

## Finance and Administration Committee

Notice of Meeting  
2 May 2017  
4.00pm

Committee Room 1  
Ninth Floor  
Council House  
27 St Georges Terrace, Perth



### Agenda

#### ORDER OF BUSINESS AND INDEX

- 1 Declaration of Opening
- 2 Apologies and Members on Leave of Absence
- 3 Question Time for the Public
- 4 Confirmation of minutes – 4 April 2017
- 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 8.1 and Attachments 8.1A - 8.1D | Setting of on-street and off-street parking fees 2017/18 | S 5.23(2)(e)(ii) |

- 8 Reports
  - 8.1 - Setting of on-street and off-street parking fees 2017/18
  - 8.2 - Investments and Investment Returns for the Period Ended 31 March 2017
  - 8.3 - Payments from Municipal and Trust Funds – March 2017
  - 8.4 - Financial Statements and Financial Activity Statement for the Period Ended 31 March 2017
  - 8.5 - City of Perth Art Collection – Art Acquisitions
  - 8.6 - Adoption – City of Perth Thoroughfares and Public Places Local Law 2017
  - 8.7 - Criminal Procedure Act 2004 - Appointment of Approved and Authorised Officers
  - 8.8 – Wellington and Plain Streets – Value Capture

9 Motions of which Previous Notice has been given

10 General Business

10.1 - Responses to General Business from a Previous Meeting

Nil

10.2 - New General Business

11 Items for consideration at a future meeting

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

- Council Policy 1.9 – Public Relations Policy – Media Statements and Press Releases (raised at FA 04/10/16, updated FA 06/12/16).

Outstanding Reports:

- Council Dining Room (raised FA30/09/14, updated FA 21/04/15, 23/08/16, 06/12/16 and 04/04/17).
- Audit of commercial buildings that are vacant / in disrepair (raised at Council 30/08/16, updated FA04/04/17).
- Air and land rights available to City of Perth for potential creation of affordable housing (raised at Council 30/08/16, updated FA 06/12/16 & 04/04/17).
- Council Policy 10.6 – Elected Member Expense Reimbursements (raised at FA 04/10/16, updated 06/12/17 & 04/04/17).
- Land Value Capture Opportunities (raised at FA04/10/16, updated PL06/12/16 and 04/04/17).
- UWA Parking Precinct Management (raised at WKS28/03/16, transferred to Finance and Administration Committee at WKS26/04/17)

12 Closure



**MARTIN MILEHAM**  
**CHIEF EXECUTIVE OFFICER**

27 APRIL 2017

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

## 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.

### 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.

# INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE MEETINGS

## Question Time for the Public

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

## Deputations

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

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

## Disclaimer

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

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

# EMERGENCY GUIDE

Council House, 27 St Georges Terrace, 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.



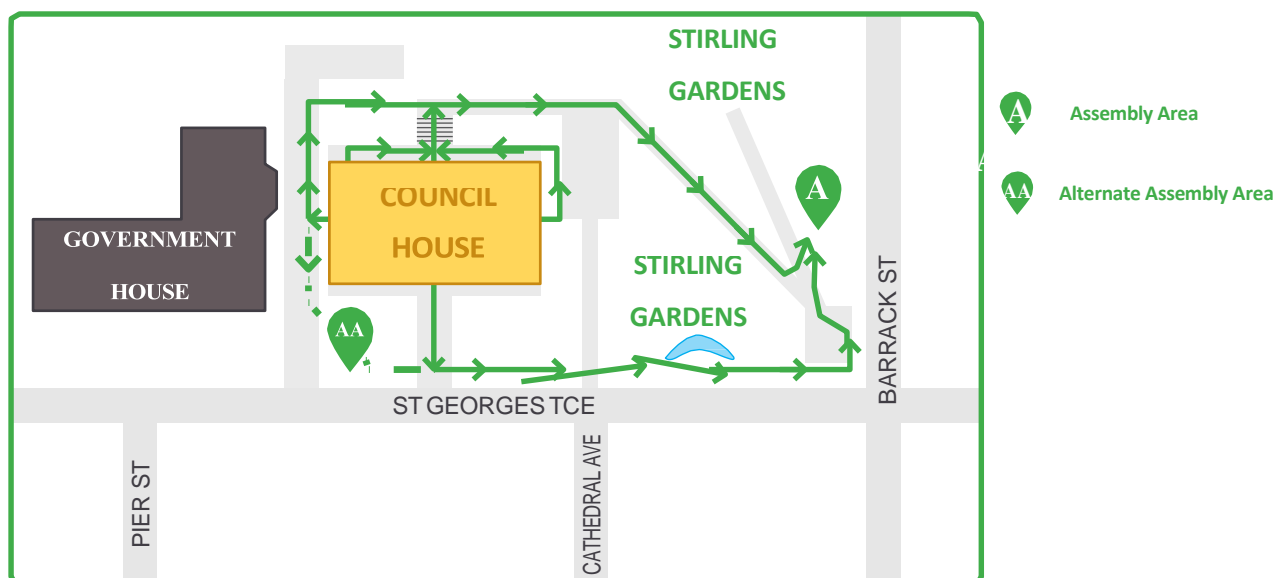
## EVACUATION ALARM / PROCEDURES

**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



Confidential Report to the Finance and Administration Committee

**Agenda Item    Setting of on-street and off-street parking fees 2017/18**  
**8.1**

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**Recommendation:**

***That Council approves BY AN ABSOLUTE MAJORITY the proposed fee settings detailed as Option 1 in Confidential Attachment 8.1A – Schedule of Parking Fees 2017/18, for adoption as part of Council’s 2017/18 Annual Budget - Schedule of Fees and Charges.***

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

|                          |   |
|--------------------------|---|
| FILE REFERENCE:          | P1003659-7  |
| REPORTING UNIT:          | Commercial Parking  |
| RESPONSIBLE DIRECTORATE: | Community and Commercial Services   |
| DATE:                    | 21 April 2017   |
| ATTACHMENT/S:            | Confidential Attachment 8.1A – Fee Schedule 2017/18<br>Confidential Attachment 8.1B – Competitor comparison:<br>hourly, daily, night and weekend rates<br>Confidential Attachment 8.1C – Hourly parking fee<br>comparison<br>Confidential Attachment 8.1D – Daily parking fee<br>comparison<br>(Confidential Attachment distributed to Elected Members<br>under separate cover) |

CONFIDENTIAL ATTACHMENT 8.1A – 8.1D  
ITEM 8.1 – SETTING OF ON-STREET AND OFF-STREET PARKING FEES  
2017/18

FOR THE FINANCE AND ADMINISTRATION COMMITTEE MEETING

2 MAY 2017

DISTRIBUTED TO ELECTED MEMBERS UNDER SEPARATE COVER

Report to the Finance and Administration Committee

**Agenda                      Investments and Investment Returns for the Period Ended 31  
Item 8.2                      March 2017**

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**Recommendation:**

***That the Finance and Administration Committee receives the report detailing investments and investment returns for the period ended 31 March 2017 as detailed in Attachment 8.2A of this Report.***

FILE REFERENCE:                      P1032980-10  
REPORTING UNIT:                      Finance  
RESPONSIBLE DIRECTORATE:      Corporate Services  
DATE:                                      19 April 2017  
ATTACHMENT/S:                      Attachment 8.2A – Investment Report for the period ended  
31 March 2017, Short Term Investments and Institution  
Credit and Rating

**Legislation / Strategic Plan / Policy:**

**Legislation**                              Section 6.14 of the *Local Government Act 1995*  
Regulation 19C of the *Local Government (Financial  
Management) Regulations 1996*

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

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

**Financial Implications:**

Reported investment earnings (excluding interest on rates arrears) at \$505,854 after Trust Account adjustments, were \$199,219 above budget in March.

**Details:**

|                   | <b>Actual<br/>\$</b> | <b>Budget<br/>\$</b> | <b>Variation<br/>\$</b> |
|-------------------|----------------------|----------------------|-------------------------|
| Interest Earnings | 505,854              | 306,635              | 199,219                 |

|                |       |
|----------------|-------|
| Average Rate   | 4.23% |
| Benchmark Rate | 1.78% |
| RBA Cash Rate  | 1.5%  |



\*Figures exclude interest on rate arrears.

### Call Accounts

|                                    |                |
|------------------------------------|----------------|
| Balance at 31 March 2017           | \$17.4 million |
| Interest Earned                    | \$32,617       |
| Rate for balances over \$2 million | 1.75%          |

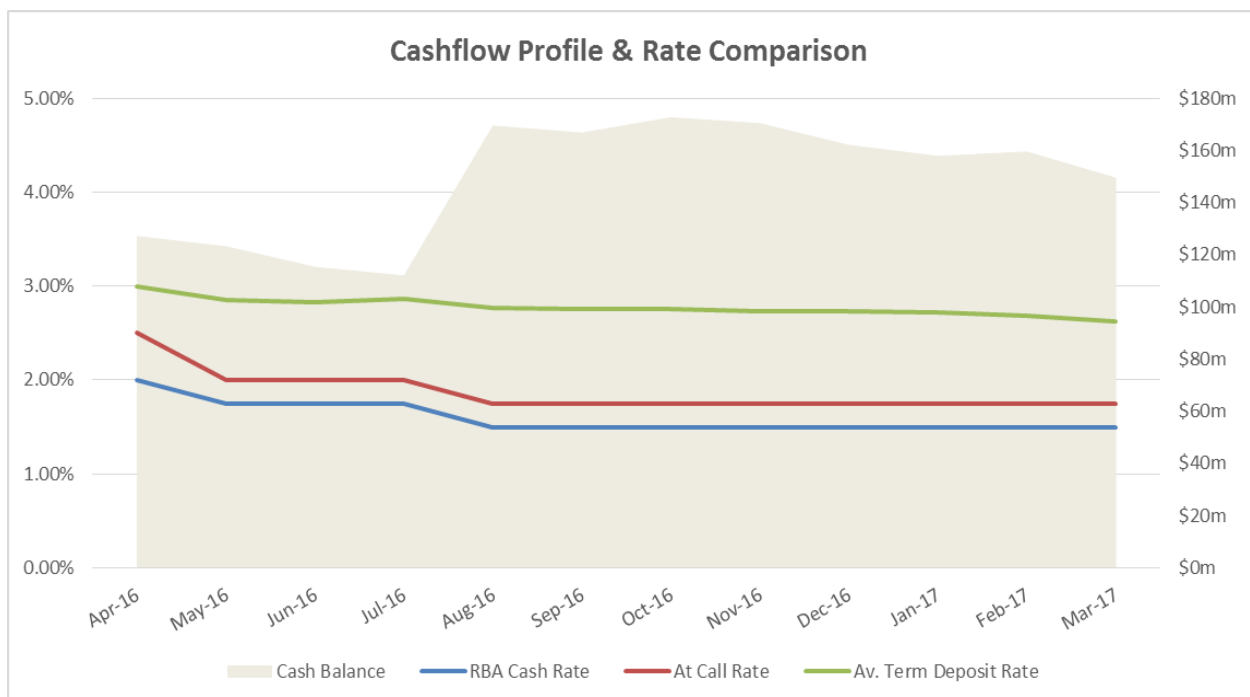
### Term Deposits

|                                    |                 |
|------------------------------------|-----------------|
| Balance at 31 March 2017           | \$132.1 million |
| Interest Earned                    | \$310,309       |
| Average Rate (Municipal funds)     | 2.62%           |
| Most Recent Rate (Municipal funds) | 2.58%           |

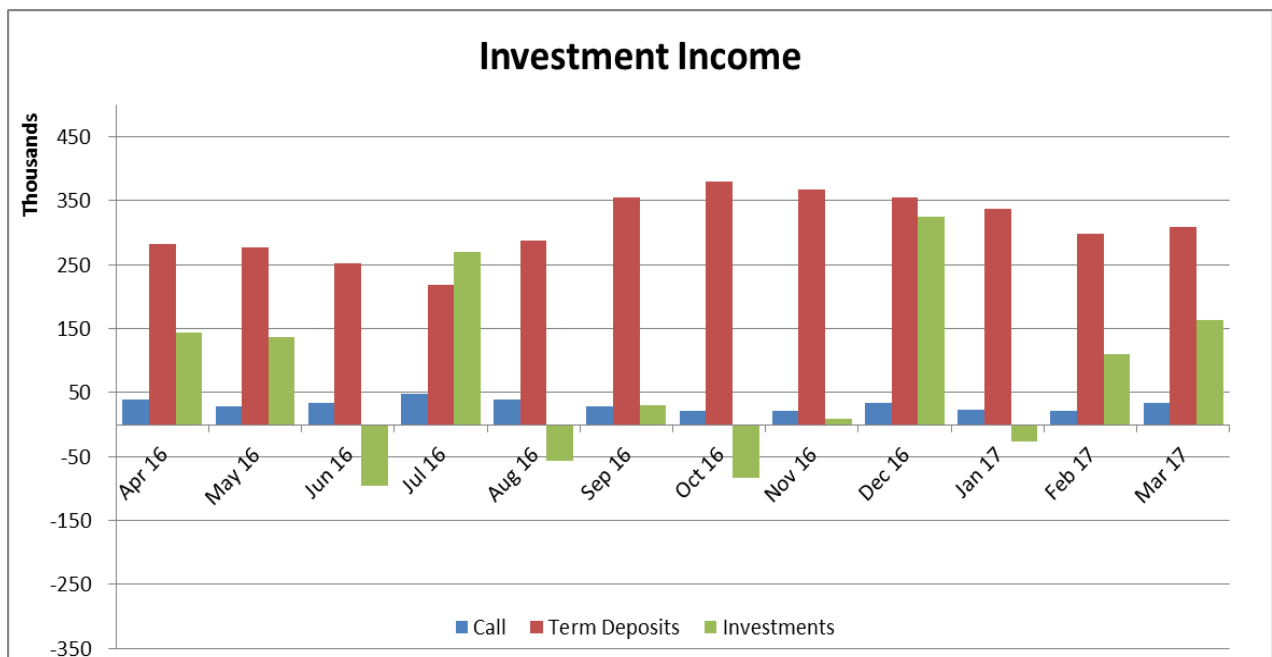
### Other Investments

|                                    | Interest<br>Earned<br>\$ | Interest<br>Rate<br>% |
|------------------------------------|--------------------------|-----------------------|
| Emerald Mortgage Backed Security   | 9,818                    | 2.65                  |
| Colonial Share Index Balanced Fund | 153,110                  | N/A                   |

The ASX 200 Index increased by 2.7% in March resulting in a positive return for the Colonial Share Index Fund.



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+           | 7%         | 100%               |
| Bankwest           | A1+           | 15%        |                    |
| NAB                | A1+           | 22%        |                    |
|                    |               | 44%        |                    |
| AMP                | A1            | 7%         | 100%               |
| Suncorp Metway     | A1            | 18%        |                    |
|                    |               | 25%        |                    |
|                    |               | 69%        |                    |
| Bank of Queensland | A2            | 21%        | 60%                |
| ING                | A2            | 5%         |                    |
|                    |               | 26%        |                    |
|                    |               |            |                    |
| Barclays           | NR            | 2%         | 10%                |
| Colonial           | NR            | 3%         |                    |
|                    |               | 5%         |                    |

### 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.

## ATTACHMENT 8.2A

| <b>INVESTMENT REPORT</b>                      |  | Market Value         | Market Value         | Cost & Impairment    | % of  | Interest Earned  | Weighted<br>Average<br>Monthly | Interest Earned    |
|---|--|----------------------|----------------------|----------------------|-------|------------------|--------------------------------|--------------------|
| <b>31-Mar-17</b>                              |  | 28-Feb-17            | 31-Mar-17            | 31-Mar-17            | Class | Mar              | Rate                           | YTD                |
| <b>Municipal</b>                              |  |                      |                      |                      |       |                  |                                |                    |
| <b>Short term Direct Investments</b>          |  |                      |                      |                      |       |                  |                                |                    |
| Call  |  | \$9,849,932          | \$13,126,249         | \$13,126,249         | 8.6%  | \$26,961         | 1.93%                          | \$228,054          |
| Term Deposits                                 |  | \$78,500,000         | \$65,000,000         | \$65,000,000         | 42.7% | \$158,484        | 2.62%                          | \$1,443,357        |
| <b>Short</b>                                  |  | <b>\$88,349,932</b>  | <b>\$78,126,249</b>  | <b>\$78,126,249</b>  |       | <b>\$185,445</b> | <b>2.52%</b>                   | <b>\$1,671,411</b> |
| <b>Total Municipal - Cash Back Securities</b> |  | <b>\$88,349,932</b>  | <b>\$78,126,249</b>  | <b>\$78,126,249</b>  |       | <b>\$185,445</b> | <b>2.52%</b>                   | <b>\$1,671,411</b> |
| <b>Total Municipal Investments</b>            |  | <b>\$88,349,932</b>  | <b>\$78,126,249</b>  | <b>\$78,126,249</b>  |       | <b>\$185,445</b> | <b>2.52%</b>                   | <b>\$1,671,411</b> |
| <b>Reserves</b>                               |  |                      |                      |                      |       |                  |                                |                    |
| <b>Short term Direct Investments</b>          |  |                      |                      |                      |       |                  |                                |                    |
| Call  |  | \$2,941,824          | \$2,899,378          | \$2,899,378          | 1.9%  | \$4,621          | 1.75%                          | \$31,413           |
| Term Deposits                                 |  | \$61,000,000         | \$61,000,000         | \$61,000,000         | 40.1% | \$138,305        | 2.69%                          | \$1,341,140        |
| <b>Total</b>                                  |  | <b>\$63,941,824</b>  | <b>\$63,899,378</b>  | <b>\$63,899,378</b>  |       | <b>\$142,926</b> | <b>2.66%</b>                   | <b>\$1,372,553</b> |
| <b>Floating Rate Notes/ CLNs</b>              |  |                      |                      |                      |       |                  |                                |                    |
| WPAC- Sub Debt -FRN                           |  | \$0                  | \$0                  | \$0                  | 0.0%  | \$0              | 0.00%                          | \$0                |
| <b>Total</b>                                  |  | <b>\$0</b>           | <b>\$0</b>           | <b>\$0</b>           |       | <b>\$0</b>       | <b>0.00%</b>                   | <b>\$0</b>         |
| <b>Medium term Direct Investments</b>         |  |                      |                      |                      |       |                  |                                |                    |
| Barclays - Emerald -MBS                       |  | 2,705,933            | 2,705,933            | \$2,696,477          | 1.8%  | \$9,818          | 2.65%                          | \$87,075           |
| <b>Total</b>                                  |  | <b>\$2,705,933</b>   | <b>\$2,705,933</b>   | <b>\$2,696,477</b>   |       | <b>\$9,818</b>   | <b>2.65%</b>                   | <b>\$87,075</b>    |
| <b>Total Reserve - Cash Back Securities</b>   |  | <b>\$66,647,757</b>  | <b>\$66,605,311</b>  | <b>\$66,595,855</b>  |       | <b>\$152,744</b> | <b>2.66%</b>                   | <b>\$1,459,628</b> |
| <b>Balanced Funds</b>                         |  |                      |                      |                      |       |                  |                                |                    |
| Colonial Share Index                          |  | \$4,640,706          | \$4,793,908          | \$4,793,908          | 100%  | \$153,110        | 46.92%                         | \$654,986          |
| <b>Total</b>                                  |  | <b>\$4,640,706</b>   | <b>\$4,793,908</b>   | <b>\$4,793,908</b>   |       | <b>\$153,110</b> | <b>46.92%</b>                  | <b>\$654,986</b>   |
| <b>Total Reserve Investments</b>              |  | <b>\$71,288,463</b>  | <b>\$71,399,219</b>  | <b>\$71,389,763</b>  |       | <b>\$305,853</b> | <b>46.92%</b>                  | <b>\$2,114,615</b> |
| <b>Trust</b>                                  |  |                      |                      |                      |       |                  |                                |                    |
| <b>Short term Direct Investments</b>          |  |                      |                      |                      |       |                  |                                |                    |
| Call  |  | \$1,056,097          | \$1,332,793          | \$1,332,793          | 0.9%  | \$1,036          | 1.73%                          | \$13,142           |
| Term Deposits                                 |  | \$6,090,397          | \$6,090,397          | \$6,090,397          | 4.0%  | \$13,520         | 2.64%                          | \$126,262          |
| <b>Total</b>                                  |  | <b>\$7,146,494</b>   | <b>\$7,423,190</b>   | <b>\$7,423,190</b>   |       | <b>\$14,555</b>  | <b>2.57%</b>                   | <b>\$139,404</b>   |
| <b>Total Trust - Cash Back Securities</b>     |  | <b>\$7,146,494</b>   | <b>\$7,423,190</b>   | <b>\$7,423,190</b>   |       | <b>\$14,555</b>  | <b>2.57%</b>                   | <b>\$139,404</b>   |
| <b>Total Investments-Cash Back Securities</b> |  | <b>\$162,144,183</b> | <b>\$152,154,751</b> | <b>\$152,145,294</b> |       | <b>\$352,744</b> | <b>2.58%</b>                   | <b>\$3,270,443</b> |
| <b>Grand Total Investments</b>                |  | <b>\$166,784,889</b> | <b>\$156,948,659</b> | <b>\$156,939,203</b> |       | <b>\$505,854</b> | <b>4.15%</b>                   | <b>\$3,925,430</b> |

31-Mar-17

INSTITUTION CREDIT AND RATING

| INSTITUTION    | AMOUNT                | PERCENTAGE  | CREDIT RATING | MAX AMOUNT |
|----------------|-----------------------|-------------|---------------|------------|
| ANZ            | 10,542,276.33         | 7%          | A1+           | OK         |
| AMP            | 10,198,529.11         | 6%          | A1            | OK         |
| ING            | 8,000,000.00          | 5%          | A2            | OK         |
| BOQLD          | 33,500,000.00         | 21%         | A2            | OK         |
| BANKWEST       | 23,617,615.18         | 15%         | A1+           | OK         |
| BARCLAYS       | 2,696,476.64          | 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            | 34,590,396.90         | 22%         | A1+           | OK         |
| ST GEORGE      | -                     | 0%          | A1+           | OK         |
| SUNCORP METWAY | 29,000,000.00         | 18%         | A1            | OK         |
| WESTPAC        | -                     | 0%          | A1+           | OK         |
| COLONIAL       | 4,793,908.37          | 3%          | NR            | OK         |
| <b>TOTAL</b>   | <b>156,939,202.53</b> | <b>100%</b> |               |            |

GLOBAL CREDIT EXPOSURE

| INSTITUTION    | AMOUNT                | PERCENTAGE  | MAX ALLOWED |
|----------------|-----------------------|-------------|-------------|
| A1+, A1, AA    | 107,948,817.52        | 69%         | 100%        |
| A2             | 41,500,000.00         | 26%         | 60%         |
| A3 and Unrated | 7,490,385.01          | 5%          | 10%         |
| <b>TOTAL</b>   | <b>156,939,202.53</b> | <b>100%</b> |             |

|         |     |                                    |
|---------|-----|------------------------------------|
| A1+     | 45% | INDIVIDUAL ADI EXPOSURE<br>ALLOWED |
| A1      | 45% |                                    |
| A2      | 40% |                                    |
| A3      | 10% |                                    |
| AAA     | 45% |                                    |
| AA      | 45% |                                    |
| Unrated | 10% |                                    |

**CITY OF PERTH - SHORT TERM INVESTMENTS ( Excluding Call) AS AT 31 March 2017**

|                   |             |   |                         |  |       |            | Total      | TOTAL INTEREST         |                 |
|-------------------|-------------|---|-------------------------|--|-------|------------|------------|------------------------|-----------------|
|                   |             |   |                         |  |       |            | Investment | individual outstanding |                 |
| FUND              | INSTITUTION | TYPE  | AMOUNT                  |  | RATE  | LODGED     | MATURITY   | Days                   | investment      |
| 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         | BQLD        | Short Term Direct Investments TERM DEPOSITS | \$ 3,000,000.00         |  | 2.75% | 15/12/2016 | 18/05/2017 | 154                    | \$ 34,808.22    |
| MUNICIPAL         | BQLD        | Short Term Direct Investments TERM DEPOSITS | \$ 4,000,000.00         |  | 2.60% | 28/02/2017 | 31/07/2017 | 153                    | \$ 43,594.52    |
| MUNICIPAL         | BQLD        | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00         |  | 2.70% | 16/02/2017 | 17/08/2017 | 182                    | \$ 67,315.07    |
| MUNICIPAL         | BQLD        | Short Term Direct Investments TERM DEPOSITS | \$ 3,500,000.00         |  | 2.65% | 28/02/2017 | 31/08/2017 | 184                    | \$ 46,756.16    |
| MUNICIPAL         | BWEST       | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00         |  | 2.55% | 14/02/2017 | 20/04/2017 | 65                     | \$ 9,082.19     |
| MUNICIPAL         | BWEST       | Short Term Direct Investments TERM DEPOSITS | \$ 1,000,000.00         |  | 2.55% | 13/03/2017 | 11/05/2017 | 59                     | \$ 4,121.92     |
| MUNICIPAL         | BWEST       | Short Term Direct Investments TERM DEPOSITS | \$ 3,000,000.00         |  | 2.50% | 3/02/2017  | 11/05/2017 | 97                     | \$ 19,931.51    |
| MUNICIPAL         | BWEST       | Short Term Direct Investments TERM DEPOSITS | \$ 8,000,000.00         |  | 2.55% | 16/03/2017 | 18/05/2017 | 63                     | \$ 35,210.96    |
| MUNICIPAL         | BWEST       | Short Term Direct Investments TERM DEPOSITS | \$ 6,000,000.00         |  | 2.50% | 23/02/2017 | 30/06/2017 | 127                    | \$ 52,191.78    |
| 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 | \$ 2,000,000.00         |  | 2.63% | 12/01/2017 | 31/05/2017 | 139                    | \$ 20,031.23    |
| MUNICIPAL         | NAB         | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00         |  | 2.62% | 13/01/2017 | 15/06/2017 | 153                    | \$ 21,964.93    |
| MUNICIPAL         | NAB         | Short Term Direct Investments TERM DEPOSITS | \$ 3,500,000.00         |  | 2.58% | 31/03/2017 | 29/06/2017 | 90                     | \$ 22,265.75    |
| MUNICIPAL         | SUNCORP     | Short Term Direct Investments TERM DEPOSITS | \$ 4,500,000.00         |  | 2.65% | 21/10/2016 | 20/04/2017 | 181                    | \$ 59,134.93    |
| MUNICIPAL         | SUNCORP     | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00         |  | 2.50% | 9/02/2017  | 31/05/2017 | 111                    | \$ 15,205.48    |
| MUNICIPAL         | SUNCORP     | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00         |  | 2.50% | 5/01/2017  | 31/05/2017 | 146                    | \$ 20,000.00    |
|                   |             |   | <u>\$ 65,000,000.00</u> |  |       |            |            |                        |                 |
|                   |             |   |                         |  |       |            |            |                        |                 |
| RESERVES          | AMP         | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00         |  | 3.00% | 5/01/2017  | 6/07/2017  | 182                    | \$ 74,794.52    |
| RESERVES          | BQLD        | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00         |  | 2.80% | 17/11/2016 | 18/05/2017 | 182                    | \$ 69,808.22    |
| RESERVES          | BQLD        | Short Term Direct Investments TERM DEPOSITS | \$ 1,000,000.00         |  | 2.80% | 15/12/2016 | 15/06/2017 | 182                    | \$ 13,961.64    |
| RESERVES          | BQLD        | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00         |  | 2.80% | 22/12/2016 | 22/06/2017 | 182                    | \$ 27,923.29    |
| RESERVES          | BQLD        | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00         |  | 2.65% | 16/03/2017 | 12/10/2017 | 210                    | \$ 30,493.15    |
| RESERVES          | BWEST       | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00         |  | 2.60% | 2/03/2017  | 10/08/2017 | 161                    | \$ 22,936.99    |
| RESERVES          | ING         | Short Term Direct Investments TERM DEPOSITS | \$ 2,500,000.00         |  | 2.65% | 23/03/2017 | 21/09/2017 | 182                    | \$ 33,034.25    |
| RESERVES          | NAB         | Short Term Direct Investments TERM DEPOSITS | \$ 4,500,000.00         |  | 2.64% | 12/01/2017 | 22/06/2017 | 161                    | \$ 52,402.19    |
| RESERVES          | NAB         | Short Term Direct Investments TERM DEPOSITS | \$ 1,000,000.00         |  | 2.53% | 2/03/2017  | 13/07/2017 | 133                    | \$ 9,218.90     |
| RESERVES          | NAB         | Short Term Direct Investments TERM DEPOSITS | \$ 5,500,000.00         |  | 2.66% | 5/01/2017  | 13/07/2017 | 189                    | \$ 75,755.34    |
| RESERVES          | NAB         | Short Term Direct Investments TERM DEPOSITS | \$ 4,000,000.00         |  | 2.65% | 12/01/2017 | 27/07/2017 | 196                    | \$ 56,920.55    |
| RESERVES          | NAB         | Short Term Direct Investments TERM DEPOSITS | \$ 8,000,000.00         |  | 2.66% | 5/01/2017  | 27/07/2017 | 203                    | \$ 118,351.78   |
| RESERVES          | SUNCORP     | Short Term Direct Investments TERM DEPOSITS | \$ 2,500,000.00         |  | 2.65% | 21/10/2016 | 20/04/2017 | 181                    | \$ 32,852.74    |
| RESERVES          | SUNCORP     | Short Term Direct Investments TERM DEPOSITS | \$ 4,000,000.00         |  | 2.65% | 23/02/2017 | 24/08/2017 | 182                    | \$ 52,854.79    |
| RESERVES          | SUNCORP     | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00         |  | 2.60% | 9/03/2017  | 14/09/2017 | 189                    | \$ 67,315.07    |
| RESERVES          | SUNCORP     | Short Term Direct Investments TERM DEPOSITS | \$ 7,000,000.00         |  | 2.60% | 9/03/2017  | 19/10/2017 | 224                    | \$ 111,693.15   |
|                   |             |   | <u>\$ 61,000,000.00</u> |  |       |            |            |                        |                 |
|                   |             |   |                         |  |       |            |            |                        |                 |
| ROD EVANS         | NAB         | Short Term Direct Investments TERM DEPOSITS | \$ 321,249.07           |  | 2.55% | 16/02/2017 | 18/05/2017 | 91                     | \$ 2,042.35     |
| TRUST             | NAB         | Short Term Direct Investments TERM DEPOSITS | \$ 1,000,000.00         |  | 2.72% | 17/11/2016 | 20/04/2017 | 154                    | \$ 11,476.16    |
| TRUST             | NAB         | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00         |  | 2.60% | 19/01/2017 | 25/05/2017 | 126                    | \$ 17,950.68    |
| TRUST             | NAB         | Short Term Direct Investments TERM DEPOSITS | \$ 769,147.83           |  | 2.63% | 8/09/2016  | 8/06/2017  | 273                    | \$ 15,129.88    |
| TRUST             | SUNCORP     | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00         |  | 2.65% | 23/02/2017 | 24/08/2017 | 182                    | \$ 26,427.40    |
|                   |             |   | <u>\$ 6,090,396.90</u>  |  |       |            |            |                        |                 |
| TOTAL investments |             |   |                         |  |       |            |            |                        | \$ 1,590,460.72 |

Report to the Finance and Administration Committee

**Agenda                      Payments from Municipal and Trust Funds – March 2017**  
**Item 8.3**

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**Recommendation:**

*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 March 2017, be received and recorded in the Minutes of the Council, the summary of which is as follows:*

| <b>FUND</b>           | <b>PAID</b>             |
|-----------------------|-------------------------|
| <b>Municipal Fund</b> | <b>\$ 22,625,796.33</b> |
| <b>Trust Fund</b>     | <b>\$ 55,684.84</b>     |
| <b>TOTAL:</b>         | <b>\$ 22,681,481.17</b> |

|                          |   |
|--------------------------|---|
| FILE REFERENCE:          | P1032265  |
| REPORTING UNIT:          | Finance   |
| RESPONSIBLE DIRECTORATE: | Corporate Services  |
| DATE:                    | 6 April 2017  |
| ATTACHMENT/S:            | A detailed list of payments made under delegated authority for the month ended 31 March 2017 can be accessed by Elected Members via the Elected Members Portal. Members of the public can access the list of payments on request. |

**Legislation / Strategic Plan / Policy:**

|   |   |
|---|---|
| <b>Legislation</b>  | Regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i>   |
| <b>Integrated Planning and Reporting Framework Implications</b> | <p><b>Strategic Community Plan</b></p> <p>Council Four Year Priorities: Community Outcome Capable and Responsive Organisation</p> <p>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.</p> |

**Comments:**

Payments for the month of March 2017 included the following significant items:

- \$7,890,624.87 to the Department of Fire and Emergency Services for the emergency services levy third quarter contribution for 2016/17 and a minor invoice in relation to call out fees;

- \$1,379,014.54 to the Western Australian Treasury Corporation for loan payments of \$541,200.68 for the Elder Street Carpark, \$560,574.81 for the Perth Convention and Exhibition Centre Carpark, \$32,774.82 for the Goderich Street Carpark and \$244,464.23 for the Perth City Library and Public Plaza; and
- \$258,255.30 to Electricity Generation and Retail Corporation for electricity charges at various locations.

Report to the Finance and Administration Committee

**Agenda                      Financial Statements and Financial Activity Statement for the  
Item 8.4                      Period Ended 31 March 2017**

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**Recommendation:**

***That Council approves the Financial Statements and the Financial Activity Statement for the period ended 31 March 2017 as detailed in Attachment 8.4A of this Report.***

|                          |  |
|--------------------------|--|
| FILE REFERENCE:          | P1014149-25  |
| REPORTING UNIT:          | Finance  |
| RESPONSIBLE DIRECTORATE: | Corporate Services   |
| DATE:                    | 20 April 2017  |
| ATTACHMENT/S:            | Attachment 8.4A – Financial Statements and Financial Activity Statement for the period ended 31 March 2017 |

**Legislation / Strategic Plan / Policy:**

|   |   |
|---|---|
| <b>Legislation</b>  | Section 6.4(1) and (2) of the <i>Local Government Act 1995</i><br>Regulation 34(1) of the <i>Local Government (Financial Management) Regulations 1996</i>   |
| <b>Integrated Planning and Reporting Framework Implications</b> | <b>Strategic Community Plan</b><br>Council Four Year Priorities: Community Outcome<br>Capable and Responsive Organisation<br>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. |

**Financial Implications:**

There are no direct financial implications arising from this report.

**Details:**

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

**Comments:**

The Financial Activity Statement commentary compares the actual results for the nine months to 31 March 2017 with the original budget approved by Council on **28 June 2016** and budget adjustments adopted by Council on **30 August 2016** and **1 November 2016** and the budget review adopted by Council on **14 March 2017**.



**FINANCIAL ACTIVITY STATEMENT FOR THE NINE MONTHS TO  
31 MARCH 2017**

**REPORT OF VARIANCES TO BUDGET**

**This report compares the actual performance for the nine months to 31 March 2017 to the adopted 2016/17 Budget and budget adjustments adopted by Council on 30 August 2016, 1 November 2016 and the budget review 2016/17 adopted by Council on 14 March 2017.**

**Operating Revenue**

- Parking revenue year to date was \$54.9 million, which was \$159,000 above the revised budget. The variance consisted of \$121,000 for Open Air Car Parks, and \$247,000 for Kerbside Parking and \$40,000 for Events Parking and partly offset by a negative variance of \$(249,000) for Undercover Car Parks.
- The unfavourable variances for Undercover Car Parks were mainly due to year on year patronage lower than expected for Convention Centre Carpark \$(286,000) and Pier Street \$(72,000) and partly offset with a favourable variance for His Majesty's \$76,000 and the Alexander Library \$41,000.
- Fines and Costs were higher than the revised budget by \$66,000 mainly due to parking fines.
- Investment Income and Interest were \$323,000 or 7.9% above the revised budget, mainly due to the strong performance of the Colonial Share Index Balanced Fund.
- Rentals and Hire Charges were 1.5% or \$(59,000) below the revised budget.
- Recurrent Grants were above the revised budget by \$532,000 predominantly due to an accrual for the Lotterywest grant for Skyworks. This is a timing variance only as the grant was budgeted to be received in May.
- Other income was \$154,000 above the revised budget at the end of March. The variance is primarily made up of the following: Building license fees above the revised budget by \$127,000, Health and Activity Approvals applications fees above the revised budget by \$57,000 partly offset by lower than the revised budget in Planning/Development fees of \$(67,000).

**Operating Expenditure**

- Employee costs ended the month \$(417,000) or 0.7% above the revised budget. This is expected to be a timing variance only.

**FINANCIAL ACTIVITY STATEMENT FOR THE NINE MONTHS TO  
31 MARCH 2017**

**REPORT OF VARIANCES TO BUDGET**

- Materials and Contracts were \$3,305,000 below the revised budget. The main areas of underspend to date were: Consultancy \$623,000, Infrastructure Maintenance \$467,000 (mainly for River Wall \$90,000 and footpaths \$116,000); Property Maintenance \$317,000 (mainly for Council House \$177,000 and Library \$44,000) and Other Professional Fees \$463,000. Various smaller variances were spread throughout the City's accounts.
- Utilities were lower than the revised budget by \$155,000 due to lower than budgeted consumption.
- Loss on disposal of assets was \$(858,000) above the revised budget. The majority of this variance is expected to be a timing variance.

**Investing Activities**

- Capital Grants were \$(22,000) or 1.4% below the revised budget.
- Capital expenditure was \$4.5 million below the revised budget. At the end of March capital spent was \$17.2 million, being 33% of the revised budget spent to date. 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.
- Capital expenditure for the month of March totalled \$1.7 million which included the following:
  - CCTV equipment \$126,000
  - Wellington Street \$182,000
  - Asbestos Remedial Works \$245,000

**Financing Activities**

- Transfers to Reserves were \$6.7 million below the revised budget. Utilisation of reserve funds was lower than expected, this being a timing variance.
- Transfers from Reserves were below budget by \$(3.6 million). This is mainly due to slower than anticipated progress on capital expenditure.

**FINANCIAL ACTIVITY STATEMENT FOR THE NINE MONTHS TO  
31 MARCH 2017**

**REPORT OF VARIANCES TO BUDGET**

**Amounts sourced from Rates**

- Rates revenue raised was \$136,000 or 0.2% above the revised budget, primarily due to \$114,000 of interim rates raised during March.

**CITY OF PERTH**

**FINANCIAL ACTIVITY STATEMENT - for the period ended 31 March 2017**

|  | Revised Budget<br>2016/17<br>\$ | Budget YTD<br>31-Mar-17<br>\$ | Actual YTD<br>31-Mar-17<br>\$ | Variance YTD<br>31-Mar-17<br>\$ |
|--|---------------------------------|-------------------------------|-------------------------------|---------------------------------|
| <b>Proceeds from Operating Activities</b>    |                                 |                               |                               |                                 |
| <b>Operating Revenue</b>                     |                                 |                               |                               |                                 |
| <i>Nature of Income</i>                      |                                 |                               |                               |                                 |
| Parking Fees                                 | 71,712,089                      | 54,744,419                    | 54,903,828                    | 159,410                         |
| Fines and Costs                              | 8,801,152                       | 6,594,069                     | 6,659,760                     | 65,691                          |
| Investment Income and Interest               | 4,918,455                       | 4,072,638                     | 4,395,749                     | 323,111                         |
| Community Service Fees                       | 1,456,742                       | 1,102,032                     | 1,062,421                     | (39,612)                        |
| Rubbish Collection                           | 8,302,124                       | 8,285,598                     | 8,271,765                     | (13,833)                        |
| Rentals and Hire Charges                     | 5,179,527                       | 3,903,172                     | 3,844,526                     | (58,646)                        |
| Recurrent Grants                             | 1,779,681                       | 972,678                       | 1,504,497                     | 531,819                         |
| Contributions, Donations and Reimbursements  | 470,294                         | 354,698                       | 357,920                       | 3,222                           |
| Other Income                                 | 4,504,578                       | 3,698,132                     | 3,852,579                     | 154,446                         |
| Distribution from TPRC                       | 1,000,000                       | 0                             | 0                             | 0                               |
|  | <b>108,124,642</b>              | <b>83,727,436</b>             | <b>84,853,043</b>             | <b>1,125,607</b>                |
| <b>Less: Operating Expenditure</b>           |                                 |                               |                               |                                 |
| <i>Nature of Expenditure</i>                 |                                 |                               |                               |                                 |
| Employee Costs                               | 77,744,705                      | 56,840,405                    | 57,257,313                    | (416,908)                       |
| Materials and Contracts                      | 50,014,941                      | 35,314,513                    | 32,009,853                    | 3,304,661                       |
| Utilities                                    | 3,332,014                       | 2,391,432                     | 2,236,437                     | 154,995                         |
| Insurance Expenditure                        | 1,199,316                       | 867,368                       | 818,560                       | 48,807                          |
| Depreciation and Amortisation                | 33,049,701                      | 24,876,519                    | 24,842,933                    | 33,586                          |
| Interest Expenses                            | 1,724,106                       | 1,359,494                     | 1,368,476                     | (8,981)                         |
| Expense Provisions                           | 939,820                         | 701,411                       | 702,953                       | (1,542)                         |
| Loss on Disposal of Assets                   | 932,495                         | 1,416,675                     | 2,274,610                     | (857,934)                       |
| Other Expenditure                            | 24,624,320                      | 18,723,867                    | 18,815,283                    | (91,416)                        |
|  | <b>193,561,420</b>              | <b>142,491,685</b>            | <b>140,326,418</b>            | <b>2,165,267</b>                |
| Add back Depreciation                        | (33,049,701)                    | (24,876,519)                  | (24,842,933)                  | (33,586)                        |
| (Loss) / Profit on Disposals                 | (932,495)                       | (1,416,675)                   | (2,274,610)                   | 857,934                         |
|  | <b>159,579,224</b>              | <b>116,198,490</b>            | <b>113,208,875</b>            | <b>2,989,616</b>                |
| <b>Net Surplus/(Deficit) from Operations</b> | <b>(51,454,581)</b>             | <b>(32,471,054)</b>           | <b>(28,355,831)</b>           | <b>4,115,223</b>                |
| <b>Investing Activities</b>                  |                                 |                               |                               |                                 |
| Capital Grants                               | 2,096,862                       | 1,550,393                     | 1,528,055                     | (22,338)                        |
| Capital Expenditure                          | (51,840,629)                    | (21,740,264)                  | (17,249,194)                  | 4,491,070                       |
| Proceeds from Disposal of Assets/Investments | 1,437,449                       | 960,925                       | 880,051                       | (80,874)                        |
|  | <b>(48,306,318)</b>             | <b>(19,228,946)</b>           | <b>(14,841,088)</b>           | <b>4,387,858</b>                |
| <b>Financing Activities</b>                  |                                 |                               |                               |                                 |
| Repayment of Borrowings                      | (6,111,896)                     | (5,528,364)                   | (5,528,364)                   | 0                               |
| Transfers to Reserves                        | (27,949,200)                    | (9,386,654)                   | (2,702,070)                   | 6,684,584                       |
| Transfer from Reserves                       | 27,516,966                      | 23,248,851                    | 19,664,073                    | (3,584,778)                     |
|  | <b>(6,544,131)</b>              | <b>8,333,833</b>              | <b>11,433,639</b>             | <b>3,099,807</b>                |
| <b>Add: Opening Funds</b>                    | <b>21,140,731</b>               | <b>21,140,731</b>             | <b>21,140,731</b>             | <b>0</b>                        |
| Net Surplus/(Deficit) before Rates           | <b>(85,164,300)</b>             | <b>(22,225,437)</b>           | <b>(10,622,549)</b>           | <b>11,602,888</b>               |
| <b>Amount Sourced from Rates</b>             | <b>87,941,859</b>               | <b>87,971,859</b>             | <b>88,107,814</b>             | <b>135,955</b>                  |
| <b>Closing Funds</b>                         | <b>2,777,559</b>                | <b>65,746,422</b>             | <b>77,485,265</b>             | <b>11,738,843</b>               |

|                                  |                    |                    |                    |                    |
|----------------------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Net Cash on Hand</b>          |                    |                    |                    |                    |
| Cash On Hand                     | 5,879,024          | 6,711,998          | 9,007,353          | 2,295,355          |
| Money Market Investments         | 110,065,722        | 142,270,967        | 136,998,185        | (5,272,782)        |
| <b>Funds on Hand</b>             | <b>115,944,746</b> | <b>148,982,965</b> | <b>146,005,538</b> | <b>(2,977,427)</b> |
| <b>Analysis of Funds on Hand</b> |                    |                    |                    |                    |
| Reserves                         | 86,217,852         | 71,923,983         | 68,569,768         | (3,354,214)        |
| Provisions                       | 12,379,102         | 12,466,764         | 10,258,170         | (2,208,594)        |
| General Funds                    | 17,347,791         | 64,862,731         | 67,448,112         | 2,585,381          |
| <b>Funds on Hand</b>             | <b>115,944,746</b> | <b>148,982,965</b> | <b>146,005,538</b> | <b>(2,977,427)</b> |

# CITY OF PERTH

## CURRENT POSITION AS AT THE END OF THE PERIOD 31 MARCH 2017

|   | Revised Budget<br>2016/17<br>\$ | Revised Budget<br>Budget YTD<br>\$ | Revised Budget<br>Actual YTD<br>\$ | Revised Budget<br>Variance<br>\$ |
|---|---------------------------------|------------------------------------|------------------------------------|----------------------------------|
| <b>Current Assets</b>                           |                                 |                                    |                                    |                                  |
| Cash and Cash Equivalents                       | 5,879,024                       | 6,711,998                          | 9,007,353                          | 2,295,355                        |
| Deposits and Prepayments                        | 310,521                         | 3,151,733                          | 5,946,674                          | 2,794,941                        |
| Money Market Investments - Municipal Funds      | 23,847,869                      | 70,346,984                         | 68,428,417                         | (1,918,568)                      |
| Money Market Investments - Restricted Funds     | 86,217,852                      | 71,923,983                         | 68,569,768                         | (3,354,214)                      |
| Trade and Other Receivables                     | 3,313,909                       | 7,065,389                          | 8,431,012                          | 1,365,623                        |
| Inventories                                     | 972,511                         | 1,143,869                          | 883,925                            | (259,944)                        |
| <b>Total Current Assets</b>                     | <b>120,541,686</b>              | <b>160,343,956</b>                 | <b>161,267,149</b>                 | <b>923,193</b>                   |
| <b>Current Liabilities</b>                      |                                 |                                    |                                    |                                  |
| Trade and Other Payables                        | 30,430,230                      | 22,714,635                         | 15,147,039                         | (7,567,596)                      |
| Employee Entitlements                           | 12,379,102                      | 12,237,336                         | 10,258,170                         | (1,979,166)                      |
| Provisions                                      | 383,868                         | 229,428                            | 335,589                            | 106,161                          |
| Borrowings                                      | 7,083,366                       | 6,318,789                          | 6,318,789                          | 0                                |
| <b>Total Current Liabilities</b>                | <b>50,276,567</b>               | <b>41,500,188</b>                  | <b>32,059,587</b>                  | <b>(9,440,601)</b>               |
| <b>Working Capital Position Brought Forward</b> | <b>70,265,120</b>               | <b>118,843,768</b>                 | <b>129,207,562</b>                 | <b>10,363,794</b>                |
| Deduct Restricted Cash Holdings                 | (86,217,852)                    | (71,923,983)                       | (68,569,768)                       | 3,354,214                        |
| Deduct Restricted Cash - Non-current leave      | 11,376,413                      | 12,237,336                         | 10,258,170                         | (1,979,166)                      |
| Deduct Restricted Capital Grants                | 270,512                         | 270,512                            | 270,512                            | 0                                |
| Add Current Borrowings                          | 7,083,366                       | 6,318,789                          | 6,318,789                          | 0                                |
| <b>Current Funds Position Brought Forward</b>   | <b>2,777,558</b>                | <b>65,746,422</b>                  | <b>77,485,265</b>                  | <b>11,738,843</b>                |

# EXPLANATORY NOTES – FINANCIAL ACTIVITY STATEMENT

## BACKGROUND

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

## PURPOSE

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

## PRESENTATION

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

## FORMAT

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



**CITY of PERTH**

# **CITY of PERTH**

## **Financial Statements**

**For the 9 months ended 31 March 2017**

**CITY OF PERTH  
MUNICIPAL**

**Statement of Comprehensive Income for the 9 months ended 31 March 2017**

**(By Program)**

|  | Note | Budget<br>2016/2017 | Revised<br>Budget YTD | Actual YTD<br>31/03/2017 | YTD Variance |        |
|--|------|---------------------|-----------------------|--------------------------|--------------|--------|
| <b>OPERATING REVENUE</b>   |      | \$                  | \$                    | \$                       | \$           | %      |
| General Purpose Funding Rates  |      | 86,075,041          | 88,973,822            | 89,126,268               | 152,446      | 0.2%   |
| General Purpose Funding Other  |      | 5,038,022           | 4,288,125             | 4,584,924                | 296,799      | 6.9%   |
| Law, Order, Public Safety  |      | 23,178              | 31,066                | 83,258                   | 52,192       | 168.0% |
| Health   |      | 780,345             | 850,984               | 901,562                  | 50,578       | 5.9%   |
| Education and Welfare  |      | 2,105,728           | 1,478,490             | 1,441,800                | (36,690)     | -2.5%  |
| Housing  |      | 781,872             | 643,039               | 618,381                  | (24,658)     | -3.8%  |
| Community Amenities  |      | 10,789,799          | 10,314,470            | 10,185,153               | (129,317)    | -1.3%  |
| Recreation and Culture   |      | 1,732,910           | 839,790               | 1,373,452                | 533,662      | 63.5%  |
| Transport  |      | 90,120,021          | 63,127,884            | 63,403,588               | 275,704      | 0.4%   |
| Economic Services  |      | 831,710             | 636,230               | 757,824                  | 121,594      | 19.1%  |
| Other Property and Services  |      | 803,852             | 515,395               | 484,650                  | (30,745)     | -6.0%  |
| Total Operating Income   |      | 199,082,478         | 171,699,295           | 172,960,860              | 1,261,565    | 0.7%   |
| <b>OPERATING EXPENDITURE</b>   |      |                     |                       |                          |              |        |
| Governance   |      | 10,394,320          | 8,261,392             | 7,882,034                | 379,358      | 4.6%   |
| General Purpose Funding  |      | 6,128,645           | 2,461,012             | 2,435,825                | 25,187       | 1.0%   |
| Law, Order, Public Safety  |      | 3,758,622           | 3,329,707             | 3,341,508                | (11,801)     | -0.4%  |
| Health   |      | 4,603,806           | 2,383,701             | 2,679,459                | (295,758)    | -12.4% |
| Education and Welfare  |      | 3,688,491           | 2,775,852             | 2,726,257                | 49,595       | 1.8%   |
| Housing  |      | 554,156             | 433,788               | 417,103                  | 16,685       | 3.8%   |
| Community Amenities  |      | 30,384,835          | 21,972,060            | 20,688,256               | 1,283,804    | 5.8%   |
| Recreation and Culture   |      | 35,350,738          | 26,055,182            | 25,568,188               | 486,994      | 1.9%   |
| Transport  |      | 85,682,324          | 59,292,851            | 57,836,012               | 1,456,839    | 2.5%   |
| Economic Services  |      | 10,316,035          | 9,187,569             | 8,813,827                | 373,742      | 4.1%   |
| Other Property and Services  |      | 5,020,459           | 4,921,896             | 5,663,339                | (741,443)    | -15.1% |
| Total Operating Expenditure  |      | 195,882,431         | 141,075,009           | 138,051,808              | 3,023,201    | 2.1%   |
| <b>NET FROM OPERATIONS</b>   |      | 3,200,047           | 30,624,286            | 34,909,052               | 4,284,766    | 14.0%  |
| <b>GRANTS/CONTRIBUTIONS</b>  |      |                     |                       |                          |              |        |
| For the Development of Assets  |      |                     |                       |                          |              |        |
| - General Purpose Funding  |      | -                   | 96,780                | 96,780                   | -            | 0.0%   |
| - Law, Order, Public Safety  |      | 240,150             | 40,000                | 40,000                   | -            | 0.0%   |
| - Recreation and Culture   |      | 2,693,400           | 510,581               | 510,581                  | -            | 0.0%   |
| - Transport  |      | 2,834,765           | 903,032               | 880,694                  | (22,338)     | -2.5%  |
| Total Grants/Contributions   |      | 5,768,315           | 1,550,393             | 1,528,055                | (22,338)     | -1.4%  |
| <b>DISPOSAL/WRITE OFF OF ASSETS</b>  |      |                     |                       |                          |              |        |
| Gain/(Loss) on Disposal of Assets  | 2    | (1,437,448)         | (1,416,675)           | (2,274,610)              | (857,935)    | 60.6%  |
| <b>Change in net assets resulting from operations before significant items</b> |      | 7,530,914           | 30,758,004            | 34,162,497               | 3,404,493    | 11.1%  |
| <b>SIGNIFICANT ITEMS</b>   |      |                     |                       |                          |              |        |
| Distribution from TPRC   |      | 1,000,000           | -                     | -                        | -            | 0.0%   |
| <b>Change in net assets resulting from operations after significant items</b>  |      | 8,530,914           | 30,758,004            | 34,162,497               | 3,404,493    | 11.1%  |



**CITY OF PERTH**  
**MUNICIPAL**  
*Statement of Comprehensive Income for the 9 months ended 31 March 2017*  
*(By Nature)*

|   | <i>Note</i> | <b>Budget<br/>2016/2017</b> | <b>Revised<br/>Budget YTD</b> | <b>Actual YTD<br/>31/03/2017</b> | <b>YTD Variance</b> |          |
|---|-------------|-----------------------------|-------------------------------|----------------------------------|---------------------|----------|
| <b>OPERATING REVENUE</b>  |             | <b>\$</b>                   | <b>\$</b>                     | <b>\$</b>                        | <b>\$</b>           | <b>%</b> |
| Rates   |             | 85,143,608                  | 87,971,859                    | 88,107,814                       | 135,955             | 0.2%     |
| Grants and Contributions for Non Capital Purposes   |             | 1,514,031                   | 972,678                       | 1,504,497                        | 531,819             | 54.7%    |
| Donations and Reimbursements  |             | 585,576                     | 354,698                       | 357,920                          | 3,222               | 0.9%     |
| Fees and Charges  |             | 105,213,130                 | 77,227,210                    | 77,471,309                       | 244,099             | 0.3%     |
| Interest and Investment Income  |             | 4,672,819                   | 4,072,638                     | 4,395,749                        | 323,111             | 7.9%     |
| Other Revenue   |             | 1,953,314                   | 1,100,213                     | 1,123,571                        | 23,358              | 2.1%     |
| Total Revenue from Operating Activities   |             | 199,082,478                 | 171,699,295                   | 172,960,860                      | 1,261,565           | 0.7%     |
| <b>OPERATING EXPENDITURE</b>  |             |                             |                               |                                  |                     |          |
| Employee Costs  |             | 77,205,335                  | 56,840,405                    | 57,257,313                       | (416,908)           | -0.7%    |
| Materials and Contracts   |             | 53,092,963                  | 35,314,513                    | 32,009,853                       | 3,304,660           | 9.4%     |
| Utilities   |             | 3,596,588                   | 2,391,432                     | 2,236,437                        | 154,995             | 6.5%     |
| Depreciation and Amortisation   |             | 33,144,020                  | 24,876,519                    | 24,842,932                       | 33,587              | 0.1%     |
| Interest  |             | 1,562,208                   | 1,359,494                     | 1,368,476                        | (8,982)             | -0.7%    |
| Insurance   |             | 1,197,885                   | 867,368                       | 818,560                          | 48,808              | 5.6%     |
| Expenses Provision  |             | 998,010                     | 701,411                       | 702,953                          | (1,542)             | -0.2%    |
| Other Expenses from Ordinary Activities   |             | 25,085,422                  | 18,723,867                    | 18,815,284                       | (91,417)            | -0.5%    |
| Total Expenses from Ordinary Activities   |             | 195,882,431                 | 141,075,009                   | 138,051,808                      | 3,023,202           | 2.1%     |
| Change in Net Assets from Ordinary Activities before Capital Amounts                              |             | 3,200,047                   | 30,624,286                    | 34,909,052                       | 4,284,767           | 14.0%    |
| <b>GRANTS/CONTRIBUTIONS</b>   |             |                             |                               |                                  |                     |          |
| Grants and Contributions- Capital   |             | 5,768,315                   | 1,550,393                     | 1,528,055                        | (22,338)            | -1.4%    |
| <b>NET OPERATING SURPLUS</b>  |             | 8,968,362                   | 32,174,679                    | 36,437,107                       | 4,262,428           | 13.2%    |
| <b>DISPOSAL/WRITE OFF OF ASSETS</b>   | 2           | (1,437,448)                 | (1,416,675)                   | (2,274,610)                      | (857,935)           | 60.6%    |
| <b>SIGNIFICANT ITEMS</b>  |             |                             |                               |                                  |                     |          |
| 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                   | 30,758,004                    | 34,162,497                       | 3,404,494           | 11.1%    |

**CITY OF PERTH  
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***Statement of Financial Position as at 31 March 2017***

|                                      | Note  | 31/03/2017             | 30/06/2016             |
|--------------------------------------|-------|------------------------|------------------------|
| <b>CURRENT ASSETS</b>                |       | \$                     | \$                     |
| Cash and Cash Equivalents            | 11    | 9,007,353              | 10,063,697             |
| Deposits/Prepayments                 | 4     | 5,946,674              | 1,246,983              |
| Investments                          | 3, 11 | 136,998,185            | 100,249,402            |
| Trade and Other Receivables          | 5     | 7,601,438              | 10,022,460             |
| Rates Receivable                     | 1     | 829,574                | 190,815                |
| Inventories                          |       | 883,925                | 1,016,223              |
| <b>TOTAL CURRENT ASSETS</b>          |       | <b>161,267,149</b>     | <b>122,789,580</b>     |
| <b>NON CURRENT ASSETS</b>            |       |                        |                        |
| Investments                          | 3     | 7,027,731              | 7,162,072              |
| Trade and Other Receivables          | 5     | 50,690                 | 32,434                 |
| Property, Plant and Equipment        | 8     | 685,263,936            | 694,573,987            |
| Infrastructure                       | 8     | 478,269,794            | 485,179,495            |
| Capital Work in Progress             | 8     | 37,261,365             | 32,151,366             |
| <b>TOTAL NON CURRENT ASSETS</b>      |       | <b>1,207,873,516</b>   | <b>1,219,099,354</b>   |
| <b>TOTAL ASSETS</b>                  |       | <b>1,369,140,665</b>   | <b>1,341,888,934</b>   |
| <b>CURRENT LIABILITIES</b>           |       |                        |                        |
| Trade and Other Payables             | 6     | 15,147,039             | 15,973,970             |
| Employee Benefits                    | 7     | 10,258,170             | 11,051,588             |
| Provisions                           | 7     | 335,589                | 390,015                |
| Loan Liability                       | 9     | 6,318,789              | 6,772,073              |
| <b>TOTAL CURRENT LIABILITIES</b>     |       | <b>32,059,587</b>      | <b>34,187,646</b>      |
| <b>NON CURRENT LIABILITIES</b>       |       |                        |                        |
| Employee Benefits                    | 7     | 1,762,097              | 1,762,097              |
| Provisions                           | 7     | 4,551,852              | 4,259,487              |
| Loan Liability                       | 9     | 24,479,849             | 29,554,929             |
| <b>TOTAL NON CURRENT LIABILITIES</b> |       | <b>30,793,798</b>      | <b>35,576,513</b>      |
| <b>TOTAL LIABILITIES</b>             |       | <b>62,853,385</b>      | <b>69,764,159</b>      |
| <b>NET ASSETS</b>                    |       | <b>\$1,306,287,280</b> | <b>\$1,272,124,775</b> |
| <b>EQUITY</b>                        |       |                        |                        |
| Accumulated Surplus                  |       | 674,964,128            | 623,860,830            |
| Asset Revaluation Reserve            | 10    | 560,056,898            | 560,035,698            |
| Reserves                             | 10    | 71,266,254             | 88,228,247             |
| <b>TOTAL EQUITY</b>                  |       | <b>\$1,306,287,280</b> | <b>\$1,272,124,775</b> |

**CITY OF PERTH  
MUNICIPAL**

***Statement of Changes in Equity for the 9 months ended 31 March 2017***

|   | Accumulated<br>Surplus | Asset<br>Revaluation<br>Reserve | Cash Backed<br>Reserves | Total Equity           |
|---|------------------------|---------------------------------|-------------------------|------------------------|
|   | \$                     | \$                              | \$                      | \$                     |
| <b>Balance at 1 July 2015</b>                     | 612,108,629            | 560,795,095                     | 87,574,492              | 1,260,478,216          |
| Change in net assets resulting from operations    | 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)            | -                      |
| <b>Balance at 30 June 2016</b>                    | <b>\$623,860,830</b>   | <b>\$560,035,698</b>            | <b>\$88,228,247</b>     | <b>\$1,272,124,775</b> |
|   | \$                     | \$                              | \$                      | \$                     |
| <b>Balance at 1 July 2016</b>                     | 623,860,830            | 560,035,698                     | 88,228,247              | 1,272,124,775          |
| Change in net assets resulting from operations    | 34,162,497             | -                               | -                       | 34,162,497             |
| Transfer to Cash Backed Reserves                  | (2,702,071)            | -                               | 2,702,071               | -                      |
| Transfers to Asset Revaluation Reserve            | (76,383)               | 76,383                          | -                       | -                      |
| Transfers from Asset Revaluation Reserve          | 55,183                 | (55,183)                        | -                       | -                      |
| Transfer from Cash Backed Reserves                | 19,664,073             | -                               | (19,664,073)            | -                      |
| <b>Balance at the end of the reporting period</b> | <b>\$674,964,128</b>   | <b>\$560,056,898</b>            | <b>\$71,266,245</b>     | <b>\$1,306,287,271</b> |

**CITY OF PERTH  
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**Statement of Cash Flows for the 9 months ended 31 March 2017**

|   | Note | Budget<br>2016/2017 | YTD Actual<br>31/03/2017 | YTD Variation |         |
|---|------|---------------------|--------------------------|---------------|---------|
|   |      | \$                  | \$                       | \$            | %       |
| <b>Cash Flows from Operating Activities</b>         |      |                     |                          |               |         |
| <b>Receipts</b>                                     |      |                     |                          |               |         |
| Rates   |      | 85,150,558          | 87,367,620               | 2,217,062     | 2.6%    |
| Fees and Charges                                    |      | 110,473,787         | 80,146,056               | (30,327,731)  | -27.5%  |
| Interest  |      | 4,672,819           | 4,189,300                | (483,519)     | -10.3%  |
| Other   |      | 2,000,854           | 1,410,109                | (590,745)     | -29.5%  |
|   |      | 202,298,018         | 173,113,085              | (29,184,933)  | -14.4%  |
| <b>Payments</b>                                     |      |                     |                          |               |         |
| Employee Costs                                      |      | (76,246,522)        | (57,593,127)             | 18,653,395    | 24.5%   |
| Materials and Contracts                             |      | (45,634,268)        | (38,043,486)             | 7,590,782     | 16.6%   |
| Interest  |      | (1,546,536)         | (1,428,865)              | 117,671       | 7.6%    |
| Other   |      | (31,117,629)        | (21,775,139)             | 9,342,491     | 30.0%   |
|   |      | (154,544,955)       | (118,840,617)            | 35,704,339    | 23.1%   |
| Net Cash Flows from Operating Activities            | 12   | 47,753,063          | 54,272,469               | 6,519,406     | -13.7%  |
| <b>Cash Flows from Investing Activities</b>         |      |                     |                          |               |         |
| <b>Receipts</b>                                     |      |                     |                          |               |         |
| Distribution from TPRC                              |      | 1,000,000           | -                        | (1,000,000)   | -100.0% |
| Proceeds from Disposal of Assets                    |      | 1,280,000           | 745,710                  | (534,290)     | -41.7%  |
| Proceeds from Disposal of Investments(Non Current)  |      | -                   | 134,341                  | 134,341       | 0.0%    |
| <b>Payments</b>                                     |      |                     |                          |               |         |
| Purchase Land and Buildings                         |      | (14,005,532)        | (414,324)                | 13,591,208    | -97.0%  |
| Purchase Infrastructure Assets                      |      | (29,412,097)        | (628,760)                | 28,783,337    | -97.9%  |
| Purchase Plant and Mobile Equipment                 |      | (17,160,028)        | (1,980,292)              | 15,179,736    | 88.5%   |
| Purchase Office Furniture and Equipment             |      | (2,153,478)         | (345,530)                | 1,807,948     | -84.0%  |
| Work in Progress                                    |      | -                   | (13,666,752)             | (13,666,752)  | 0.0%    |
|   |      | (62,731,135)        | (17,035,658)             | 45,695,477    | 72.8%   |
| Net Cash Flows from Investing Activities            |      | (60,451,135)        | (16,155,607)             | 44,295,528    | 73.3%   |
| <b>Cash Flows from Financing Activities</b>         |      |                     |                          |               |         |
| Repayment of Borrowings                             |      | (6,111,896)         | (5,528,364)              | 583,532       | 9.5%    |
|   |      | (6,111,896)         | (5,528,364)              | 583,532       | 9.5%    |
| <b>Cash Flows from Government and Other Parties</b> |      |                     |                          |               |         |
| <b>Receipts from Appropriations/Grants</b>          |      |                     |                          |               |         |
| Recurrent   |      | 4,414,618           | 1,575,879                | (2,838,739)   | -64.3%  |
| Capital   |      | 5,768,315           | 1,528,055                | (4,240,260)   | -73.5%  |
|   |      | 10,182,933          | 3,103,934                | (7,078,999)   | -69.5%  |
| Net Increase (Decrease) in Cash Held                |      | (8,627,035)         | 35,692,432               | 44,319,467    | -513.7% |
| Cash at 1 July 2016                                 |      | 117,479,382         | 110,313,099              | (7,166,283)   | -6.1%   |
| Cash at 31 March 2017                               | 11   | 108,852,347         | 146,005,538              | 37,153,191    | 34.1%   |

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## Notes to the Balance Sheet for the 9 months ended 31 March 2017

### 1 Rates Receivable

|                                     | Actual YTD<br>31/03/2017 | 2015/16 YTD<br>31/03/2016 |
|-------------------------------------|--------------------------|---------------------------|
|                                     | \$                       | \$                        |
| Outstanding Amount at 30 June 2016  | 190,816                  | 64,096                    |
| Rates Levied for the Year           | 88,028,854               | 82,459,910                |
| Late Payment Penalties              | 149,067                  | 106,102                   |
| Ex Gratia Rates                     | 17,741                   | 17,464                    |
| Rates Administration Fee            | 331,012                  | 289,449                   |
| Rates Instalment Interest           | 367,778                  | 341,842                   |
| Back Rates                          | 61,219                   | (63,863)                  |
| Bins Levy                           | 96,471                   | 60,689                    |
|                                     | 89,242,958               | 83,275,689                |
| Amount Received during the Period   | 88,413,384               | 82,935,496                |
| Outstanding Amount at 31 March 2017 | \$829,574                | \$340,193                 |

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

|  | Annual<br>Budget     | Actual YTD<br>31/03/2017 |
|--|----------------------|--------------------------|
|  | \$                   | \$                       |
| <b>Land and Buildings</b>                          |                      |                          |
| Proceeds on Disposal                               | -                    | -                        |
| Less: Carrying amount of assets sold/written off   | -                    | 76,288                   |
| (Loss) on Disposal/Write Off                       | -                    | (76,288)                 |
| <b>Infrastructure</b>                              |                      |                          |
| Proceeds on Disposal                               | -                    | -                        |
| Less: Carrying amount of assets written off        | 1,640,250            | 2,256,630                |
| (Loss) on Write Off                                | (1,640,250)          | (2,256,630)              |
| <b>Plant and Mobile Equipment</b>                  |                      |                          |
| Proceeds on Disposal                               | 1,280,000            | 745,710                  |
| Less: Carrying amount of assets sold/written off   | 1,077,198            | 684,786                  |
| Profit on Disposal/Write Off                       | 202,802              | 60,924                   |
| <b>Furniture and Equipment</b>                     |                      |                          |
| Proceeds on Disposal                               | -                    | -                        |
| Less: Carrying amount of assets sold /written off  | -                    | 2,616                    |
| Profit/(Loss) on Disposal/Write Off                | -                    | (2,616)                  |
| <b>Gain/(Loss) on Disposal/Write off of Assets</b> | <b>(\$1,437,448)</b> | <b>(\$2,274,610)</b>     |

### 3 Investments

| Current                              | 31/03/2017           | 30/06/2016           |
|--------------------------------------|----------------------|----------------------|
| <b>Short Term Cash Investments *</b> | \$                   | \$                   |
| Call Funds                           | 6,204,277            | 12,111,382           |
| Bank/Term Deposits                   | 126,000,000          | 84,000,000           |
| Managed Funds                        | 4,793,908            | 4,138,020            |
| <b>Total Current Investments</b>     | <b>\$136,998,185</b> | <b>\$100,249,402</b> |

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

| Non Current Investments                | 31/03/2017  | 30/06/2016  |
|--|-------------|-------------|
|  | \$          | \$          |
| Mortgage Backed Securities (MBS)       | 2,696,477   | 2,743,759   |
|  | 2,696,477   | 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 | 3,900,842   | 3,987,901   |
|  | \$7,027,731 | \$7,162,072 |

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## Notes to the Balance Sheet for the 9 months ended 31 March 2017

### 4 Deposits/Prepayments

|                                  | 31/03/2017         | 30/06/2016         |
|----------------------------------|--------------------|--------------------|
|                                  | \$                 | \$                 |
| Prepaid Insurance                | 616,409            | -                  |
| Prepaid Parking Bay Licence Fees | 4,232,603          | -                  |
| Other                            | 1,097,662          | 1,246,983          |
|                                  | <b>\$5,946,674</b> | <b>\$1,246,983</b> |

### 5 Trade And Other Receivables

|   | 31/03/2017         | 30/06/2016          |
|---|--------------------|---------------------|
| <b>Current</b>                              | \$                 | \$                  |
| Emergency Services Levy (ESL)               | 199,876            | 36,912              |
| Accrued Interest and Investment Income      | 743,118            | 536,669             |
| Accrued Income                              | 701,456            | 1,445,677           |
| Modified Penalties/Fines and Costs          | 7,931,831          | 7,468,902           |
| Debtors - General                           |                    |                     |
| Australian Taxation Office - GST Refundable | -                  | 177,492             |
| Works and Services                          | 7,486              | 35,731              |
| Other Debtors                               | 1,477,354          | 3,744,857           |
|   | 11,061,121         | 13,446,240          |
| <b>Less: Provision for Doubtful Debts</b>   | <b>(3,459,683)</b> | <b>(3,423,780)</b>  |
|   | <b>\$7,601,438</b> | <b>\$10,022,460</b> |
| <b>Non Current</b>                          |                    |                     |
| Pensioners' Rates Deferred                  | 50,690             | 32,434              |
|   | <b>\$50,690</b>    | <b>\$32,434</b>     |

### 6 Trade And Other Payables

|  | 31/03/2017          | 30/06/2016          |
|--|---------------------|---------------------|
| <b>Current</b>                           | \$                  | \$                  |
| Trade Creditors                          | 3,643,948           | 10,591,073          |
| Emergency Services Levy                  | 2,770,644           | -                   |
| Interest Payable on Loans                | 139,459             | 199,848             |
| Accrued Expenses - Operating             | 4,746,343           | 2,293,106           |
| Accrued Expenses - Capital               | 234,408             | 10,837              |
| Advances Received for Recoverable Works  | 83,071              | 40,635              |
| Income Received / Raised in Advance      | 775,612             | 1,008,030           |
| Australian Taxation Office - GST Payable | 135,016             | -                   |
| Other Creditors                          | 2,618,538           | 1,830,441           |
|  | <b>\$15,147,039</b> | <b>\$15,973,970</b> |

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**Notes to the Balance Sheet for the 9 months ended 31 March 2017**

**7 Employee Benefits**

|   | 31/03/2017          | 30/06/2016          |
|---|---------------------|---------------------|
| <b>Current</b>                          | \$                  | \$                  |
| <b>Leave Entitlements</b>               |                     |                     |
| Annual Leave                            | 4,014,752           | 4,454,492           |
| Self Funded Leave                       | 176,374             | 238,785             |
| Long Service Leave                      | 5,943,937           | 6,222,059           |
| Recognition of Employees- Presentations | 123,107             | 136,252             |
|   | <b>\$10,258,170</b> | <b>\$11,051,588</b> |
| <b>Non Current</b>                      |                     |                     |
| Annual Leave                            | 629,989             | 629,989             |
| Long Service Leave                      | 1,132,108           | 1,132,108           |
|   | <b>\$1,762,097</b>  | <b>\$1,762,097</b>  |

**Provisions**

|  | 31/03/2017         | 30/06/2016         |
|--|--------------------|--------------------|
| <b>Current</b>                           | \$                 | \$                 |
| Workers Compensation                     | 335,589            | 390,015            |
|  | <b>\$335,589</b>   | <b>\$390,015</b>   |
| <b>Non Current</b>                       |                    |                    |
| Provision for Equipment Replacement PCEC | 4,551,852          | 4,259,487          |
|  | <b>\$4,551,852</b> | <b>\$4,259,487</b> |

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

|  | 31/03/2017             | 30/06/2016             |
|--|------------------------|------------------------|
|  | \$                     | \$                     |
| Land and Air Rights - at cost/fair value                 | 380,133,677            | 380,133,678            |
| Less: Accumulated Depreciation                           | (3,559,158)            | (3,135,072)            |
|  | <b>376,574,519</b>     | <b>376,998,606</b>     |
| Buildings - at fair value                                | 380,336,209            | 378,864,743            |
| Less: Accumulated Depreciation                           | (159,983,405)          | (154,004,183)          |
|  | <b>220,352,804</b>     | <b>224,860,560</b>     |
| Improvements - at fair value                             | 52,659,660             | 52,659,661             |
| Less: Accumulated Depreciation                           | (7,196,554)            | (5,565,355)            |
|  | <b>45,463,106</b>      | <b>47,094,306</b>      |
| Infrastructure Assets - at cost/fair value               | 756,467,043            | 755,794,940            |
| Less: Accumulated Depreciation                           | (278,197,249)          | (270,615,444)          |
|  | <b>478,269,794</b>     | <b>485,179,496</b>     |
| Plant and Mobile Equipment - at cost/fair value          | 47,782,458             | 47,541,666             |
| Less: Accumulated Depreciation                           | (31,478,042)           | (29,432,643)           |
|  | <b>16,304,416</b>      | <b>18,109,023</b>      |
| Office Furniture and Equipment - at cost/fair value      | 43,017,396             | 41,871,404             |
| Less: Accumulated Depreciation                           | (17,243,576)           | (15,155,180)           |
|  | <b>25,773,820</b>      | <b>26,716,224</b>      |
| Agricultural - at cost                                   | 795,271                | 795,271                |
| Less: Accumulated Depreciation                           | -                      | -                      |
|  | <b>795,271</b>         | <b>795,271</b>         |
| Property, Plant and Equipment                            | <b>1,163,533,730</b>   | <b>1,179,753,486</b>   |
| Work in Progress - at cost                               | 37,261,365             | 32,151,366             |
|  | <b>37,261,365</b>      | <b>32,151,366</b>      |
| Total Property, Plant and Equipment and Work in Progress | <b>\$1,200,795,095</b> | <b>\$1,211,904,848</b> |

# MUNICIPAL

## Notes to the Balance Sheet for the 9 months ended 31 March 2017

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

|                                | Balance<br>30/06/2016  | Acquisitions<br>Actual YTD<br>31/03/2017 | Transfers<br>Actual YTD<br>31/03/2017 | Disposals/<br>Write off/<br>Actual YTD<br>31/03/2017 | Revaluation<br>Actual YTD<br>31/03/2017 | Balance<br>31/03/2017  |
|--------------------------------|------------------------|--|---------------------------------------|--|---|------------------------|
|                                | \$                     | \$                                       | \$                                    | \$   |   | \$                     |
| Land and Air Rights            | 380,133,678            | -  | -                                     | -  | -                                       | 380,133,678            |
| Buildings                      | 378,864,743            | 414,324                                  | 1,248,143                             | (191,000)  | -                                       | 380,336,210            |
| Improvements                   | 52,659,661             | -  | -                                     | -  | -                                       | 52,659,661             |
| Infrastructure Assets          | 755,794,940            | 628,760                                  | 5,897,441                             | (5,854,097)  | -                                       | 756,467,044            |
| Plant and Mobile Equipment     | 47,541,666             | 1,980,292                                | 275,293                               | (2,014,793)  | -                                       | 47,782,458             |
| Office Furniture and Equipment | 41,871,404             | 345,530                                  | 853,717                               | (53,255)   | -                                       | 43,017,396             |
| Agricultural                   | 795,271                | -  | -                                     | -  | -                                       | 795,271                |
| Work in Progress               | 32,151,366             | 13,890,323                               | (8,780,324)                           | -  | -                                       | 37,261,365             |
|                                | <b>\$1,689,812,729</b> | <b>\$17,259,229</b>                      | <b>(505,730)</b>                      | <b>(8,113,145)</b>                                   | -                                       | <b>\$1,698,453,083</b> |

### 9 Loan Liability

|   | 31/03/2017 | 30/06/2016 |
|---|------------|------------|
| <b>Current</b>                                  | \$         | \$         |
| Loans - Western Australian Treasury Corporation | 6,318,789  | 6,772,073  |
| <b>Non Current</b>                              |            |            |
| Loans - Western Australian Treasury Corporation | 24,479,849 | 29,554,929 |

### 10 Reserve Funds

| Purpose of Reserve Fund                 | Balance<br>30/06/2016 | Transfer from<br>Accumulated<br>Surplus | Transfer to<br>Accumulated<br>Surplus | Balance<br>31/03/2017 |
|---|-----------------------|---|---------------------------------------|-----------------------|
|   | \$                    | \$                                      | \$                                    | \$                    |
| Refuse Disposal and Treatment           | 2,935,851             | 89,089                                  | -                                     | 3,024,940             |
| Concert Hall - Refurbishment and Maint. | 4,835,978             | 140,560                                 | (306,725)                             | 4,669,813             |
| Asset Enhancement                       | 26,232,133            | 772,180                                 | (938,071)                             | 26,066,242            |
| Street Furniture Replacement            | 371,375               | 13,486                                  | (9,534)                               | 375,327               |
| Parking Levy                            | 18,160,738            | 26,563                                  | (17,278,906)                          | 908,395               |
| Art Acquisition                         | 374,845               | 11,083                                  | (20,959)                              | 364,969               |
| Heritage Incentive                      | 618,109               | 18,476                                  | -                                     | 636,585               |
| Parking Facilities Development          | 23,671,273            | 695,032                                 | (1,109,878)                           | 23,256,427            |
| Employee Entitlements                   | 1,762,097             | 53,893                                  | -                                     | 1,815,990             |
| David Jones Bridge                      | 292,381               | 8,730                                   | -                                     | 301,111               |
| Bonus Plot Ratio                        | 613,783               | 18,416                                  | -                                     | 632,199               |
| PCEC Fixed Plant Replacement            | 4,244,225             | 307,627                                 | -                                     | 4,551,852             |
| Enterprise and Initiative               | 3,915,439             | 540,933                                 | -                                     | 4,456,372             |
| Public Art                              | 200,017               | 6,002                                   | -                                     | 206,019               |
|   | 88,228,244            | 2,702,070                               | (19,664,073)                          | 71,266,241            |
| * Asset Revaluation                     | 560,035,698           | 76,383                                  | (55,183)                              | 560,056,898           |
|   | <b>\$648,263,942</b>  | <b>\$2,778,453</b>                      | <b>(\$19,719,256)</b>                 | <b>\$631,323,139</b>  |

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



**MUNICIPAL**

**Notes to the Balance Sheet for the 9 months ended 31 March 2017**

**11 Cash Reconciliation**

|                             | 31/03/2017           | 30/06/2016           |
|-----------------------------|----------------------|----------------------|
|                             | \$                   | \$                   |
| Cash and Cash Equivalents   | 9,007,353            | 10,063,697           |
| Short Term Cash Investments | 136,998,185          | 100,249,402          |
|                             | <b>\$146,005,538</b> | <b>\$110,313,099</b> |

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

|   | 31/03/2017          | 30/06/2016          |
|---|---------------------|---------------------|
|   | \$                  | \$                  |
| Change in Net Assets Resulting from Operations            | 34,162,497          | 13,793,738          |
| Adjustment for items not involving the movement of Funds: |                     |                     |
| Depreciation  | 24,842,932          | 31,545,687          |
| Doubtful Debts  | 35,903              | 369,586             |
| Non Capitalised Work in Progress                          | 505,730             | (4,620,525)         |
| (Gain)/Loss on Disposal/Write off/Contribution of Assets  | 2,274,610           | 1,569,290           |
|   | 61,821,672          | 42,657,776          |
| Revenues Provided By :                                    |                     |                     |
| Government Grants   | (3,103,934)         | (6,812,016)         |
| Contribution from Other Parties                           | -                   | (49,890)            |
|   | (3,103,934)         | (6,861,906)         |
| Change in Operating Assets and Liabilities                |                     |                     |
| <b>Add Back</b>   |                     |                     |
| Decrease in Inventories                                   | 132,298             | 377,978             |
| Decrease in Deposits and Prepayments                      | -                   | 92,261              |
| Decrease in Accrued Interest and Dividend Income          | -                   | 63,628              |
| Decrease in Trade and Other Receivables                   | 1,208,588           | -                   |
| Decrease in Deferred Debtors                              | -                   | 7,133               |
| Decrease in Accrued Income                                | 744,221             | -                   |
| Increase in Income Received /Raised in Advance            | -                   | 99,641              |
| Increase in Accrued Expenses                              | 2,453,237           | -                   |
| Increase in Trade and Other Payables                      | -                   | -                   |
| <b>Deduct</b>   |                     |                     |
| Decrease in Trade and Other Payables                      | (3,253,368)         | (2,565,858)         |
| Decrease in Income Received /Raised in Advance            | (189,982)           | -                   |
| Decrease in Accrued Interest Payable                      | (60,389)            | (41,167)            |
| Increases in Deferred Debtors                             | (18,256)            | -                   |
| Decrease in Provisions                                    | (555,479)           | (407,068)           |
| Decrease in Accrued Expenses                              | -                   | (324,459)           |
| Increase in Inventories                                   | -                   | -                   |
| Increase in Trade and Other Receivables                   | -                   | (2,033,367)         |
| Increase in Prepayments                                   | (4,699,691)         | -                   |
| Increase in Accrued Income                                | -                   | (193,777)           |
| Increase in Accrued Interest and Investment Income        | (206,449)           | -                   |
|   | (4,445,270)         | (4,925,055)         |
| Net Cash Provided by Operating Activities                 | <b>\$54,272,471</b> | <b>\$30,870,815</b> |

# MUNICIPAL

## Notes to the Balance Sheet for the 9 months ended 31 March 2017

### 13 Ratios

|   | 31/03/2017 | 30/06/2016 |
|---|------------|------------|
| <b>1 Current Ratio</b>  |            |            |
| <u>Current Assets minus Restricted Assets</u>                           |            |            |
| Current Liabilities minus Liabilities associated with Restricted Assets | 2.89       | 1.09       |
| <b>2 Debt Ratio</b>   |            |            |
| <u>Total Liabilities</u>  |            |            |
| Total Assets  | 4.59%      | 5.20%      |
| <b>3 Debt Service Ratio</b>   |            |            |
| <u>Debt Service Cost</u>  |            |            |
| Available Operating Revenue   | 3.99%      | 4.44%      |
| <b>4 Rate Coverage Ratio</b>  |            |            |
| <u>Net Rate Revenue</u>   |            |            |
| Operating Revenue   | 51.53%     | 43.96%     |
| <b>5 Outstanding Rates Ratio</b>  |            |            |
| <u>Rates Outstanding</u>  |            |            |
| Rates Collectable   | 0.93%      | 0.23%      |
| <b>6 Untied Cash to Unpaid Creditors Ratio</b>                          |            |            |
| <u>Untied Cash</u>  |            |            |
| Unpaid Trade Creditors  | 21.25      | 2.34       |
| <b>7 Gross Debt to Revenue Ratio</b>                                    |            |            |
| <u>Gross Debt</u>   |            |            |
| Total Revenue   | 17.81%     | 18.99%     |
| <b>8 Gross Debt to Economically Realisable Assets Ratio</b>             |            |            |
| <u>Gross Debt</u>   |            |            |
| Economically Realisable Assets  | 3.46%      | 4.24%      |

Restricted Assets includes reserve funds and tied contributions not utilised at 31.03.2017

Report to the Finance and Administration Committee

**Agenda  
Item 8.5**

**City of Perth Art Collection – Art Acquisitions**

---

**Recommendation:**

***That the Finance and Administration Committee approves the purchase of ‘Rottnest Landscape #2’ by Merrick Belyea.***

|                          |  |
|--------------------------|--|
| FILE REFERENCE:          | P1025306-2   |
| REPORTING UNIT:          | Arts, Culture and Heritage                                       |
| RESPONSIBLE DIRECTORATE: | Economic Development and Activation                              |
| DATE:                    | 21/04/2017   |
| ATTACHMENT/S:            | Attachment 8.5A – <i>Rottnest Landscape #2</i> by Merrick Belyea |

**Legislation / Strategic Plan / Policy:**

|                    |     |
|--------------------|-----|
| <b>Legislation</b> | N/A |
|--------------------|-----|

|  |                               |   |
|--|-------------------------------|---|
| <b>Integrated Reporting Implications</b> | <b>Planning and Framework</b> | <b>Corporate Business Plan</b>                            |
|  |                               | Council Four Year Priorities: Healthy and Active in Perth |
|  |                               | S15 Reflect and celebrate the diversity of Perth          |
|  |                               | 15.2 Develop Arts and Cultural Development Strategy       |

**Policy**

|                     |                             |
|---------------------|-----------------------------|
| Policy No and Name: | 18.1 – Arts and Culture     |
|                     | 18.2 – Cultural Collections |

**Purpose and Background:**

An opportunity has arisen for the City of Perth to purchase an important artwork by artist Merrick Belyea.

This recommendation is the culmination of targeted research over time and in context across the industry. The suitability of this artwork has been considered particularly in relation to Council Policy 18.2 Cultural Collections, which states that *“Through the strategic management of its Cultural Collections the City will ensure that the Collection’s future value and ongoing significance for Perth, Western Australia and the wider community is maintained”*.

**Details:**

Information on the artist, the recommended artwork, its essential reporting considerations and acquisition criteria have been outlined in detail in Attachment 8.5A attached to this report. The recommended artwork is as follows:

Artist: Merrick Belyea  
 Title: Rottnest Landscape #2 (Attachment 8.5A)  
 Medium: oil on board  
 Dimensions: 120cm x 120cm  
 Price: \$7,000

### **Financial Implications:**

|                               |           |
|-------------------------------|-----------|
| ACCOUNT NO:                   | CW0396    |
| BUDGET ITEM:                  |           |
| BUDGETED AMOUNT:              | \$374,845 |
| AMOUNT SPENT TO DATE:         | \$ 56,120 |
| PROPOSED COST:                | \$ 7,000  |
| BALANCE REMAINING:            | \$311,725 |
| ANNUAL MAINTENANCE:           | N/A       |
| ESTIMATED WHOLE OF LIFE COST: | N/A       |

All figures quoted in this report are exclusive of GST.

### **Comments:**

Under Delegated Authority 1.1.1 the Finance and Administration Committee has the authority to purchase artworks worth over \$5,000 and the deaccession of artworks.

This acquisition has been recommended in line with the objective of Council Policy – 18.1 Arts and Culture which states that *“For Perth, as the State’s capital city, to be recognised for its leadership in showcasing the City’s vitality, innovation and cultural diversity, through its distinctive Western Australian cultural expression”*.

This artwork represents a sound cultural and financial investment and will enable the City’s art collection to grow and develop in reputation and in its capabilities to engage the broader community in meaningful experiences.

## Acquisition Recommendation April 2017

### APPENDIX A



*Rottnest Landscape #2* by Merrick Belyea from the *Recent Paintings* exhibition at Art Collective; \$7,000

### Artwork details

*Recent Paintings*, currently on show at Art Collective in Cathedral Square, extends Merrick Belyea's contemporary view of landscape painting, seeking to capture the figurative and political essence of place.

European traditions of naturalism in landscape are enmeshed with the politics of capturing or colonising the land. Merrick Belyea's landscapes are pared back, stripped and worn as if clinging to beauty before all is bulldozed and covered over with suburban blankness. The tree becomes a talisman for swathes of forest levelled for industrial progress. The heavily

worn surface becomes a blank canvas for development. The muted tones like a fading memory of Arcadia and the abandonment of utopian ideals. We are left with fragile remnant bushland clinging grimly to rocky outcrops on urban fringes, witnessing wholesale destruction and their own inevitable demise.

The exhibition features landscapes in a variety of different locations in Australia where Belyea undertook sessions of plein air painting. This method of painting outdoors, as opposed to reproducing a scene in the studio, was a key focus of his *Recent Paintings* body of work documenting the Australian landscape.

While Belyea's approach to the creation of the work (rather than the specific location of the landscape) is the defining feature, Rottnest is of strong relevance to Perth, and its Capital City status. Rottnest was the first land sighted and described by Dutch explorer Willem de Vlamingh who was the first European to sail up the Swan River. The island, known to the Noongar people as *Wadjemup*, is believed to be a place of spirits and is of significance to Aboriginal communities. Aboriginal people were also imprisoned on the island after the establishment of the Swan River colony in 1829.

*Rottnest Landscape #2* will complement works by other artists represented in the art collection that deal with the West Australian landscape and environmental issues such as Gregory Pryor, Eva Fernandez and Paul Uhlmann. There are also works in the collection by artists such as Kate McMillan and Alan Muller that consider our history in reference to aspects of colonisation and Aboriginal heritage in a similar manner to Belyea's.

*Rottnest Landscape #2* is painted in a style evocative of the 19<sup>th</sup> century Impressionists and will therefore work well in conjunction with historical works by artists in the Collection documenting the West Australian landscape during the early days of federation such as Florence Fuller, George Pitt Morrison and Walter Meston.

## **Artist details**

Merrick Belyea has been a prolific artist in Western Australia over 26 years. He maintains a regular exhibiting program in Australia and overseas. In 2015, he represented Art Collective WA at Art Stage Singapore with fellow Art Collective WA member, Jon Tarry. Merrick's work has been acquired by various collections, including Artbank, the Holmes á Court Collection and Bankwest. He has been a guest artist at the Australian Embassy in Manila and has featured on lists of Australia's Most Collectable Artists, compiled by Australian Art Collector magazine. He is a founding member and Co-Chair of Art Collective WA.

## Acquisition Criteria

This recommendation complies with Policy 18.2 – Cultural Collections and meets both the Essential Reporting Considerations for Acquisition (section 3.1) and the Acquisition Criteria – Art Collection (section 3.2) as outlined below.

| <b>Essential Reporting Considerations for Acquisition (section 3.1)</b>   |   |
|---|---|
| <b>Consideration</b>  | <b><i>Rottnest Landscape #2</i> by Merrick Belyea</b>   |
| Physical integrity, durability, quality of fabrication and maintenance or conservation requirements   | <p>Physical integrity – the work is in good condition and the considerable experience of the artist ensures the work has been created to a high standard.</p> <p>Conservation – It is a recent work in a stable medium and will have no immediate conservation issues.</p> <p>Display – The work is framed and ready to be displayed to industry standard.</p> <p>Storage – The City of Perth has a climate controlled storage facility for artworks that are not on display.</p> |
| Authenticity and ethical provenance   | The gallery have worked closely with the artist so authenticity and ethical provenance of the work are ensured.   |
| Must be an outright purchase, commission or an unconditional transfer of ownership  | This work is an unconditional purchase from a respected gallery.  |
| Enhance at least one of the existing Collections as defined by Collection scope and/or priorities avoiding duplication                          | This work will enhance the City's holdings of contemporary works of art. There are no other works by Merrick Belyea held in the City's art collection so the recommended work will fill an existing gap.  |
| Capacity to be placed on display without hindrance to public access or safety, and where relevant, without breaching the creator's moral rights | The work is two-dimensional and will be able to be displayed in a variety of public locations, such as the Council House foyer, to a high aesthetic standard.   |
| Immediate and future cost considerations  | There is sufficient budget for the purchase of the work and any future operational expenses involved in caring for it will be planned and budgeted for in the Collection Management budget.   |

**Acquisition Criteria – Art Collection (section 3.2)**

| <b>Consideration</b><br>The item must:  | <b><i>Rottnest Landscape #2</i> by Merrick Belyea</b>  |
|---|--|
| Represent significant periods, occasions and urban initiatives in the evolution of the city, and city life  | The issues around urban development and colonisation are highly relevant to the City of Perth and <i>Rottnest Landscape #2</i> will stimulate dialogue and exchange between the whole of the City's cultural collections. The works also offer the opportunity to connect with other local institutions and their cultural holdings, such as the Art Gallery of WA, Lawrence Wilson Art Gallery, the Museum of Perth and the West Australian Museum. |
| Build upon the strengths of existing holdings in the Art Collection   | The work will build upon existing holdings of contemporary artworks that deal with urban development, environmental issues and the local landscape.  |
| Represent and support the artistic practice of emerging and established artists residing in Western Australia who have received acclaim for their work locally, nationally or internationally | The work is a high quality demonstration of the artist's work and is a significant example of the artist's practice. Prior to the exhibition opening at Art Collective located in Cathedral Square many works had already sold to other collecting institutions.   |



Report to the Finance and Administration Committee

**Agenda**                      **Adoption – City of Perth Thoroughfares and Public Places Local**  
**Item 8.6**                      **Law 2017**

---

**Recommendation:**

***That Council:***

- 1. notes that no submissions were received in response to the public notice period for the proposed City of Perth Thoroughfares and Public Places Local Law 2017;***
- 2. notes the comments received from the Department of Local Government and Communities in response to the public notice period as detailed in Attachment 8.6A;***
- 3. in accordance with Section 3.12(4) of the Local Government Act 1995, BY AN ABSOLUTE MAJORITY makes the City of Perth Thoroughfares and Public Places Local Law 2017 as detailed in Attachment 8.6C; and***
- 4. in accordance with Section 3.12(6) of the Local Government Act 1995, gives local public notice of the City of Perth Thoroughfares and Public Places Local Law 2017.***

|                          |  |
|--------------------------|--|
| FILE REFERENCE:          | P1015922-2   |
| REPORTING UNIT:          | Governance   |
| RESPONSIBLE DIRECTORATE: | Corporate Services   |
| DATE:                    | 20 March 2017  |
| ATTACHMENT/S:            | Attachment 8.6A – DLGC Submission<br>Attachment 8.6B – City of Perth Thoroughfares and Public Places Local Law 2017 showing DLGC recommended revisions<br>Attachment 8.6C – City of Perth Thoroughfares and Public Places Local Law 2017 (to be adopted) |

**Legislation / Strategic Plan / Policy:**

|   |   |
|---|---|
| <b>Legislation</b>  | Section 3.12 of the <i>Local Government Act 1995</i>  |
| <b>Integrated Planning and Reporting Framework Implications</b> | <p><b>Strategic Community Plan</b></p> <p>Council Four Year Priorities: Capable and Responsive Organisation</p> <p>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.</p> |

**Policy**

Policy No and Name: N/A

**Purpose and Background:**

At its meeting held on **13 December 2016**, Council resolved by an absolute majority to repeal the *City of Perth Thoroughfares and Public Places Local Law 2007* and to initiate the local law making process for a new local law in accordance with Section 3.12 of the *Local Government Act 1995*.

Council approved the giving of State-wide public notice of its intention to make the proposed City of Perth Thoroughfares and Public Places Local Law 2017 with a purpose of providing for the “regulation, management and control of activities in thoroughfares and public places” and the effect of establishing “requirements with which any persons using, or on, thoroughfares and public places throughout the district by comply”.

**Details:**

A State-wide public notice was published in The West Australian newspaper on 11 January 2017, and exhibited on the City of Perth noticeboards, and the City of Perth website seeking public submissions on the proposed local law.

No public submissions were received during the public notice period between 12 January 2017 and 1 March 2017.

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

Furthermore, in accordance with Sections 3.12(5) and 3.12(6) of the *Local Government Act 1995*, subsequent to Council adoption, the City of Perth is required to:

- Publish the local law in the WA Government Gazette;
- Provide a copy of the gazettal to the Minister for Local Government (and any other relevant Minister); and
- Publish a local public notice advising of the local law, its purpose and effect, the day on which it becomes effective and advising it may be inspected via the local government’s offices.

**Financial Implications:**

The gazettal and final public notice requirements for the adoption of the City of Perth Thoroughfares and Public Places Local Law 2017, once resolved by Council, are estimated at a cost of \$2,000. These costs can be accommodated within existing operating budgets.

All amounts quoted in this report are exclusive of GST.

**Comments:**

The Department of Local Government and Communities (DLGC) provided comments on the advertised local law in correspondence dated 20 February 2017. The DLGC's comments and Officer responses are detailed in Attachment 8.6A.

The amendments proposed by the DLGC and incorporated in the proposed City of Perth Thoroughfares and Public Places Local Law 2017 relate to drafting standards only and do not constitute significant changes to the originally advertised local law. Attachment 8.6B shows the revisions made to the originally advertised local law in response to the DLGC's comments and suggestions.

It is therefore recommended that Council resolve to make the City of Perth Thoroughfares and Public Places Local Law 2017 as detailed in Attachment 8.6C and gives local public notice of the local law.

In accordance with Section 3.14(1) of the *Local Government Act 1995*, the local law will come into effect 14 ordinary days after it is published in the WA Government Gazette.

DLGC Comments – *City of Perth Thoroughfares and Public Places Local Law 2017*

| Clause     | DLGC Comments   | Officer Response   |
|------------|---|--|
| N/A        | <p><b>1. Contents page</b></p> <p>Due to the length of the local law, it is suggested that the local law include a contents page. This will enable readers to determine the contents of the local law at a glance. However, page numbers are not necessary in the contents page.</p>  | This is an administrative matter, the City of Perth will provide an administration copy of the local law, once gazetted, which will be published on the City of Perth website for ease of use.   |
| N/A        | <p><b>2. Page numbering and footer</b></p> <p>It is suggested that page numbers in the footer be removed from the local law as they may clash with the numbering system already used in the <i>Government Gazette</i>. In the event that the City chooses to maintain a public version of the local law in hard copy or electronic format, the City can choose to retain the page numbers in that version.</p>                                | Noted and amended in the proposed local law.   |
| N/A        | <p><b>3. Citation year and title of the local law</b></p> <p>It is suggested that the title of the local law be changed to <i>City of Thoroughfares and Public Places Local Law 2017</i> to account for the fact the local law will be made and gazetted in 2017. This change should also be reflected throughout the local law.</p>  | Noted and amended in the proposed local law.   |
| Clause 1.3 | <p><b>4. Clause 1.3 – Purpose and effect</b></p> <p>Clause 1.3 sets out the purpose and effect of the local law. This clause has no legislative effect and can be removed if the City wishes.</p> <p>While the <i>Local Government Act 1995</i> requires the purpose and effect to be included in the public notices relating to a proposed local law, there is no requirement to include the purpose and effect in the local law itself.</p> | Noted, however it is considered that the inclusion of the purpose and effect of the local law provides clarity for users of the local law and this is a standard practice adopted by the City of Perth.  |
| Clause 1.6 | <p><b>5. Clause 1.6 – Terms used</b></p> <p>It is suggested that the City inserts a definition for each of the following terms which are used in the local law:</p> <ul style="list-style-type: none"> <li>• <b><i>bunting</i></b></li> <li>• <b><i>local public notice</i></b> (either by reference to the Act, or some other definition)</li> <li>• <b><i>Schedule</i></b></li> </ul>   | <p>Noted, the terms “local public notice” “bunting” and “Schedule” have been included in the proposed local law</p> <p>The term temporary crossing has not been included. The word “Crossing” is already defined in the Terms Used and temporary is standard interpretation.</p> |

| Clause                   | DLGC Comments   | Officer Response  |
|--------------------------|---|---|
|                          | <ul style="list-style-type: none"> <li><b>temporary crossing</b></li> </ul> <p>Whilst not all of these definitions are necessary, they may assist readers and reduce the possibility of misinterpretation.</p> <p>It is also suggested that the defined term <b>vehicle</b> expressly exclude a shopping trolley – shopping trolleys tend to be in the same class as other common exceptions, such as wheelchairs and prams.</p>  | <p>Noted and amended in the proposed local law.</p>   |
| <p><b>Clause 2.8</b></p> | <p><b>6. Clause 2.8 – Inconsistency with clause 2.2 and 2.7</b></p> <p>The Department has noted the following potential issues:</p> <ul style="list-style-type: none"> <li>Subclause (1) states that it is an offence to install an alternative verge treatment without the City's approval. Since an "alternative verge treatment" is defined as a treatment "approved by the local government", it is technically impossible for subclause (1) to be breached.</li> <li>Clause 2.8 does not directly state that an alternative verge treatment is an exception to the general prohibition established by clause 2.1(5), though the tone of the clause seems to imply it. The City may wish to clarify this in further detail.</li> <li>Subclause (4) applies where a lot abuts a verge treatment referred to in clause 2.7. It is uncertain whether this subclause also applies to alternative verge treatments which are not referred to in clause 2.7.</li> </ul> | <p>The City has amended the clauses in the local law with the following:</p> <p>Clause 2.8(1)</p> <p>(1) An owner or occupier of land which abuts on a verge shall not install <del>an alternative</del> <b>a</b> verge treatment <b>other than a permissible verge treatment listed in clause 2.7</b> unless authorised in writing by the local government.</p> <p>Clause 2.1(e)</p> <p>(e) install anything within the verge other than a permissible verge treatment <b>listed in clause 2.7 or an alternative verge treatment which has been approved in writing by the local government;</b></p> <p>Clause 2.8(4)</p> <p>2.8(4)The owner or occupier of the lot abutting a verge treatment referred to in clause 2.7 <b>and this clause 2.8</b> are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.9.</p> |

| Clause                    | DLGC Comments  | Officer Response  |
|---------------------------|--|---|
| <p><b>Clause 2.18</b></p> | <p><b>7. Clause 2.18 – Vague terminology</b></p> <p>Clause 2.18 uses the phrase “infrequent or occasional basis”. This phrase is vague and can be subject to a variety of interpretations.</p> <p>It may also lead to confusion, since it doesn’t clearly indicate how long or often a sign can be displayed before an offence is committed. If the interpretation of the phrase is left to the discretion of the enforcing officer, it may lead to inconsistent or unreasonable outcomes.</p> <p>It is suggested that the term be reviewed and potentially replaced, as the Delegated Legislation Committee may raise concerns with it.</p>   | <p>The phrase “infrequent or occasional” has been removed from this clause.</p>                 |
| <p><b>Clause 3.6</b></p>  | <p><b>8. Clause 3.6 – Retailer taken to own shopping trolley</b></p> <p>This clause provides that in the absence of evidence to the contrary, it will be assumed that a shopping trolley is owned by whichever retailer is marked on that trolley.</p> <p>As a rule, the plaintiff to a legal action is responsible for proving the elements of that legal action. This rule is presumed to apply except where enacting legislation has expressly stated otherwise.</p> <p>Since the <i>Local Government Act 1995</i> does not expressly state that local laws can reverse the onus of proof, it is debatable whether local governments have the power to make local laws which do this.</p> <p>The Delegated Legislation Committee has previously explored this issue in the local laws of other local governments. In those cases, the Committee concluded that it would permit the clause, since the burden on retailers was not particularly onerous.</p> <p>However, the Committee concluded that the clause may not be legally valid and its enforceability may be</p> | <p>Clause 3.6 has been removed and is not considered to change the intent of the local law.</p> |

| Clause     | DLGC Comments   | Officer Response  |                  |         |                  |    |    |     |      |   |
|------------|---|---|------------------|---------|------------------|----|----|-----|------|---|
|            | vulnerable to legal challenge. This conclusion is set out in item 4 of the Committee’s 16 <sup>th</sup> Report. The City should keep this in mind if it chooses to retain the clause and rely on it in the future.  |   |                  |         |                  |    |    |     |      |   |
| Clause 4.8 | <p><b>9. Clause 4.8 – Mutatis mutandis</b></p> <p>Subclause (2)(b) makes reference to the term “<i>mutatis mutandis</i>”. The Delegated Legislation Committee has previously requested this term be replaced. It may be substituted with the words “with all the necessary changes as required.”</p>  | Noted and included in the proposed local law.   |                  |         |                  |    |    |     |      |   |
| Clause 7.4 | <p><b>10. Clause 7.4 – Infringement provisions and modified penalties</b></p> <p>It appears that the purpose of clause 7.4(3) is to provide guidance to an authorised person when he or she issues an infringement notice for an offence under the local law.</p> <p>As this clause is only there for guidance, it has no direct legislative effect. It is suggested that clause 7.4(3) is not included in the local law but rather in a separate guidance or practice manual that officers can refer to when administering and enforcing the local law.</p>                          | This clause has been included in the inception of the previous local law, however as it does only provide guidance the City will remove and include in the administration of the local law. |                  |         |                  |    |    |     |      |   |
| Schedule 1 | <p><b>11. Schedule 1</b></p> <p>It is suggested that the Schedule titles should be bold, centralised and not underlined. For example:</p> <p style="text-align: center;"><b>Schedule 1 – Offences and Modified Penalties</b><br/>[Clause 7.4]</p> <p>It is also suggested that an offence description column be inserted into the Schedule, for example:</p> <table><tr><th>Item No.</th><th>Clause</th><th>Offence</th><th>Modified Penalty</th></tr><tr><td>xx</td><td>xx</td><td>xxx</td><td>\$xx</td></tr></table> <p>This will make the Schedule more useful, since a reader</p> | Item No.  | Clause           | Offence | Modified Penalty | xx | xx | xxx | \$xx | <p>The formatting of the title has been noted and is included in the proposed local law.</p> <p>This is an administrative matter decided by the City. The City’s intent is for a reader to utilise the local law correctly in its entirety and to avoid any potential confusion by “standard” or “simple” descriptions.</p> |
| Item No.   | Clause  | Offence   | Modified Penalty |         |                  |    |    |     |      |   |
| xx         | xx  | xxx   | \$xx             |         |                  |    |    |     |      |   |

| Clause | DLGC Comments  | Officer Response   |
|--------|--|--|
|        | <p>can get a basic understanding of each offence without needing to look at the specific clause. It also provides a standard description that the City's officers can use when issuing infringement notices.</p>   |  |
|        | <p><b>12. Minor edits</b></p> <p>The following minor edits are suggested:</p> <ul style="list-style-type: none"> <li>• The City uses the words “anything” and “any thing” interchangeably throughout the local law. For consistency, it is suggested all instances of “any thing” be replaced with “anything”.</li> <li>• <b>Clause 1.4:</b> delete the word “on” after “City of Perth” and italicise “2007”.</li> <li>• <b>Clause 1.6:</b> in the definition of <i>nuisance</i>, replace the colon with a dash.</li> <li>• <b>Clause 2.1:</b> <ul style="list-style-type: none"> <li>a. Redesignate subclauses (1) to (16) as paragraphs (a) to (p).</li> <li>b. In subclause (3) and (4), redesignate paragraphs (a) and (b) as subparagraphs (i) and (ii).</li> <li>c. Subparagraph (13)(a) interrupts the flow of the other paragraphs. It should be incorporated into paragraph (13) or moved to a new subclause.</li> </ul> </li> <li>• <b>Clause 2.3:</b> Replace “Licencing” with “Control”;</li> <li>• <b>Clause 2.7(2):</b> <ul style="list-style-type: none"> <li>a. Replace the colon with a dash.</li> <li>b. Replace “planting” with “installation”.</li> <li>c. In paragraph (a), replace “and/or” with “or”.</li> <li>d. In paragraph (b), replace the full stop with “; or”.</li> <li>e. After paragraph (b) insert:</li> </ul> </li> </ul> | <p>Noted and amended in the proposed local law.</p> <p>Noted and amended in the proposed local law.</p> <p>Noted and amended in the proposed local law.</p> <p>All suggested changes for Clause 2.1 are noted and amended in the proposed local law.</p> <p>Noted and amended in the proposed local law.</p> <p>All suggested changes for Clause 2.7(2) are noted and amended in the proposed local law.</p> |



| Clause | DLGC Comments   | Officer Response   |
|--------|---|--|
|        | <p>(c) A combination of (a) and (b);</p> <ul style="list-style-type: none"> <li>• <b>Clause 2.11(1):</b> “former provisions” should be bold and italics without quote marks. This issue also applies to clause 2.13(1) and 2.21(2).</li> <li>• <b>Clause 4.1(5):</b> insert one line space between the end of subclause and clause 4.2.</li> <li>• <b>Clause 4.3:</b> <ul style="list-style-type: none"> <li>a. Redesignate subclauses (1) to (9) as paragraphs (a) to (i).</li> <li>b. Insert one line space between subclauses (5) and (6).</li> </ul> </li> <li>• <b>Clause 4.4(1):</b> redesignate subparagraphs (i) to (ii) as paragraphs (c) to (d).</li> <li>• <b>Clause 4.5:</b> redesignate subclauses (1) and (2) as paragraphs (a) and (b).</li> <li>• <b>Clause 4.7:</b> in line with best drafting principles, it is suggested to substitute numbers expressed in words with digits, for example “six” with “6”.</li> <li>• <b>Clause 7.5:</b> redesignate subclauses (1) to (3) as paragraphs (a) to (c).</li> <li>• <b>Schedule 1</b> – If the City has redesignated clauses in accordance with the Department’s suggestions, the references in the Schedule should be updated accordingly.</li> </ul> <p>The City should ensure that all references and cross references in the local law are accurate, particularly if any changes are made as a result of these comments.</p> | <p>Noted and amended in the proposed local law.</p> <p>This is inconsistent with the rest of the local law.</p> <p>Noted and amended in the proposed local law.</p> <p>Noted and amended in the proposed local law.</p> <p>Noted and amended in the proposed local law.</p> <p>Within the context of a local law “six months” is clearer than “6 months”.</p> <p>This is inconsistent with the rest of the local law.</p> <p>Noted and amended clause numbers in Schedule 1.</p> |

*Local Government Act 1995***CITY OF PERTH****THOROUGHFARES AND PUBLIC PLACES LOCAL LAW ~~2016~~ 2017**

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~~ 2017*, 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~~ 2017*.

**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;

**bunting** means a group of flags or flimsy material (including paper, plastic, fabric, or any similar material) attached to a rope or line which is tethered or attached to any structure, vehicle, tree or pole;

**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;

***hand held 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;

***local public notice*** has the meaning given in the Act;

***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;

**Schedule means a schedule to this local law;**

**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;

(f) a shopping trolley

**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)~~(a) 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)~~(b) 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)~~(c) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless –
  - ~~(a)~~(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 local government; or
  - ~~(b)~~(ii) the person is acting under the authority of a written law;
- ~~(4)~~ (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 local government, unless –
  - ~~(a)~~(i) the removal of the street tree is authorised by the local government in writing; or
  - ~~(b)~~(ii) the person is acting under authority of written law;
- ~~(5)~~(e) install anything within the verge other than a permissible verge treatment listed in clause 2.7 or an alternative verge treatment which has been approved in writing by the local government;
- ~~(6)~~(f) install play equipment or structures within the verge;
- ~~(7)~~(g) attach or tie anything to a street tree;
- ~~(8)~~(h) install synthetic or artificial turf on the verge;
- ~~(9)~~(i) 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)~~(j) 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)~~(k) 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)~~(l) 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)~~(m) within a mall, an arcade or verandah of a shopping centre, ride any bicycle or wheeled recreational device, noting that this clause does not apply to the Western Australia Police;

~~(a) Subclause (13) does not apply to the Western Australia Police;~~

~~(14)~~(n) on a public place use anything or do anything so as to create a nuisance;

~~(15)~~(o) 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)~~(p) 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~~ anything 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~~ anything 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~~ anything in a thoroughfare or take ~~any thing~~ anything 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 Control 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~~ installation of: –
  - (a) prostrate native ground covers with a maximum mature height of 100mm; ~~and~~ or
  - (b) organic mulch; ~~;~~ or
  - (c) a combination of (a) and (b);

## 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~~ a verge treatment other than a permissible verge treatment listed in clause 2.7 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 and this clause 2.8 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)(a)~~ the payment of a fee;
- ~~(2)(b)~~ the duration and commencement of the permit;
- ~~(3)(c)~~ the commencement of the permit being contingent on the happening of an event;
- ~~(4)(d)~~ the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- ~~(5)(e)~~ the granting of another approval, permit, licence or authorisation which may be required under any written law;
- ~~(6)(f)~~ the area of the district to which the permit applies;
- ~~(7)(g)~~ the obtaining of public risk insurance in an amount and on terms reasonably required by the local government;
- ~~(8)(h)~~ the imposition of a bond to repair any resulting damage to a thoroughfare or public place; and
- ~~(9)(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.

#### **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)~~(c) a public place can be repaired or reinstated where a permit issued for an activity may cause damage to the public place; or
  - ~~(ii)~~(d) 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)~~(a) an application for a permit has been approved subject to conditions; or
- ~~(2)~~(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.

#### 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~~ with all the necessary changes as required.

#### **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~~ anything 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~~ anything, 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~~ 2017**

| Item No. | Offence Clauses                | Modified Penalty \$ |
|----------|--------------------------------|---------------------|
| 1        | 2.1 <del>(1)</del> <u>(a)</u>  | 125                 |
| 2        | 2.1 <del>(2)</del> <u>(b)</u>  | 125                 |
| 3        | 2.1 <del>(3)</del> <u>(c)</u>  | 250                 |
| 4        | 2.1 <del>(4)</del> <u>(d)</u>  | 500                 |
| 5        | 2.1 <del>(5)</del> <u>(e)</u>  | 125                 |
| 6        | 2.1 <del>(6)</del> <u>(f)</u>  | 125                 |
| 7        | 2.1 <del>(7)</del> <u>(g)</u>  | 125                 |
| 8        | 2.1 <del>(8)</del> <u>(h)</u>  | 125                 |
| 9        | 2.1 <del>(9)</del> <u>(i)</u>  | 125                 |
| 10       | 2.1 <del>(10)</del> <u>(j)</u> | 350                 |
| 11       | 2.1 <del>(11)</del> <u>(k)</u> | 125                 |
| 12       | 2.1 <del>(12)</del> <u>(l)</u> | 125                 |
| 13       | 2.1 <del>(13)</del> <u>(m)</u> | 125                 |
| 14       | 2.1 <del>(14)</del> <u>(n)</u> | 125                 |
| 15       | 2.1 <del>(15)</del> <u>(o)</u> | 100                 |
| 16       | 2.1 <del>(16)</del> <u>(p)</u> | 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                 |
| 33       | 2.2(1)(p)                      | 125                 |

| Item No. | Offence Clauses          | Modified Penalty \$ |
|----------|--------------------------|---------------------|
| 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                 |
| 68       | 3.5(2)                   | 125                 |
| 69       | <del>3.7</del> 3.6(1)(a) | 100                 |
| 70       | <del>3.7</del> 3.6(1)(b) | 100                 |

| Item No. | Offence Clauses        | Modified Penalty \$ |
|----------|------------------------|---------------------|
| 71       | <del>3.7-3.6</del> (2) | 100                 |
| 72       | 4.1(1)                 | 250                 |
| 73       | 4.5                    | 500                 |
| 74       | 4.10                   | 125                 |
| 75       | 7.1                    | 125                 |

*Local Government Act 1995***CITY OF PERTH****THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2017**

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 2017*, as set out below.

**PART 1 - PRELIMINARY****1.1 Title**

This local law may be cited as the *Thoroughfares and Public Places Local Law 2017*.

**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 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;

**bunting** means a group of flags or flimsy material (including paper, plastic, fabric, or any similar material) attached to a rope or line which is tethered or attached to any structure, vehicle, tree or pole;

**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;

***hand held 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;

***local public notice*** has the meaning given in the Act;

***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;

**Schedule** means a schedule to this local law;



**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;
- (f) a shopping trolley

**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 –

- (a) 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;
- (b) 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;
- (c) 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 local government; or
  - (ii) the person is acting under the authority of a written law;
- (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 local government, unless –
  - (i) the removal of the street tree is authorised by the local government in writing; or
  - (ii) the person is acting under authority of written law;
- (e) install anything within the verge other than a permissible verge treatment listed in clause 2.7 or an alternative verge treatment which has been approved in writing by the local government;
- (f) install play equipment or structures within the verge;
- (g) attach or tie anything to a street tree;
- (h) install synthetic or artificial turf on the verge;
- (i) 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;

- (j) 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;
- (k) 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;
- (l) 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;
- (m) within a mall, an arcade or verandah of a shopping centre, ride any bicycle or wheeled recreational device, noting that this clause does not apply to the Western Australia Police;
- (n) on a public place use anything or do anything so as to create a nuisance;
- (o) 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
- (p) 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 anything 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 anything 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 anything in a thoroughfare or take anything 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 Control 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 installation of –
  - (a) prostrate native ground covers with a maximum mature height of 100mm; or
  - (b) organic mulch; or
  - (c) a combination of (a) and (b);

## **2.8 Alternative verge treatments to be installed**

- (1) An owner or occupier of land which abuts on a verge shall not install a verge treatment other than a permissible verge treatment listed in clause 2.7 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 and this clause 2.8 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 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 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 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 –

- (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;
- (g) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government;
- (h) the imposition of a bond to repair any resulting damage to a thoroughfare or public place; and
- (i) require the submission of a construction management plan to mitigate any nuisance or congestion and to ensure safety to a thoroughfare or public place.

#### **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 –
  - (c) a public place can be repaired or reinstated where a permit issued for an activity may cause damage to the public place; or
  - (d) 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 –

- (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.

#### **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 with all the necessary changes as required.

#### **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 anything 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 anything, 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.

## **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 2017**

| <b>Item No.</b> | <b>Offence Clauses</b> | <b>Modified Penalty \$</b> |
|-----------------|------------------------|----------------------------|
| 1               | 2.1(a)                 | 125                        |
| 2               | 2.1(b)                 | 125                        |
| 3               | 2.1(c)                 | 250                        |
| 4               | 2.1(d)                 | 500                        |
| 5               | 2.1(e)                 | 125                        |
| 6               | 2.1(f)                 | 125                        |
| 7               | 2.1(g)                 | 125                        |
| 8               | 2.1(h)                 | 125                        |
| 9               | 2.1(i)                 | 125                        |
| 10              | 2.1(j)                 | 350                        |
| 11              | 2.1(k)                 | 125                        |
| 12              | 2.1(l)                 | 125                        |
| 13              | 2.1(m)                 | 125                        |
| 14              | 2.1(n)                 | 125                        |
| 15              | 2.1(o)                 | 100                        |
| 16              | 2.1(p)                 | 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                        |
| 33              | 2.2(1)(p)              | 125                        |

| <b>Item No.</b> | <b>Offence Clauses</b> | <b>Modified Penalty \$</b> |
|-----------------|------------------------|----------------------------|
| 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                        |
| 68              | 3.5(2)                 | 125                        |
| 69              | 3.6(1)(a)              | 100                        |
| 70              | 3.6(1)(b)              | 100                        |

| <b>Item<br/>No.</b> | <b>Offence<br/>Clauses</b> | <b>Modified<br/>Penalty<br/>\$</b> |
|---------------------|----------------------------|------------------------------------|
| 71                  | 3.6(2)                     | 100                                |
| 72                  | 4.1(1)                     | 250                                |
| 73                  | 4.5                        | 500                                |
| 74                  | 4.10                       | 125                                |
| 75                  | 7.1                        | 125                                |

Report to the Finance and Administration Committee

**Agenda**                      **Criminal Procedure Act 2004 - Appointment of Approved and**  
**Item 8.7**                      **Authorised Officers**

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***That Council, for the purposes of the Criminal Procedure Act 2004, appoints, BY AN ABSOLUTE MAJORITY:***

- 1. Environmental Health Officers to, as a class, be Authorised Officers for the issue of infringement notices issued under the Health (Asbestos) Regulations 1992;***
- 2. Building Surveyors and Compliance Officers, to, as a class, be Authorised Officers for the issue of infringement notices issued under the Building Regulations 2012;***
- 3. the Chief Executive Officer, the Director Planning and Development, the Manager Health and Activity Approvals and the Coordinator Environmental Health Services be Approved Officers for the review of infringement notices issued under the Health (Asbestos) Regulations 1992, and***
- 4. the Chief Executive Officer, the Director Planning and Development, and the Manager Development Approvals be Approved Officers for the review of infringement notices issued under the Building Regulations 2012.***

|                          |  |
|--------------------------|--|
| FILE REFERENCE:          | P1023849 TRIM 49779/17   |
| REPORTING UNIT:          | Health and Activity Approvals  |
| RESPONSIBLE DIRECTORATE: | Planning and Development   |
| DATE:                    | 21 April 2017  |
| ATTACHMENT/S:            | Attachment 8.7A – Department of Health: Information for local government on the Asbestos Regulation Amendments |

**Legislation / Strategic Plan / Policy:**

|                    |   |
|--------------------|---|
| <b>Legislation</b> | Regulation 15D (5) and (6) of the <i>Health (Asbestos) Regulations 1992</i> ;<br>Regulation 70 (1), (2) and (3) of the <i>Building Regulations 2012</i> ; and<br>Part 2 of the <i>Criminal Procedure Act 2004</i> . |
|--------------------|---|



|  |                               |   |
|--|-------------------------------|---|
| <b>Integrated Reporting Implications</b> | <b>Planning and Framework</b> | <b>Strategic Community Plan</b>   |
|  |                               | <p>Council Four Year Priorities: Council Four Year Priorities: Capable and Responsive Organisation</p> <p>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</p> |

## **Policy**

Policy No and Name: NIL

## **Legal Implications:**

In accordance with regulation 15D of the *Health (Asbestos) Regulations 1992*, regulation 70 of the *Building Regulations 2012*, and Part 2 of the *Criminal Procedure Act 2004* appointing Authorised and Approved Officers is required to allow City of Perth Officers to deal with infringements under the *Health (Asbestos) Regulations 1992* and *Building Regulations 2012*. To comply with the legislation, cards or certificates will be issued to all appointed 'Authorised Officers' in accordance with each regulation.

## **Purpose and Background:**

To appoint 'Approved Officers' and 'Authorised Officers' under the *Criminal Procedures Act 2004* in order to issue infringements and to review infringements under the recently amended *Health (Asbestos) Regulations 1992* and the *Building Regulations 2012*.

## **Details:**

### *Health (Asbestos) Regulations 1992 (Asbestos Regulations)*

During the consultation of the *Public Health Act 2016*, local governments strongly indicated that the penalties under the Asbestos Regulations were inadequate. Due to the significant public health risks associated with the mishandling of asbestos cement materials, local governments have advocated for higher penalties and the ability to issue infringement notices as an immediate measure to deter unlawful conduct and encourage compliance with the Asbestos Regulations.

Although the Asbestos Regulations will be repealed as part of the broader implementation of the *Public Health Act 2016*, this will not occur until the final stages of implementation, which is still approximately 3 to 5 years away. Therefore, as an interim measure and until the modern penalty framework of the *Public Health Act 2016* applies, the penalties under the Asbestos Regulations were to be increased and local governments given the ability to issue infringement notices for offences.

As a result, the Asbestos Regulations were amended to increase the penalties for offences and to enable local governments to issue infringement notices for specified offences. The amendments came into effect on 24 January 2017.

Regulation 15D of the Asbestos Regulations require Officers to be appointed by the local government to be 'Authorised Officers' or 'Approved Officers' for the purposes of Part 2 of the *Criminal Procedure Act 2004* in order to deal with infringements notices.

Authorised Officers are the persons who are authorised to issue infringement notices under these regulations. Approved Officers are the persons authorised to withdraw an infringement notice and extend the time for payment of an infringement notice.

A person appointed to issue an infringement notice for the purposes of the *Criminal Procedure Act 2004* cannot also be appointed to withdraw or extend the time for payment of an infringement notice.

In these circumstances, it is proposed that Council appoints Environmental Health Officers, as a class, to be 'Authorised Officers' for the purposes of the *Criminal Procedure Act 2004*, under regulation 15D of the Asbestos Regulations.

For the purpose of this appointment the term Environmental Health Officer also includes Senior Environmental Health Officers.

The review of infringement notices should be conducted at a higher level. As such it is proposed that Council appoints the Chief Executive Officer, Director Planning and Development, Manager Health and Activity Approvals, and Coordinator Environmental Health Services, to be 'Approved Officers' for the purposes of the *Criminal Procedure Act 2004* under regulation 15D of the Asbestos Regulations.

At this time, the *Criminal Procedure Act 2004* does not allow the delegation of the power to appoint these Officers.

#### *The Building Regulations 2012* (Building Regulations)

The Development Approvals Unit has recently taken management of the inspection of private swimming pool barriers for compliance with Part 8, Division 2 of the Building Regulations. Accordingly, Building Surveyors will undertake barrier compliance inspections or the statutory enforcement role where private swimming pool barriers are found to be non-compliant.

The Building Regulations provide the local government with the ability to issue infringements from \$750 to \$1000 for various offences under these Regulations.

In order for Building Surveyors to issue infringement notices for offences under the *Building Regulations* it is proposed that Council appoints Building Surveyors to be 'Authorised Officers' for the purposes of Part 2 of the *Criminal Procedure Act 2004* under regulation 70 of the Building Regulations.

For the purpose of this appointment the following positions are included in the class of Building Surveyors:

- the Principal Building Surveyor;
- Senior Building Surveyor; and
- Building Surveyors.

However, the class does not include a Trainee Building Surveyor.

For the purpose of this appointment the following positions are included in the class of Compliance Officers:

- the Senior Development Compliance Officer; and
- Compliance Officers working within the Development Approvals Units.

However, the class does not include a Trainee Building Surveyor. In order for the organisation to effectively review infringement notices it is proposed that Council appoints the Chief Executive Officer, Director Planning and Development, and Manager Development Approvals, to be 'Approved Officers' for the purposes of Part 2 of the *Criminal Procedure Act 2004* under regulation 70 of the Building Regulations.

At this time, the *Criminal Procedure Act 2004*, does not allow the delegation of the power to appoint these Officers. Future appointments to new positions will need to be appointed by Council.

### **Financial Implications:**

There are no additional costs as:

- the investigation of asbestos related complaints are already undertaken by the Environmental Health Team; and
- inspections of private swimming pools that may result in the issue of a Building Regulations infringement are a statutory obligation that will undertaken by the Building Surveyors. The City levies an inspection fee on every property on which there is a private swimming pool, to fund the required inspections.

### **Comments:**

Without Officers being appointed to be Authorised or Approved Officers, the City will not be able to undertake effective enforcement action in relation to certain violations of the Asbestos Regulations and the Building Regulations.

Appointing these Officers is considered necessary for the effective enforcement and will assist in promoting public safety.



Government of Western Australia  
Department of Health

# Information for local government on the Asbestos Regulation Amendments

## Appointing persons to issue and withdraw infringement notices

A local government may appoint a person or class of persons to be:

- authorised officers or
- approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004*

(*external site*) . This appointment **must** be in writing.

### Authorised officers

Authorised officers for the purposes of Part 2 of the *Criminal Procedure Act 2004* (*external site*) are the persons who are authorised to issue infringement notices under the Regulations on behalf of the local government.

Any person who is designated as an authorised officer under section 24(1) of the *Public Health Act 2016* (*external site*), will also need to be appointed in writing to be an authorised officer for the purposes of the *Criminal Procedure Act 2004* (*external site*) in order to issue infringement notices under the Regulations.

The local government must issue a person authorised to issue infringement notices with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices under the Regulations.

A certificate of authority issued under section 30 of the *Public Health Act 2016* (*external site*) may also serve this purpose if it includes wording to the following effect:

- [Insert name of officer] is appointed by the [insert name of local government] under regulation 15D(5) of the *Health (Asbestos) Regulations 1992* as an officer who is authorised to issue infringement notices for the offences specified under Schedule 1 of those regulations.

### Approved officers

Approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004* (*external site*) are the persons authorised to extend the period to pay or withdraw an infringement notice.

For example, the Chief Executive Officer of the local government may be appointed as the 'approved officer'.

While approved officers must be appointed in writing, local government does not need to issue a certificate, badge or identity card identifying the person as an approved officer.

A person appointed as an approved officer is not eligible to also be appointed as an authorised officer for the purposes of Part 2 of the *Criminal Procedure Act 2004* (*external site*).

## Infringement notice offences and forms

The offences and forms are prescribed in schedule 1 to 3 under the *Health (Asbestos) Regulations 1992 (external site)*:

- Schedule 1 - Prescribed offences and modified penalties (word 50KB). The modified penalty applicable to each offence is the amount adjacent to the specified offence. It should be noted that the modified penalty is a fixed amount and cannot be changed.
- Schedule 2 - Infringement Notice (word 50KB)
- Schedule 3 - Withdrawal of Infringement Notice (word 50KB)

## Infringement Notices Enforcement Scheme

The Infringement Notices Enforcement Scheme is the legislative scheme by which prosecuting authorities may attempt to enforce unpaid infringement notices.

Once the preliminary requirements of the legislation under which the infringement notice was issued have been fulfilled, a prosecuting authority can attempt to enforce the unpaid infringement using the Infringement Scheme.

Each enforcement agency must register separately as a prosecuting authority should they wish to use the Infringement Scheme. The Infringement Scheme includes access by the prosecuting authority to the eCourts Portal which allows easy lodgement, withdrawal and access to updated information in regard to each case.

To register for the Infringement Scheme, the Fines Enforcement Registry has advised that a local government will need to send a formal letter advising the Registry that they would like to join the Infringement Scheme. This letter will need to include a copy of the enforcement agency's final demand notice and an authorised officers' schedule.

Local governments can register any time after the Regulation amendments have come into effect. Until a local government is registered the Infringement Scheme cannot be used. However it does not prevent infringement notices from being issued and the offence enforced by the local governments in the usual way.

The Department of the Attorney General has published the "Infringement Notices Enforcement Scheme Booklet" which includes a template letter and demand notice to assist local governments in applying to participate in the Scheme. For further information regarding the Infringement Scheme or for a copy of the Booklet please contact the Fines Enforcement Registry at [Prosecuting.authority@justice.wa.gov.au](mailto:Prosecuting.authority@justice.wa.gov.au) or at 1300 650 235 (speed dial extension 8).

## Legal action through the courts

Prosecution will normally be reserved for more serious breaches or matters where less severe enforcement action has not changed the non-compliant behaviour. The decision to prosecute is discretionary, and the dominant factor in the exercise of this discretion is the public interest.

Where offences are knowingly committed with intent to not comply with the Asbestos Regulations, or where defendants have previously been convicted in the Magistrates Court, consideration should be given to having matters heard before the District or the Supreme Court. The maximum penalty is now \$10 000. A body corporate may be fined up to five times this amount under section 40(5) of the *Sentencing Act 1995 (external site)*.

### Further information

For advice on asbestos risk and its management advice can be sought from the Environmental Health Directorate on 9388 4999 or [enhinfo@health.wa.gov.au](mailto:enhinfo@health.wa.gov.au)

For information about the *Public Health Act 2016* contact [publichealthact@health.wa.gov.au](mailto:publichealthact@health.wa.gov.au)



Report to the Finance and Administration Committee

**Agenda  
Item 8.8**

**Wellington and Plain Streets – Value Capture**

---

**Recommendation:**

***That Council:***

- 1. receives the report on Land Value Capture;***
- 2. notes that the responsibility for the planning and funding of public transport is a State Government responsibility; and***
- 3. notes that any detailed investigation of scenarios by the City of Perth is dependent on the State Government forming a taskforce to investigate potential future rail routes through the city.***

|                          |   |
|--------------------------|---|
| FILE REFERENCE:          | P1030804  |
| REPORTING UNIT:          | City Planning   |
| RESPONSIBLE DIRECTORATE: | Planning and Development Directorate                                |
| DATE:                    | 24 April 2017   |
| ATTACHMENT/S:            | Attachment 8.8A – Land Value Capture - Wellington and Plain Streets |

**Legislation / Strategic Plan / Policy:**

|                    |  |
|--------------------|--|
| <b>Legislation</b> | <i>Planning and Development Act 2005</i> |
|--------------------|--|

|  |                               |   |
|--|-------------------------------|---|
| <b>Integrated Reporting Implications</b> | <b>Planning and Framework</b> | <b>Strategic Community Plan</b>   |
|  |                               | Council Four Year Priorities: Getting Around Perth  |
|  |                               | S3 Proactive planning for an integrated transport system, including light rail, that meets community needs. |

**Purpose and Background:**

At the Finance and Administration Committee meeting held 4 October 2016, Councillor Green requested:

*“Information on potential land value capture opportunities in the city, specifically what land parcels on Wellington Street and Plain Street that may present ‘up-zoning’ opportunities that can be considered by the City of Perth.”*

The request relates to the full length of Wellington and Plain Streets, and specifically relates to the potential for developing public transport such as light rail through the city.



At its meeting held on **13 December 2016** Council received a report on value capture that explained the Federal Government's discussion paper on value capture, the previous comprehensive review and update of the plot ratios applied in the City Planning Scheme No. 2 and the gross rental values, and ownership across the various areas of the city.

This report provided a series of maps of the city taken from the City's 'Growth Needs for the Future' Project that reviewed the plot ratio and built form City Planning Scheme No. 2 standards for the majority of the city. The approach of the project was to plan for the next 20 years of growth potential across the city. This demonstrated that areas along Wellington Street, especially in the eastern end of the city had not utilised the available plot ratio 'development potential' available.

The information provided in Attachment 8.8A of this report provides further information showing the 'before' and 'after' of the changes to the plot ratio and built form standards along Wellington Street. This includes modelling of the City's Gasworks and Garages site on Wellington Street, and shows that under the existing standards approved by the Council and Minister for Planning during 2013 and 2014 there is significant development potential of land along sections of Wellington Street under existing standards.

One outcome of the project was a significant increase in plot ratio standards around the rail stations of City West, McIver and Claisebrook. This did not factor in new rail routes through the city; which will need to be addressed through the City Planning Strategy which the City is embarking on once firm route planning has been undertaken and agreed.

At its meeting held on **13 December 2016** Council approved the City of Perth Transport Strategy. This adopted Strategy shows Wellington Street and St Georges Terrace as the main east-west routes for public transport.

In December 2016 the Department of Transport released a final Transport @ 3.5million Plan for the Perth and Peel region.

### **Details:**

The report presented to Council on **13 December 2016** provided the high level overview of the plot ratio availability and utilisation and context across the city. This report now focuses specifically on Wellington and Plain Streets, and more specifically land along or in near to Wellington and Plain Streets that is owned by either the City or the State Government.

The route for any future light rail and underground rail system have yet to be developed by the State Government. Funding of public transport is a specific responsibility of State Government, with the State outlining their commitment to alternative funding sources in the Transport @ 3.5 million people, Perth and Peel Transport Plan, which states:

*"In addition to the already significant levels of public funding, the State will look to partner with private industry and local government authorities to explore innovative funding opportunities, such as value capture, to help deliver the network Perth needs to keep it vibrant, connected and productive."*

As stakeholders, the City of Perth will assist the State in development of their policy. It is understood that work in the area has been initiated by Treasury and several other State

Government agencies, including Department of Transport. However, due to the recent State Election, this work was held in abeyance while a Government was formed in March 2017. It is noted that the newly elected State Labor Government recently announced its taskforces for planning of key Metronet elements, which did not include the rail routes through the City, so the timing of planning of routes through the city is unknown. The City continues to engage with the State to monitor and will assist in the progress of this important policy as the State determines its action priorities

The challenge for the City or the State is that estimating increased values can only be done if the route and the operation is understood.

The City's Transport Strategy highlights intent to better understand the value capture concept:

- *Action 4.2; Lead research into the wider economic benefits of underground rail extensions, specifically regarding the potential to leverage any land value uplift that may result from such infrastructure; and*
- *Action 4.3; Investigate new funding models for the development of public transport infrastructure.*

With the adoption of the Transport Strategy and actions by the Council the Administration is now implementing the actions. Specific to this report are the investigations around value capture.

The City has released a Request for Quote (RFQ) to obtain expert advice on value capture. This consultancy will be awarded in late April/ early May 2017, with a consultant report expected to be received by end June 2017.

This purpose of the RFQ is:

This project will provide the City of Perth with advice regarding the likely impact that value capture scheme(s) may have on the City's local community.

It will identify key issues and opportunities for the City of Perth regarding value capture and will provide objective and balanced advice regarding the pro's and cons of implementing value capture mechanisms within the City of Perth.

Whilst the theory of value capture is well understood, the potential local effects of a value capture scheme in Perth are less well known, hence the need for this project.

The guiding principles for the study include:

- Objective insight into the implications of value capture mechanisms on the City of Perth's resident and worker populations, land owners and other stakeholders; and
- Evidence based guidance regarding how the City can approach future policy discussions regarding the role of value capture in 'city shaping' infrastructure projects.

The consultant tasks are:

1. Provide a summary of how different approaches to value capture would be likely to influence development and infrastructure delivery in the City of Perth. This should examine multiple potential approaches to implementing a value capture mechanism;
2. Provide commentary on the potential local implications that may result from the implementation of a value capture scheme in central Perth. This should focus on potential impacts that may be felt by the City's local resident and business communities and consider:
  - Benefits associated with new infrastructure (improved access, increased labour pool catchment, etc);
  - Direct costs associated with a value capture mechanism, and any related impact on land tax resulting from higher land valuation; and
  - Indirect costs associated with potential property rate increases.
3. Provide advice regarding development viability in the central city and how this may be impacted by the application of a value capture mechanism. This should consider the costs and benefits set out in point 2 above, and apply these to the development of new housing and commercial space in the City of Perth;
4. Provide guidance regarding the equity of applying value capture mechanisms to some infrastructure projects and not others (such as infrastructure projects within the City of Perth and external to the City of Perth); and
5. Provide guidance for the City of Perth's policy development regarding value capture and other economic tools that the City can influence, such as the implementation of developer contributions, as per State Planning Policy 3.6.

Overarching these tasks should be a consideration of the different roles of Local Government and State Government.

### **Financial Implications:**

The consultancy has a budget of \$20,000 in 2016/17.

### **Comments:**

The Federal Government discussion paper "Using Value Capture to help Deliver Major Land Transport Infrastructure – roles for the Australian Government." (Nov, 2016) identified consideration to three broad kinds of value taxation capture:

- Hypothecation of anticipated future taxation revenue;
- Establishment of a levy or charge; and
- Sale or rent of a public asset, such as government-owned land or development rights.

The detailed information provided in Attachment 8.8A to this report has focused on the approach of sale or rent of a public asset of government owned land.



## **Land Value Capture**

**State and Local Government land along Wellington and Plain Streets  
Consideration of Value Capture in delivery public transport improvements**

# Federal Government

November 2016, the Federal Government released the discussion paper “Using Value Capture to help Deliver Major Land Transport Infrastructure – roles for the Australian Government.’

The discussion paper identified:

- Value capture occurs when a new piece of infrastructure such as a railway line creates economic value that is an increase in land values higher than if the infrastructure had not been constructed.
- Value capture is an approach to project development that requires integrated land use planning.
- Value capture can occur through:
  - Passive value capture - that is increased property values result in increased government revenue from stamp duties and capital gains tax over time; and
  - Active value capture - where property development is linked to and benefits from the provision of new infrastructure such as a railway line, then some level of property development profits is capture to pay for the infrastructure.
- Consideration to three broad kinds of value taxation capture:
  - Hypothecation of anticipated future taxation revenue;
  - Establishment of a levy or charge; and
  - Sale or rent of a public asset, such as government-owned land or development rights.

# City of Perth Transport Strategy (Dec, 2016)





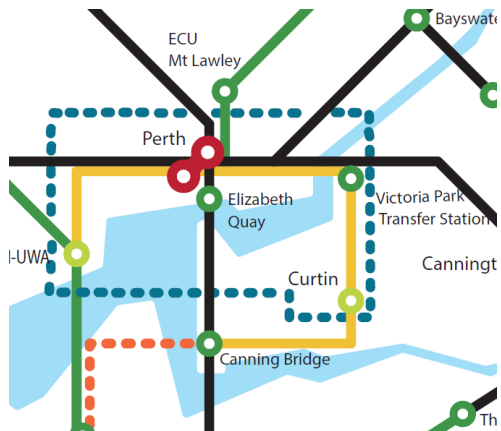
# DoT Public Transport Plan 2031



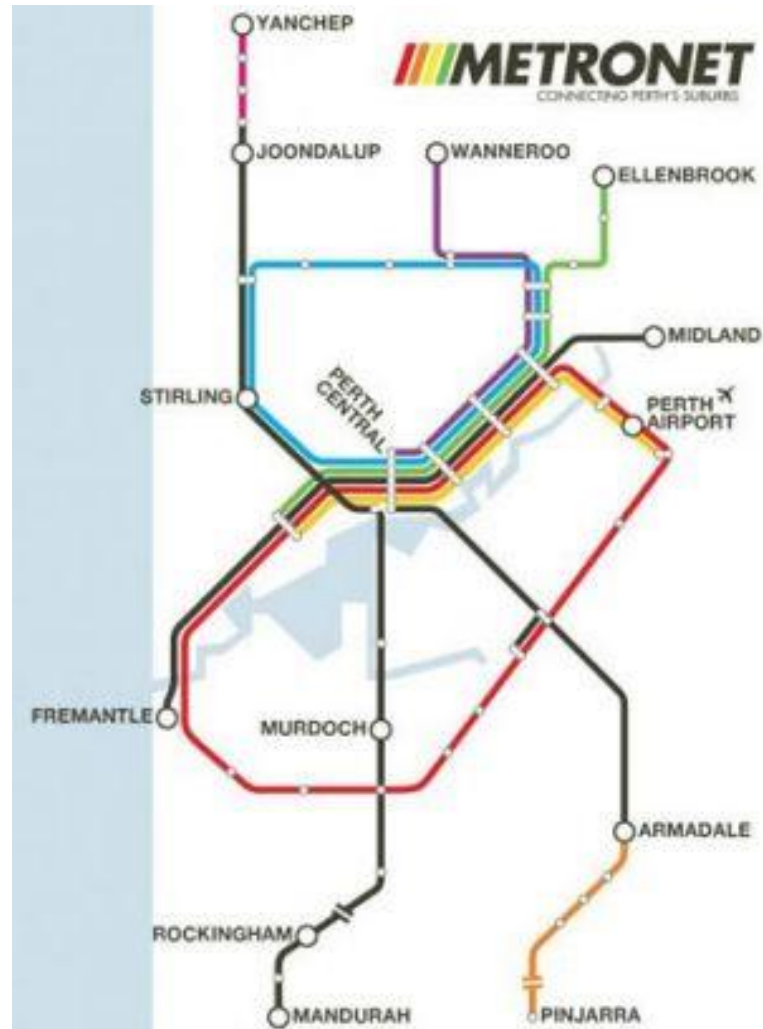
## KEY

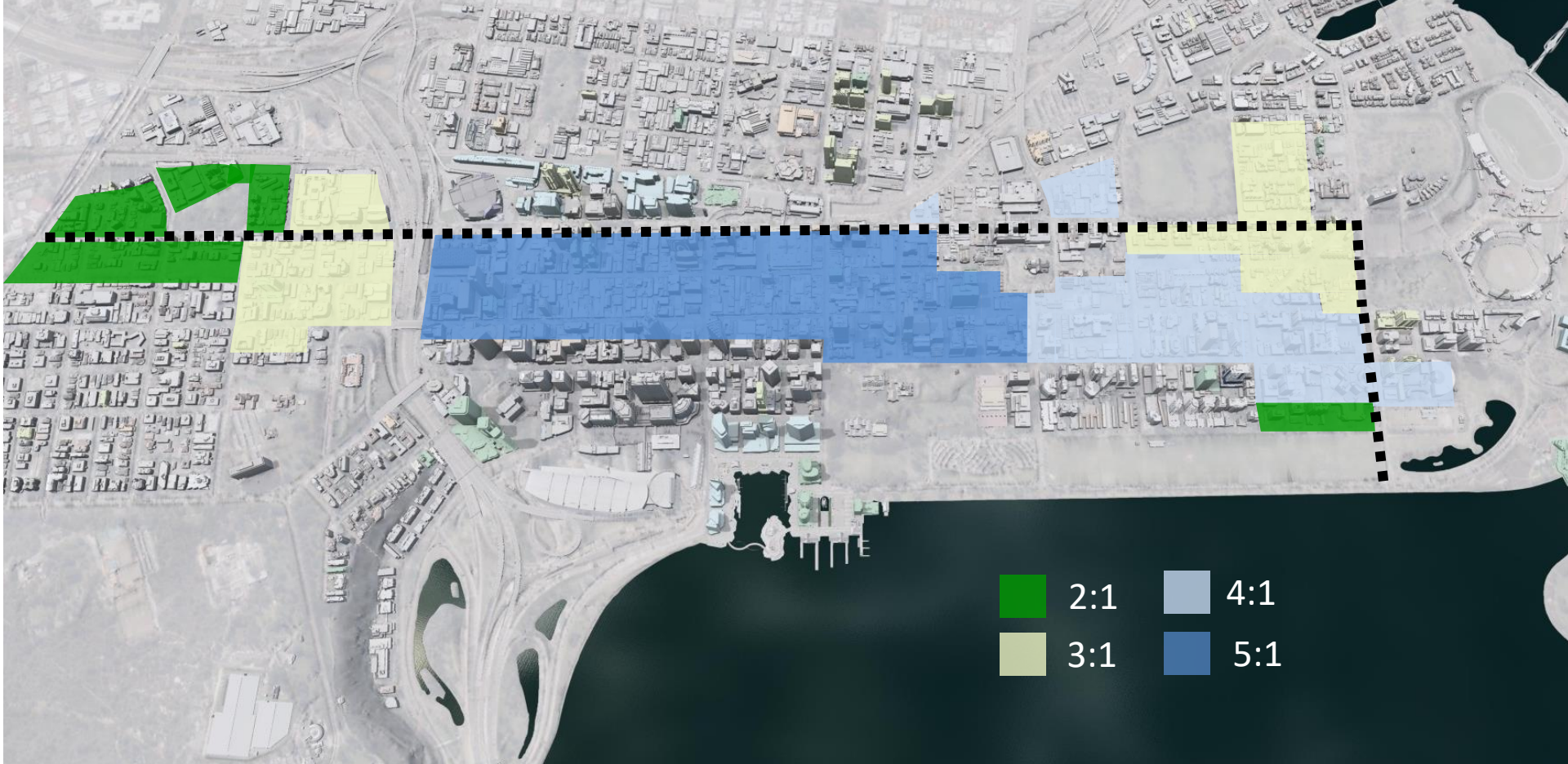
- Railways \*
- Light Rail
- Bus Rapid Transit\*\*
- Light Rail or Ferry

# DoT Perth @3.5m Plan (Dec, 2016)



- Existing Public Transport Rail Network and Forrestfield-Airport Link (under construction)
- Public Transport Rail Network @ 3.5 Million
- ... Public Transport Rail Network Beyond 3.5 Million
- Bus Rapid Transit or Light Rail @ 3.5 Million
- ... Bus Rapid Transit or Light Rail Beyond 3.5 Million
- Light Rail @ 3.5 Million
- ... Subway Area Beyond 3.5 Million
- Strategic Metropolitan Activity Centre
- Specialised Centre
- Connecting Station or Terminus

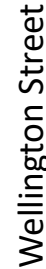
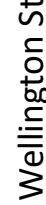




**City of Perth City Planning Scheme No. 2 Plot Ratios**



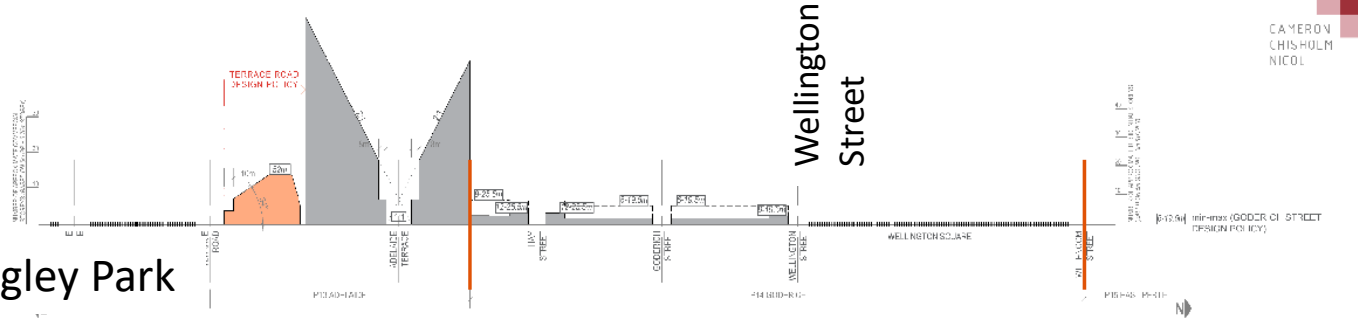




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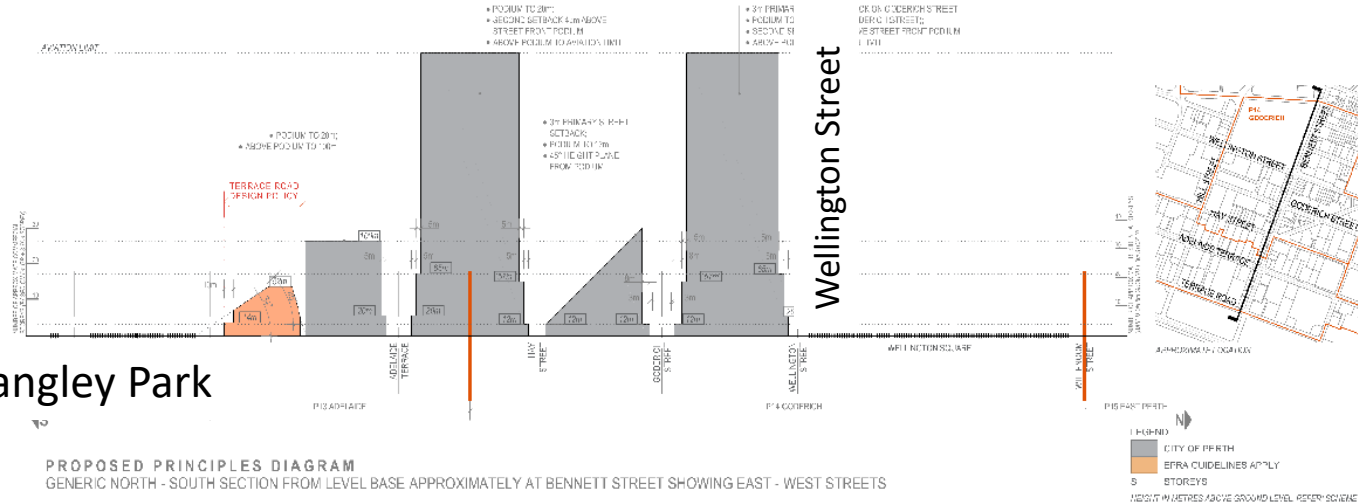


Langley Park



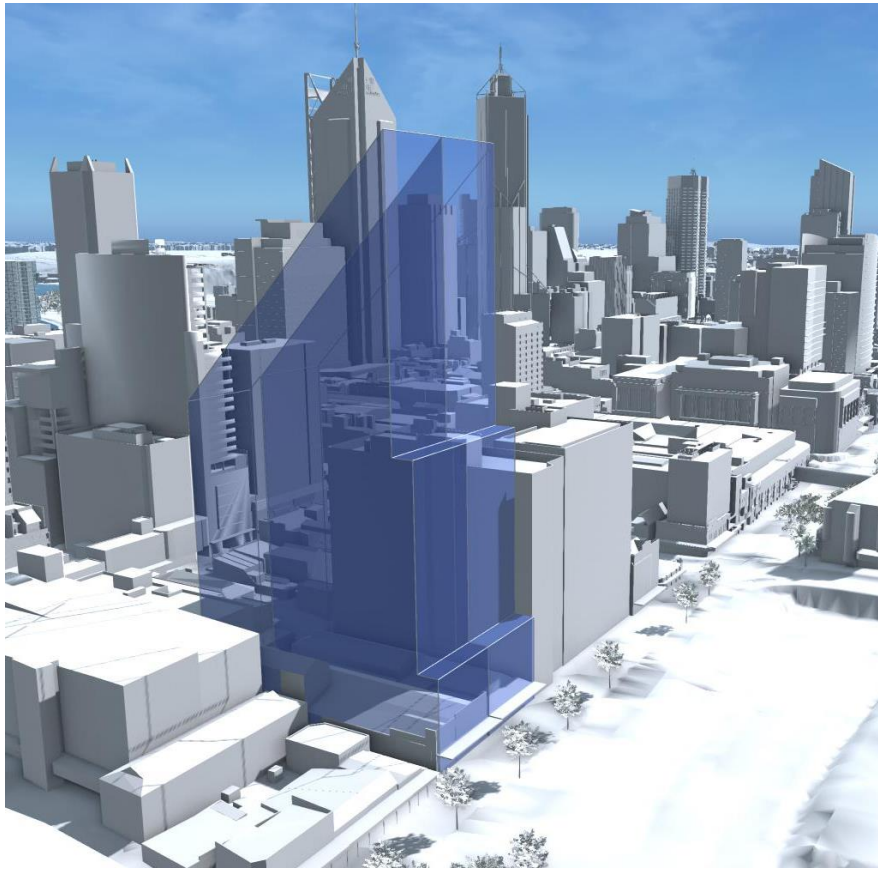
Previous

Langley Park



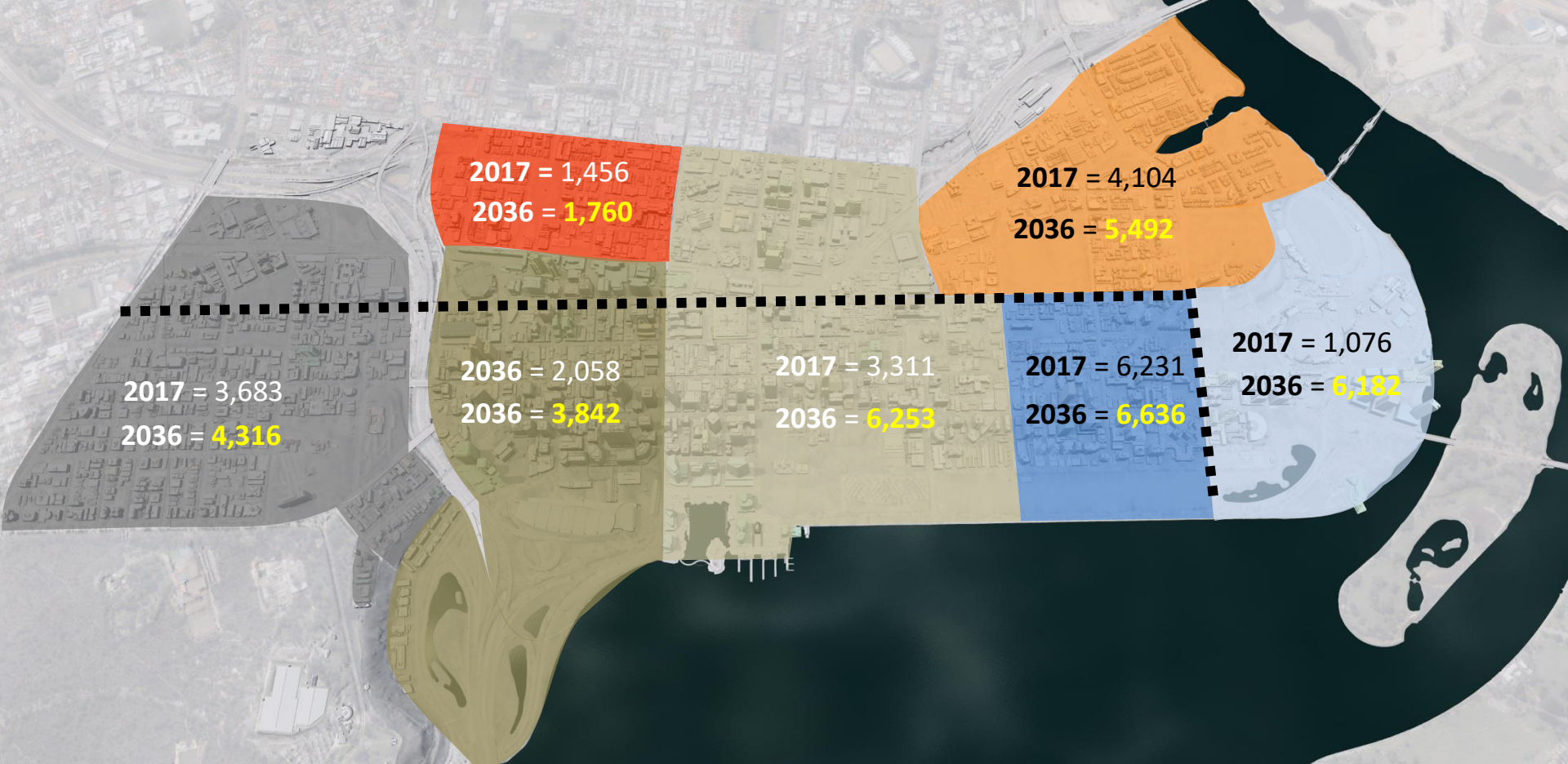
Current

City of Perth City Planning Scheme No. 2 Built Form - Growth Needs for the Future (extract)



Example of the impact of the changes to the City Planning Scheme through Amendment No. 25 and 26 in 2013/14.

The site is the City of Perth Gasworks and Garages site. The translucent blue notionally shows the development potential of the site based on the built form controls and the allocated plot ratio to the site; which currently accommodates single storey buildings.

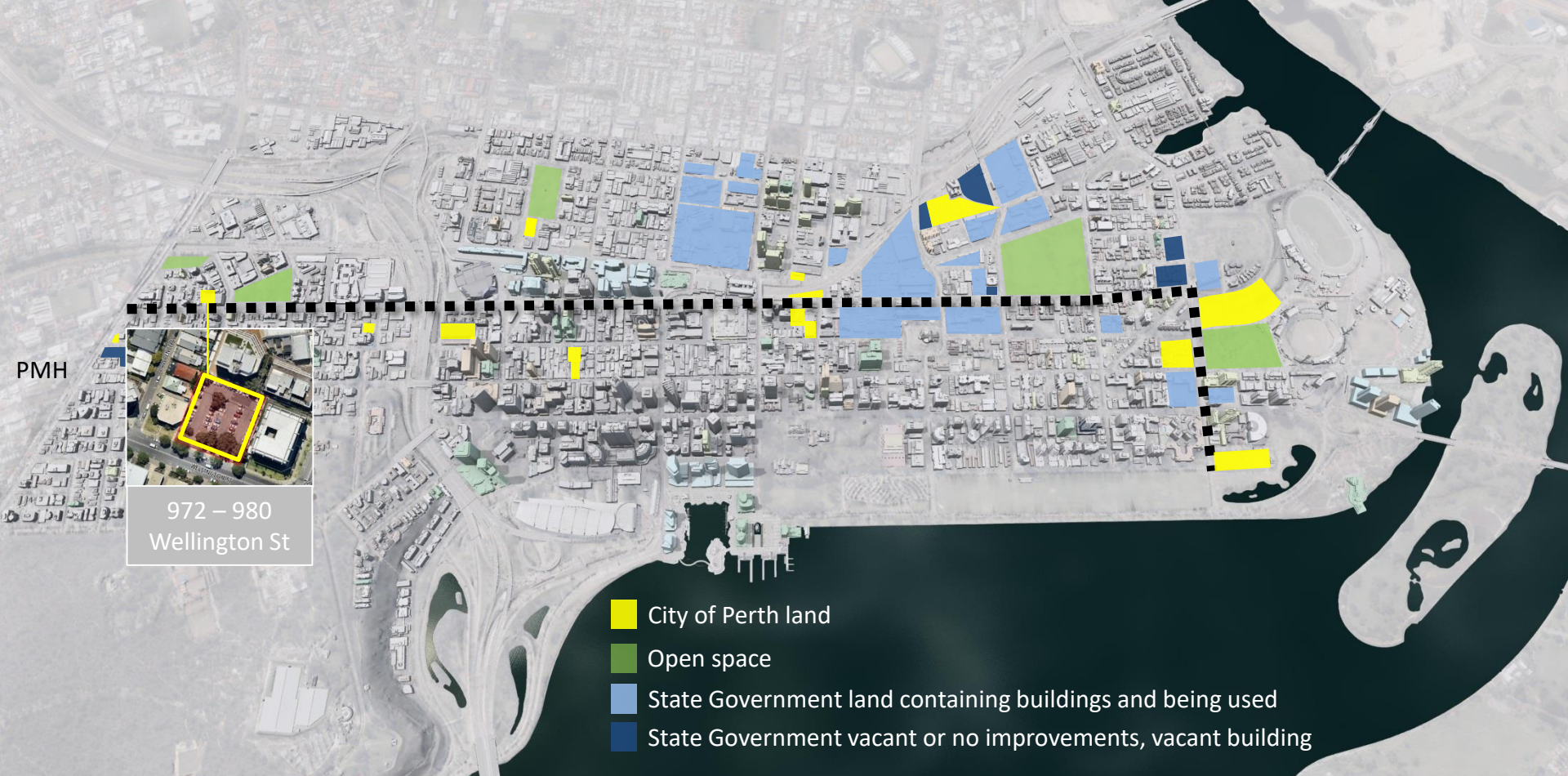


City of Perth forecast residential population growth



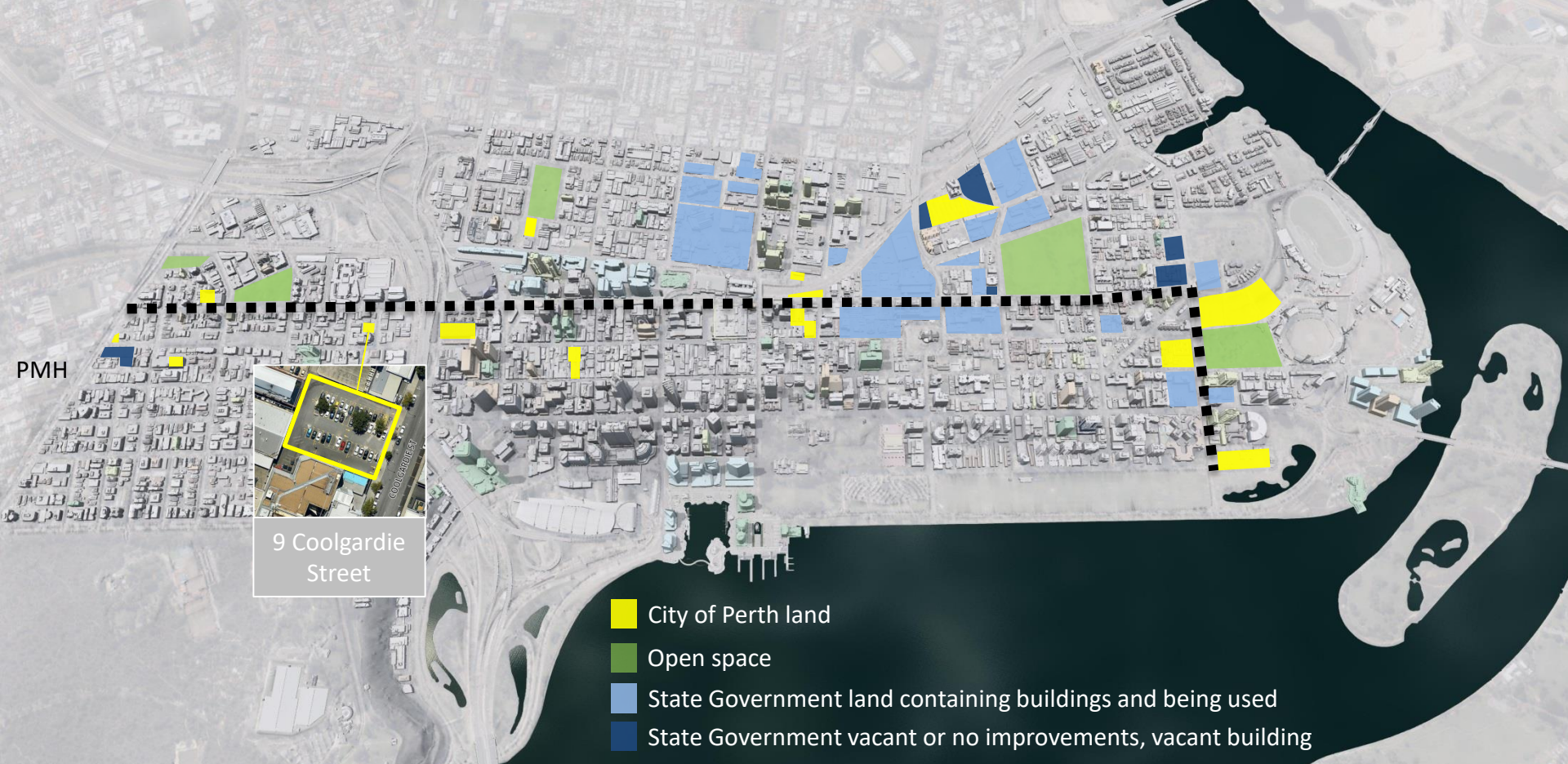


**City of Perth & State Government land along on Wellington and Plain Streets**

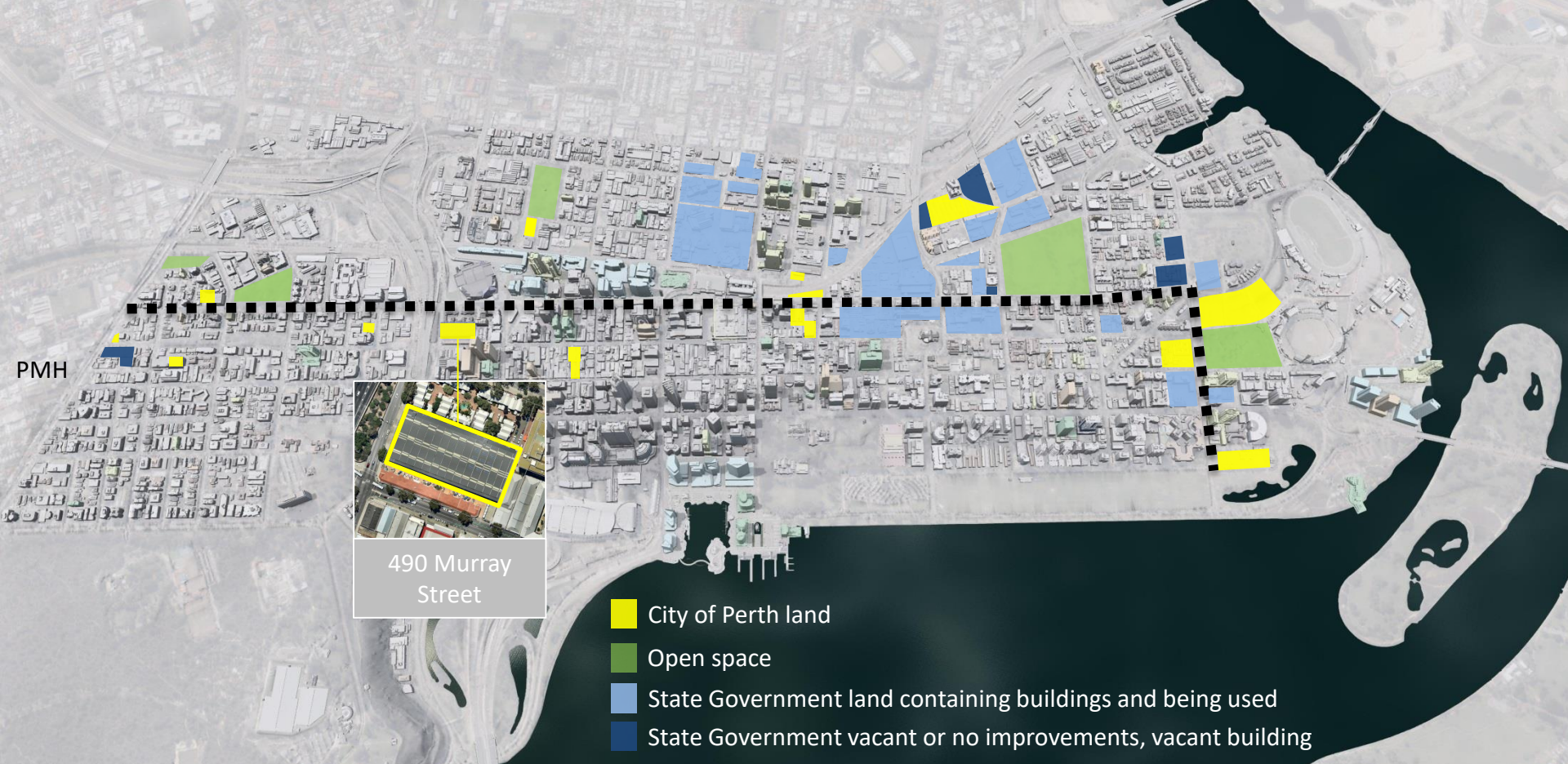


**City of Perth & State Government land along on Wellington and Plain Streets**



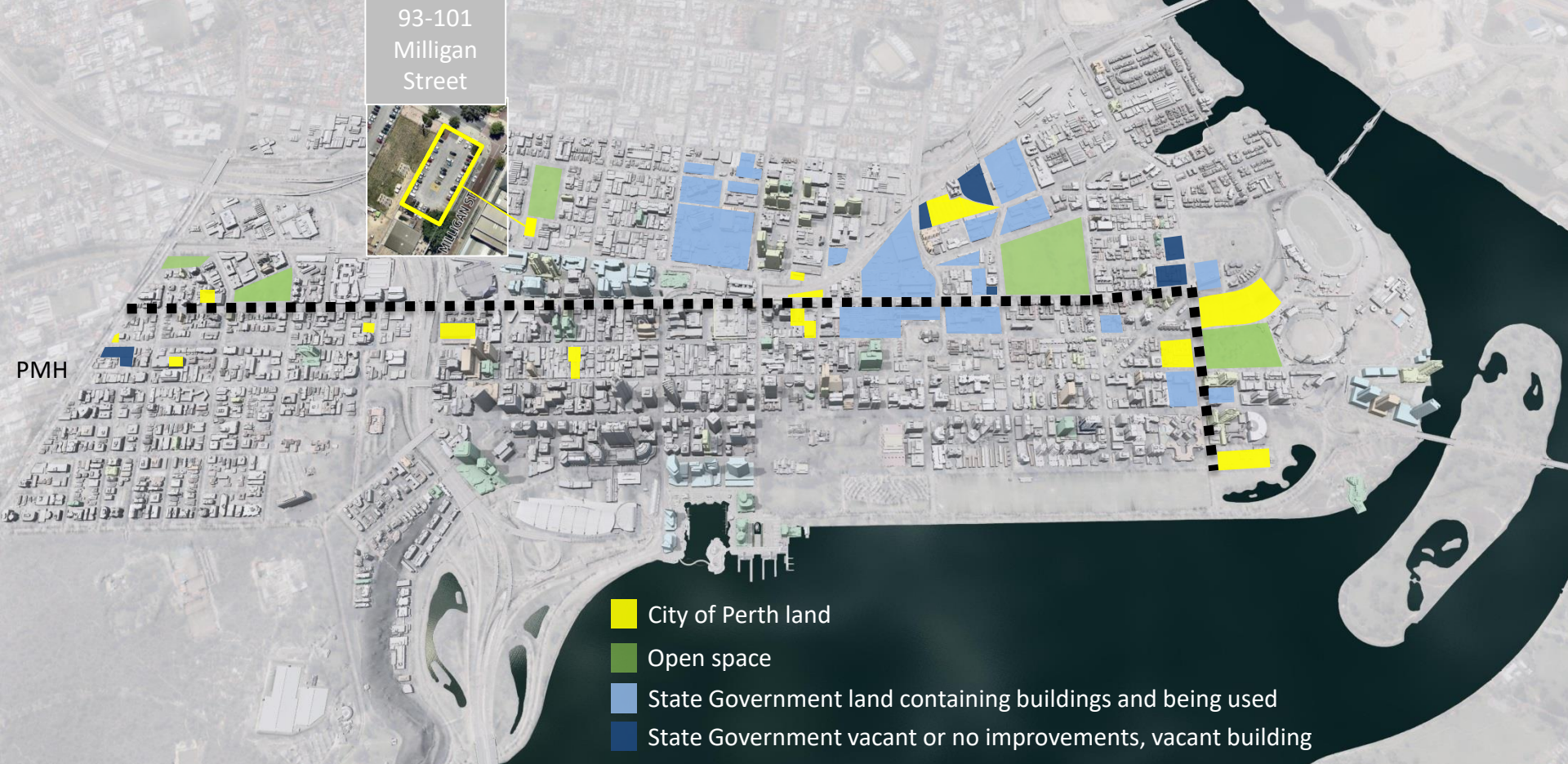


**City of Perth & State Government land along on Wellington and Plain Streets**

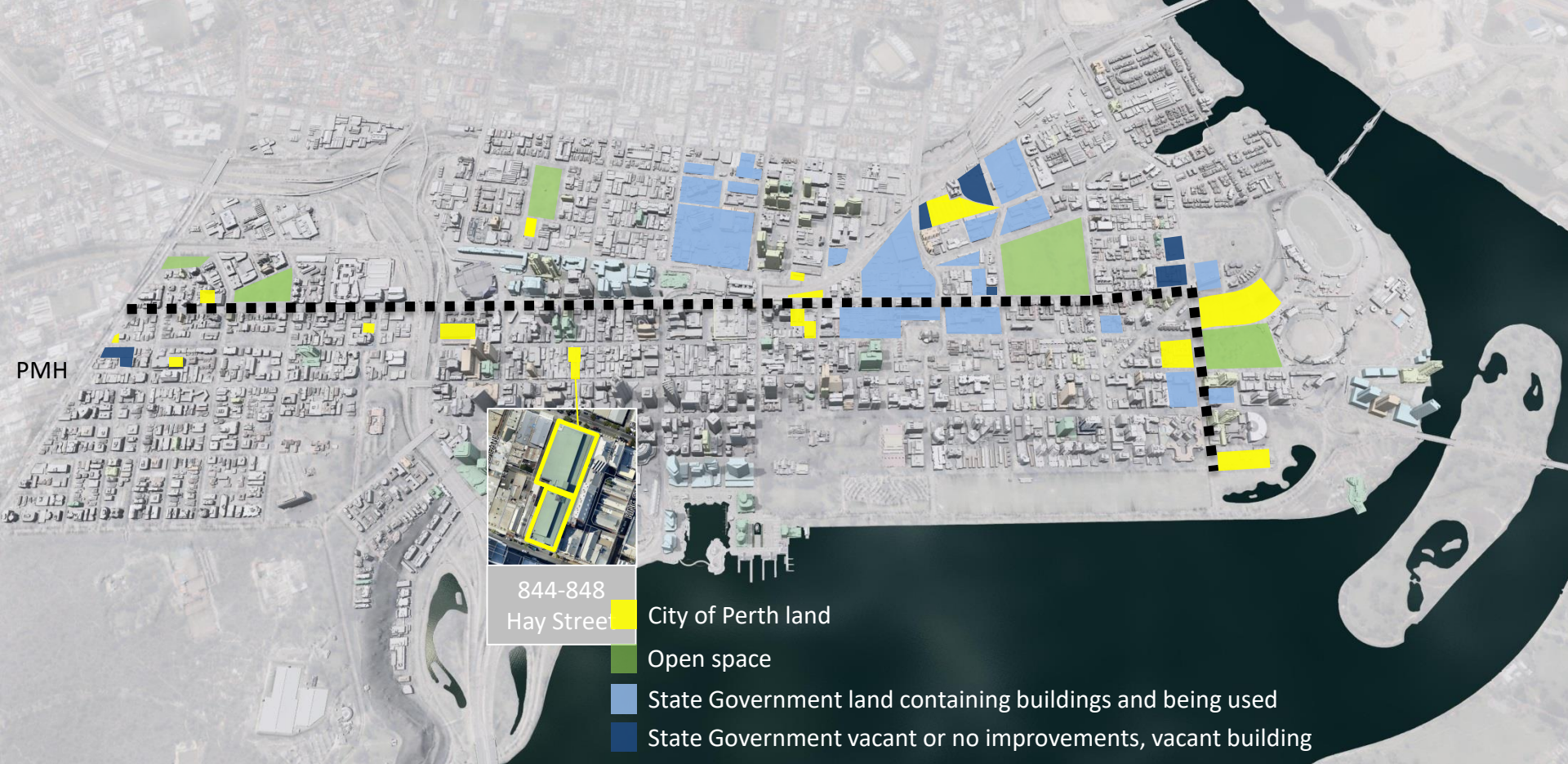


**City of Perth & State Government land along on Wellington and Plain Streets**



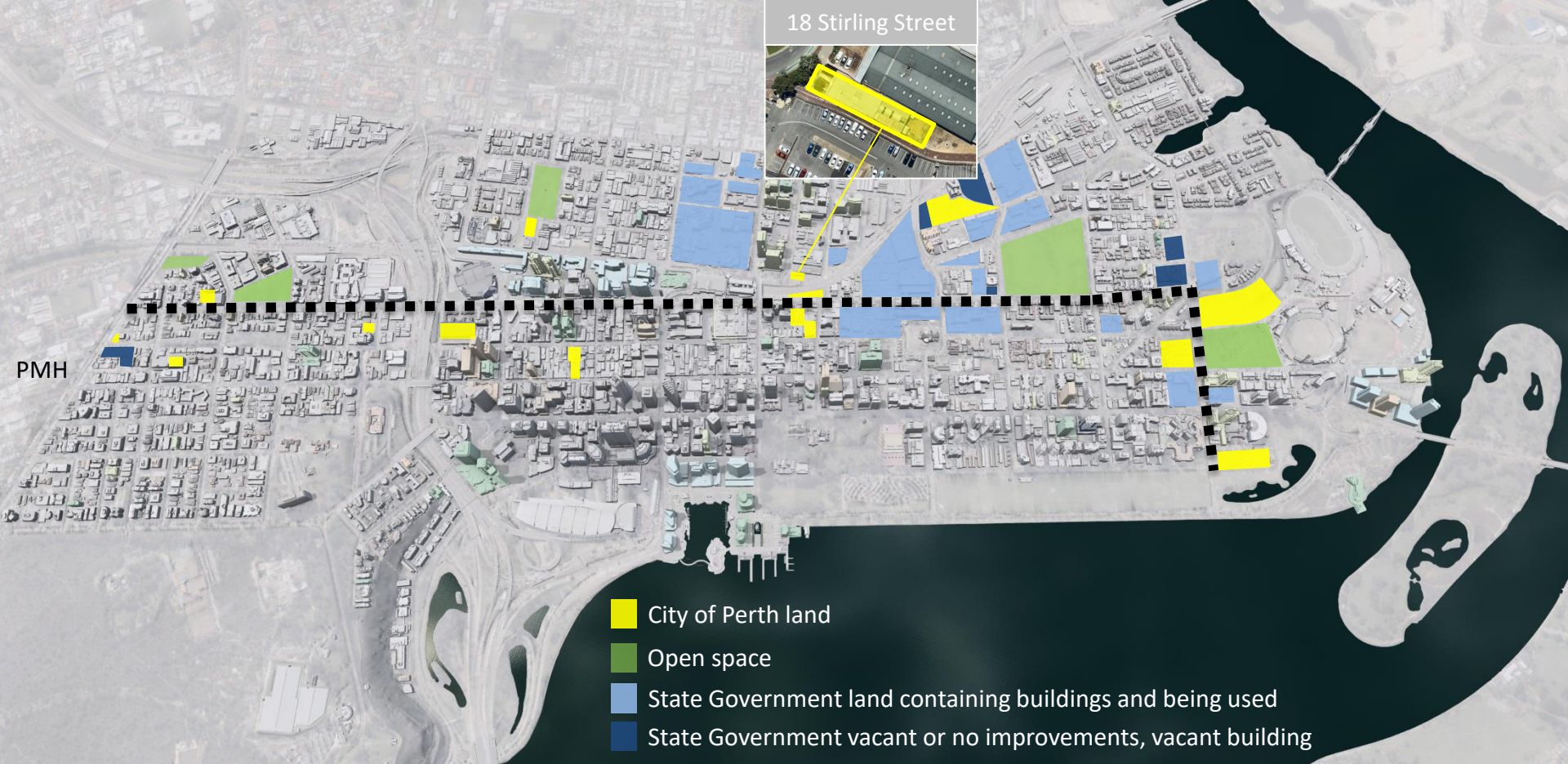


**City of Perth & State Government land along on Wellington and Plain Streets**

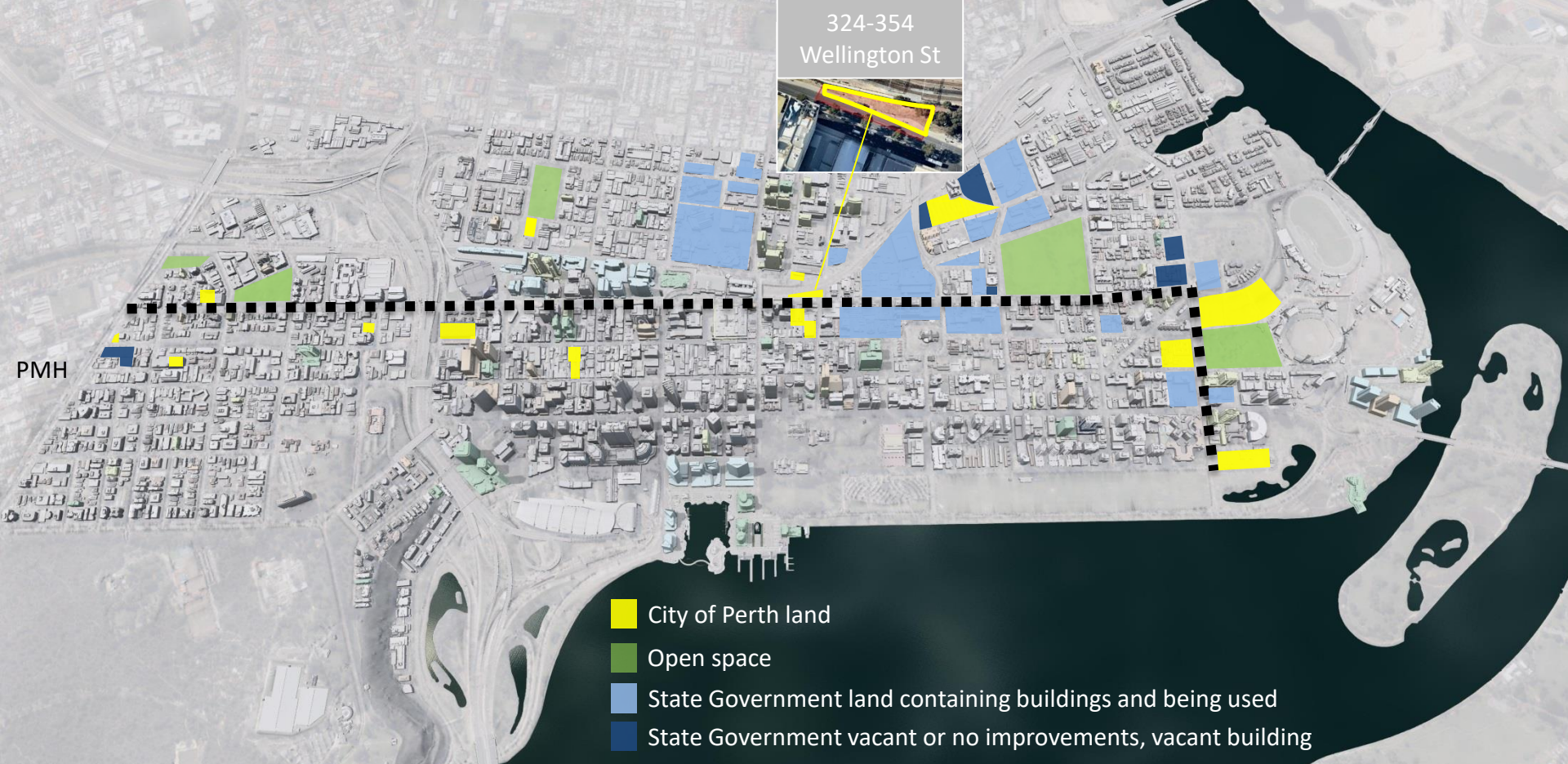


**City of Perth & State Government land along on Wellington and Plain Streets**



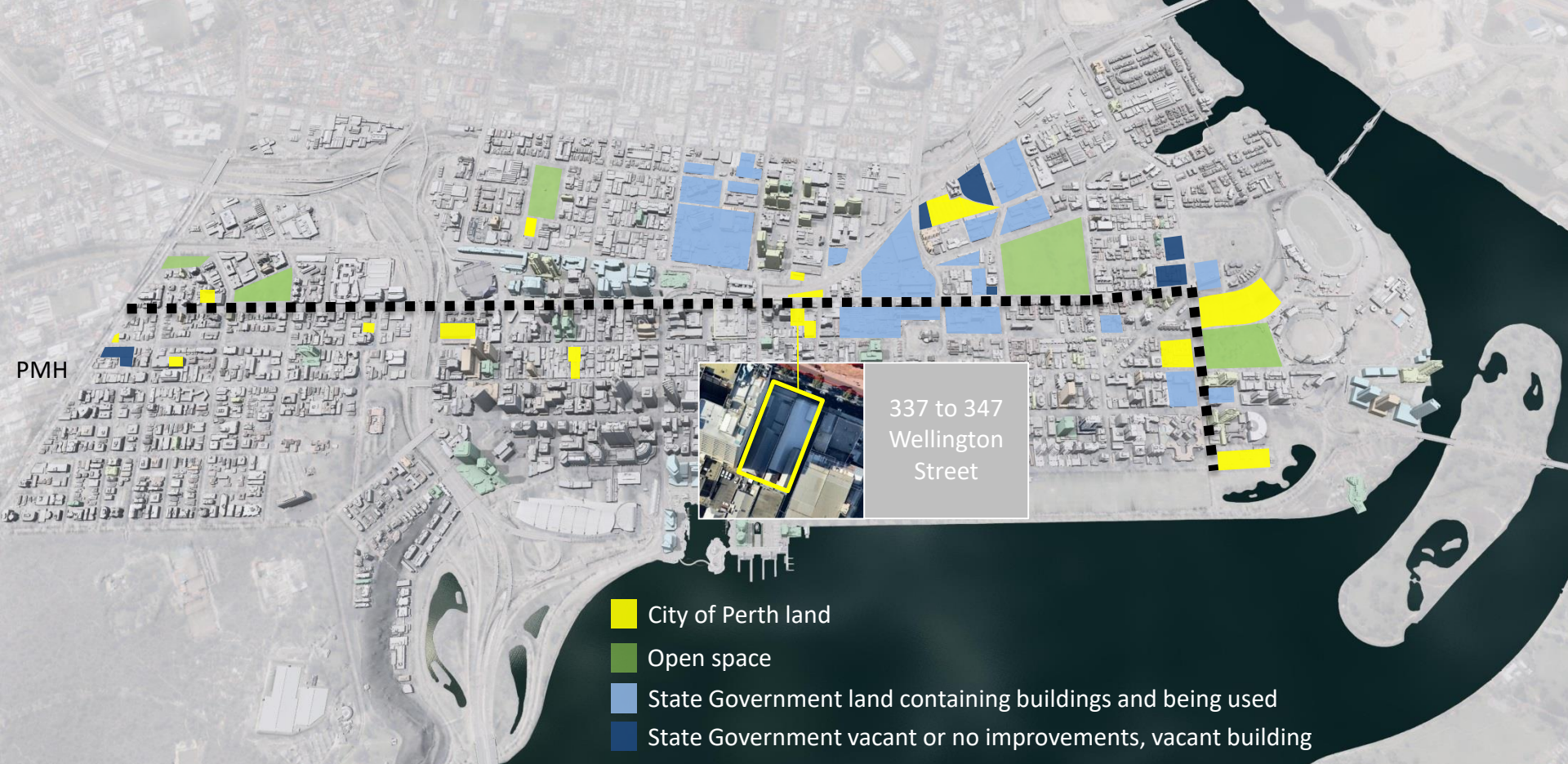


**City of Perth & State Government land along on Wellington and Plain Streets**

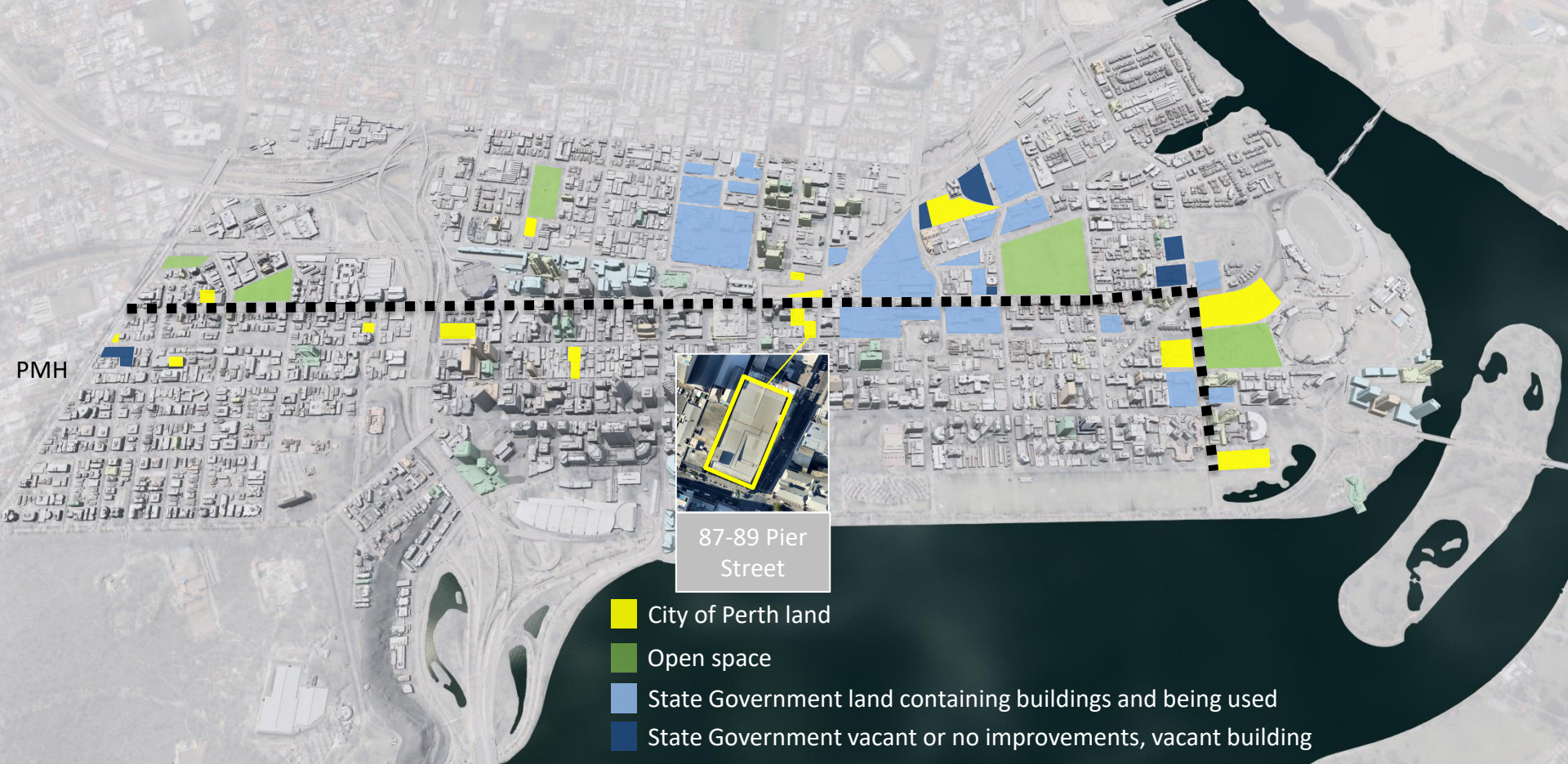


**City of Perth & State Government land along on Wellington and Plain Streets**





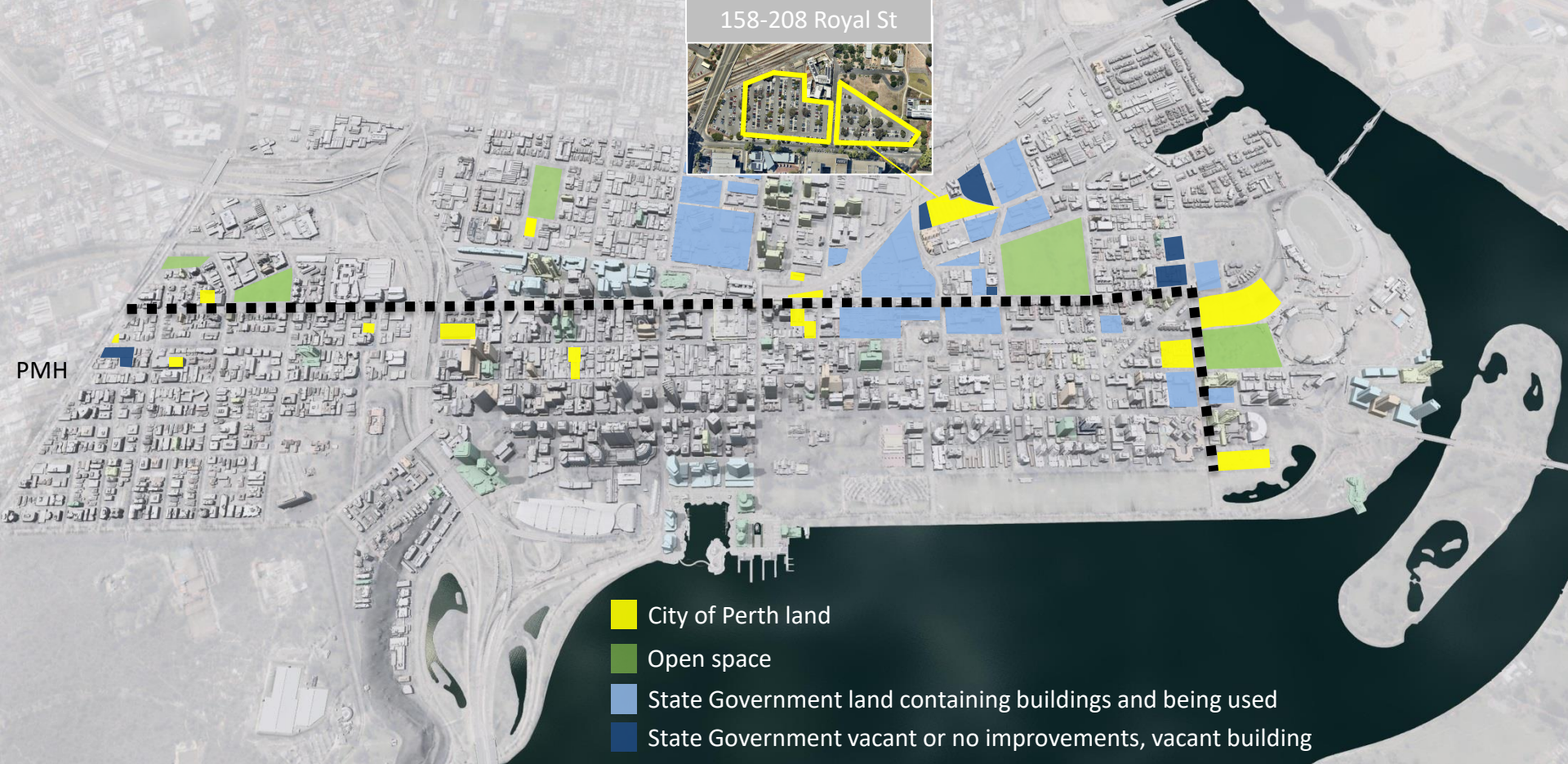
**City of Perth & State Government land along on Wellington and Plain Streets**



**City of Perth & State Government land along on Wellington and Plain Streets**

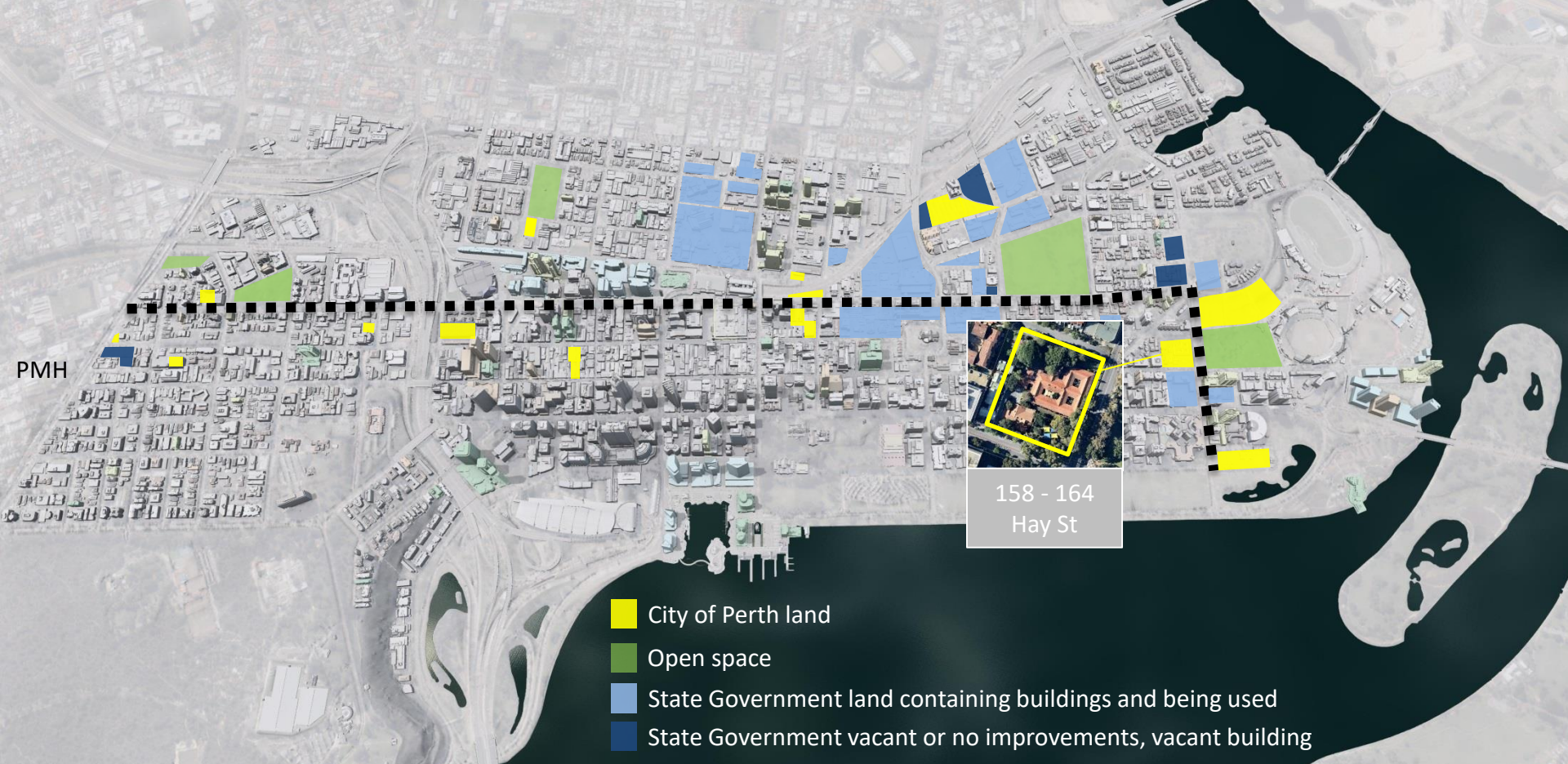


158-208 Royal St



- City of Perth land
- Open space
- State Government land containing buildings and being used
- State Government vacant or no improvements, vacant building

**City of Perth & State Government land along on Wellington and Plain Streets**

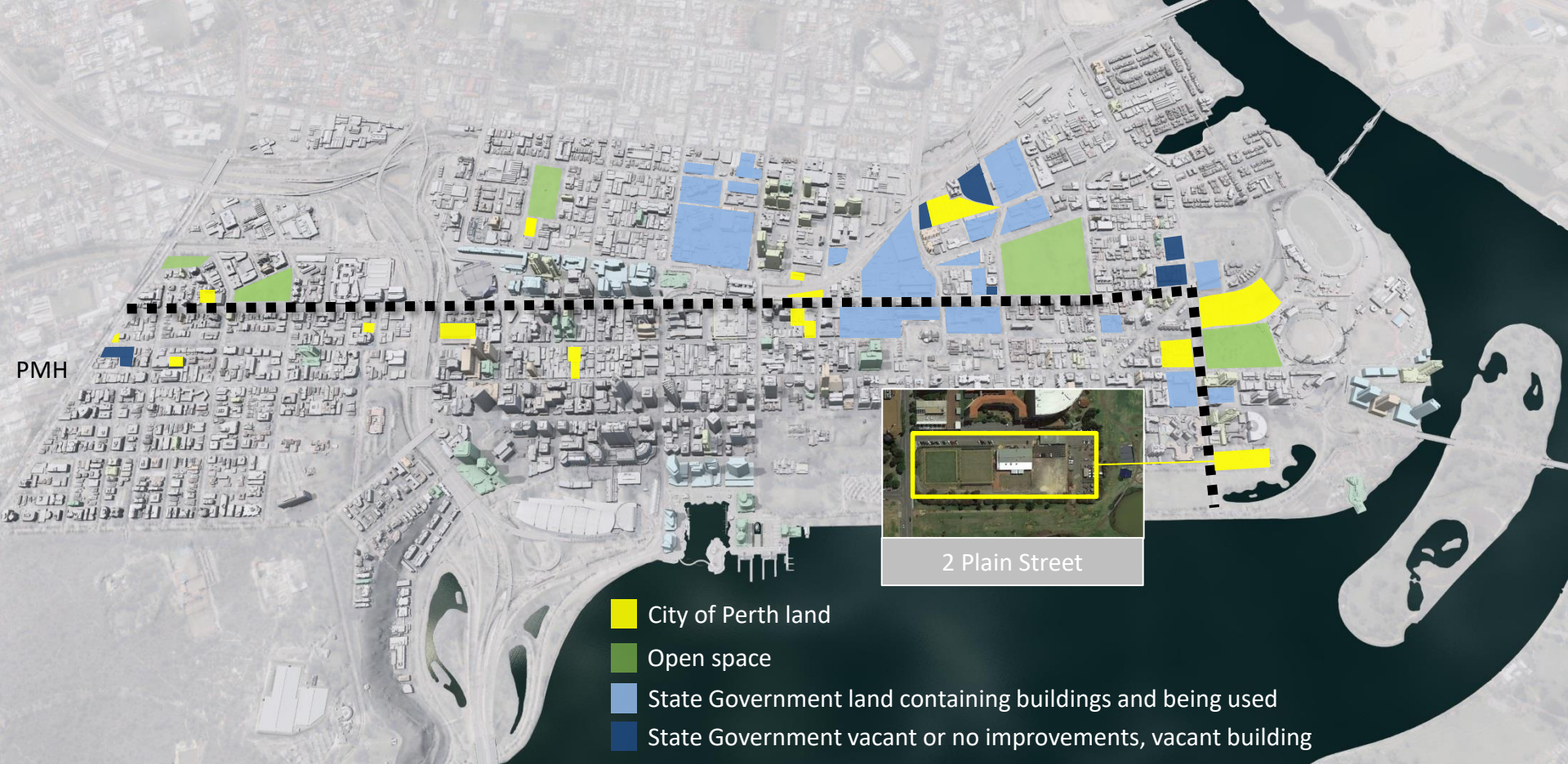


**City of Perth & State Government land along on Wellington and Plain Streets**





**City of Perth & State Government land along on Wellington and Plain Streets**



**City of Perth & State Government land along on Wellington and Plain Streets**





|   |   |
|---|---|
| PROPERTY ADDRESS  | 972 – 980 Wellington Street, West Perth |
| CURRENT LAND USE  | At-Grade Car Park                       |
| 2016/17 LAND VALUE  | \$9,279,322                             |
| LAND AREA   | 2,281sqm                                |
| CITY PLANNING SCHEME  |   |
| <ul style="list-style-type: none"><li>• Use Area</li><li>• Plot Ratio</li></ul> | Office/ Residential<br>2:1              |
| ANY KNOWN RESTRICTIONS  | No                                      |
| COMMENTS  | No                                      |



**PROPERTY ADDRESS** 9 Coolgardie Street, West Perth

**CURRENT LAND USE** At-Grade Car Park

**2016/17 LAND VALUE** \$3,740,000

**LAND AREA** 880 sqm

**CITY PLANNING  
SCHEME**

- Use Area Commercial
- Plot Ratio 3:1

**ANY KNOWN  
RESTRICTIONS** No

**COMMENTS** No



|                        |                          |
|------------------------|--------------------------|
| PROPERTY ADDRESS       | 490 Murray Street, Perth |
| CURRENT LAND USE       | Multi-Level Car Park     |
| 2016/17 LAND VALUE     | \$6,485,000              |
| LAND AREA              | 6,976sqm                 |
| CITY PLANNING SCHEME   |                          |
| • Use Area             | City Centre              |
| • Plot Ratio           | 5:1                      |
| ANY KNOWN RESTRICTIONS | No                       |
| COMMENTS               | No                       |



|  |                                     |
|--|-------------------------------------|
| PROPERTY ADDRESS   | 93-101 Milligan Street, Northbridge |
| CURRENT LAND USE   | At-grade Car Park                   |
| 2016/17 LAND VALUE   | \$5,950,000                         |
| LAND AREA  | 1,288 sqm                           |
| CITY PLANNING SCHEME                                       |                                     |
| <ul style="list-style-type: none"><li>Use Area</li></ul>   | City Centre                         |
| <ul style="list-style-type: none"><li>Plot Ratio</li></ul> | 3:1                                 |
| ANY KNOWN RESTRICTIONS                                     | No                                  |
| COMMENTS   | No                                  |





**PROPERTY ADDRESS** 844-848 Hay Street, Perth

**CURRENT LAND USE** Multi-Level Car Park

**2011/17 LAND VALUE** \$26,000,000

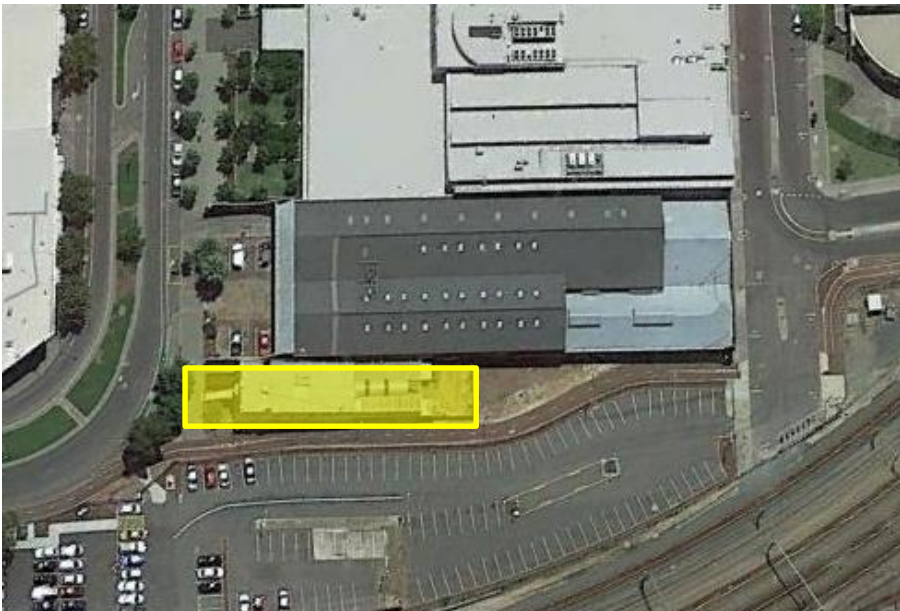
**LAND AREA** 3,153 sqm

**CITY PLANNING  
SCHEME**

- Use Area City Centre
- Plot Ratio 5:1

**ANY KNOWN  
RESTRICTIONS** No

**COMMENTS** No



**PROPERTY ADDRESS** 18 Stirling Street, Perth

**CURRENT LAND USE** Perth Enterprise Centre

**2016/17 LAND VALUE** \$1,650,000

**LAND AREA** 569 sqm

**CITY PLANNING SCHEME**

- Use Area City Centre
- Plot Ratio 4:1

**ANY KNOWN RESTRICTIONS** No

**COMMENTS** Land is part of the consideration for the State Government unsolicited bid – World Trade Centre.



**PROPERTY ADDRESS** 324-354 Wellington Street, Perth

**CURRENT LAND USE** Vacant land

**2016/17 LAND VALUE** \$1

**LAND AREA** 1,040 sqm

**CITY PLANNING  
SCHEME**

- Use Area MRS – Railway Reserve
- Plot Ratio nil

**ANY KNOWN  
RESTRICTIONS** Yes, refer above

**COMMENTS** No



|                        |                              |
|------------------------|------------------------------|
| PROPERTY ADDRESS       | 347 Wellington Street, Perth |
| CURRENT LAND USE       | At-Grade Car Park - enclosed |
| 2016/17 LAND VALUE     | \$2,800,000                  |
| LAND AREA              | 1,262sqm                     |
| CITY PLANNING SCHEME   |                              |
| • Use Area             | City Centre                  |
| • Plot Ratio           | 5:1                          |
| ANY KNOWN RESTRICTIONS | No                           |
| COMMENTS               | No                           |





**PROPERTY ADDRESS** 337 Wellington Street, Perth

**CURRENT LAND USE** Office/ studio

**2016/17 LAND VALUE** \$2,765,000

**LAND AREA** 1,290sqm

**CITY PLANNING  
SCHEME**

- Use Area City Centre
- Plot Ratio 5:1

**ANY KNOWN  
RESTRICTIONS** No

**COMMENTS** No



|                        |                      |
|------------------------|----------------------|
| PROPERTY ADDRESS       | 87-89 Pier Street    |
| CURRENT LAND USE       | Multi-level car park |
| 2016/17 LAND VALUE     | \$12,745,000         |
| LAND AREA              | 3,186 sqm            |
| CITY PLANNING SCHEME   |                      |
| • Use Area             | City Centre          |
| • Plot Ratio           | 5:1                  |
| ANY KNOWN RESTRICTIONS | No                   |
| COMMENTS               | No                   |



**PROPERTY ADDRESS** 158-208 Royal Street, East Perth

**CURRENT LAND USE** At-grade car park

**2016/17 LAND VALUE** \$41,500,000

**LAND AREA** 19,314 sqm

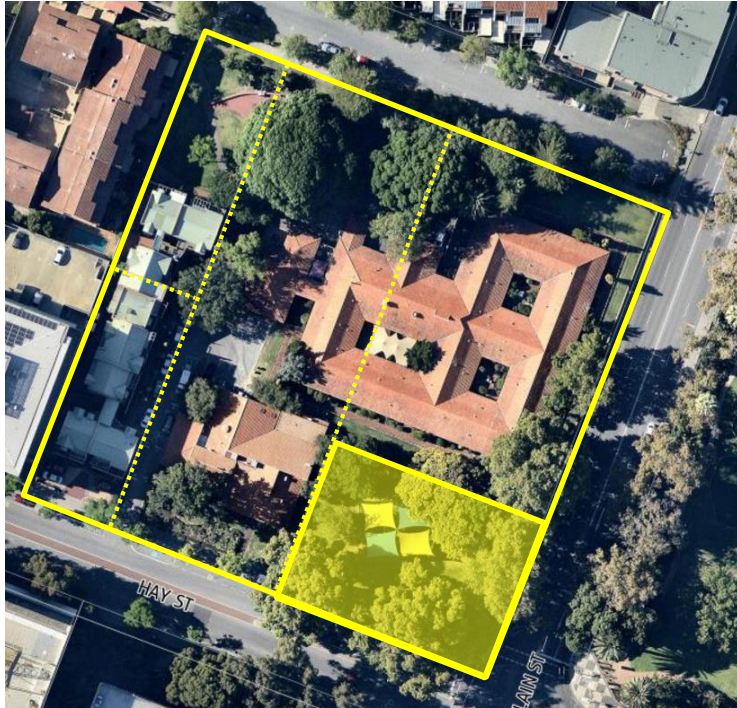
**CITY PLANNING SCHEME** MRA Planning authority

- Use Area
- Plot Ratio

**ANY KNOWN RESTRICTIONS** No

**COMMENTS** No





**PROPERTY ADDRESS** 158 Hay Street, East Perth

**CURRENT LAND USE** Park

**2016/17 LAND VALUE** \$3,500,000

**LAND AREA** 1,872sqm

**CITY PLANNING  
SCHEME**

- Use Area Residential R160
- Plot Ratio 3:1

**ANY KNOWN  
RESTRICTIONS** No

**COMMENTS** No





|   |  |
|---|--|
| <b>PROPERTY ADDRESS</b>   | 164 Hay Street, Perth  |
| <b>CURRENT LAND USE</b>   | Aged Persons Housing   |
| <b>2016/17 LAND VALUE</b>   | \$3,500,000  |
| <b>LAND AREA</b>  | 2,101sqm   |
| <b>CITY PLANNING SCHEME</b>   |  |
| <ul style="list-style-type: none"><li>• Use Area</li><li>• Plot Ratio</li></ul> | Residential R160<br>3:1  |
| <b>ANY KNOWN RESTRICTIONS</b>   | Yes, leased to Housing Authority & rear portion reserved in CPS2 |
| <b>COMMENTS</b>   | No   |



|   |  |
|---|--|
| <b>PROPERTY ADDRESS</b>   | 160 Hay Street, East Perth<br>29 Goderich Street, East Perth |
| <b>CURRENT LAND USE</b>   | Rod Evan's Centre and Arch Bishop<br>Goody Hostel            |
| <b>2016/17 LAND VALUE</b>   | \$10,400,000   |
| <b>LAND AREA</b>  | 4,388sqm   |
| <b>CITY PLANNING<br/>SCHEME</b>   |  |
| <ul style="list-style-type: none"><li>• Use Area</li><li>• Plot Ratio</li></ul> | Residential R160<br>3:1                                      |
| <b>ANY KNOWN<br/>RESTRICTIONS</b>   | Yes, hostel leased until 2026                                |
| <b>COMMENTS</b>   | No   |

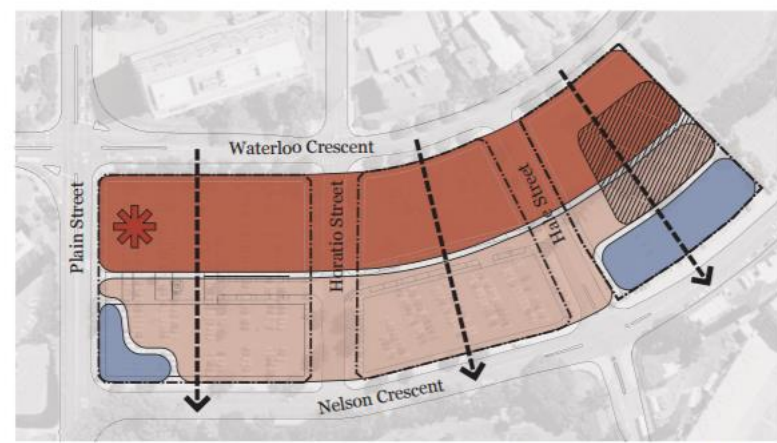


Figure 3: Key Elements of Hillside

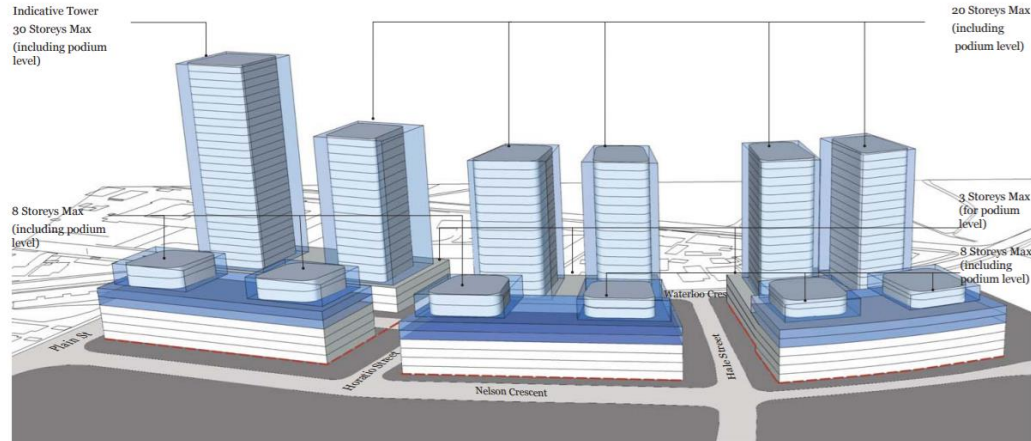


Figure 13: Building Envelope Looking North

## Legend

### Groundfloor Uses

- Residential Apartments on ridgeline (height on height)
- Residential Apartments
- Retail/Commercial Frontage
- Public Car Park
- Lot Boundary
- View Corridors to be retained
- ✱ 30 Storey Tower

## HILLSIDE YIELD TABLE

|                       |         |
|-----------------------|---------|
| Residential Dwellings | 557     |
| Retail/Commercial     | 400 sqm |

Table 3: Minimum yields





|   |  |
|---|--|
| <b>PROPERTY ADDRESS</b>   | 42 – 62 Nelson Crescent, East Perth      |
| <b>CURRENT LAND USE</b>   | At-Grade Car Park                        |
| <b>DEC 2011 VALUE</b>   | \$85,000,000                             |
| <b>LAND AREA</b>  | 2 hectares                               |
| <b>CITY PLANNING SCHEME</b>   | MRA planning authority                   |
| <ul style="list-style-type: none"><li>• Use Area</li><li>• Plot Ratio</li></ul> | Refer next side<br>Refer next slide      |
| <b>ANY KNOWN RESTRICTIONS</b>   | Yes,<br>Chevron Hotel Agreement Act 1960 |
| <b>COMMENTS</b>   | No                                       |



|  |   |
|--|---|
| <b>PROPERTY ADDRESS</b>                                      | 2 Plain Street, East Perth                            |
| <b>CURRENT LAND USE</b>                                      | Tattersalls Bowling Club<br>At-Grade Car Park , other |
| <b>2016/17 LAND VALUE</b>                                    | \$656,000   |
| <b>LAND AREA</b>   | 8,826 sqm   |
| <b>CITY PLANNING SCHEME</b>                                  |   |
| <ul style="list-style-type: none"><li>• Use Area</li></ul>   | Parks & Recreation Reservation                        |
| <ul style="list-style-type: none"><li>• Plot Ratio</li></ul> | none  |
| <b>ANY KNOWN RESTRICTIONS</b>                                | Yes, refer above                                      |
| <b>COMMENTS</b>  | No  |