\$250 Clause 2.2(1)(i)(ii)	<ul style="list-style-type: none"> No change to clause. Penalty separated with no change to amount.
21	\$500 Clause 2.2(1)(j)	27	\$500 Clause 2.2(1)(j)	<ul style="list-style-type: none"> No change to clause or penalty.
22	\$500 Clause 2.2(1)(k)	28	\$500 Clause 2.2(1)(k)	<ul style="list-style-type: none"> No change to clause or penalty.
23	\$250 Clause 2.2(1)(l)	29	\$250 Clause 2.2(1)(l)	<ul style="list-style-type: none"> No change to clause or penalty.
24	\$125 Clause 2.2(1)(m)	30	\$125 Clause 2.2(1)(m)	<ul style="list-style-type: none"> No change to clause or penalty.
25	\$500 Clause 2.2(1)(n)	31	\$500 Clause 2.2(1)(n)	<ul style="list-style-type: none"> No change to clause or penalty.
	New clause	32	\$125 Clause 2.2(1)(o)	<ul style="list-style-type: none"> New clause and new penalty required as deterrent.
	New clause	33	\$125 Clause 2.2(1)(p)	<ul style="list-style-type: none"> New clause and new penalty required as deterrent.
	New clause	34	\$125 Clause 2.2(1)(q)	<ul style="list-style-type: none"> New clause and new penalty required as deterrent.
26	\$125 Clause 2.3(1)	35	\$125 Clause 2.3(1)	<ul style="list-style-type: none"> No change to clause or penalty.
27	\$125 Clause 2.4	36	\$125 Clause 2.4	<ul style="list-style-type: none"> No change to clause or penalty.
28	\$250 Clause 2.5(1)	37	\$250 Clause 2.5(1)	<ul style="list-style-type: none"> No change to clause or penalty.
29	\$350 Clause 2.6(2)	38	\$350 Clause 2.6(1)	<ul style="list-style-type: none"> No change to clause. Penalty separated with no change to amount.
	Existing clause separated out	39	\$350 Clause 2.6(2)(a)	<ul style="list-style-type: none"> No change to clause. Penalty separated with no change to amount.
	Existing clause separated out	40	\$350 Clause 2.6(2)(b)	<ul style="list-style-type: none"> No change to clause. Penalty separated with no change to amount.
30	\$125	41	\$250	<ul style="list-style-type: none"> Clause renumbered.

**FIRST SCHEDULE – OFFENCES AND MODIFIED PENALTIES
[CLAUSES 7.3 AND 7.4]**

Item No.	<i>Thoroughfares and Public Places Local Law 2007 – Original Penalties</i>	New Item No. in proposed local law	Thoroughfares and Public Places Local Law 2016 – Proposed New Penalties	Amendments / Additions / Reason
	Clause 2.7(1)		Clause 2.8(1)	<ul style="list-style-type: none"> • Penalty increase of 100% required as sufficient deterrent.
31	\$125 Clause 2.8	42	\$125 Clause 2.9(1)	<ul style="list-style-type: none"> • Clause renumbered, penalty separated with no change to penalty.
	Existing clause renumbered	43	\$125 Clause 2.9(2)	<ul style="list-style-type: none"> • Clause renumbered, penalty separated with no change to penalty.
	Existing clause renumbered	44	\$125 Clause 2.9(3)	<ul style="list-style-type: none"> • Clause renumbered, penalty separated with no change to penalty.
	Existing clause renumbered	45	\$125 Clause 2.9(4)	<ul style="list-style-type: none"> • Clause renumbered, penalty separated with no change to penalty.
32	\$125 Clause 2.9	46	\$125 Clause 2.10	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
33	\$125 Clause 2.14(2)	47	\$125 Clause 2.15(2)	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
34	\$100 Clause 2.16	48	\$100 Clause 2.17(1)(a)	<ul style="list-style-type: none"> • Clause renumbered, penalty separated with no change to penalty.
	Existing clause renumbered and separated out	49	\$100 Clause 2.17(1)(b)	<ul style="list-style-type: none"> • Clause renumbered, penalty separated with no change to penalty.
	Existing clause renumbered and separated out	50	\$100 Clause 2.17(2)(a)	<ul style="list-style-type: none"> • Clause renumbered, penalty separated with no change to penalty.
	Existing clause renumbered and separated out	51	\$100 Clause 2.17(2)(b)	<ul style="list-style-type: none"> • Clause renumbered, penalty separated with no change to penalty.
	Existing clause renumbered and separated out	52	\$100 Clause 2.17(2)(c)	<ul style="list-style-type: none"> • Clause renumbered, penalty separated with no change to penalty.
	Existing clause renumbered and separated out	53	\$100 Clause 2.17(2)(d)	<ul style="list-style-type: none"> • Clause renumbered, penalty separated with no change to penalty.
	Existing clause renumbered and separated out	54	\$100 Clause 2.17(2)(e)	<ul style="list-style-type: none"> • Clause renumbered, penalty separated with no change to penalty.
35	\$100 Clause 2.17(3)	55	\$100 Clause 2.18(3)	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
37	\$100 Clause 2.18	56	\$100 Clause 2.19	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
36	\$100 Clause 2.19	57	\$100 Clause 2.20	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
38	\$350 Clause 2.20	58	\$350 Clause 2.21(1)(a)	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
	Existing clause renumbered and separated out	59	\$350 Clause 2.21(1)(b)	<ul style="list-style-type: none"> • Clause renumbered and no change to penalty.
	New clause	60	\$250 Clause 2.22	<ul style="list-style-type: none"> • New clause and new penalty required as

**FIRST SCHEDULE – OFFENCES AND MODIFIED PENALTIES
[CLAUSES 7.3 AND 7.4]**

Item No.	<i>Thoroughfares and Public Places Local Law 2007 – Original Penalties</i>	New Item No. in proposed local law	Thoroughfares and Public Places Local Law 2016 – Proposed New Penalties	Amendments / Additions / Reason
				deterrent.
39	\$250 Clause 3.1(1)	61	\$250 Clause 3.1(1)	• No change to clause or penalty.
40	\$125 Clause 3.2(2)(a)	62	\$125 Clause 3.2(2)(a)	• No change to clause or penalty.
41	\$125 Clause 3.2(2)(b)	63	\$125 Clause 3.2(2)(b)	• No change to clause or penalty.
42	\$125 Clause 3.2(2)(c)	64	\$125 Clause 3.2(2)(c)	• No change to clause or penalty.
43	\$125 Clause 3.2(2)(d)	65	\$125 Clause 3.2(2)(d)	• No change to clause or penalty.
44	\$125 Clause 3.2(3)	66	\$125 Clause 3.2(3)	• No change to clause or penalty.
45	\$125 Clause 3.4	67	\$125 Clause 3.4	• No change to clause or penalty.
46	\$125 Clause 3.5(2)	68	\$125 Clause 3.5(2)	• No change to clause or penalty.
	New clause	69	\$100 Clause 3.7(1)(a)	• New clause and new penalty required as deterrent.
	New clause	70	\$100 Clause 3.7(1)(b)	• New clause and new penalty required as deterrent.
	New clause	71	\$100 Clause 3.7(2)	• New clause and new penalty required as deterrent.
47	\$250 Clause 4.1(1)	72	\$250 Clause 4.1(1)	• No change to clause or penalty.
48	\$250 Clause 4.5	73	\$500 Clause 4.5	• No change to clause. • Penalty increase of 100% required as sufficient deterrent.
49	\$125 Clause 4.10	74	\$125 Clause 4.10	• No change to clause or penalty.
50	\$125 Clause 7.1	75	\$125 Clause 7.1	• No change to clause or penalty.

*Local Government Act 1995***CITY OF PERTH****THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2016**

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 _____ to make the *Thoroughfares and Public Places Local Law 2016*, as set out below.

PART 1 - PRELIMINARY**1.1 Title**

This local law may be cited as the *Thoroughfares and Public Places Local Law 2016*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, management and control of activities on 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 on, thoroughfares and public property within the district, must comply.

1.4 Repeal

The *City of Perth on Thoroughfares and Public Places Local Law 2007* as published in the *Government Gazette* on 2 March 2007 including amendments, is repealed on the day that this local law comes into operation.

1.5 Application

This local law applies throughout the district.

1.6 Terms used

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;

alternative verge treatment means a verge treatment which is not a permissible verge treatment and which has been approved by the local government in writing;

applicant means a person who applies for a permit;

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

bicycle has the meaning given in the *Road Traffic Code 2000*;

built-up area has the meaning given 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 local government's regular domestic rubbish collection service;

carriageway has the meaning given in the *Road Traffic Code 2000*;

CEO means the Chief Executive Officer of the local government;

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

Council means the Council of the local government;

crossing means a crossing giving access from a public thoroughfare to –

- (a) private land; or
- (b) a private thoroughfare serving private land;

district means the district of 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;

footpath has the meaning given in the *Road Traffic Code 2000*;

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 in the *Road Traffic Code 2000*;

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;

liquor has the meaning given in the *Liquor Licensing Act 1988*;

local government means the local government of the City of Perth;

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 in the *Planning and Development Act 2005*;

mall reserve has the meaning given in the *Land Administration Act 1997*;

nuisance means:

- (a) any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social wellbeing of another person;
- (b) anything a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or
- (c) anything a person does in or on a public place which unreasonably detracts from or interferes with the enjoyment or value of nearby land owned by another person, provided that anything done in

accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;

owner or **occupier** in relation to land does not include the local government;

permissible verge treatment means any treatment described in clause 2.7(2);

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

person does not include the local government;

portable sign means a portable free standing advertising sign;

premises for the purpose of the definition of “public place” 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 local government 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;

receptacle means a receptacle, including a recycling waste receptacle –

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has been otherwise approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

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 in the *Tobacco Products Control Act 2006*;

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 has the meaning given in the Act;

tobacco product has the meaning given in the *Tobacco Products Control Act 2006*;

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 including –

- (a) in-line skates, rollerskates, a skateboard or similar wheeled device;
- (b) a scooter being used by a person aged 12 years of age or older;
- (c) a unicycle; and

(d) 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

2.1 General prohibitions

A person shall not –

- (1) plant any plant other than lawn or prostrate ground covers with a maximum mature height of 100mm on a thoroughfare so that the plant is within 6 metres of an intersection;
- (2) plant any plant, other than lawn or prostrate ground covers with a maximum mature height of 100mm on a thoroughfare so that it is within 2 metres of a carriageway;
- (3) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless –
 - (a) 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 local government; or
 - (b) the person is acting under the authority of a written law;
- (4) 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 local government, unless –
 - (a) the removal of the street tree is authorised by the local government in writing; or
 - (b) the person is acting under authority of written law;
- (5) install anything within the verge other than a permissible verge treatment;
- (6) install play equipment or structures within the verge;
- (7) attach or tie anything to a street tree;

- (8) install synthetic or artificial turf on the verge;
- (9) place on any thoroughfare 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 thoroughfare;
- (10) 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 local government or a person acting under the authority of a written law;
- (11) 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;
- (12) 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;
- (13) within a mall, an arcade or verandah of a shopping centre, ride any bicycle or wheeled recreational device:
 - (a) Subclause (13) does not apply to the Western Australia Police;
- (14) on a public place use anything or do anything so as to create a nuisance;
- (15) smoke any tobacco product within any mall reserve, which is not an 'outdoor eating area' as defined by the *Tobacco Products Control Act 2006*; and
- (16) leave bags or baggage unattended in any mall reserve, thoroughfare or public place.

2.2 Activities allowed with a permit

- (1) A person shall not, without a permit –
 - (a) dig or otherwise create a trench through or under a kerb or footpath;
 - (b) throw, place or deposit any thing on a verge except for removal by the local government 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 local government;

- (c) cause any obstruction to a vehicle, a person or persons, by placing objects or personal property on a thoroughfare or public place, or by a person or persons sitting or laying on a thoroughfare or public place for an unauthorised 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, an approved verge treatment –
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install 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;
- (m) interfere with the soil of, or any thing in a thoroughfare or take any thing from a thoroughfare;
- (n) install a full or part road closure on any road or portion of road;
- (o) collect money or distribute pamphlets on any part of a

thoroughfare or public place;

- (p) use the local government's electricity in a thoroughfare or public place; and
 - (q) use a loud hailer or an amplified speaker system in a thoroughfare or public place.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

- (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.

2.4 Discharging in public places

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.

2.5 Temporary crossings – permit required

- (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 permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
 - (b) the registered owner of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.
- (3) If the local government 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.

2.6 Removal of redundant crossing

- (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 local government.
- (2) The local government 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.

2.7 Permissible verge treatments

- (1) An owner or occupier of land which abuts on a verge may on that part of the verge directly in front of their land, install a permissible verge treatment.
- (2) Permissible verge treatments include the planting of:
 - (a) prostrate native ground covers with a maximum mature height of 100mm; and / or
 - (b) organic mulch.

2.8 Alternative verge treatments to be installed

- (1) An owner or occupier of land which abuts on a verge shall not install an alternative verge treatment unless authorised in writing by

the local government.

- (2) An application to install an alternative verge treatment shall be forwarded to the local government 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 local government is to have regard to –
 - (a) any relevant local government 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 clause 2.7 are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.9.

2.9 Obligations of owner or occupier

An owner or occupier who installs or maintains a verge treatment approved by the local government shall –

- (1) only install the verge treatment approved by the local government;
- (2) keep the verge treatment in a good and tidy condition and ensure that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (3) not place any obstruction on or around the verge treatment; and
- (4) not disturb a footpath on the verge.

2.10 Notice to owner or occupier

The local government 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.

2.11 Existing verge treatments – transitional provisions

- (1) In this clause “former provisions” means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, 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 providing the verge treatment does not present a safety issue or hazard.

2.12 Power to carry out public works on verge

Where the local government or an utility empowered to do so under a written law disturbs a verge, the local government or the utility –

- (1) is not liable to compensate any person for that disturbance;
- (2) may backfill with sand, if necessary, any garden or lawn; and
- (3) is not liable to replace or restore any –
 - (a) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or
 - (b) sprinklers, pipes, reticulation or other equipment.

2.13 Assignment of property numbers

- (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 local government may assign a Number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

2.14 Fencing adjoining public places - Item 4(1) of Division 1, Schedule 3.1 of Act

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 –

- (1) a public place, as defined in clause 1.6; and
- (2) local government property.

2.15 Signs erected by the local government

- (1) The local government 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.

2.16 Transitional provisions relating to signs

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.15(1) if –

- (1) 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
- (2) the condition of use specified is not inconsistent with any provision of this local law.

2.17 Advertising signs and portable direction signs

- (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.

2.18 Portable signs

- (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 local government, 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.

2.19 Bunting

A person shall not erect bunting on any street, hoarding, wall, building, fence or structure on a public place.

2.20 Hand held signs

A person shall not display a hand held sign on local government property or a public place unless approved by the local government or associated with an event approved by the local government.

2.21 No driving on closed thoroughfare

- (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.

2.22 No entry into a closed or locked mall reserve

A person shall not enter into a closed or locked mall reserve.

PART 3 – OBSTRUCTING ANIMALS, VEHICLES, SHOPPING TROLLEYS OR RECEPTACLES

3.1 Leaving animals or vehicles in a public place or on local government property

- (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.
- (3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

3.2 Prohibitions relating to animals

- (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.

3.3 Shopping trolley to be marked

A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

3.4 Person not to leave shopping trolley in public place

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.

3.5 Retailer to remove abandoned shopping trolley

- (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 local government 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 local government 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 local government.

3.6 Retailer taken to own shopping trolley

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.

3.7 Waste receptacles

An owner or occupier of premises shall –

- (1) before and after collection time, and for no longer than 24 hours, keep the receptacle on the premises and located –
 - (a) beyond a thoroughfare; or
 - (b) in such other position as is approved by the local government;
- (2) within 24 hours prior to collection time, place the receptacle in the street as close as practicable to the street alignment of the premises but so that it does not obstruct any thoroughfare.

PART 4 – PERMITS

4.1 Application for permit

- (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 local government;
 - (b) provide the information required by the form; and
 - (c) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.

- (5) The local government 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).

4.2 Decision on application for permit

- (1) The local government 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 local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government 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 local government 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 local government to refuse the application for a permit on other grounds under subclause (1)(b).

4.3 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to –

- (1) the payment of a fee;
- (2) the duration and commencement of the permit;
- (3) the commencement of the permit being contingent on the happening of an event;
- (4) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;

- (5) the granting of another approval, permit, licence or authorisation which may be required under any written law;
- (6) the area of the district to which the permit applies;
- (7) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government;
- (8) the imposition of a bond to repair any resulting damage to a thoroughfare or public place; and
- (9) require the submission of a construction management plan to mitigate any nuisance or congestion and to ensure safety to a thoroughfare or public place.

4.4 Security for restoration and reinstatement

- (1) The local government may require the payment of a bond, or the provision of a bank guarantee, for a sum determined by the local government –
 - (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, or bank guarantee, required under subclause (1) is to be paid into an account established by the local government for the purposes of this clause.
- (3) A bond, or bank guarantee, required under subclause (1) shall be returned to the permit holder if the local government is satisfied that the activity has not caused damage to the public place or local government property used for the activity.

4.5 Compliance with conditions

Where –

- (1) an application for a permit has been approved subject to conditions; or

- (2) 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.

4.6 Amendment of permit conditions

- (1) A permit holder may apply in writing to the local government to amend any of the terms or conditions of the permit.
- (2) The local government 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 local government may, at any time, amend any of the terms and conditions of the permit.
- (4) If the local government 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 local government 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.

4.7 Duration of permit

A permit is valid for six months from the date on which it is issued, unless it is –

- (1) otherwise stated in this local law or in the permit; or
- (2) cancelled under clause 4.11.

4.8 Renewal of permit

- (1) A permit holder may apply to the local government 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*.

4.9 Transfer of permit

- (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 local government 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 local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government 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 local government.
- (4) Where the local government 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.

4.10 Production of permit

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.

4.11 Cancellation of permit

- (1) A permit may be cancelled by the local government 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 local government may cancel or suspend a permit if the local government 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 local government 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 local government.
- (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 local government 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

5.1 Application of Part 9 Division 1 of Act

- (1) Where the local government 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 local government.

PART 6 – MISCELLANEOUS NOTICES

6.1 Notice to redirect or repair sprinkler

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 local government 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.

6.2 Hazardous plants

- (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government 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 local government.

6.3 Notice to repair damage to thoroughfare

Where any portion of a thoroughfare has been damaged, the local government 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 local government.

6.4 Notice to remove thing unlawfully placed on thoroughfare

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

7.1 Offence to fail to comply with notice

Whenever the local government 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.

7.2 The local government may undertake requirements of notice

- (1) Where a person fails to comply with a notice referred to in clause 7.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.
- (2) The local government 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 local government.
- (3) The liability of a permit holder to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 4.4.

7.3 Offences

- (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.

7.4 Infringement provisions and modified penalties

- (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.

7.5 Forms

Unless otherwise specified, for the purposes of this local law –

- (1) 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;
- (2) 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
- (3) 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.

7.6 Authorised persons

Unless expressly stated otherwise by the local government, a person appointed by the local government to be an authorised person for the purposes of this local law is taken to have also been appointed by the local government 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 2016

Item No.	Offence Clauses	Modified Penalty \$
1	2.1(1)	125
2	2.1(2)	125
3	2.1(3)	250
4	2.1(4)	500
5	2.1(5)	125
6	2.1(6)	125
7	2.1(7)	125
8	2.1(8)	125
9	2.1(9)	125
10	2.1(10)	350
11	2.1(11)	125
12	2.1(12)	125
13	2.1(13)	125
14	2.1(14)	125
15	2.1(15)	100
16	2.1(16)	125
17	2.2(1)(a)	250
18	2.2(1)(b)	250
19	2.2(1)(c)	250
20	2.2(1)(d)	250
21	2.2(1)(e)	250
22	2.2(1)(f)	500
23	2.2(1)(g)	350
24	2.2(1)(h)	125
25	2.2(1)(i)(i)	250
26	2.2(1)(i)(ii)	250
27	2.2(1)(j)	500
28	2.2(1)(k)	500
29	2.2(1)(l)	250
30	2.2(1)(m)	125
31	2.2(1)(n)	500
32	2.2(1)(o)	125

Item No.	Offence Clauses	Modified Penalty \$
33	2.2(1)(p)	125
34	2.2(1)(q)	125
35	2.3(1)	125
36	2.4	125
37	2.5(1)	250
38	2.6(1)	350
39	2.6(2)(a)	350
40	2.6(2)(b)	350
41	2.8(1)	250
42	2.9(1)	125
43	2.9(2)	125
44	2.9(3)	125
45	2.9(4)	125
46	2.10	125
47	2.15(2)	125
48	2.17(1)(a)	100
49	2.17(1)(b)	100
50	2.17(2)(a)	100
51	2.17(2)(b)	100
52	2.17(2)(c)	100
53	2.17(2)(d)	100
54	2.17(2)(e)	100
55	2.18(3)	100
56	2.19	100
57	2.20	100
58	2.21(1)(a)	350
59	2.21(1)(b)	350
60	2.22	250
61	3.1(1)	250
62	3.2(2)(a)	125
63	3.2(2)(b)	125
64	3.2(2)(c)	125
65	3.2(2)(d)	125
66	3.2(3)	125
67	3.4	125

Item No.	Offence Clauses	Modified Penalty \$
68	3.5(2)	125
69	3.7(1)(a)	100
70	3.7(1)(b)	100
71	3.7(2)	100
72	4.1(1)	250
73	4.5	500
74	4.10	125
75	7.1	125

ITEM NO: 5

REVIEW OF COUNCIL POLICY 10.16 – LEGAL REPRESENTATION FOR MEMBERS AND EMPLOYEES

RECOMMENDATION:

(APPROVAL)

That Council:

- 1. in accordance with Section 2.7(2)(b) of the Local Government Act 1995, adopts amendments to Council Policy 10.16 – Legal Representation for Members and Employees as detailed in Schedule 6;***
- 2. in accordance with Section 5.42 of the Local Government Act 1995 authorises, BY AN ABSOLUTE MAJORITY, the Chief Executive Officer to determine an application for legal representation costs for an amount not exceeding \$5,000 and in accordance with the proposed new delegated authority in Schedule 8 - Delegated Authority Register 2016/2017 1.2.13 C – Determine Applications for Payment of Legal Representation Costs; and***
- 3. in accordance with Section 9.49A(4) of the Local Government Act 1995 grants the Chief Executive Officer the authority to sign the Financial Assistance for Legal Expenses Deed on behalf of the City.***

BACKGROUND:

FILE REFERENCE:	P1023394
REPORTING UNIT:	Governance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	31 October 2016
MAP / SCHEDULE:	Schedule 6 – Policy 10.16 - Legal Representation for Members and Employees (with proposed amendments) Schedule 7 – Financial Assistance for Legal Expenses Deed Schedule 8 –Delegated Authority Register 2016/2017 1.2.13 C – Determine Applications for Payment of Legal Representation Costs

At its meeting held on **15 July 2008**, Council resolved to adopt Policy 10.16 - Legal Representation for Members and Employees.

The objective of the Policy was to provide a framework and guidelines to assist Council in determining when the City should provide financial assistance to members and employees for legal representation.

The Policy was last reviewed and amended by Council on **1 February 2011**. The review of this Policy is required to ensure it operates efficiently and continues to support the performance of official duties and functions under the *Local Government Act 1995* (the Act).

Section 9.56 of the Act provides protection from civil liability for members or employees for anything they have done, in good faith, in the performance of a function under the Act or another written law. However, the legislation does not prevent people taking action against individual members or employees if they believe the individual has not acted in good faith.

Sections 3.1 and 6.7(2) of the Act allow the City to assist individual members or employees in meeting reasonable legal expenses. Funds may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. A general function of a local government is to provide for the good government of persons in its district. Assisting with legal expenses where Council believes the individual has acted in good faith, and in the performance of their official duties, assists with supporting the performance of functions under the Act (or other written laws) and good governance.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Sections 3.1 and 6.7(2) of the *Local Government Act 1995*

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

Policy

Policy No and Name: 10.16 – Legal Representation for Members and Employees

DETAILS:

Governance has undertaken a review of Policy 10.16 – Legal Representation for Members and Employees. During the review amendments were proposed to ensure the Policy would continue to operate effectively and support the performance of functions under the Act. The Policy was then reviewed by City of Perth external solicitors, McLeods, who made drafting amendments for clarity and to comply with changes in legislation. They also amended a “Financial Assistance for Legal

Expenses Deed” for use in matters where a security agreement is a condition of providing assistance.

The main policy changes are outlined below:

- The requirement for a formal agreement to be completed in all circumstances where the estimated legal expenses are over \$5,000. A proposed Deed is attached at Schedule 7;
- The increase of maximum amount the Chief Executive Officer (CEO) can approve in urgent circumstances from \$2,000 to \$5,000 to reflect increases in legal expenses over time;
- The insertion of a new clause 5.8, that requires when Council amends or reverses a prior approval in circumstances where there is no determination that the individual did not act in good faith, that the applicant is notified as soon as possible to prevent them incurring further costs; and
- Clause 5.8 also prevents recovery of costs incurred prior to notification. This is to protect the applicant from bearing costs they have incurred in good faith. This amendment does not prevent Council making a later determination that the person did not act in good faith and is therefore required to repay costs.

Proposed Changes

Clause	Original Clause	Proposed New Clause	Reason for Change
Policy Statement	Under the <i>Local Government Act 1995</i> , the City of Perth is empowered to protect the interests of individual members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions.	Under the <i>Local Government Act 1995</i> , the City of Perth is empowered to protect the interests of individual members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions.	The definition of legal proceedings includes civil, criminal and investigative legal proceedings.
Definitions	“approved solicitor” is to be: a) a “certified practitioner” under the <i>Legal Practice Act 2003</i> ; and	“approved solicitor” is to be: a) an “ Australian certified Legal practitioner” under the <i>Legal Practice Profession Act 2008</i> ; and	To reflect the current applicable legislation.
1.1(c)	in performing his or her function, to which the legal representation	in performing his or her function, to which the legal representation relates, the	This change clarifies that the <i>Local Government (Rules of</i>

Clause	Original Clause	Proposed New Clause	Reason for Change
	relates, the member or employee, in the opinion of the Chief Executive Officer's, or, where the employee is the Chief Executive Officer, in the Council's, opinion must have acted in good faith, and conduct under the City's Code of Conduct, the City's policies, and the <i>Local Government (Rules of Conduct) Regulations 2007</i> or other written law; and	member or employee, in the opinion of the Chief Executive Officer's, (or, where the employee is the Chief Executive Officer, in the Council's opinion opinion of the Council) must have acted reasonably , in good faith, and consistently with conduct under the City's Code of Conduct, the City's policies, and the Local Government (Rules of Conduct) Regulations 2007 (in the case of an Elected Member) or and other written laws; and	<i>Conduct) Regulations 2007</i> only applies to elected members. There are also minor changes to better align this clause with clauses 5.6 and 5.7 and for grammatical clarity.
1.1(d)	the legal representation costs do not relate to a matter or dispute in respect of a Local Government Election process.	the legal representation costs do not relate to a matter or dispute in respect of a local government election process.	This change is because "Local Government Election process" is not a defined term so this drafting is more accurate.
5.3	New clause inserted	5.3 A member or employee in respect of whom payment of legal representation costs [that exceed or may exceed \$5,000] has been approved must, before receiving any payment, execute a security deed, prepared by the City, which sets out the terms and conditions on which the payment is to be made, including any repayment requirements under clauses 5.7 and 7.	The new clause requires a formal agreement to be executed in all circumstances (proposed Deed included at Schedule 7) where the anticipated expenses are more than \$5,000. This is to protect the City's financial interests.
5.8	New clause inserted	5.8 Where the Council resolves to cancel or vary an approval under clause 5.5, but no determination has been made under clause 5.6: - (a) the member or employee is to be notified as soon as possible of the decision; and (b) subject to clauses 5.7	This clause is to protect an employee or member from bearing costs incurred in good faith prior to the Council resolving to cancel or vary an approval. This is only to apply where there is no determination by Council that the conduct of the individual was unlawful

Clause	Original Clause	Proposed New Clause	Reason for Change
		and 7, the member or employee is not required to bear the cost of or to refund, any legal representation costs incurred prior to notification as long as those costs were incurred in accordance with the prior approval.	or in bad faith.
5.9	New clause inserted	5.9 Nothing in clause 5.8 prevents a later determination being made under clause 5.6 that requires repayment under clause 5.7 or clause 7.	This clause is to prevent the new clause 5.8 being interpreted in a way that prevents recovery when it is later determined an individual acted in bad faith.
6.1	6.1 In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO, subject to clause 6.2, may exercise, on behalf of the Council, any of the powers of the Council under clause 5.1 and 5.2, to a maximum of \$2,000 in respect of each application.	6.1 In cases Where a delay in the approval of an application will would be detrimental to the legal rights of the applicant, the CEO, subject to clause 6.2, may exercise, on behalf of the Council, any of the powers of the Council under clause 5.1 and 5.2, to a maximum of \$2,000 \$5,000 in respect of each application.	The \$2,000 limit has not been reviewed in several years. The limit should be reviewed to ensure that it is line with inflation in legal expenses over time. \$2,000 may now be insufficient depending on the nature and urgency of the matter. The other amendments are to allow consideration of detriment to the applicant other than specifically the legal rights of the applicant.

FINANCIAL IMPLICATIONS:

The future financial implications of this policy are not certain as the amounts depend on the nature of the legal assistance sought and approved. The increased limit amounts proposed are intended to ensure there is no gap in coverage and sufficient provision is made for urgent circumstances but not to increase the total amount of expenses incurred.

Sufficient funds are included within the Governance Units legal services budget for such expenses.

COMMENTS:

The incorporation of the financial assistance for legal expenses deed (Schedule 7) is industry best practice.

CP10.16 LEGAL REPRESENTATION FOR MEMBERS AND EMPLOYEES

POLICY OBJECTIVE

The objective of this policy is to provide a framework and guidelines to assist the Council in determining when the City should provide financial assistance to members and employees for legal representation.

POLICY STATEMENT

Under the *Local Government Act 1995*, the City of Perth is empowered to protect the interests of individual members and employees (including past members and former employees) where they become involved in ~~civil~~ legal proceedings because of their official functions. In these situations the City may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In this policy:-

“**approved solicitor**” is to be:-

- a) an “~~Australian legal certified~~ practitioner” under the *Legal ~~Practice Profession~~ Act 2003/2008*; and
- b) approved in writing by the Chief Executive Officer;

“**member or employee**” means a current or former Elected Member, a commissioner, a member of a Committee of Council or an employee of the City;

“**legal proceedings**” may be civil, criminal or investigative (including an inquiry under any written law);

“**legal representation**” is the provision of legal services, to or on behalf of a member or employee, by an approved solicitor that are in respect of:-

- a) a matter or matters arising from the performance of the functions of the member or employee; and
- b) legal proceedings involving the member or employee that have been, or may be, commenced;

CP10.16 Legal Representations for Members and Employees

“**legal representation costs**” are the costs, including fees and disbursements, properly incurred in providing legal representation;

“**legal services**” includes advice, representation or documentation that is provided by an approved solicitor;

“**payment**” by the City of legal representation costs may be either by:-

- a) a direct payment to the approved solicitor (or the relevant firm); or
- b) a reimbursement to the member or employee.

1. FINANCIAL ASSISTANCE CRITERIA

1.1 The City may provide financial assistance for legal representation of a member or employee based on the following criteria:-

- (a) the legal representation costs must relate to a matter that arises from the performance, by the member or employee, of his or her functions as a member or employee;
- (b) the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
- (c) in performing his or her function, to which the legal representation relates, the member or employee, in the **opinion of the** Chief Executive Officer's, (or where the employee is the Chief Executive Officer, **in the Council's** opinion **of the Council**) must have acted **reasonably**, in good faith, and **conduct under consistently with** the City's Code of Conduct, *Local Government (Rules of Conduct) Regulations 2007 (in the case of an Elected Member) and or* other written laws; and
- (d) the legal representation costs do not relate to a matter or dispute in respect of a local government election **process**.

2. EXAMPLES OF LEGAL PROCEEDINGS

2.1 If the criteria in clause 1 are satisfied, the Council may approve the payment of legal representation costs:-

- (a) where proceedings are brought against a member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the member or employee;

CP10.16 Legal Representations for Members and Employees

- (b) where proceedings are commenced by a member or employee to enable them to carry out their local government functions - for example, where a member or employee seeks a restraining order against a person using threatening behaviour to the member or employee; or
- (c) for involvement in a statutory or other inquiry that requires information to be given ~~by~~, or to which information is given, by a member or employee in connection with his or her functions.

2.2 The City will not make payment for legal representation costs to a member or employee for a defamation or negligence action, instituted by ~~a the~~ member or employee.

3. APPLICATION FOR PAYMENT

3.1 A member or employee who seeks payment under this policy ~~is to~~:-

- (a) must make an application ~~(s)~~ in writing, to the CEO, ~~(unless the CEO is the applicant, in which case the application is to be submitted to the Director Corporate Services)~~, with the following details:-
 - (i) the matter for which legal representation is sought;
 - (ii) how that matter relates to the functions of the ~~m~~Member or employee making the application;
 - (iii) the solicitor (or firm) who is to be asked to provide legal representation;
 - (iv) the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
 - (v) the estimated cost (if known) of the legal representation; and
 - (vi) why it is in the interests of the City for payment to be made; and
- (b) so far as possible, to make the application in paragraph (a) before seeking the legal representation to which the application relates.

3.2 The application ~~is to~~must be accompanied by a signed declaration by the relevant member or employee that he or she:-

- (a) has read, and understands, the terms of this Policy;
- (b) has acted reasonably and in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates;

CP10.16 Legal Representations for Members and Employees

- (c) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clauses s 5.7 and 7 and any other conditions to which the approval is subject; and
- (d) undertakes to repay to the City any legal representation costs in accordance with the provisions of clauses s 5.7 and 7, as may be required by the City and the terms of this Policy.

3.3 Once an application is received in accordance with this Policy a report is to be prepared by the CEO (~~or, where the CEO is the applicant, the Director Corporate Services~~), containing details of the application, an assessment of the request, an ~~estimation~~estimate of costs and a recommendation for consideration by the Council.

4. LEGAL REPRESENTATION COSTS – LIMIT

- 4.1 Unless otherwise determined by the Council, payment of legal representation costs in respect of a single application is not to exceed \$10,000.
- 4.2 A member or employee may make an one or more additional application(s) to the Council in respect of the same matter.

5. COUNCIL'S POWERS

- 5.1 The Council, in respect of an application for payment of legal representation costs, may:–
- (a) refuse the application;
 - (b) grant approve payment; or
 - (c) grant approve payment subject to conditions.
- 5.2 Conditions under clause 5.1 may include, but are not limited to:-
- (a) a financial limit; and
 - (b) a requirement to enter into ~~a formal agreement, including a security agreement, deed in accordance with clause 5.3 relating to the payment, and repayment, of legal representation costs.~~

5.3 A member or employee in respect of whom payment of legal representation that exceed or may exceed \$5,000 has been approved must execute a security deed, prepared by the City, which sets out the terms and conditions

CP10.16 Legal Representations for Members and Employees

on which the assistance is offered, including any repayment requirements under clauses 5.7 and 7.

5.43 In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant or to the City under the City's member or employee insurance policy (or its equivalent).

5.54 The Council may ~~by resolution~~, cancel or vary an approval, or any conditions of approval, for the payment of legal representation costs.

5.65 The Council may determine that a member or employee in respect of whom whose application for payment of legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:—

- (a) not acted reasonably or in good faith; or
- (b) given false or misleading information in respect of the application.

5.76 Where the Council makes a determination under clause 5.65 or where a ~~c~~Court, tribunal, inquiry or other body ~~or Commission~~ finds that a member or employee has acted unlawfully or in a way that constitutes misconduct:—

- (a) ~~assistance from the City will be immediately withdrawn no further payments of legal representation costs are to be made;~~ and
- (b) the legal representation costs paid by the City ~~are to~~must be repaid by the member or employee in accordance with clause 7.

5.8 Where the Council resolves to cancel or vary an approval under clause 5.5, but no determination has been made under clause 5.6: -

- (a) the member or employee is to be notified as soon as possible of the decision; and
- (b) subject to clauses 5.7 and 7, the member or employee is not required to bear the cost of or to refund, any legal representation costs incurred prior to notification as long as those costs were incurred in accordance with the prior approval.

5.9 Nothing in clause 5.8 prevents a later determination being made under clause 5.6 that requires repayment under clause 5.7 or clause 7.

6. CHIEF EXECUTIVE OFFICER'S POWERS

CP10.16 Legal Representations for Members and Employees

- 6.1 ~~In cases~~ Where a delay in the approval of an application ~~will~~ would be detrimental to ~~the legal rights of~~ the applicant, the CEO, subject to clause 6.2, may exercise, on behalf of the Council, any of the powers of the Council under clause 5.1 and 5.2, ~~to a maximum of below \$2,000~~ \$5,000 in respect of each application.
- 6.2 ~~For the purposes of clause 6.1, Where it is an application from the CEO who is seeking urgent financial support for legal services the is to be dealt with by the~~ Director Corporate Services ~~shall deal with the application.~~
- 6.3 An application approved by the CEO under clause 6.1, or by the Director Corporate Services under clause 6.2 is to be submitted to the next Ordinary Meeting of the Council which may exercise any of its powers under this Policy, including its powers under clause 5. 54.

7. REPAYMENT OF LEGAL REPRESENTATION COSTS

- 7.1 A ~~m~~Member or employee whose legal representation costs have been paid by the City ~~is to~~ must repay the City:-
- all or part of those costs – in accordance with any determination by the Council under clause 5. ~~67~~; or
 - as much of those costs as are available to be paid by way of set-off – where the member or employee receives or is entitled to receive, ~~monies~~ money paid by way of ~~for~~ costs, damages, or settlement, in respect of the matter for which the City paid the legal representation costs.
- 7.2 The City may take action in a court of competent jurisdiction to recover any ~~monies~~ money due to it under this Policy.

Document Control Box									
Document Responsibilities:									
Custodian:		MANAGER GOVERNANCE			Custodian Unit:		Governance		
Decision Maker:		COUNCIL							
Compliance Requirements:									
Legislation:		Sections 3.1 and 6.7(2) of the <i>Local Government Act 1995</i>							
Industry:									
Organisational:									
Document Management:									
Risk Rating:			Review Frequency:		Biennial	Next Due:	2018	TRIM Ref:	P1023394
Version #	Decision Reference:		Synopsis:						
1.	15/07/08								
2.	01/02/11		.						
3.									

Financial Assistance For Legal Expenses Deed

(Applicant)

City of Perth (**City**)



McLEODS
BARRISTERS & SOLICITORS

Local Government Law
Environmental Planning Law
Stirling Law Chambers
220-222 Stirling Highway
CLAREMONT WA 6010
Tel: (08) 9383 3133
Fax: (08) 9383 4935
Email: mcleods@mcleods.com.au

Financial Assistance for Legal Expenses Deed

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Details

Date

Parties

Name

Short form name

Notice details

Applicant

Western Australia

Facsimile (08)

Attention:

Name

Short form name

Notice details

City of Perth

City

27 St Georges Terrace, Perth, Western Australia

Background

- A The Applicant is a [**current/former elected member/employee**] of the City.
- B The Applicant has applied to the City for Financial Assistance for legal expenses under the City's Policy on Legal Representation for Members and Employees (**Policy**).
- C The City has approved payment under the Policy subject to conditions.
- D One of the conditions of the approval is that the Applicant enters into a formal agreement with the City relating to the payment, and in certain circumstances the repayment, of the Financial Assistance.
- E This deed is entered into to fulfil that condition.

Agreed terms

1. Defined terms and interpretation

1.1 Defined terms

(1) In this deed:

Application means the written application made by the Applicant under the Policy for Financial Assistance by the City for legal expenses of the Applicant.

Financial Assistance means, depending on the context:

- (a) the Financial Assistance approved by the City in granting the Application; or
- (b) the Financial Assistance paid by the City in respect of the Application.

Policy means the City's Policy on Legal Representation for Members and Employees.

Proper Determination means a determination as defined under clause 3.3.

(2) Other terms used in this deed have the meanings given to them in the Policy.

1.2 Interpretation

In this deed:

- (a) headings have been inserted for guidance only and do not form part of the deed for interpretation purposes;
- (b) a reference to the parties includes their personal representatives, successors and lawful assigns;
- (c) a reference to a clause, subclause or paragraph is a reference to a clause, subclause or paragraph in this deed; and
- (d) where a reference to a party includes more than one person, the rights and obligations of those persons are joint and several.

2. Conditions of payment

The Applicant acknowledges that the City has approved payment of the Financial Assistance subject to conditions that include the following:

- (a) any Financial Assistance the City will provide is limited to \$[_____];
- (b) the Financial Assistance is only for legal expenses that are consistent with the terms of the City's approval;
- (c) the City may, in its absolute discretion, vary or cancel its approval for the provision of the Financial Assistance, or any condition of that approval; and
- (d) Financial Assistance provided is to be repaid to the City if demanded under clause 3.

3. Repayment

- (1) The Applicant must repay to the City any Financial Assistance paid that is the subject of a demand from the City for repayment under either clause 3.2 or clause 3.4.
- (2) The City may demand repayment of Financial Assistance paid that is the subject of a Proper Determination by the Council of the City that, in respect of the matter for which the payment of the Financial Assistance was approved, the Applicant:
 - (a) has not acted reasonably or in good faith; or
 - (b) gave false or misleading information in respect of the Application.
- (3) A Proper Determination for the purposes of clause 3.2 is a determination that is on the basis of, and consistent with, the findings of a court, tribunal, inquiry or other body.
- (4) The City may demand repayment of Financial Assistance paid to an amount equal to any sum that the Applicant has received, or is entitled to receive, by way of costs, damages or settlement of the matter for which the payment of the Financial Assistance was approved.

4. Payment on demand

- (1) The Applicant must repay in full any Financial Assistance paid that is demanded under clause 3 within 30 days of the date of the demand.
- (2) Any Financial Assistance not repaid within that period is a debt due to the City and is recoverable by the City either:
 - (a) in a court of competent jurisdiction; or
 - (b) by way of one or more deductions from any allowance, salary, benefit or other money payable by the City to the Applicant.

5. Manner of demand

A demand under clause 4 must be made in writing and:

- (a) personally delivered to the Applicant; or
- (b) left at the Applicant's address as identified in this deed (or as changed by written notification to the City); or
- (c) sent by ordinary post to the Applicant's address as identified in this deed (or as changed by written notification to the City).

6. Entire understanding

The parties agree that this deed represents the entire understanding of the parties on the subject matter of this deed.

Signing page

EXECUTED as a Deed

Signed on behalf of the City of Perth:

_____ Signature of Chief Executive Officer (or authorised officer)	←	_____ Name of Chief Executive Officer (print)
---	---	--

Signed by [name of Applicant]
in the presence of:

_____ Signature of witness	←	_____ Signature of Applicant
-------------------------------	---	---------------------------------

Name of witness (print)

Address of witness

Occupation of witness

SCHEDULE 8

1.2.13. C. Determine Applications for Payment of Legal Representation Costs

Function Delegated <i>This information is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [detailed below].</i>	Authority to determine an application for payment of legal representation costs [FM Reg. 12(1)(a)]
Statutory Power Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 12(1)(a) Payments from municipal fund, restrictions on making
Power Originally Assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<p>The determination of the application must only occur:</p> <ul style="list-style-type: none"> a) in circumstances where a delay until the next Council meeting would be detrimental to the rights of the applicant; b) in accordance in Policy 10.16 - Legal Representation for Members and Employees; and c) for an amount not exceeding \$5000. <p>The determination must be reported to Council at the next Ordinary Council Meeting.</p>
Record Keeping Requirements:	<p>Delegates must keep records of delegated decisions in compliance with:</p> <ul style="list-style-type: none"> 1. section 5.46(3) of the <i>Local Government Act 1995</i>; and 2. regulation 19 of the <i>Local Government (Administration) Regulations 1996</i> <p>Additionally, the determination must be reported to Council at the next Ordinary Council Meeting.</p>
Compliance Links:	<i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 5 CEO's duties as to financial management Regulation 11 Payments, procedures for making etc.

Delegation Administration

Version	Decision Reference	Date Delegated	Version	Decision Reference	Date Delegated
0	New Delegation				

ITEM NO: 6

TENDER 046- 16/17 – MECHANICAL VENTILATION MAINTENANCE IN CAR PARKS

RECOMMENDATION:

(APPROVAL)

That Council accepts the most suitable tender, being that submitted by BSA Limited for Mechanical Ventilation Maintenance in Car Parks (Tender 046-16/17), for a period of three years with an option to extend for a further period of two years, as per the schedule of rates detailed in Confidential Schedule 10 including CPI increases.

BACKGROUND:

FILE REFERENCE:	P1033216
REPORTING UNIT:	Commercial Parking
RESPONSIBLE DIRECTORATE:	Community & Commercial Services
DATE:	23 November 2016
MAP / SCHEDULE:	Confidential Schedule 9 – Tender Evaluation Matrix, Confidential Schedule 10 – Schedule of Rates (distributed to Elected Members under separate cover)

The City has mechanical ventilation systems installed in nine of its undercover carpark for the purpose of keeping carbon monoxide (CO) levels in the car parks at acceptable levels. Some of the installations are over 30 years' old and experiencing high failure rates resulting in increased cost of maintenance. At the end of last year the City appointed a mechanical engineering services consultant to undertake condition assessments for all the installations and come up with a new maintenance specification together with recommendations on upgrade works that are necessary to bring all installations up to a good state of repair.

The request for tender sought submissions from suitably qualified mechanical service maintenance contractors to maintain the installations and undertake the required upgrade works.

Tender 46 16/17 – Mechanical Ventilation Maintenance in Car Parks was advertised in The West Australian on Wednesday, 21 September 2016. At the close of the tender on Tuesday, 25 October 2016 at 2.00pm, four submissions were received from the following:

- MIZCO Pty Ltd;

- KD Aire Mechanical Services Pty Ltd;
- Mechanical Project Services Pty Ltd; and
- BSA Limited.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 3.57 of the *Local Government Act 1995* of the Part 4 of the *Local government (Functions and General) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Corporate Business Plan**
Council Four Year Priorities: Capable and Responsive Organisation
S19 A capable, flexible and sustainable organisation with a strong and effective governance system to provide leadership as a Capital City and deliver efficient and effective community centred services.

Policy

Policy No and Name: 9.7 - Purchasing Policy

DETAILS:

The tender submissions were evaluated on the following qualitative selection criteria specified in the request for tender:

- Experience with similar works;
- Methodology and demonstration of understanding scope of works;
- Experience of Key Personnel and Support Resources; and
- Quality Assurance Procedures.

MIZCO Pty Ltd

The tender evaluation panel (panel) found that Mizco Pty Ltd (Mizco) did not have adequate experience to service the mechanical services part of the contract. Their submission was based on engaging a subcontractor to undertake this part of the contract. This was in contrast to the objective of the tender which requested for submissions from suitably qualified mechanical services contractors. The Mizco submission also failed to demonstrate an understanding of the scope of works as inadequate information was provided in response to this criterion. The panel noted Mizco had good experience and understanding of the controls part of the tender. It was noted that the submission from Mizco contained a number of exclusions from the specified works. The panel after careful consideration of the submission in its entirety agreed that this was a non-compliant tender.

KD Aire Mechanical Services Pty Ltd

The panel found the KD Aire Mechanical Services Pty Ltd (KD Aire) submission had deficiencies in the responses to the criteria for experience with similar works and demonstration of understanding of the scope of works. Not enough detail was provided to address these criteria. There was also no evidence of the provision of a web-based electronic maintenance reporting and asset management structure provided to comply with the tender specification. The panel also found the experience provided for key personnel to be mainly for refrigeration services and the response lacked detail on subcontract work. KD Aire however, provided good details of quality assurance procedures and scored high in this criterion.

Mechanical Project Services Pty Ltd

Mechanical Project Services Ltd (MPS) scored low in all criteria except for quality assurance procedures. It was noted that based on a clarification request that had been made to MPS, it had submitted an incorrect version of its prepared tender, and this did not address most of the qualitative criteria requirements. The panel could therefore only evaluate the MPS tender based on the copy that was submitted.

BSA Limited

BSA Limited (BSA) scored the highest in all criteria and had the highest aggregate weighted score. It was the only tenderer that met all the qualitative selection criteria. It provided a comprehensive submission, with detailed responses to each of the selection criteria. This included details on past similar projects, profiles of nominated key personnel and an implementation plan together with a Gantt chart showing the duration for undertaking the rectification works.

The tender evaluation panel was in agreement that BSA Limited was the only tenderer that had met the qualitative selection criteria requirement. It was agreed that the pricing comparison with other tenderers would be for information purposes only.

Pricing Evaluation

Mizco's overall tender price submission was found to be the most expensive at approximately 237% above the lowest overall tender price submission. It was also observed that Mizco's tender submission included a significant number of exclusions, which were not included in the tender price.

KD Aire's overall tender submission was the second most expensive.

BSA and MPS submitted the two lowest tender prices. The difference in the overall preventative maintenance cost submitted was \$1,240. However, the rectification works cost submitted by MPS was found to be significantly higher than BSA, with a difference of \$112,558.

FINANCIAL IMPLICATIONS:

ACCOUNT NO: CW1807 & CW2088 & CL09 B13 000 7214
BUDGET ITEM: CO Monitoring & Mechanical Ventilation
BUDGET PAGE NUMBER: 37
BUDGETED AMOUNT: CW \$473,794 Maintenance 16/17 \$79,060
AMOUNT SPENT TO DATE: CW \$ 45,620 Maintenance 16/17 \$34,488
PROPOSED COST: CW \$272,602
BALANCE: \$201,192 To be used for upgrade of CO sensor & DDC systems plus Builder's works and craneage

ANNUAL MAINTENANCE: \$70,000 plus CPI
ESTIMATED WHOLE OF LIFE COST: \$2,000,000

All figures quoted in this report are exclusive of GST.

COMMENTS:

Based on a combination of qualitative factors and pricing to ascertain the best value for money, it is recommended that BSA Limited be awarded the tender for the Mechanical Ventilation Maintenance in Car Parks (Tender 46 16/17) as per the Schedule of Rates outlined in Confidential Schedule 10.

CONFIDENTIAL SCHEDULES 9 & 10
ITEM 6 – TENDER 046-16/17 – MECHANICAL
VENTILATION MAINTENANCE IN CAR PARKS

FOR THE FINANCE AND ADMINISTRATION COMMITTEE
MEETING

6 DECEMBER 2016

DISTRIBUTED TO ELECTED MEMBERS UNDER
SEPARATE COVER

ITEM NO: 7

QUARTERLY LEASING REPORT – OCTOBER TO DECEMBER 2016

RECOMMENDATION:

(INFORMATION)

That the Finance and Administration Committee receives the quarterly leasing report for the period October to December 2016.

BACKGROUND:

FILE REFERENCE:	P1032818
REPORTING UNIT:	Properties
RESPONSIBLE DIRECTORATE:	Construction and Maintenance
DATE:	28 November 2016
MAP / SCHEDULE:	Confidential Schedule 11 – PPM – Leasing Report – October to December 2016 (distributed to Elected Members under separate cover)

The Properties Unit provide a quarterly report for information to the Finance and Administration Committee and the Financial Management Task Force in line with the recommendations from the City's Internal Audit Unit.

This report is produced for each quarter ending June, September, December and March.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Council Four Year Priorities: Major Strategic Investments

S2 Optimise the commercial and community outcomes
within the City's property portfolio

COMMENTS:

Full details of the above mentioned activities are detailed on Confidential Schedule 11.

CONFIDENTIAL SCHEDULE 11
ITEM 7 – QUARTERLY LEASING REPORT – OCTOBER TO
DECEMBER 2016

FOR THE FINANCE AND ADMINISTRATION COMMITTEE
MEETING

6 DECEMBER 2016

DISTRIBUTED TO ELECTED MEMBERS UNDER
SEPARATE COVER

ITEM NO: 8

RESOURCES TRIBUTE PROJECT – PERTH PUBLIC ART FOUNDATION REQUEST FOR SUPPORT

RECOMMENDATION:

(APPROVAL)

That Council:

- 1. provides in principle support of the Resources Tribute Project in the form of:***
 - 1.1 confirmation of in-kind contribution of a site for the Resources Tribute, as per Schedule 12;***
 - 1.2 administrative support to obtain all approvals, licences, and other requirements under City of Perth policy;***
 - 1.3 provision of an Officer representative(s) from the City of Perth to sit on the artwork selection panel;***
 - 1.4 upon completion of the project, acceptance of the Resources Tribute accessioned into the City of Perth Public Art Collection as an asset under the care and custodianship of the City of Perth,***
- 2. nominates _____ to represent Council on the artwork selection panel;***
- 3. support as per part 1 above is in principle; final approval is subject to the submission of a final project plan, artwork design, and, in due course, a completed artwork, that meets all relevant City policy and procedural requirements, including, but not limited to:***
 - 3.1 Policy 1.5 – Public Art; and***
 - 3.2 Policy 1.6 – Commemorative Works,***
- 4. authorises the Chief Executive Officer, or his delegate, to represent the City of Perth as at 1.3; and***

- 5. notes that the final proposed artwork design as per part 3 above will be submitted to Council for approval, prior to execution.**

BACKGROUND:

FILE REFERENCE:	P1029507
REPORTING OFFICER:	Tabitha McMullan
REPORTING UNIT:	Arts, Culture & Heritage
RESPONSIBLE DIRECTORATE:	Economic Development & Activation
DATE:	18 November 2016
MAP / SCHEDULE:	Schedule 12 – Proposed sites for the Resources Tribute Confidential Schedule 13 – The Resources Tribute Project Plan

In May 2012, the Board of the Perth Public Art Foundation (PPAF) (then known as City of Perth Art Foundation), determined that the Foundation would act as the triage organisation to facilitate and manage funds associated with a fundraising campaign launched by Miners' Promise to raise funds from the corporate and public sector to build a public artwork known as Miners' Tribute.

Miners' Tribute was at this point expected to raise funds from the private and public sector to develop a public artwork that recognised the role of the Mining Industry whilst providing a public acknowledgement of those who had lost their lives through their role in the Mining Sector.

In late 2013 the PPAF embarked on a transformation, positioning the organisation as an independent not-for-profit cultural charity. Whilst supporting the City of Perth's Arts, Culture and Heritage Unit and underpinning all projects within the Public Art Strategy, the PPAF was now positioned and resourced to engage with the public and private sector on projects that assisted the City in realising its public art aims.

Since this transformation, the PPAF has reviewed existing arrangements whilst simultaneously conducting research and scoping of the existing project and development of a new vision for the project that broadens the scope to capture the entire resources sector ie: Oil and Gas / Mining.

The PPAF has developed a new detailed project plan (Confidential Schedule 13), defined a public and corporate fundraising strategy that aims to result in the development of a destination public artwork now known as the Resources Tribute.

The PPAF has also established a fundraising committee, undertaken research and consultation to determine the financial climate and ability to raise the funds for the project and complete a Cultural Mapping of the City of Perth, as a rationale for identifying and confirming a suitable site for the Resources Tribute.

In order to progress the project and implement the fundraising strategy the PPAF has requested that the City of Perth confirm it's in principle support of the project as per part 1 above.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications

Corporate Business Plan

Council Four Year Priorities: Healthy and Active in Perth

S15 Reflect and celebrate the diversity of Perth

S15.3 Develop Public Art Strategy and Implementation Plan

Policy

Policy No and Name: 1.5 – Public Art Policy

1.6 – Commemorative Works Policy

DETAILS:

Western Australia has been a beneficiary of significant investment in resources development over the years and the sector is a cornerstone in the settlement history of the State. Today, Western Australia is world ranking in liquefied natural gas and oil and gas industries; iron ore development and production; has a burgeoning resource services and construction industry, which services Australian and international resource development. Western Australia also has a leading role supplying gold, nickel, alumina and other commodities to global markets. The benefits from the Western Australian resource sector activity have flowed through to the Western Australian economy, making it the stand out economic performer in Australia over recent years whilst driving substantial income growth and prosperity for many adjacent industries in Western Australia.

During 2013 – 2014, there were 17 fatalities across the sector nationally. This is the third worst in 15 years. In the six months leading up to June 2014, a sector worker was killed on average every 15 days. The rising toll of injury and death ensures companies and Government agencies conduct regular reviews and implement investigations to learn from these incidents and develop strategies to avoid and minimise their reoccurrence; however the impact for families affected by these tragedies is long lasting. When the organisational process of supporting employees and families through an incident is complete, families are often left feeling isolated, trying to cope emotionally and financially with their loss. The journey of bereavement can often be a life long journey.

There is no permanent public legacy that provides a destination at which to congregate, to remember and celebrate. The opportunity to develop a public dedication that is accessible to all communities, which provides a focal point for commemoration whilst recognising the role the resources sector has played in the development of Western Australia is an opportunity for all West Australians to support and be a part of.

Aim of the Resources Tribute

The Resources Tribute aims to achieve two core goals:

- Recognise the role the Resources Sector has played in the development of Western Australia; and
- Offer a destination for celebration and commemoration for those who have been injured or suffered loss of life as a result of their or their families' role in the Sector.

The Site

The site of the Resources Tribute requires careful consideration in order to achieve the key aims of the project and ensure engagement with the community as a destination, landmark public artwork.

The PPAF has consulted with several City of Perth Officers in exploring options for locating the Resources Tribute. Many factors have been taken into consideration during the scoping of the project and consultation with City Officers including the following:

- The artwork should ideally be located in or close to the 'Resources Precinct' of Perth, which is broadly defined, as the St Georges Terrace, Mount Street, Spring Street, Esplanade and Barrack Street perimeter of the Perth CBD.
- The location must be considered within the context of future strategic planning and urban regeneration and development; specifically, the emphasis of North/South axis of the CBD and the connection between the Swan River and Northbridge.
- The PPAF has developed a Cultural Mapping Plan (CMP). The CMP is not a Public Art Master Plan but rather a critical foundation and rationale that will assist the identification and approval of sites relating to the Resources Tribute and how they sit within Perth's cultural/historical narratives and the overall built environment. The CMP provides an informed context to identify and assist with identification and confirmation of a site.
- The annual calendar of events and activations expected to take place in city public open spaces.
- Considerations specific to the nature of the Resources Tribute:
 - A location that permits contemplation, i.e. scale, peaceful, outlook;
 - A site of significant size that enables people/groups to congregate, events to be executed, and industry announcements/key dates to be presented or acknowledged;
 - Consideration to the surrounding environment and environmental issues;
 - A high profile location within the 'Perth Resources Precinct';
 - Consideration of the built environment;
 - Community engagement, tourism, accessibility and public realm activation; and

- Consideration of non-physical properties of the surrounding area including economic, social and cultural development.

Based on these considerations, the recommended locations for the artwork are as follows (subject to State Heritage Office approval and development of the artwork project plan and design):

- Option 1 (preferred): Stirling Gardens; and
- Option 2 (default): Corner of Riverside Drive and Governors Avenue, to the South of Terrace Road Car Park

In the event that Option 1 is not suitable, permissible, or desirable, Option 2 will be the default location for the artwork. (See Schedule 12)

Ownership of the Artwork

As the commissioning agent, the PPAF is officially the owner of any completed work. The PPAF however is not an art collection but rather a commissioning organisation.

As part of the PPAF's principal partnership with the City of Perth, and subject to Policy 1.5 – Public Art, all artwork commissions developed by the PPAF are, upon completion, transferred to the City of Perth Public Art Collection, accessioned and registered as an asset. This transfer must be approved by the City of Perth to ensure the completed work is within the standard of their public art collection and meets all policy requirements.

As an accessioned artwork, the Resources Tribute would benefit from asset management; interpretation, community engagement and public relations strategies, and dedicated long term maintenance and conservation, as is standard for all artworks in the City of Perth Collections.

FINANCIAL IMPLICATIONS:

The PPAF has not requested any funding for the project. Costs to the City of Perth will be in ongoing maintenance costs for the artwork, which will not be known until the final artwork design and maintenance schedule is determined. Low maintenance requirements will be mandatory for the artwork design. Other costs may be in waiving of fees for City approvals.

COMMENTS:

State Heritage Office has not yet provided feedback on the proposal.



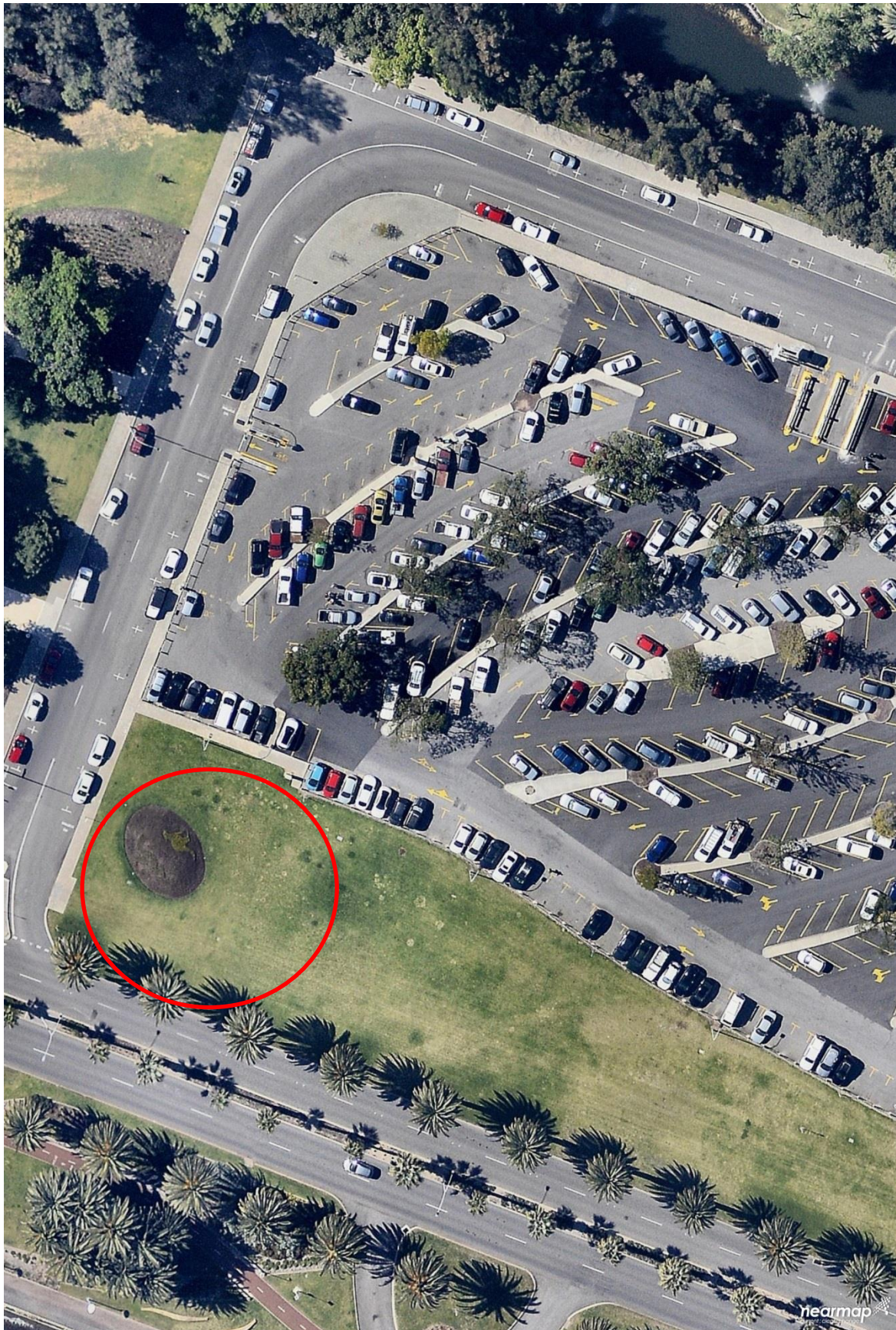
Stirling Gardens Location

Note: Circle denotes the general area proposed to locate the *Resources Tribute*; exact location to be determined.



Default Location: Riverside Drive and Governors Avenue

See below for detail.



Detail: Default Location, Riverside Drive and Governors Avenue, south of Terrace Road Car Park CPP

CONFIDENTIAL SCHEDULE 13
ITEM 8 – RESOURCES TRIBUTE PROJECT – PERTH
PUBLIC ART FOUNDATION REQUEST FOR SUPPORT

FOR THE FINANCE AND ADMINISTRATION COMMITTEE
MEETING

6 DECEMBER 2016

DISTRIBUTED TO ELECTED MEMBERS UNDER
SEPARATE COVER

ITEM NO: 9

LORD MAYORS DISTRESS RELIEF FUND – ADMINISTRATION AND SUPPORT SERVICES

RECOMMENDATION:

(APPROVAL)

That Council:

- 1. supports the City of Perth's continued administration of the Lord Mayor's Distress Relief Fund at no financial cost to the Lord Mayor's Distress Relief Fund;***
- 2. approves the inclusion of funds in future budgets for the ongoing administration of the Lord Mayor's Distress Relief Fund; and***
- 3. recognises the City's significant contribution to the administration of the Fund and the costs associated with that function as its financial contribution to any future appeals.***

BACKGROUND:

FILE REFERENCE: P1005842-15
REPORTING UNIT: Community Services
RESPONSIBLE DIRECTORATE: Corporate Services and Community and Commercial Services Directorates
DATE: 17 November 2016
SCHEDULE: Schedule 14 – Lord Mayor's Distress Relief Fund - Appeal History

The Lord Mayor's Distress Relief Fund (the Fund) was established, in conjunction with the State Government, in 1961 to provide financial assistance to individuals for the alleviation and relief of distress, suffering and personal hardships, brought about by any disaster or emergency within Western Australia declared by the Western Australian Government or for which the Board considers warrants assistance.

The perpetual fund is incorporated under the *Charitable Collections Act 2003* and has Australian Taxation Office tax deductibility status. The Fund is administered by an independent board of eight members who meet on an 'as required' basis, but at least twice annually. The Board comprises:

- The Rt. Hon. The Lord Mayor, Ms Lisa Scaffidi (Chairman);

- Noelene Jennings;
- Robert Gillam;
- Rob Rowell;
- Jennifer Smith;
- Ian Taylor;
- Michael Wallwork, PSM; and
- Lynne Craigie.

The roles of Honorary Treasurer and Honorary Secretary are fulfilled by City of Perth Officers. The Honorary Treasurer position is held by the Director Corporate Services who has performed this role for the past eleven years, and the Honorary Secretary position is currently held by the Manager Community Services, which was previously held by the Chief Executive Officer of the City.

The City of Perth has donated administrative and other support services to the Fund since its foundation.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Council Four Year Priorities: Community Outcome
Capable and Responsive Organisation
A capable, flexible and sustainable organisation with a strong and effective governance system to provide leadership as a Capital City and deliver efficient and effective community centred services.

Policy

Policy No and Name: State Emergency Management Committee 5.12 – Funding for emergency responses
State Emergency Management Committee Recovery Procedure 1 – Management of public fundraising and donations

DETAILS:

The State Emergency Management Committee, the peak emergency management body in Western Australia responsible for the development of emergency management arrangements, has identified the Lord Mayor's Distress Relief Fund as the official coordinating body for launching and operating natural disaster appeals within the state of Western Australia.

Many communities across Western Australia have experienced hardships resulting from natural disasters and have been assisted by the Lord Mayor's Distress Relief Fund. Since 1996, the Lord Mayor's Distress Relief Fund, with the assistance of the City of Perth, has raised and distributed almost \$25 million to over 2,000 West Australians.

In the last 10 years the following appeals were launched by the Fund:

Year	Appeal	Amount Raised / Disbursed (,000s)	Number of applicants
Jan-2007	Dwellingup Fires	\$185	16
Dec-2009	Toodyay	\$300	92
Dec-2010	Gascoyne & Mid West Floods	\$2,610	199
Jan-2011	Lake Clifton Fire	\$520	24
Feb-2011	Perth Hills Fire	\$3,770	116
Nov-2011	Margaret River Fire	\$1,150	94
Jan-2014	Parkerville Fire	\$2,600	148
Nov-2015	Esperance Fires	\$1,700	67 (included 4 next of kin)
Jan-2016	Waroon and District Fire	\$8,899	525 (included 2 next of kin)

In addition to the above appeals, the Fund provided individuals with assistance as a result of the following natural events that were not public appeals:

Year	Appeal	Amount Raised / Disbursed (,000s)	Number of applicants
Feb-2006	Lake Grace Floods	\$14	5
Mar-2006	Gascoyne / Murchison Floods	\$75	2
Jan-2008	Stoneville Fires	\$5	1
Jan-2009	Bridgetown Fires	\$27.5	6
Jan-2012	Pastoral Wildfires	\$80	16

City of Perth administration costs

City of Perth Officers currently fulfil the roles of Honorary Treasurer and Honorary Secretary. In the event of an appeal additional City of Perth resources are utilised to assist with the following functions:

- Administration associated with the launch of an appeal, receipting and acknowledgement of donations, assessing claims for assistance and disbursement of funds to those affected by natural disaster event;
- Liaison with relevant local government authorities and local recovery committees;
- Financial reporting;
- Media communications; including media releases, updating the Fund's website, social media, speech notes; and
- Coordination of organisations wishing to fundraise on behalf of the Fund.

The City of Perth seeks no reimbursement for the costs associated with providing support to the Fund; this ensures that 100% of all money donated goes directly to those in need. This arrangement is unlike any other Australian state where it is usual for appeals to operate through a Premier's appeal managed by organisations, such

as Australian Red Cross, who take a percentage of the donations raised to cover their administration costs.

The below table reflects the estimated cost to administer the Lord Mayor's Distress Relief Fund. The cost may vary based on the scale of the event, the affected Local Government's available resources and their unique community needs; as some communities require more assistance from the Fund than others.

	No events	Small scale	Medium scale	Large scale
Description	No natural disaster events and therefore no appeals called. Min. 2 Board meetings.	Fire affected less than 100 properties	Fire affected 100-500 properties	Fire affected 500+ properties
Estimated cost per annum	\$2,000	Up to \$50,000	\$75,000-\$150,000	\$150,000+

The most recent appeals, the Esperance Fires Appeal in November 2015 (considered to be a small scale event) and the Waroona and District Fire in January 2016 (considered a large scale event) are estimated to have cost the City in the vicinity of \$200,000. This amount includes:

- staff salaries, in particular an estimated total of 1,500 hours contributed by the Manager Community Services, Director Corporate Services and previous Chief Executive Officer over a five month period;
- the assistance of the City's Customer Service Centre, which received 1,939 calls over an eight week period and a large number of over-the-counter transactions; and
- the City's Communications team and five administration staff across two directorates, totalling 1,004 hours.

The City of Wanneroo donated a full-time resource for a period of two weeks to assist during the Waroona and Districts Fire appeal.

The City's administration will be reviewing current systems and structures to reduce the amount of manual processing and in turn reduce administration costs by utilising its resources more effectively and efficiently. This will include the purchase of accounting software for the Fund, and an online donations and electronic payment system with the Funds bankers.

It is preferred that the roles of Honorary Secretary and Honorary Treasurer remain within the City of Perth and are not outsourced. It is recommended that both positions sit within the Community and Commercial Services Directorate, with the Honorary Treasurer role transitioning from the Director Corporate Services to the Director Community and Commercial Services. The Honorary Secretary position will be held

by the Manager Community Services. In addition, a position within the Community Services Unit will be funded to carry out the administrative duties associated with the Fund in particular during appeals, and other resources will be contracted if and when required.

Other cash support

In addition to administration costs, the City has provided a cash donation to most appeals. Since 2009 donated amounts are:

Year	Appeal	Amount donated
Dec-2009	Toodyay	\$50,000
Dec-2010	Gascoyne & Mid West Floods	\$20,000
Feb-2011	Perth Hills Fire	\$20,000
Nov-2011	Margaret River Fire	\$10,000
Jan-2014	Parkerville Fire	\$25,000
Nov-2015	Esperance Fires	\$10,000
Jan-2016	Waroona and District Fire	\$20,000

Noting the role the City of Perth plays in the administration of the Fund and the costs associated with that function, it is recommended that the City does not provide a cash donation to any future appeals launched by the Lord Mayor's Distress Relief Fund and administratively supported by the City of Perth.

FINANCIAL IMPLICATIONS:

\$20,000 has been budgeted in the 2016/17 to purchase accounting software and an online donations and electronic payments system to reduce manual processing.

No funds have been budgeted for the administration of an appeal should they be required. An amount of \$50,000 will be included as part of the 2016/17 budget review process. If a medium to large scale event were to occur prior to the budget review this amount will be increased to reflect the scale of the event/s.

ACCOUNT NO:	CL 55C7 6000
BUDGET ITEM:	Community Services – Lord Mayor's Distress Relief Fund
BUDGET PAGE NUMBER:	55
BUDGETED AMOUNT:	\$20,125
AMOUNT SPENT TO DATE:	\$ 66
PROPOSED COST:	\$20,000
BALANCE:	\$ 59 (excludes funds to be included as part of the 2016/17 budget review)

All figures quoted in this report are exclusive of GST.

COMMENTS:

The *City of Perth Act 2016* recognises the important role that the City of Perth plays in representing the State of Western Australia including the special civic role it plays as the Capital City of Western Australia.

Through the Fund, the City works closely with the relevant Local Recovery Committees and local government authorities to minimise the impact of natural disasters on their communities and help accelerate the recovery process. The City's involvement demonstrates its leadership role within the local government sector and assists with strengthening the City's relationships at a state and regional level.

The Department of the Premier and Cabinet will commence a review on the existing Western Australian mechanisms for managing public donations during emergencies, including the identification of gaps, best practice and fit for purpose arrangements. This is likely to lead to the development of new strategies for management of public donations in order to deliver the most effective recovery. If Western Australia were to experience a large scale event similar to the Queensland Floods or the Victorian Bushfires the City will require assistance from the State. A memorandum of understanding will therefore need to be developed.

If the City were to discontinue its support to the Lord Mayor's Distress Relief Fund, the Board, in conjunction with the State Government, will need to reassess its position as the official coordinating body for natural disaster appeals. Any changes to the State's current model would require a period of transition of up to 12 months.

LORD MAYOR'S DISTRESS RELIEF FUND – APPEAL HISTORY

The Lord Mayor's Distress Relief Fund was established in 1961 following the disastrous Dwellingup fires where 123 people were left homeless and the timber towns of Holyoake, Nanga Brook, Marrinup and Banksiadale were completely burnt out. Since then, the Fund has assisted with relief appeals for many natural disasters including floods in Ashburton in 1997, the Brookton Pingelly bush fires in the same year and events at Moora, Exmouth, Onslow and Carnarvon caused by cyclones. In 2002, WA victims of the Bali bombing were assisted, and as a result of the December 2004 Tsunami a number of destroyed Sri Lankan houses were rebuilt from donations raised by the Fund. In 2006, aid was given to those affected by the separate flood destruction in Lake Grace and the Gascoyne/Murchison regions. Since 2007, the localities of Dwellingup, Bridgetown and Toodyay were assisted with the devastation caused by bush fires in their areas. This year the Lord Mayor's Distress Relief fund raised close to \$9M to assist people in Waroona, Yarloop and surrounding towns to rebuild their lives after the devastating bushfire in January.

PREVIOUS APPEALS and RELIEF ASSISTANCE PROVIDED

Dwellingup Fire, 1961

Tasmanian Disaster Relief Fund, 1967

Meckering Earthquake, 1968

Queensland Flood Relief, 1974

Darwin Cyclone Relief, 1974/75

Port Hedland Cyclone, 1975

Queensland Cyclone & Flood Damage Relief Fund, 1975

Friuli (Italy) Earthquake Appeal, 1976

Carnarvon Flood Relief, 1976

Cyclone Alby (South West), 1978

South West Floods (Great Southern), 1982

Lord Mayor's South Atlantic Trust Fund, May 1982

Ash Wednesday Bushfires, South Australia and Victoria, 16 February 1983

South-West and Great Southern Floods, August 1987

South Eastern Suburbs Flood Relief, 1987

Cyclone Herbie, May 1988

New South Wales/Queensland Floods, 1990

New South Wales Bushfires, 1994

Cyclone Olivia, 1997
Ashburton River Floods, 1997
Jerdacuttup Fires, 1998
Brookton Pingelly Fire, 1997/1998
Esperance Bushfires, *December 1998*
Esperance Floods, *January 1999*
Moora Floods (Cyclone Vance), *March 1999*
Exmouth Floods (Cyclone Vance), 1999
Carnarvon Floods (Cyclone Steve), *March 2000*
WA Bali Casualties, *October 2002*
Gingin Fires, *December 2002*
Cranbrook/Plantagenet/Bridgetown Fires, *December 2003*
Dumbleyung Fires, *November 2004*
Tsunami (Sri Lanka), *December 2004*
Lake Grace Floods, *February 2006*
Gascoyne/Murchison Floods, *March 2006*
Dwellingup Fires, *January/February 2007*
Stoneville Fire, *January 2008*
Bridgetown Fires, *January 2009*
Toodyay Fire, *December 2009*
Gascoyne and Mid West Floods, *December 2010*
Lake Clifton Fires, *January 2011*
Perth Hills Fire, *February 2011*
Margaret River Fire, *November 2011*
Pastoral Wildfires, *August 2012*
Parkerville Fire, *January 2014*
Esperance Fires, *November 2015*
Waroona and District Fire, *January 2016*

ITEM NO: 10

PARKING PROMOTION JANUARY 2017

RECOMMENDATION:

(APPROVAL)

That Council:

1. *approves the implementation of Option 2: \$5 flat fee parking at two inner CBD car parks and free parking at four outer CBD car parks with CAT bus access to the inner CBD, on 7 to 8 January 2017 and 14 to 15 January 2017 between 8.00am and 6.00pm; and*
2. *notes the administration will provide a report to the Finance and Administration Committee on the outcome of the promotion.*

BACKGROUND:

FILE REFERENCE:	P1003659-7
REPORTING UNIT:	Commercial Parking
RESPONSIBLE DIRECTORATE:	Community and Commercial
DATE:	28 November 2016
MAP / SCHEDULE:	Confidential Schedule 15 – Rate-Payer Subsidised Parking Options - January 2017 (distributed to Elected Members under separate cover) Schedule 16 – Map of car parks included in Option 2

The following notice of motion was received from Deputy Lord Mayor Limnios on 16 November 2016 for the Council Meeting on Tuesday, **22 November 2016**:

- “1. *That Council approve from 3 to 31 December 2016 that City of Perth Parking (CPP) provide free parking (from 10.00am to 7.00pm) on Saturdays and Sundays to the following car parks:*
- *His Majesty Car Park;*
 - *Citiplace Car Park;*
 - *State Library Car Park;*
 - *Pier Street Car Park;*
 - *Council House Car Park;*
 - *Terrace Road Car Park;*
 - *James Street Car Park;*
 - *Roe Street Car Park;*

- *Roe Street Car Park;*
 - *Aberdeen Street Car Park;*
 - *Cultural Centre Car Park;*
 - *Fire Station Car Park; and*
 - *The Garage Car Park*
1. *City of Perth Officers meet with representatives of the Public Transport Authority and consider a strong public transport incentive for future retail trading months with the costs to be funded from the Perth Parking Levy; and*
 2. *a report be presented back to Council on the effectiveness of the free parking and public transport initiative.”*

In response to the Notice of Motion, Council passed a procedural motion requesting that the City consider options for the introduction of ratepayer subsidised parking in January and present to Council.

It is recognised that the macro economic impacts such as the mining downturn has reduced the number of commuters into the city on a daily basis and therefore foot traffic.

The City's retail provision enjoys significant points of difference from large suburban shopping malls. With an active economic development program including business support, the City works with operators including retailers to attract new and world class retailers and businesses to the city. Additionally, the City's strong support of large and small scale events attracts visitors to the city who may otherwise choose to shop at suburban retail centres. It is recognised that attendees at events can have a strong economic return on retailers and hospitality outlets. For example, the Friday night Hawkers' Market attracts 6,000 to 10,000 people per event and the economic modelling demonstrates a flow on impact to retail of \$87 per person.

Projects such as the Industry Superannuation Property Trust redevelopment will have a longer term positive impact on the surrounds that will attract people to use the City. Other issues such as anti-social behaviour are being addressed by the Police and the City Rangers with support from the Surveillance Centre.

The major metropolitan retail centres are currently expending \$4 billion on upgrades. One of the biggest challenges these centres face is from online shopping not from parking fees.

Compared to other suburban shopping centres the City pays a levy to the State Government depending on the type of bay in operation:

	Short Term	Long Term	Tenant Parking
Parking Licence per bay	\$1,005.80	\$1,088.60	\$1,132.00

This amounts to an annual Parking Levy payment of over \$17 million.

December is traditionally the busiest month for trading, whilst January and February tend to be the quietest months of the year. Moreover, there are very few events scheduled to be staged in January 2017.

The City has conducted a review of options in terms of managing in/out flow of vehicles, system and software programming

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

6.16 and 6.17 of the *Local Government Act 1995*
Perth Parking Management Act 1999
Perth Parking Management Regulations 1999

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Council Four Year Priorities: Getting Around Perth
S4 Enhanced accessibility in and around Perth
including Parking

DETAILS:

Option 1: \$5 flat fee parking at two inner CBD car parks, for 7 to 8 January 2017 and 14 to 15 January 2017 between 8.00am and 6.00pm

The two car parks proposed are Pier Street (716 Bays) and Concert Hall (399 bays). Both car parks are a short walk to the malls, undercover car parks and are family friendly parking options.

Free all day parking is not recommended due to the close proximity of competitor car parks. The provision of free all day parking may also cause traffic and congestion issues in the area.

The provision of a flat fee rate requires manual implementation. Additional staff will need to be rostered on duty to operate the encoders which allow tickets to be re-programmed.

Confidential Schedule 15 shows patronage at the above two car parks over two weekends in January 2016. The estimated sum of revenue loss due to the implementation of the \$5 flat fee is shown in the same Schedule. Calculations are based on 2016 patronage and revenue figures:

Additional labour costs and advertising costs to implement Option 1 amount to **\$70,478.80.**

Option 2: \$5 flat fee parking at two inner CBD car parks and free parking at four outer CBD car parks with CAT bus access to the inner CBD, for 7 to 8 January 2017 and 14 to 15 January 2017 between 8.00am and 6.00pm

A \$5 flat fee is proposed at the following car parks:

Pier Street (716 bays)	\$5 flat fee all day (8.00am-6.00pm)
Concert Hall (399 bays)	\$5 flat fee all day (8.00am-6.00pm)

Both car parks are a short walk to the malls, undercover car parks and are family friendly parking options.

As with Option 1, this will require manual implementation.

Free all day parking (8am – 6pm) is proposed at the following car parks:

Regal Place (289 bays)	Gates to be raised between 8.00am and 6.00pm
	Serviced by Yellow CAT bus route
	Supports East Perth traders and activates East Perth precinct
Mayfair Street (441 bays)	Gates to be raised between 8.00am and 6.00pm
	Serviced by Green, Red and Yellow CAT bus routes
	Supports West Perth traders and activates West Perth precinct
	This car park is normally closed on weekends
Goderich Street (176 Bays)	Gates to be raised between 8.00am and 6.00pm
	Serviced by Red CAT bus route
Queens Gardens (863 bays)	Normally a pay and display car park – ticket machines to be hooded
	Serviced by the Red CAT bus route

Free all day parking at these car parks would help minimise traffic management and congestion issues which could eventuate if the same were to be provided in inner CBD car parks. CAT buses operate every 10 minutes on weekends and provide free and convenient transit to the CBD. The positioning of these outer CBD car parks provides easy access to the Freeways, allowing for reduced congestion in the City centre.

Moreover, increased activity in East and West Perth and the potential of increased trade within these precincts is an added advantage. Food and beverage outlets in West Perth and the Claisebrook Cove locales could potentially benefit from greater footfall.

This option also supports the Principles of the Perth Parking Policy 2014 (Western Australian Gazette) which states (at Clause 5):

“In the heart of the city, pedestrians will have priority; surrounding the pedestrian heart, the emphasis will be on the provision of short term public parking.”

The provision of free all day parking close to the pedestrian heart of the City would encourage long term parking, in contradiction to this listed Principle of the Perth Parking Policy. The provision of free parking outside the inner CBD facilitates compliance with the Policy.

Due to the number of car parks included in this Option, a map is provided at Schedule 16.

Implementation of the \$5 flat fee will incur revenue loss as per Confidential Schedule 15. Calculations are based on 2016 patronage and revenue figures:

Free parking at Regal Place, Mayfair Street, Goderich Street and Queens Gardens Car Parks will see revenue loss as detailed in Confidential Schedule 15. Calculations are based on 2016 patronage and revenue figures.

Additional labour and advertising costs to implement Option 2 amount to **\$106,758.80**.

Option 3: Three hours free parking at four inner CBD car parks, for 7 to 8 January 2017 and 14 to 15 January 2017 between 8.00am and 6.00pm

The four proposed car parks are Terrace Road, Concert Hall, His Majesty's and Council House.

His Majesty's Car Park (654 bays) is a high volume and highly utilised shopper car park which is also close to other competitor car parks. The provision of free parking within this inner CBD area would likely cause significant traffic management and congestion issues. The one way traffic flow system on Murray Street at the entry to the car park, coupled with its proximity to the Murray Street/Milligan Street intersection means high traffic volume would severely impact the flow of traffic in the area.

Furthermore, provision of free parking close to the pedestrian heart of the City would encourage long term parking, in contradiction to the Principles of the Perth Parking Policy 2014 (Western Australian Gazette).

Council House (94 bays) is a low capacity car park used by church patrons on Sundays and is the closest car park to a number of key worship locations (e.g. St George's Cathedral, All Saints Catholic Chapel, Perth City Musallah).

Implementation costs for this option would be significant. Software programming would be required on two different car park operating systems – pay on foot and licence plate recognition. The encoding would be both time and labour intensive; and therefore costly for the City.

The estimated cost of the free parking in simple revenue loss terms is shown in Confidential Schedule 15. This does not account for programming labour costs.

Additional labour and advertising costs to implement Option 3 amount to **\$80,300.80**.

COMMENTS:

Option 2 is recommended as the most operationally effective option, whilst providing the broadest benefits not only to Perth CBD but also to the East Perth and West Perth precincts.

Implementation of Option 2 would also provide good empirical evidence of any increase in the usage of the car parks, return to retailers and also use of CAT buses as an alternative transport option.

Please note:

- All calculations include GST; and
- Payment by credit card will incur a credit card surcharge in addition to the promotional rate.

CONFIDENTIAL SCHEDULE 15
ITEM 10 – PARKING PROMOTION JANUARY 2017

FOR THE FINANCE AND ADMINISTRATION COMMITTEE
MEETING

6 DECEMBER 2016

DISTRIBUTED TO ELECTED MEMBERS UNDER
SEPARATE COVER



CONFIDENTIAL ITEM NO: 11

CITY OF PERTH PARKING PROJECTED REVENUE FOR FINANCIAL YEAR 2016/17

RECOMMENDATION:

(INFORMATION)

That the Finance and Administration Committee notes the intention to implement a quarterly report to Council for City of Perth Parking (CPP) fee changes.

BACKGROUND:

FILE REFERENCE: P1003659-7
REPORTING UNIT: Commercial Parking
RESPONSIBLE DIRECTORATE: Community and Commercial Services
DATE: 28 November 2016
MAP / SCHEDULE: N/A

In accordance with Section 5.23(2)(e)(ii) and (iii) of the *Local Government Act 1995*, this item is confidential and has been distributed to the Elected Members under separate cover.

ITEM NO: 12

SAFECITY STRATEGY

RECOMMENDATION:

APPROVAL

That Council endorses the SafeCity Strategy 2016 – 2020 as detailed in Schedule 17.

BACKGROUND:

FILE REFERENCE: P1029480
REPORTING UNIT: Community Amenity and Safety
RESPONSIBLE DIRECTORATE: Community and Commercial Services
DATE: 28 November 2016
MAP / SCHEDULE: Schedule 17 – SafeCity Strategy 2016 - 2020

The SafeCity Strategy 2016 – 2020 (Strategy) has been developed in consultation with internal and external stakeholders and is presented to Council for endorsement.

The Strategy identifies the key safety issues and areas of focus for the City of Perth for the next four years. The five areas of focus are:

1. Safe environments;
2. Surveillance and Monitoring;
3. Homelessness;
4. Drugs and Alcohol; and
5. Emergency Management.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Nil

Integrated Planning and Reporting Framework Implications

Corporate Business Plan

Council Four Year Priorities: Perth at Night

S14 Further improve safety and security

14.1 Review and Implement the Community Safety and Crime Prevention Plan.

14.2 Identify and commit to key stakeholders with a focus on communication relationship building, to address social issues.

Policy

Policy No and Name: Nil

DETAILS:

The City of Perth has previously developed two SafeCity Community Safety and Crime Prevention Plans; 2006 - 2009 and 2010 – 2013. Evaluation of the 2010 - 2013 SafeCity Plan was completed in 2014, however the development of the new Strategy was delayed due to the proposed local government boundary changes and the City of Perth restructure.

During the intervening period many previous actions were continued and others developed. Reviews of both CCTV and graffiti management were also undertaken and the CCTV Implementation Plan 2016 - 2020 and Graffiti Management Plan 2016 – 2020 were developed.

A detailed SafeCity resident, business and visitor survey was commissioned by the City in May 2014 to determine the public's perception of safety and crime prevention, and use of safety services in the City of Perth. Results from this study and evaluation of actions from the previous 2010 – 2013 SafeCity Plan have been used in the development of the SafeCity Strategy 2016 - 2020.

The Strategy works to inform and ensure the community that the City takes community safety seriously. It also supports any funding applications that are made to the WA Police or other funding agencies.

Unlike previous SafeCity Plans, this new strategy includes Emergency Management to highlight the importance of City staff, agencies and the community in preparing and responding to emergency situations.

Each focus area includes a number of objectives which will be actioned through annual implementation plans, to ensure that the actions remain current, are relevant and will contribute to achieving the strategy objectives.

Some areas within the Strategy have more detailed plans including the 2016 – 2020 CCTV Implementation Plan and Graffiti Management Plan. Emergency management plans and arrangements are also currently undergoing extensive review and development to meet the needs of the growing city.

It is proposed that reference groups will be utilised to share information and resources to address the five focus areas. In some areas, existing groups including the Local Emergency Management Committee (LEMC), Parks People working group and / or Police Integration group will be utilised rather than replicating meetings.

New groups will be developed and meet quarterly with internal and external stakeholders to support Safe Environments; Surveillance and Monitoring; and Drugs and Alcohol. Updates on actions and progress on each focus area will be shared between groups and wider safety forums will be organised as required to develop wider links between groups working in the five focus areas and Council.

Monitoring the Strategy will be undertaken through a bi-annual perception survey of residents, businesses and visitors. Such work was last undertaken in early 2014 and will be undertaken again in early 2017.

FINANCIAL IMPLICATIONS:

Implementing projects as associated with the strategy and implementation plan as identified in operation and capital budgets.

COMMENTS:

The SafeCity Strategy 2016 – 2020 has been built on the work and evaluation of previous safety strategies and actions. This new Strategy views safety as a continuous cycle of prevention, preparation, response and recovery.

In taking a more holistic and strategic approach it is expected that the City of Perth, its environments and its people will be safer and when incidents do occur, harm will be minimised and recovery will be efficient and effective.



City of Perth

SafeCity Strategy 2016 - 2020



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1. INTRODUCTION

1.1 Why develop a Safety Strategy?

Safety is a basic human need and a priority for the community. This is clearly articulated in the City of Perth (CoP) Strategic Community Plan Vision 2029+ as follows:

In 2029, Perth is recognised as one of the safest cities in the world. The city is people-oriented, a social hub that attracts people to its heart day and night. People feel safe to visit the city after dark, promenade along its streets, visit its attractions and use its transport systems.

The SafeCity Strategy 2016-2020 outlines the focus areas for strategy development and actions that will contribute to achieving the 2029+ vision for safety. As there are many factors that contribute to personal safety,

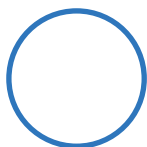
this safety strategy does not attempt to influence all the issues that can cause people to feel unsafe in the city.

The SafeCity Strategy 2016-2020 includes emergency management, along with a greater emphasis on safe environments. Community development and actions that seek to address some of the underlying causes or threats to safety are also included. This approach recognises the links between issues eg. mental health, substance abuse and homelessness; and their contribution to offences against people and property. It therefore seeks to address some of the causes rather than just the symptoms, that impact on our safety.

1.2 Structure of the Strategic Plan

The SafeCity Strategy 2016-2020 follows the structure of other City of Perth strategies in establishing Focus Areas, related Objectives and Actions.

The SafeCity Strategy will be reviewed every four years. The Implementation Plan and its actions will be reviewed annually and integrated with the City's business planning activities.



Focus Areas: There are 5 Focus Areas in the SafeCity Strategy, 2016-2020 that capture the major themes that our work will be structured around over the coming years. See Figure 1.



Objectives: There are several objectives within each Focus Area, which articulate our approach and priorities. See Table 2 on page 11.



Actions: Corresponding with each Objective is a series of actions that specify what we will do, when and who we will partner with to achieve them. These are detailed in a separate Implementation Plan.



Figure 1. Creating a SafeCity



2. BACKGROUND

2.1 The City of Perth's role in Community Safety

The City of Perth plays a pivotal role in community safety in the city. City planning and approvals, management of public spaces, enforcement of local laws and the provision of a wide range of services to businesses, residents, rate payers and visitors, all contribute to public safety.

In addition to planning and service provision, the City plays a critical role in identifying, preparing and responding to community safety issues. Whilst the City of Perth is not responsible for addressing all contributing factors for safety or criminal activity directly, it liaises with community, State and Federal government agencies to facilitate actions that reduce risks and increase community safety. Specific roles are identified in Table 1 below.

Organisation / Agency	Role & influence in the City of Perth	Relevant Strategies and plans
City of Perth	The CoP is responsible for the planning and delivery of services to ratepayers, residents and the general public within the city boundaries. Development and upkeep of the public realm to minimise safety risks is a key consideration of many CoP business units. This includes operation and management of CCTV cameras in the public domain; preparation and co-ordination of plans; liaison with government and community agencies; and advocacy.	<ul style="list-style-type: none"> • This SafeCity Strategy • Strategic Community Plan 2029+ • CoP Emergency Management arrangements • Graffiti Management Plan 2016-2020 • CCTV Implementation Plan 2016-2020 • Transport Strategy • Public Health and Wellbeing Plan 2014-2016
WA Police (WAPOL)	WA Police are responsible for enforcement of law and order, play a critical role in crime prevention and are responsible for addressing criminal-activity.	
WAPOL – Community Engagement Unit & Graffiti Team	Provision of resources, including funding, and support to address local crime and safety issues.	<ul style="list-style-type: none"> • Tough on Graffiti Strategy 2015-2017 • Neighbourhood Watch
WAPOL - State CCTV Strategy Secretariat	Coordination of CCTV resources and systems.	<ul style="list-style-type: none"> • WA State CCTV Strategy
Metropolitan Redevelopment Authority (MRA)	WA Government agency responsible for development and management of Elizabeth Quay, Perth City Link, Yagan Square and Riverside project areas. Ongoing liaison occurs at multiple phases that include planning, design, approvals, pre-construction, construction, asset handover and defect liability periods. The City liaises with the MRA on Crime Prevention Through Environmental Design strategies.	
State Emergency Management Committee (SEMC)	Peak emergency management body in WA. Supports development of emergency management arrangements and District and Local EM committees	<ul style="list-style-type: none"> • SEMC 2015-2018 Strategic-Plan
Public Transport Authority (PTA)	WA Government agency responsible for the provision and operation of the public transport system with rail, bus and ferry operations in the city.	

Australian Government Attorney General's Departments	Programs and policies for Australian law, justice, national security and emergency management. Provision of funding for Safer Communities.	
Mental Health Commission (MHC)	Provision of support services and programs to help people affected by mental health, drug and alcohol problems.	• Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025
Not-for-Profit agencies (NFP)	Welfare and youth service providers including the Salvation Army, Ruah, Anglicare and Street Chaplains.	
Department Racing, Gaming & Liquor (DRGL)	Responsible for regulating and maintaining the integrity of racing, gaming and liquor activities for Western Australians. Most importantly the DRGL is responsible for issuing and reviewing of licensed venues.	

Table 1. Organisation roles in city safety.



2.2 The importance of Community Safety Planning

Since the City of Perth developed its first Community Safety and Crime Prevention Plan in 2006, the City has continued to work with the community to implement a broad range of strategies to keep the city safe.

As the capital city local government, the City of Perth not only serves the needs of its residents, businesses and ratepayers, it also provides for the thousands of daily visitors in the city. SafeCity planning aims to make the City of Perth a safer place for all these groups. It recognises that effective community safety, crime prevention and emergency management measures require a coordinated approach across government, non-government and the community.

Previous plans have focused on safety and crime prevention and analysis of police statistics over the past seven years indicates many offences have moved in a positive direction (Figure 2). At the same time there has been considerable growth in the city and its residential and visitor population.

Monitoring and analysis of safety and crime issues and trends is ongoing, as understanding why statistics rise or fall is important in developing a response. For example, an increase in a particular crime may not be the result of more people

committing an offence, rather a change in resources or focus of authorities on the offence itself.

It should also be noted that published WA Police data is not the only measure of trends in the city and it does not provide a full account of safety or crime. Many situations which make people feel unsafe, including a variety of antisocial behaviours, are not recorded and are frequently dealt with via warnings and move on notices, to prevent escalation to chargeable offences.

In addition to crime, personal safety relates to accidents, emergency management and perceptions of safety. Data for these factors is contained in a variety of other agency reports and can be difficult to collate specifically for the City of Perth boundaries.

This new SafeCity strategy includes emergency management, which is essential in limiting the impact of incidents on the city environment and its people. These include events caused by nature such as floods and storms, and human actions eg. crime and terrorism.

Emergency management is based on Prevention, Preparation, Response and Recovery actions. This involves many State,

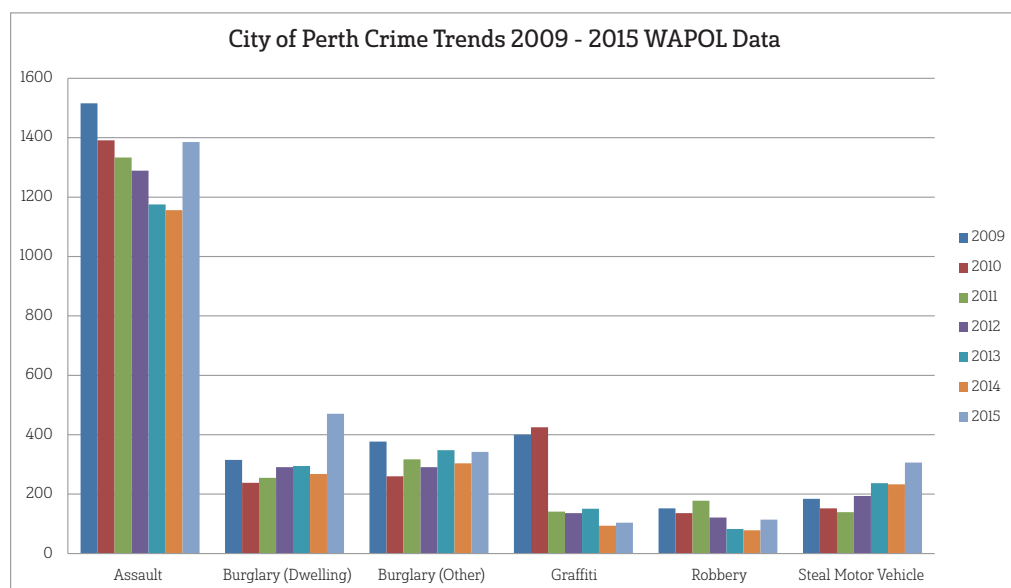


Figure 2. Crime trends

Federal and Local Government agencies along with other service providers. These four elements are also important in community safety generally to prevent or mitigate the impact of events and issues.

The City has developed the SafeCity Strategy in consultation with many government agencies and the community. Whilst the City leads many strategies and actions, it plays a facilitation role in others which are led by State, Federal or community agencies.

The SafeCity Strategy will act as a reference and working document, to help steer day to day activities and implement changes in our growing city.

2.3 The Growth of the City of Perth

The City of Perth is the business, transport, cultural and entertainment hub of the metropolitan area. As the home of the State Government and its key departments, the city has a diversity of economic activity including business administration, retail, health and education. In addition, it has large evening entertainment and event areas,

tourism and public spaces including Kings Park and the Swan River, and a distinctive highly urban character.

The City of Perth boundary changes, on 1 July 2016 have resulted in an increased area from 8.1 km² to 19.3km². The city now includes Kings Park, all of Crawley, the University of Western Australia (UWA) and QEII medical precinct, in addition to the CBD, Northbridge, East and West Perth. New precincts being developed by the State at Elizabeth Quay, Perth City Link and the Riverside project area, plus links to the new Perth Stadium have added to the unprecedented growth which is occurring.

As the fastest growing local government in WA, the city is home to a residential population of 26,000 (estimated 2016), 138,000 workers, 33,300 students and welcomes thousands of tourists and visitors daily. Households are generally smaller, more mobile and less likely to have children than other parts of the metropolitan area and are also more socio-economically diverse.



Figure 3.
City of Perth boundaries



3. GUIDING PRINCIPLES

The SafeCity Strategy has been developed with a number of guiding principles. These include:

- A cooperative approach will be sought across agencies, local government and the community to improve the effectiveness and implementation of strategies. New partnerships will be developed as need and opportunities emerge.
- Consultation with the community and agencies to develop and implement solutions to local safety will be ongoing.
- Actions and activities developed will take into account legislation and policies of the City of Perth, State and Federal Government.
- Risk assessment and emergency management training and planning will be undertaken regularly in partnership with key government and community agencies.
- All agencies are encouraged to consider the range of community needs when developing new facilities, infrastructure and activities in the city eg. people with disabilities, ages, culturally and linguistically diverse (CaLD).
- Positive media promotion will be sought across all five focus areas.
- Actions will be evidence based and researched prior to implementation.
- This strategy will be monitored and reviewed annually for progress and to ensure the document remains dynamic and relevant.
- Annual Implementation Plans will be developed to ensure actions are relevant and appropriate to progress the strategy's focus areas.



4. FOCUS AREAS FOR DELIVERY

Five focus areas have been identified and strategies developed in this SafeCity Strategy. In targeting these areas the City, in collaboration with government and non government agencies and the community seek to achieve the one goal: People in the city feel safe, both day and night.

This will be monitored through bi-annual surveys of visitors, residents and businesses to measure their feelings of safety.

Focus Areas	Objectives	Measures
1. Safe Environments	<ul style="list-style-type: none"> • Create environments that reduce safety hazards and opportunities for criminal activity. • Minimise antisocial behavior in public spaces. • Increase activity in the city in the early evening and at night, through a more diversified night time economy. • Increase public awareness, and participation in safety initiatives. 	<ul style="list-style-type: none"> • New and redeveloped areas and landscapes are based on Safer Design principles. • Reduced levels of antisocial behavior. • Increased number of people in activity centres. • Increased public awareness and participation in safety initiatives.

2. Surveillance and Monitoring	<ul style="list-style-type: none"> • Improve safety and crime monitoring and response capabilities. • Increase reporting of, and response to, safety and crime issues in the City of Perth. • Increase the presence and profile of safety and support personnel in the streets. 	<ul style="list-style-type: none"> • Increased number of CCTV cameras in priority locations monitored by the CoP. • Increased number of reports received by CityWatch, WAPOL and Crime Stoppers. • Increased number of Community Amenity & Safety staff, WAPOL and community services on the streets.
3. Homelessness	<ul style="list-style-type: none"> • Improve the availability of long and short term housing for homeless people and those at risk. • Improve co-ordination of services and outcomes for homeless people. 	<ul style="list-style-type: none"> • Reduced number of people sleeping rough. • Reduced time for rough sleepers, between first contact with a homeless service agency and securing accommodation.
4. Drugs and Alcohol	<ul style="list-style-type: none"> • Increase cross agency responses to drug and alcohol issues in the CoP. • Reduce the number of people who experience personal harm from drug and alcohol use. • Reduce harm to other people and property that can result from people using drugs and alcohol. 	<ul style="list-style-type: none"> • Drug and alcohol plan developed and implemented. • Reduced number of people requiring assistance as a result of drug or alcohol use. • Reduced number of assault and property damage reports.
5. Emergency Management	<ul style="list-style-type: none"> • Comprehensive local emergency management arrangements are up to date. • Agency personnel are trained in response and recovery. • Harm to people and property is minimised in emergency situations in the CoP. 	<ul style="list-style-type: none"> • Local emergency management arrangements updated, endorsed by agencies and reviewed annually. • At least one emergency exercise is conducted annually by the CoP. • Well coordinated and effective response and recovery operations are conducted if emergencies occur.

Table 2. Focus Areas

4.1. Safe Environments

The Case for Action

82% of the 2014 Perth SafeCity survey participants reported they felt the city was safe / very safe in the day however, this decreased to 36% in the evening¹. This is due to less businesses operating and reduced levels of street activity and public transport.

The built environment, based on safer design principles (CPTED), including lighting and passive (eyes on the street) and active (CCTV) surveillance, is the basis for a city that supports a diversity of business and activities day and night.

Safer design can also support access, way finding and encourage people to linger in places, creating opportunities for engaging the community. Installation of effective lighting in new and existing areas, minimising the impact of vegetation on lights and lines of sight, and modifying public spaces where antisocial behaviour occurs are ways in which the City can and is working to reduce crime and safety issues.

The City plays a key role in managing public space to minimise safety risks and provide amenity for all users. Making and keeping environments safe involves many units across the City of Perth including Coordination & Design, Construction, Street Presentation & Maintenance, Commercial Parking, and Community Safety & Amenity.

Supporting a diverse economy and delivering and sponsoring events also contributes. The public, residents and businesses all play roles in this with ongoing education and promotion being critical to encouraging the public to actively participate in the community.

Aspiration

All residents, workers and visitors feel safe in the city, both day and night. People of all ages and cultural groups feel comfortable engaging in organised activities and linger in public spaces and parks to enjoy the vibrant community life.

Measures

- New and redeveloped areas and landscapes are based on Safer Design principles.
- Reduced levels of antisocial behavior.
- Increased number of people in activity centres.
- Increased public awareness and participation in safety initiatives.

Objective 1. Create environments that reduce safety hazards and opportunities for criminal activity.

Many factors in the environment which contribute to people feeling unsafe can be eradicated, reduced and managed through safer design principles (CPTED). Areas with poor lighting, lack of passive and active surveillance, hidden spaces and difficult access and egress are just some of the many factors that discourage people from using a space and to feel unsafe.

As the city grows with many new developments, there are many opportunities to create places and spaces that will encourage use and engagement both day and night. Consultation and collaboration between the City of Perth and developers to design, build and manage such places is ongoing and aims to eliminate crime and safety issues, which occur in some older areas.

Objective 2. Minimise antisocial behaviour in public spaces and increase the community's sense of safety.

The City plays a key role in managing public space to ensure safety risks are identified and managed. This can include enforcement of local laws, provision of facilities such as public toilets and balancing the types of activities that can take place in particular areas.

Strategies also include modifying existing areas affected by safety issues or antisocial behaviour by working with local businesses, residents and police to clearly identify the problem, the causes, and develop appropriate responses. This may include proactive graffiti management, lighting improvements, installation of signage or applying local laws. Liaising with local service providers to engage with people creating obstructions and nuisance to others by begging or sleeping, and the use of local laws to keep thoroughfares clear is one such example.

Objective 3. Increase activity in the city in the early evening and at night through a more diversified economy.

As daytime businesses close and the number of people on the streets decrease with the fading light, our sense of safety usually decreases as well. Keeping workers in the city and encouraging people to participate in a diverse range of activities in the evening including events, shopping, socialising at restaurants and bars, being active, being entertained at performances or attending educational events all help to increase our sense of safety and community.

Activities that are not only focused on alcohol, encourage families and people of all ages and interests to participate and enjoy the city whilst creating passive surveillance and vibrancy.

Objective 4: Increase awareness of, and participation in, safety and crime prevention strategies and initiatives.

A variety of services and strategies are in place to increase safety and reduce crime in the city, many of which are managed and implemented by the WA Government and the City of Perth. Public participation and support for initiatives is essential to increasing the effectiveness of services and reducing crime and safety issues.

Provision of up to date information to businesses, residents and the public about these strategies, through a variety of media including press, social media, printed materials and online requires ongoing action. Engaging these target groups to use this information and take action when required eg. reporting offences when they occur or reducing risk by securing and protecting their property, is a challenge for all agencies. However, it is one that must be continued as people come and go, as does the motivation to act and the information itself changes.

4.2 Surveillance and Monitoring

The Case for Action

The City of Perth has a 25 year history of installing and monitoring CCTV cameras in public spaces and CPP parking in the central city, Northbridge and hot spot areas. As the city grows and develops with new areas and activity centres including the Perth City Link, Elizabeth Quay, Water Bank and the link to the Perth Stadium, in addition to changing security expectations, the demand for surveillance and monitoring safety in the city will increase.

A 2015 review of CCTV in the City of Perth has resulted in the CCTV Implementation Plan 2016–2020 which focuses on four key

areas; Community & Customers, Design, Operations and Controls. Implementation of this plan will guide ownership and control of the installation and monitoring of CCTV cameras which contribute to the city's safety, protection and response capability which helps people to feel safe. CityWatch (CoP Surveillance Centre) will also play a critical part in coordinating timely responses to incidents as they are observed and reported.

In addition to CCTV monitoring, passive surveillance (eyes on the street) by community members along with the police, rangers, parking patrols, and the many other outside staff add another level to information gathering. They can also have a deterrent effect on antisocial and criminal behaviour.

Encouraging all the community to report safety and crime issues to the responsible authorities (WAPOL, CityWatch or Crime Stoppers), if and when they are observed, can support and improve intelligence gathering. Information obtained can be used to evaluate and further decrease safety issues.

Aspiration

The number and frequency of safety and emergency issues in the City of Perth is minimised. If they do occur, appropriate response and recovery actions are directed to the issue in a timely and effective way.

Measures

- Increased number of CCTV cameras in priority locations monitored by the CoP.
- Increased number of reports received by CityWatch, WAPOL and Crime Stoppers.
- Increased number of Community Amenity & Safety staff, WAPOL and community services on the streets.

Objective 1: Improve safety and crime monitoring and response capabilities.

CityWatch operates 24 hours a day, 7 days a week, 365 days a year. Monitoring the public realm and customer needs,



whilst liaising with police, rangers, City of Perth staff and other agencies to respond to issues identified, requires effective operation of the CityWatch centre and management of CCTV infrastructure.

The CCTV Implementation Plan 2016-2020 sets direction and priorities for the installation and management of electronic surveillance and the staff who monitor and manage these resources. Operation of over 300 CCTV cameras in central Perth, Northbridge and other hotspots within the city boundaries requires ongoing review to ensure resources are allocated to the highest priorities.

City of Perth Parking (CPP) has an extensive car park network across the city, which is equipped with CCTV. This system has historically been used to protect parking assets and currently operates independently from CityWatch. Improved resource coordination between the two systems will be investigated to capitalise on further improvements in city safety and security.

With new areas developing in and around the city, changes to activity centres and high risk areas also occur. Working with developers and other stakeholders in planning and linking CCTV systems, and other monitoring arrangements is vital to city safety and security capabilities.

Objective 2: Increase reporting of, and response to, safety and crime issues in the City of Perth.

The City of Perth is just one entity that operates CCTV surveillance in the city. Transperth, Main Roads and other government and commercial agencies also use CCTV for safety and security.

The Western Australian Government has developed a State CCTV Strategy that

supports collaboration and data sharing between entities that monitor the public realm, to maximise the effectiveness of CCTV monitoring.

Working with other agencies will support the apprehension of criminal offenders and management of events and issues as they occur. In addition, collaboration between agencies will support staff training and professional development in the sector, response planning and evaluation of emergency situations and other events.

The public also have an important role in communicating safety and crime issues when they occur. Educating the community on who to contact and when, is important in collecting intelligence and directing responses to situations such as graffiti, safety and security issues. This is particularly important in areas that do not have regular active surveillance or police presence.

Objective 3. Increase the presence and profile of safety and support personnel in the streets.

In addition to CCTV, increasing the number of personnel including police, City of Perth rangers and support staff, and service agencies will improve monitoring and response to crime and safety issues.

Greater visibility of rangers, staff and police through easily recognised uniforms and branding, will add to feelings of safety, improve response times to issues, and also act as a deterrent to antisocial behaviour and crime.

Encouraging the public to report safety and crime incidents to the police, CityWatch and Crime Stoppers when they occur, is another action that can build intelligence and help to improve incident responses and outcomes.

4.3 Homelessness

The Case for Action

The number of homeless people, rough sleepers and beggars in the city has increased in recent years. Results from the Perth Registry Week 2016 survey of homeless people conducted by Ruah, indicated that 319 homeless people were identified in the City of Perth. 238 individuals were surveyed in February 2016, compared with 168 in May 2014.²

The community is aware of many people living on the streets, sleeping rough and/or begging. Supporting these people and increasing the amount of suitable accommodation and support services for people in these situations, can lead to improved safety for them as well as businesses, residents and visitors.

People in need of housing and services come to the city as many service providers operate from central locations, including homeless, health and transport services.

Such services are operated by NFPs and Government Organisations. Therefore managing and helping people requires a community wide response. Local Government plays a key role in communicating local needs to authorities and agencies, as well as supporting and liaising between people in need and the service providers.

Homeless people and rough sleepers are at increased risk of personal safety issues and businesses, residents and city visitors can feel uncomfortable when they are around.

There are many people who wish to help improve the living circumstances for street present people and through better information sharing, education and advocacy, improvements in quality of life and safety for all can be achieved.



Aspiration

No one is homeless, sleeps rough or begs in the City of Perth.

Measures

- Reduced number of people sleeping rough.
- Reduced time for rough sleepers, between first contact with a homeless service agency and securing accommodation.

Objective 1: Improve co-ordination of services and outcomes for homeless people

A large number of community and government agencies provide services to homeless people including shelter, accommodation, food, health and hygiene. Navigating who provides what services and to whom, operating times, locations and other information for both the people in need and those supporting them, is an ongoing challenge.

Co-ordination and management of these services will help reduce duplication, fill gaps and streamline service delivery. A one stop shop which can be promoted to users, supporters and agencies will streamline this process, resulting in accurate knowledge

of available resources and support data collation, needs assessment and monitoring of service delivery.

Provision of information to service users and education for the public on how they can support agencies, rather than giving money directly to beggars is also important.

Objective 2. Improve the availability of long and short term housing for homeless people and those at risk

Perth Registry Week 2016 figures indicate that within the city boundaries, 76% of people interviewed slept rough, 12% with family/friends and only 11% in hostels-shelters.

Whilst some people choose to sleep outside, many do not and these figures reflect the lack of affordable housing available in the city centre.

Increasing the availability of short and long term accommodation for people on low incomes, requires collaboration between Federal and State Governments, private property owners and NFP organisations. In addition to the provision of accommodation a range of support services, may be required to help people manage individual financial, medical and social needs.



4.4 Drugs and Alcohol

The Case for Action

The City of Perth is the cultural and entertainment hub of the state, offering a wide variety of social activities, licensed venues and events both day and night. The majority of people enjoy alcohol at well managed venues and events and some use drugs, without behaving in antisocial ways or creating safety issues.

However, the number of people who are affected by drugs and / or alcohol is perceived to have increased, creating negative experiences for the community and themselves. Substance use may or may not be linked to mental health issues, but can be linked to violence, antisocial behaviour and property crime. Based on various national and international studies, it is estimated that at least 30 – 50% of people with an alcohol and/or other drug problem, also have a co-occurring mental illness.³

Controlling the amount of drugs available on the streets, ongoing management of licensed venues and support services for people who are affected by these substances, can improve safety of users and the public.

A study of detainees at East Perth watch house in 2015 indicated that of those who provided urine samples, 77% tested positive for at least one drug type, an increase of 5% since 2011-12. 55% tested positive for cannabis and 43% to methamphetamine. This is the highest rate of use recorded for Perth since the DUMA program commenced in 1999.³ 86% of offences committed by detainees related to property and 81% were violent.

This demonstrates the positive association between substance use and other criminal activity, and reflects the need to address factors that influence behaviour in order to reduce crime and increase safety.

The Mental Health Commission (MHC) recently amalgamated with the Drug and

Alcohol Office to deliver better support services and programs to help people affected by mental health, drug and alcohol problems.

Working with the MHC and advocating for better services and support for people whose behaviour is affected by these issues is important. Supporting prevention strategies is also essential in slowing the number of people effected by mental health and substance usage.

Aspiration

Community safety is not negatively impacted by drugs and alcohol. People who are affected by substances do not cause harm to themselves, other people or property.

Measures

- Drug and alcohol plan developed and implemented.
- Reduced number of people requiring assistance as a result of drug or alcohol use.
- Reduction in assault and property damage reports.

Objective 1. Increase cross agency responses to drug and alcohol issues in the City of Perth.

Considerable attention has been given to alcohol and other drugs, their links with mental health problems, and the negative impact they have on the community by the media, politicians, health professionals, law enforcement agencies and the public.

Whilst the Federal and State Governments are committing additional resources to the issues, the extent of the problem in the City of Perth and specific strategies to address local issues have not been identified.

Responsibility for addressing the negative impacts does not rest with the City or one particular agency but requires a collaborative effort to manage the use of drugs and alcohol, and the behaviour that results. This includes violence, accidental injury, property damage, loss of amenity and safety fears.

Working collaboratively to collate information, plan solutions and implement strategies to reduce the problems the community is experiencing will be ongoing as drug and alcohol use will always be present.

Objective 2. Reduce the number of people who experience personal harm from drug and alcohol use.

Drugs, alcohol and other substances can be used in a variety of ways and harm can be minimised by people who choose to use them. Participation in research, sharing strategies and information between researchers, drug and alcohol agencies, governments and the wider community is important in increasing knowledge.

Targeted education for high risk groups and information for the community is important in modifying individual behaviour and improving support by the community.

Provision of services and facilities for users is also important in reducing and minimizing risk from use.

Objective 3. Reduce harm to other people and property that can result from people using drugs and alcohol.

There are many strategies that exist and have proven to be effective in reducing harm to people and property that are inflicted by people using drugs and alcohol. A range of these, including diversifying night life options, ID scanners, environmental design and liquor licensing changes, have been put into place in recent years in Northbridge and the CBD to better manage licensed premises and night entertainment areas. This has resulted in a decline in alcohol related violence and a more welcoming environment for people of all ages.



Provision of more services to support people who are affected by alcohol and drug use is an important part of breaking the chain of harm to people and property. Community groups such as the Street Chaplains who provide on the spot care and assistance to people at night not only help people directly, but also enable the police to focus on high priority situations.

Alcohol and other drug services, provided by government and NFP agencies, work on the long term management of the person using the substance and other agencies including refugees also play a role.

All these services require support in their operations and co-ordination to maximise their effectiveness in the city.

4.5 Emergency Management

The Case for Action

Climate change and human actions eg. acts against the state, are causing the frequency of emergency and extreme events to increase in Australia. Planning, preparation and developing new ways to respond to these to keep human, property, environmental and economic damage to a minimum is a challenge we all face

Under the authority of the Emergency Management Act 2005, the City of Perth is required to develop and implement emergency management arrangements to cover all areas falling within its boundaries. These areas are outlined in the City of Perth Act 2015.

Emergency management arrangements must outline how the City and appropriate agencies will respond in a timely manner to an emergency. Significant delays where parts of the city are closed down for long periods of time have major impacts on local business viability, which in turn impacts on the economy and daily activities of residents and visitors.

The City is responsible for managing recovery and this process commences long before an event occurs. It will work closely with businesses and residents to ensure that day to day operations are normalised as quickly as possible and that the relevant agencies provide the necessary support to ensure that this occurs in a timely manner. The City will also activate the Lord Mayor's Distress Fund, where necessary, to financially assist effected people.

Aspiration

The risk of emergencies in the city is minimised. If emergencies do occur, response by all agencies is immediate and effective. Recovery operations are implemented to restore the city to a safe environment where residents, businesses and visitors can pursue their regular activities.

Measures

- Local emergency management arrangements updated, endorsed by agencies and reviewed annually.
- At least one emergency exercise is conducted annually by the CoP.
- Well coordinated and effective response and recovery operations are conducted if emergencies occur.

Objective 1: Comprehensive local emergency management arrangements are up to date.

The need for regular updates and further development of local emergency management arrangements is critical in our changing city. As the City of Perth's footprint grows through both boundary changes and new developments, the number of residents, businesses and visitors increase and our place in the global community changes, the potential for emergency situations also increase.

Planning for emergency situations based on comprehensive risk assessment, and the implementation of prevention and preparation activities is essential. This requires collaboration with key agencies including first responders - the Department of Fire & Emergency Services (DFES), WAPOL, medical services, government agencies including utilities and transport, plus managers of major hubs including Kings Park & Botanic Gardens Authority (KPBGA), Metropolitan Redevelopment Authority (MRA) and the University of Western Australia (UWA).

Regular meetings with these partners in Local and State Emergency groups is required and inclusion of new partners and their needs will be addressed.

Objective 2: Agency personnel are skilled in response and recovery.

If an emergency incident does occur in the city, the City of Perth may be required to support response efforts. As the local government, the City of Perth is responsible for recovery and this may require short or

long term actions by the City and other agencies.

Regular, ongoing training of City of Perth staff and other personnel in the city is an essential part of preparation for emergency response and recovery. In the event of an emergency, evaluating the response and recovery processes and their outcomes afterwards is important. Determining how these can be improved and the development of new procedures is also needed.

Objective 3: Minimise harm to people and property is minimised in emergency situations in the City of Perth.

When an emergency situation occurs, rapid assessment of the situation and communication between appropriate CoP staff and external agencies to respond is essential. Implementation of plans and procedures in a timely and efficient manner, is required to minimise harm, reducing physical and mental impact and costs to the community.





5. DELIVERY

5.1 Organisational context

The City of Perth's SafeCity Strategy 2016-2020 works in conjunction with a suite of strategic and operational documents that guide community safety.

The City of Perth adopts an Integrated Planning Approach. The City of Perth's Integrated Planning and Reporting Framework (IPRF) is outlined in the diagram below, showing the interaction between the plans and the influence of the informing strategies. The intent of the IPRF is to ensure the priorities and services provided by the City of Perth are aligned with our community's needs and aspirations.

The Strategic Community Plan is the City's long term strategic direction that expresses the community's vision for the future together with the strategies to address strategic community outcomes.

The SafeCity Strategy is one of these Informing Strategies, identifying and shaping priorities, projects, programs and service delivery to meet the outcomes of the Strategic Community Plan. The City's key strategic enablers show how we are equipped to deliver on the commitments made in the Corporate Business Plan.

These strategic enablers are:

- Long Term Financial Plan. This plan allows for appropriate decision making with emphasis on financial sustainability.
- Workforce Plan. This plan identifies the workforce requirements needed for current and future operations.
- Corporate Asset Management Plan. This plan provides guidance on service provision to inform the City's financial and key service needs.

The City's annual budget is based on the projected costing of year one of the Corporate Business Plan, with opportunity to review during the mid-year budget review-processes.

The aspirations and objectives for this SafeCity Strategy will guide the City's SafeCity Implementation Plan in which commitments

are prioritised, resources allocated, and partnerships and responsibilities identified. The Four Year Implementation Plan is reviewed annually in line with the City's Annual Budget.

The SafeCity Strategy will be reviewed in alignment with developments in the Strategic Community Plan.

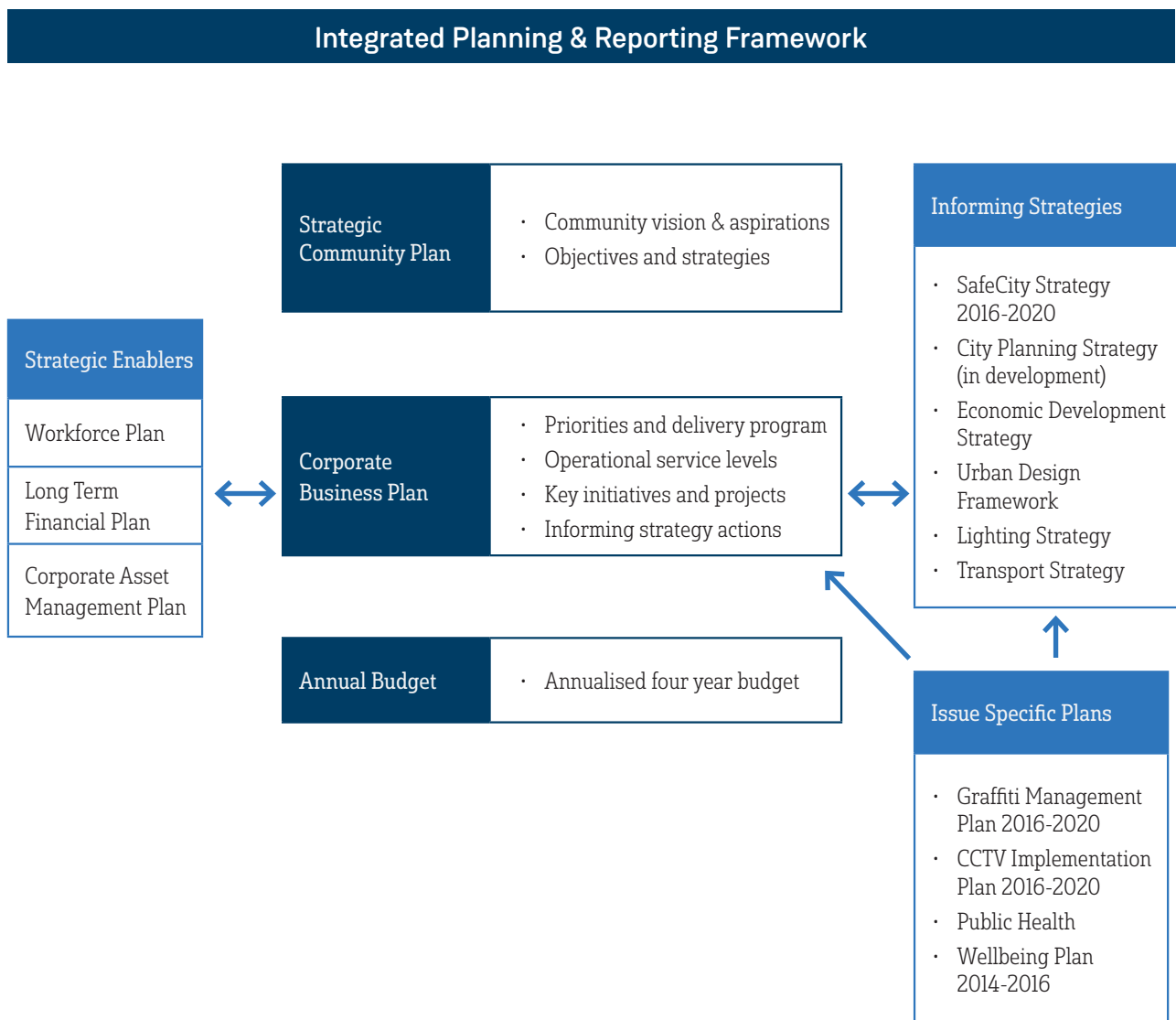


Figure 4



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