

**Ordinary Council Meeting
Notice of Meeting**

**31 July 2018
6.00pm**

**Council Chamber
Level 9
Council House
27 St Georges Terrace, Perth WA
6000**



City of Perth

Agenda

ORDER OF BUSINESS AND INDEX

- 1** Prayer/Acknowledgment of Country
- 2** Declaration of Opening
- 3** Apologies
- 4** Question Time for the Public and Notification of Deputations
 - 4.1** Question Time
 - 4.2** Notification of Deputations
- 5** Members on Leave of Absence and Application for Leave of Absence
- 6** Confirmation of minutes
 - Ordinary Council Meeting - 26 June 2018
 - Special Council Meeting - 3 July 2018
- 7** Announcements by the Chair of Commissioners
- 8** Disclosure of Members' interests
- 9** Questions by Members of which due notice has been given
- 10** Correspondence
- 11** Petitions
- 12** Matters for which the meeting may be closed

In accordance with Section 5.23(2) of the *Local Government Act 1995*, should a Commissioner wish to discuss the content of the confidential attachments listed below, it is recommended that Council resolve to close the meeting to the public prior to discussion of the following:

Attachment No.	Item No. and Title	Reason
Confidential Attachment 13.5A	Item 13.5 – Change to Parking Fees at Point Fraser Car Park	s5.23(2)(e)(ii) & s5.23(2)(e)(iii)
Confidential Attachment 13.9A, 13.9B and 13.9C	Item 13.9 – Tender 140-17/18 Provision of the Promotion and Broadcast by a TV Station – Australia Day Long Weekend	s5.23(2)(e)(ii) & s5.23 (2)(e)(iii)
Confidential Attachment 13.12B	Item 13.12 – Request for Reimbursement of Legal Expenses – Mr Gary Stevenson	s5.23(2)(b)

13 Reports

Report No.	Item Title	Page
13.1	East Parade and Kensington Street Signalised Intersection Upgrade	1
13.2	Modernising Western Australia's Planning System – Green Paper Concepts for a Strategically-Led System	4
13.3	Telethon Partnership with City of Perth Parking – 20 and 21 October 2018	46
13.4	Business Plan for City of Perth Parking Major Trading Undertaking	55
13.5	Change to Parking Fees at Point Fraser Car Park	74
13.6	Financial Statements and Financial Activity Statement for the Period Ended 31 May 2018	79
13.7	Payments from Municipal and Trust Funds – May 2018	99
13.8	Payments from Municipal and Trust Funds – June 2018	101
13.9	Tender 140-17/18 Provision of the Promotion and Broadcast by a TV Station – Australia Day Long Weekend	103
13.10	Amendments to Council Policy 6.20 'Comment and Recommendations on Development Proposals referred to the City by Statutory Authorities'	108
13.11	Outdoor Dining – Policy and Guidelines	116
13.12	Request for Reimbursement of Legal Expenses – Mr Gary Stevenson	224
13.13	Amendment to Council Policy 10.6 Elected Members – Reimbursement of Expenses and Council Policy 10.3 Elected Members – Interstate and Overseas Travel and Expenses	237

14 Motions of which Previous Notice has been given

15 Urgent Business

16 Closure



MARTIN MILEHAM
CHIEF EXECUTIVE OFFICER

26 July 2018

This meeting is open to members of the public

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's Council meeting. This information is provided on matters which may affect members of the public. If you have any queries on procedural matters please contact a member of the City's staff in attendance tonight.

Question Time for the Public

- An opportunity is available at Council meetings for 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 before the meeting begins. Alternatively questions can be forwarded to the City of Perth prior to 3.00pm on the day of the meeting, by:-
 - Letter: Addressed to GPO Box C120, Perth, 6839;
 - Email: governance@cityofperth.wa.gov.au.
- Question Sheets are also available on the City's web site: www.perth.wa.gov.au.

Deputations

Applications for deputations to a Ordinary Council Meeting must be in writing to the CEO and sent to info.city@cityofperth.wa.gov.au and received by midday on the day of the meeting.

Please refer to the City's website www.perth.wa.gov.au for further information on making a deputation.

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 Council 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.



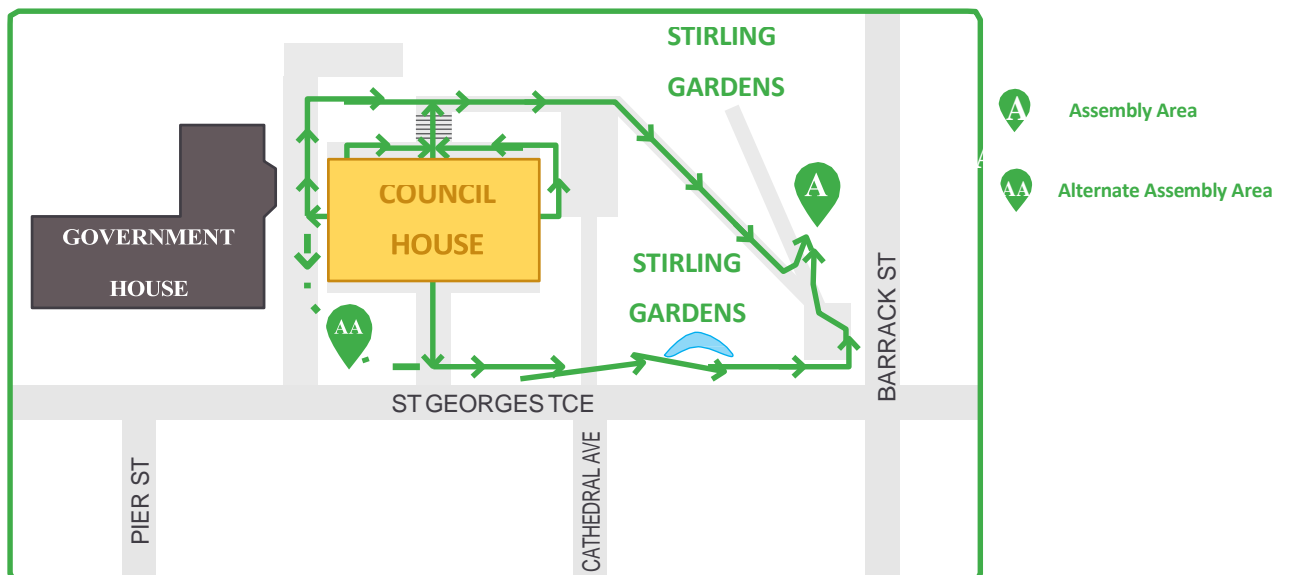
EVACUATION ALARM / PROCEDURES

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





City of Perth

Council Chambers Seating Layout



Manager Governance
Mark Ridgwell



Chair Commissioner
Eric Lumsden



Chief
Executive Officer
Martin Mileham



Director Community and
Commercial Services
Rebecca Moore



Commissioner
Andrew Hammond



Commissioner
Gaye McMath



Personal Aide
Paul Anastas



Director Planning and
Development
Erica Barrenger



Construction
and Maintenance
Paul Crosetta



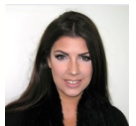
Manager
Development Approvals
Margaret Smith



Director
Corporate Services
Robert Mianich



Acting Director Economic
Development and Activation
Ben Fitzpatrick



Governance Officer
Ashlee Rutigliano

Public Gallery

Agenda **East Parade and Kensington Street Signalised Intersection**
Item 13.1 **Upgrade**

Recommendation:

That Council APPROVES by ABSOLUTE MAJORITY the allocation of \$24,000 additional budget to capital works project 'CW 12083 - Parallel Walks and Other Pedestrian Improvements'.

FILE REFERENCE: P1029804-5
 REPORTING UNIT: Transport Unit
 RESPONSIBLE DIRECTORATE: Planning and Development
 DATE: 9 July 2018
 ATTACHMENT/S: N/A

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	N/A
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 1 - A city for people Goal 2 - An exceptionally well designed, functional and accessible city
Policy	
Policy No and Name:	N/A

Purpose and Background:

At the Ordinary Council Meeting held on **24 April 2018**, Council approved \$85,000 to complete civil modification works on behalf of Main Roads WA (Main Roads) for the Kensington Street and East Parade signalised intersection upgrade. The project is fully funded by Main Roads, with the City of Perth (City) delivering the civil works on their behalf with 100% of costs being reimbursed to the City. At this meeting, Council:

1. *ENDORSED the pedestrian crossing upgrade of Kensington Street and East Parade signalised intersection requested by Main Roads WA and supported by the City of Perth;*
2. *APPROVED the civil modifications required by the intersection upgrade to be undertaken by the City of Perth Street Presentation and Maintenance Unit; and*
3. *APPROVED BY AN ABSOLUTE MAJORITY re-allocation of \$85,000 from capital works project 'CW 2153 - East Perth Walkability' to 'CW2083 - Parallel Walks'.*

The City's contractor completed the preparatory works for the installation of the traffic signals in 2017/18 however Main Roads installation of the traffic signals was delayed due to inclement weather and service requirements. As a result, civil modification works to be completed by the City were unable to be finalised prior to the end of the 2017/18 financial year. To cover the cost of outstanding works into the new 2018/19 financial year a carry forward amount of \$20,000 was approved at the Special Council Meeting held on **3 July 2018** (with the Parallel Walks budget).

Details:

The traffic signals have now been installed by Main Roads and electrical works have been completed by Western Power. At the completion of these work, it has been identified that additional minor reinstatement civil works are required to 'make good' the surrounding surfaces disturbed by the works.

The new scope of civil works requires \$24,000 in addition to the original \$20,000 identified carry forward mentioned above. It should be noted that the original budgeted amount of \$85,000 approved in 2017/18 has not been exceeded and will be reimbursed by Main Roads on payment of an invoice from the City.

Financial Implications:

ACCOUNT NO:	CW12083
BUDGET ITEM:	Parallel Walks and Other Pedestrian Improvements
BUDGETED AMOUNT:	\$20,000
AMOUNT SPENT TO DATE:	Nil
PROPOSED COST:	\$43,966.32
BALANCE REMAINING:	-\$23,966.32
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

Main Roads were invoiced for all civil works, including the additional scope of reinstatement works, on 27 June 2018. This includes project costs for works completed up to 30 June 2018 and for the remainder of works forecast to be completed in July 2018. Any amount unspent by the project will be balanced on reconciliation.

Recommendation:

That Council ENDORSES the submission to the Western Australian Planning Commission on 'Modernising Western Australia's Planning System - Green Paper Concepts for a Strategically - Led System' as detailed in Attachment 13.2A.

FILE REFERENCE: P1023743
 REPORTING UNIT: City Planning
 RESPONSIBLE DIRECTORATE: Planning and Development
 DATE: 11 July 2018
 ATTACHMENT/S: Attachment 13.2A – City of Perth's submission on the WAPC's Green Paper Concepts for a Strategically-Led System.

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input checked="" type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	<p><i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Planning and Development (Development Assessment Panel) Regulations 2011</i> State Planning Policy 3.1 – Residential Design Codes MRA’s Central Perth Redevelopment Scheme 2012 City of Perth City Planning Scheme No. 2 City of Subiaco Town Planning Scheme No. 4 City of Nedlands Town Planning Scheme No. 2</p>
Integrated Planning and Reporting Framework Implications	<p>Strategic Community Plan Goal 2 - An exceptionally well designed, functional and accessible city</p>
Policy	
Policy No and Name	N/A

Purpose and Background:

The Minister for Planning commissioned an independent review of the Western Australian planning system in late 2017 to identify ways to make it more efficient, open and understandable.

The findings of this independent review have now been documented in a Green Paper titled ‘Modernising Western Australia’s Planning System – Green Paper Concepts for a Strategically-Led System’ dated May 2018, which has been released by the State Government for public comment. The advertising period concludes on 20 July 2018. The City has confirmed with the State that its submission will be lodge after the Council meeting held on **31 July 2018**, and that this late submission will be accepted. All feedback will help inform the preparation of a White Paper that will set out the State Government’s reform agenda for a modern planning system.

Details:

The Green Paper identifies four principles to underpin Western Australia’s planning System as outlined below:

- Fairness: the views and interest of all stakeholders are considered and balanced;
- Transparency: users are able to understand the planning system;
- Integrity: the community is meaningfully involved in strategic planning; and
- Efficiency: the planning system is well organised to deliver timely outcomes.

The terms of reference for this planning review include:

- Make strategic planning the cornerstone of all planning decisions by shifting the emphasis of the planning system to strategic planning and land use policy so that important issues are resolved before development proposals and rezoning requests, which will improve the quality and timeliness of development assessment;

- Clarify State and local planning roles by setting clear roles, responsibilities and functions of the Western Australian Planning Commission (WAPC) and the Department of Planning, Lands and Heritage (DPLH) in conjunction with State departments and agencies, and Local Government;
- Open up the planning system so that it is understandable to the wider community, recognising the need for community participation;
- Create more certainty for industry by clearly defining development assessment pathways;
- Link planning and infrastructure delivery to strategic planning for growth;
- Ensure that the planning system facilitates a sustainable settlement pattern, ensuring land use is fully integrated with transportation and infrastructure, giving priority to infill development and ensuring any new areas of growth are contiguous with existing communities;
- Respond to community concerns about the accountability and transparency of Development Assessment Panels in the approvals process; and
- Examine how the use of technology can be used to improve the planning system.

The Green Paper proposes reform in five key areas – strategically-led, legible, transparent, efficient and delivering smart growth as follows.

Strategically-Led: Make strategic planning the cornerstone of the planning system

The following actions are proposed:

- state that strategic planning is a purpose of the *'Planning and Development Act 2005'*; and
- define the term 'sustainability' in a State Planning Policy (SPP).

Legible: Make the planning system easy to access and understand

The following actions are proposed:

- SPP's to be consolidated into a single, concise State Planning Framework;
- reorganise the SPP's into common elements that are used directly for regional plans and local planning strategies;
- a Comprehensive Local Planning Scheme be required for each Local Government which contains local planning strategies (statements), all legal provisions, maps and local planning policies;
- a set of standardised zones, land uses and land permissibility to apply in Perth and major regional centres; and
- interactive online planning portal be developed by the DPLH for keeping local planning schemes online.

Transparent: Open up the planning system and increase community engagement in planning

The following actions are proposed:

- a Community Engagement Charter be developed;
- local planning scheme regulations require reasons to be provided on planning decisions and that a guide be prepared as to the scope of reasons;
- a range of proposals are provided to assist with the transparency and accountability of Development Assessment Panels (DAP's); and

- Local Governments will be required to systematically report on planning matters and performance to provide a basis for monitoring and improving the planning system.

Efficient: Make the planning system well – organised and more efficient

The following actions are proposed:

- the WAPC membership be revised to five to seven specialist members and the WAPC be granted the ability to establish and abolish its own committees as required;
- WAPC to refocus its efforts to prepare and implement regional strategic planning, effectively manage SPP's and collaborate with Local Government to prepare structure plans for key centres and urban corridors;
- Remove overlap between the WAPC & DPLH in terms of responsibility for advising the Minister on the operation of the planning system, so that this is the responsibility of the DPLH; and
- an accreditation system be implemented for Local Government to receive WAPC delegations.

Proposals have been developed to resolve process issues and bottlenecks that have emerged from the planning system including:

- assisting proponents with issues arising from agency planning referrals;
- allowing an applicant to seek pre-lodgement advice;
- requiring Local Government advice within 10 business days if additional information is required;
- approved structure plans to be read as part of a local planning scheme, with the 'force and effect' of the Scheme;
- a fast track 30 day planning approval process for single house applications that require only minor variations to the R-Codes;
- a framework for 'basic', 'standard' and 'complex' streams for region scheme amendments, local planning strategies and amendments, and local structure plan/activity centre plans and amendments to be developed by the DPLH for implementation through regulation; and
- provide for development contribution plan cost and cost contributions schedules to be included as a schedule in local planning schemes.

Delivering smart growth: Refocus the planning system to deliver quality urban infill

The following actions are proposed:

- the State Government to develop clear planning and delivery arrangements among the WAPC, Metropolitan Redevelopment Authority (MRA) and Local Government and sets priorities and a program of action;
- local planning strategies to include local housing strategies;
- the WAPC assist with infrastructure coordination for the delivery of priority precincts including activity centres, urban corridors and station precincts;
- Local Government to be given timely advice on the forward planning of State infrastructure to inform preparation of Local Planning Strategies etc;
- local planning strategies to include a section on infrastructure and link priority infrastructure items to their 10 year capital expenditure plans; and
- the Metropolitan Region Scheme (MRS) to be updated to include 'Urban Corridor' as a category of roads based on '*Perth and Peel @3.5 million*'.

A number of proposals are also proposed in relation to new greenfield developments.

Financial Implications:

There are no financial implications associated with this report.

Comments:

The City's Administration has prepared a response to the State Government's Green Paper which is attached in Attachment 13.2A for the Council's consideration and endorsement.

The aims of the State Government's reform agenda to create a planning system which is fair and inclusive, legible and transparent, and efficient and which results in improved planning outcomes is strongly applauded.

The large majority of the proposals set out in the Green Paper are supported. These include the greater emphasis on strategic planning including the integration of a sustainability approach, as well as the integration of land use and transport and infrastructure planning. This is considered critical to ensuring the State Government meets its urban infill objectives and the creation of a prosperous and liveable city.

A number of the proposals involve the provision of State Government guidance to assist Local Government in performing its planning functions and to provide greater consistency and are welcomed.

There are several proposals, which whilst supported, will have resource implications for Local Government. It is important that these are supported by appropriate State Government guidance and the ability for Local Government to raise fees to assist with cost recovery.

A key concern is the proposal to remove decision making power from Local Government with respect to local planning policies.

Another serious concern relates to the mandating of common land use zones, definitions and permissibilities. Whilst the intent of this proposal is appreciated, it is considered to be too simplistic, lacks consideration of the complexities involved and as a result is likely to result in poor planning outcomes.

There are a number of proposals which seek to improve navigation of the State planning framework and improve transparency of State planning processes including WAPC committees and DAPS, however it is considered that further improvements can be made in relation to these objectives.

The Green Paper (proposal 4.2.1) proposes that a Planning Reform Team be retained by the DPLH to implement proposals arising from the planning review and ongoing reforms to the Western Australian planning system. This is considered critical to ensuring implementation of the reform proposals and continuous business improvement. Equally important is the development of a detailed implementation plan which identifies key priorities, timeframes, responsibilities, resource requirements and key stakeholders. Local Government needs to be included as a key stakeholder in progressing these reform proposals.

The key proposals of significance or of concern to the City are discussed below.

Local Planning Strategies

The Green Paper (proposals 1.3.1, 1.3.2 and 2.4.2) proposes to provide further guidance to Local Government on the content and format of local planning strategies, including local housing strategies, which is supported.

Scope

The Green Paper (proposals 3.2.5) proposes to revise the Local Planning Manual to limit the scope of actions within local planning strategies to those matters that can be carried out within the local planning scheme.

The limitation of the content of Local Planning Strategies to those matters that can be carried out within the Local Planning Scheme is not supported. Local Planning Strategies should set out for the community the holistic vision and strategy for the physical development of the city and their neighbourhoods. They should include guidance for both the private realm (controlled by the local planning scheme) and public realm including transport and infrastructure. A separate section could be created to identify the specific elements of the strategy which translate through to the local planning scheme to provide for a clear line of sight.

Alignment with Strategic Community Plan

The Green Paper (proposal 3.2.4 and 3.2.5) proposes that Local Planning Strategies should align with Local Government Strategic Community Plans developed under the *Local Government Act* and that a concurrent community participation process should be used to develop both of these key strategic documents.

Whilst the alignment of the Local Planning Strategy with the Strategic Community Plan is supported in principle, given the current approval processes for these documents there is considered to be governance issues around this. Currently the Strategic Community Plan is approved by the Local Government whilst the Local Planning Strategy is approved by the State Government. Given the absence of State Government oversight, other than the provision of guidelines, of the Strategic Community Plan it may not reflect or could even be contrary to State Government planning objectives.

A concurrent community engagement process for both the Strategic Community Plan and Local Planning Strategy is supported from both a resource and efficiency perspective. The City has recently undertaken such a process for the development of its Strategic Community Plan and City Planning Strategy.

Progression of City Planning Strategy

The Green Paper (proposal 2.4.3) proposes that Local Governments currently undertaking, or about to embark on, a substantive review of their planning frameworks delay preparation of local planning strategies and local planning schemes until the State Government provides further guidance on the format and content of local planning frameworks.

This would apply to the City's City Planning Strategy which is substantially progressed. Extensive community engagement has occurred to inform the strategy and a draft is expected to be finalised in the latter half of 2018 for consideration by Council. To delay progression of this would not align with community expectations for delivery of the strategy and potentially waste significant resources which have already been invested in this process.

Guidance on the format and content of local planning frameworks is likely to be some time away with the White Paper yet to be prepared.

Local Planning Strategies and Local Planning Schemes are required to be regularly reviewed. It is suggested that rather than the progression of these be halted, that they be aligned with any new planning provisions and guidelines when they are due for review.

Local Planning Policies

The Green Paper (proposal 2.4.2) proposes that State Government guidance be provided on the form and content of Local Planning Policies which is supported.

The Green Paper (proposals 2.4.1 and 2.6.1) also proposes however that local planning policies be published with the local planning strategy and local planning scheme as a 'comprehensive local scheme' and to require local planning policies to be approved by the State Government. Currently local planning policies only require Local Government approval.

Whilst the implications of local planning policies forming part of a 'comprehensive local scheme' is unclear the proposal for these to be approved by State Government is not supported as it:

- unnecessarily reduces the powers of Local Government and is therefore contrary to the subsidiarity principle of leaving powers and responsibilities with the lowest level of government practicable;
- creates a more complex process which is contrary to the reform principle of efficiency. The current process for the preparation and amendment of Local Planning Policies, with approval resting with Local Government, provides for a streamlined and quicker process, compared to that associated with a Local Planning Scheme which requires State Government approval. This enables Local Government to respond more quickly to address current issues; and
- is likely to create significant resource implications for State Government, which has historically experienced delays in the efficient processing of local planning documents such as local planning strategies and local planning schemes and associated amendments.

It is understood from the Green Paper that the issue or concern is that there is a large range in the content and style of local planning policies across Local Governments. There is also concern about the content of local planning policies being in conflict with State Planning Policies.

To go from a situation where there is no State Government guidance on local planning policies to requiring State Government approval of these seems unreasonable and unnecessary. To address this issue/concern the State Government:

- should provide guidance on form and writing of a local planning policy as proposed;
- ensure that matters of State importance are addressed in local planning strategies and schemes as local planning policies cannot be inconsistent with these; and
- provide State Government with the ability to direct Local Governments to amend local planning policies where they are inconsistent with State Government strategy and policy.

Local Planning Schemes

Standardisation and Mandating of Land Use Zones

The Green Paper (proposal 2.7.3) proposes the standardisation of select common land use zones, definitions and permissibilities and for these to be mandated through deemed provisions. Common zones that have been suggested include: residential, industrial, commercial and centre zones.

Whilst establishing a common zone for residential may be relatively straight forward, establishing other common zones is likely to be more complex and in some instances undesirable.

Careful consideration needs to be given to the grouping of land uses and assignment of their permissibilities given the current deemed provisions (i.e. Schedule 2 of the *'Planning and Development (Local Planning Schemes) Regulations 2015'*) which remove the need for the development approval of the Local Government where a use is identified as a permitted land use in the zone in which it is located.

The City currently has a number of land use groups that will need to be reviewed along with land use permissibilities to enable it to assess and place conditions on particular land uses. For example, the City currently has an 'Entertainment' use group which includes a range of land uses including amusement parlour, betting agency, cinema/theatre, club, function centre, nightclub and tavern. The use group is preferred in several use areas across the city which will be problematic in the future (when the City's scheme aligns with the model scheme provisions and associated terminology outlined in the Regulations 2015) given the exemption from planning approval which prevents the City from placing conditions on these uses. The use group currently includes land uses of variable amenity impact and needs to be reviewed to separate these out. The permissibilities of the use group also need to be reviewed (i.e. changed from 'permitted' to 'discretionary') to enable the amenity impacts of specific land uses to be managed by the placement of conditions relating to matters such as noise attenuation and trading hours on planning approval.

It may also be desirable to have different land use permissibilities in the same zone in different areas to encourage specific uses and industry clusters.

Should this proposal proceed, it is suggested that model provisions be created in the first instance and be tested prior to mandating them through deemed provisions.

Mandatory Local Development Standards

The Green Paper (proposal 2.8.1) proposes the introduction of model provisions to enable mandatory development requirements for key sites and matters.

This is supported as there is a need for these in some instances to provide certainty to both the developer and the community.

For example, the City has mandatory provisions in relation to maximum plot ratio however allows for limited variation of these subject to certain strategic objectives being met. These provisions provide certainty for infrastructure providers as to the possible quantum of development permitted plus act as an incentive to encourage important strategic outcomes where the market is not delivering these.

The City is also currently proposing mandatory planning provisions on a specific development site in East Perth. The City has worked closely with the community to develop planning provisions for the site and there are a number of planning provisions which the City believes are non negotiable from a community perspective.

In addition to the ability to include mandatory provisions, there should also be some limits imposed on the extent of variation of key planning provisions such as building height and plot ratio, as well as guidance provided on the proper application of discretion. These should be applied to all planning decision makers. Significant variation of key planning provisions undermines them and does not aid in building community trust in the planning process and/or decision makers.

Local Government Reporting

The Green Paper (proposal 3.5.1) proposes to require mandatory reporting by Local Government on planning matters. Whilst this is supported it is likely to have resource implications for Local Government including the need for system upgrades. It is therefore considered important to define why the information is important and how it will be used prior to mandating capture.

Mandatory reporting by State Government on key planning matters should also be introduced and not be left to an unknown second stage of reform as suggested by the Green Paper.

Local Government Accreditation and Delegations

The Green Paper (proposal 4.1.2) proposes Local Government accreditation and states that to receive accreditation Local Governments would be required to have up to date local planning strategies and schemes and appropriately qualified planning officers and delegations.

The Green Paper (proposals 4.1.2 and 4.1.3) proposes that accredited Local Governments would receive additional State Government delegations for local planning matters such as small infill subdivision and subdivision in accordance with an approved local structure plan.

The relationship between accreditation and delegations is not apparent. The roles and responsibilities of State and Local Government need to be defined using the subsidiarity principle of leaving powers and responsibilities with the lowest level of government

practicable. Any delegations to Local Government should be related to these defined roles and responsibilities and not performance.

A Local Government accreditation system has the potential to cause confusion to developers and the community as to who is responsible for decision making as approval processes would differ from Local Government to Local Government and possibly from year to year. This is contrary to the aim of the reform of providing legibility of the planning system.

The issues that this proposal is seeking to address are not fully substantiated particularly in relation to the assertion that there are inappropriately qualified planning officers within Local Government.

Local governments are already required under State Government planning legislation to have up to date local planning strategies and schemes. If there are performance issues surrounding these requirements, these should be addressed through separate mechanisms (such as State Government call in or direction powers) rather than through an accreditation system.

An accreditation system such as that proposed may not address the issues that it is seeking to address. For example, some local governments, particularly those with resource constraints, may have no interest in receiving delegations around subdivisions, and therefore accreditation would not necessarily act as an incentive to address possible performance issues.

Proposal 3.5.1 which proposes to introduce mandatory reporting by local government on planning matters may also assist in improving local government performance in relation to having up to date local planning strategies and schemes.

Should an accreditation system be pursued, it is only reasonable to link any accreditation to matters fully within the Local Government's control. Local Governments are not fully in control of having up to date local planning strategies and local planning schemes as the State Government is ultimately responsible for their approval.

Any delegations need to be supported by appropriate State Government guidance to ensure consistency of approach across Local Governments as well as an ability for Local Government to charge fees for these services. In this regard, the fees and charges specified in the '*Planning and Development Regulations 2009*' have not been reviewed since 2013. There is a need for these to be reviewed to enable Local Government to be able to recover some of its costs for the planning services it provides.

Local Government Pre-Lodgement Advice

The Green Paper (proposal 4.2.4) proposes to provide for an applicant to seek pre-lodgement advice for development applications.

This is strongly supported. The City encourages applicants to seek pre-lodgement advice for development applications. This has worked well and enabled issues to be addressed early resulting in time and cost saving for both the applicant and the City and most importantly resulted in improved planning outcomes. A fee is generally not supported for this service, as it may dissuade applicants from seeking such advice and should be viewed as 'customer service'.

Metropolitan Redevelopment Authority Planning Framework

The Green Paper (proposal 2.3.5) proposes that the Metropolitan Redevelopment Authority (MRA) be required to have regard to State Planning Policies.

Whilst this proposal is supported it needs to be expanded further to require the MRA to also have regard to other parts of the State/Local Planning Framework, particularly the Local Planning Strategy, to ensure that where possible, the proposed redevelopment fits with the broader strategic vision for the place as a whole. Whilst it is acknowledged that the Local Government has no planning control over redevelopment areas, its local planning strategy should be amended to reflect the vision of the redevelopment area. Local planning strategies play an important role in communicating to the community the holistic planning and development vision and strategy for a place. Currently where there are multiple planning agencies this vision and strategy needs to be pieced together by the different planning documents of the various planning agencies.

The MRA's redevelopment schemes should also be required to incorporate the deemed and model provisions set out in the *'Planning and Development (Local Planning Scheme) Regulations 2015'* and have regard and be consistent where possible with the elements of the local planning scheme which operates within the Local Government which the redevelopment area is situated. The previous and current inconsistencies between the redevelopment scheme and local planning scheme within the city has required the City to create a separate planning scheme specifically for the normalised redevelopment areas to reflect the redevelopment scheme and provide for a smoother normalisation process.

Review of Region Schemes and Planning and Development on Reserves

A broader review of regional planning schemes is also needed along with the processes for the planning and development of reserves under regional planning schemes.

The Metropolitan Region Scheme (MRS) currently:

- has no clear purpose or objectives set out within it;
- identifies the title of the various zones/reserves but does not provide any definitions in relation to these;
- does not provide for the preparation of planning provisions to guide development on reserved land. Large areas of the city are reserved under the MRS resulting in large areas of the city with no development standards. This includes areas of the city which are reserved for 'Civic and Cultural' and 'Public Purpose'. Masterplans have been developed for various parcels of reserved land in the city (e.g. Perth Convention Centre, Perth Cultural Centre, Perth Train Station) however they have no legislative weight and are often prepared without community engagement and there is no community visibility of these. Given the significance of the developments on these reserves and that these are ultimately intended for public benefit a more transparent and inclusive approach is needed to the planning and development of these sites. Many of these reserves are also located within built up areas and therefore the impact of these developments on the surrounding area can be more significant. More bespoke design responses are needed to suit local context;
- does not outline what the WAPC needs to consider in determining a development application under the MRS; and
- single use reserves which are not reflective of today's mixed-use nature of development.

To improve the level of consistency across region schemes it is suggested that a model region scheme text be prepared under regulations similar to that for a local planning scheme to ensure consistency of format and content across the various region schemes.

Guidelines should also be developed to set out the principles around the application of reserves/zones as well as the relationship between land which is reserved under the region schemes and land which exists as a reserve under the '*Land Administration Act*'.

Public Works

Various public works are exempt from the requirement for development approval. There is a need to ensure that in the planning and development of these public works that consideration is given to the local planning strategy and that these works do not compromise the broader planning outcomes being sought for the area.

Perth Parking Policy

The Perth Parking Policy is referenced under the '*Perth Parking Management Act 1999*' and is prepared in cooperation with the City and approved by the Minister (for Transport) following consultation with the Minister (for Planning) and the Minister (for Environment). It is part planning and part licensing policy however sits outside the planning framework. Other than outlining who is responsible for approval of the policy, the Act or its supporting regulations provides no guidance on the process for the preparation of the policy. Given that the policy provides guidance on planning matters, the City has previously advocated for the policy to be prepared in a manner consistent with that documented for State and local planning policies however this suggestion has not received any traction. As it currently stands, amendments can be made to the policy without any community engagement which is contrary to the principles of transparency.

Local Government Visibility of State Government Legal Advice

Local Government should be provided with visibility of the State Government's legal advice on local planning provisions to enable Local Government to better understand how the provisions should be applied in future applications and how it might need to amend these provisions if the legal interpretation of these is inconsistent with the intent.

Green Paper – Proposals for modernising the planning system

City of Perth Response

General comments as per the report to Council on 31 July 2018.

Response Template

This response template is intended to assist industry groups, local governments and practitioners respond in detail to the proposals outlined in the paper. The template is structured in accordance with the reform Proposals and the subheading and recommendations within those.

Completed templates may be submitted via the online survey at www.planning.wa.gov.au/planningreform. You will be directed to an upload page after the first two pages of identifying questions.

Submissions close on 20 July 2018.

Submissions close on 20 July 2018.

PROPOSAL		SUPPORT Yes/No/In Part	RESPONSE
1.0	A STRATEGICALLY-LED SYSTEM		
1.1	Prominence of Strategic Planning		
1.1.1	Provide in the PD Act that strategic planning is a purpose of the Act and provide a definition of strategic planning.	Yes	
1.1.2	Provide in the LPS Regulations that the review of a local planning scheme must be informed by, and respond to, a review of the local planning strategy.	Yes	
1.1.3	Provide in the LPS Regulations that a complex scheme amendment must be accompanied by a proposed amendment to the Local Planning Strategy.	In part	This should be dependent on the nature of the complex amendment. Agree that if the complex amendment addresses a major strategic issue or provides for a major change in strategic direction, then the strategy should be amended to reflect this. In these instances, a complex scheme amendment document should be supported by a strategy amendment document and processed in parallel for efficiency purposes.

SUPPORT
Yes/No/In
Part

PROPOSAL		RESPONSE
1.2	Need to Explain Sustainability for Land Use Planning	If a complex amendment however only addresses an isolated site and does not address a major strategic issue or provide a major change in strategic direction, it is questioned as to whether the strategy needs to be amended as it generally does not provide direction for individual sites.
1.2.1	<p>An overarching State Planning Policy be developed which:</p> <ul style="list-style-type: none"> i Provides a definition of sustainability for the planning system which reflects a balancing of economic development, environmental considerations, and social needs; ii Reinforces sustainability as an essential element required to be taken into account in the making of any strategy or policy; and iii Indicates the particular steps related to how economic, social and environmental factors are balanced. 	<p>Agree with the preparation of an overarching sustainability SPP addressing the matters listed. It is important to emphasise that the balancing of economic, environmental and social objectives does not mean that they are mutually exclusive and that trade-offs will be required, but rather that synergies and integrated outcomes should be sought.</p> <p>In this regard, the reference in the Green Paper to the UK Planning Policy 1 – Delivering Sustainable Development, (para. 24) is considered to capture the consideration of sustainability in land use planning well, particularly in relation to the integration aspects.</p> <p>Sustainable development could be defined as ‘development which supports economic productivity, is in harmony with the natural environment and addresses social needs.’</p> <p>The UK’s sustainability appraisal and strategic environmental assessment (local development framework) may provide a useful guide to integrating sustainability into the planning process. This will require new skills which are generally not currently available in government. If the State Government were to follow the UK model it would require capacity building as well as the development of clear and consistent processes to demonstrate how this can be achieved.</p>
1.3	Housing Distribution	
1.3.1	Provide that every local planning strategy include a local housing strategy, except for low growth and small regional local governments which only require basic local planning scheme requirements.	Yes
		Likewise, regional planning strategies should also include regional housing strategies which set housing targets (including social and affordable housing) for individual local governments.

SUPPORT
Yes/No/In
Part

PROPOSAL		RESPONSE
1.3.2	The DPLH to provide guidance for local government in the Local Planning Manual on how to prepare a Local Housing Strategy, including a methodology for local housing analysis.	Yes
2.0	A LEGIBLE PLANNING SYSTEM	
2.2	Arranging State Planning Policies for Brevity and Simplicity	
2.2.1	State Planning Policies be consolidated into a single state planning policy framework with supplementary technical guidance.	Yes – in part
2.3	Line of Sight	
2.3.1	WAPC to establish common strategic “elements” for the State Planning Framework including but not limited to: <ul style="list-style-type: none"> • A “sustainability” element • A “land use element” that includes the distribution of uses of land as well as density • A “housing element” that includes the types of housing • An “environmental element” • An “open space element” • An “urban form and design element” • An infrastructure element. and prepare Technical Guidance for the details of each element to be included.	Yes – in part Support the establishment of common strategic elements. Believe however that the following additional elements should also be included: economic development/employment, transport infrastructure, social infrastructure and governance. It is considered that density would be better linked to urban form rather than land use.
2.3.2	Provide that every State Planning Policy, Regional or sub-regional plan and the local planning strategy must follow these elements, unless otherwise agreed to by the WAPC.	Yes – in part
2.3.3	Provide that every local planning strategy must explain how it has addressed the requirements of each	Generally agree however question how these might be applied to every State Planning Policy as these are often single issue focussed. The relevant strategic element should however be referenced.
		Yes

SUPPORT

Yes/No/In Part

PROPOSAL**RESPONSE**

	PROPOSAL	SUPPORT Yes/No/In Part	RESPONSE
2.3.4	Provide in the PD Act that all planning decision makers are to have due regard to State Planning Policies.	Yes	Agree with the recommendation however believe it should be expanded further.
2.3.5	Provide in the Metropolitan Redevelopment Authority Act 2011 that in performing functions under the Act, the MRA must have regard to State Planning Policies.	Yes – in part	<p>The Metropolitan Redevelopment Authority (MRA) should also be required to have regard to other parts of the State/Local Planning Framework, particularly the Local Planning Strategy, to ensure that where possible, the proposed redevelopment fits with the broader strategic vision for the place as a whole. Whilst it is acknowledged that the local government has no planning control over redevelopment areas, its local planning strategy should be amended to reflect the vision of the redevelopment area, similar to the process proposed for complex scheme amendments. Local planning strategies play an important role in communicating to the community the holistic planning and development vision and strategy for a place. Currently where there are multiple planning agencies this vision and strategy needs to be pieced together by the different planning documents of the various planning agencies.</p> <p>The MRA's redevelopment schemes should also be required to incorporate the deemed and model provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> and have regard and be consistent where possible with the elements of the local planning scheme which operates within the local government which the redevelopment area is situated. The previous and current inconsistencies between the redevelopment scheme and local planning scheme within the city has required the City to create a separate planning scheme specifically for the normalised redevelopment areas to reflect the redevelopment scheme and provide for a smoother normalisation process. These inconsistencies includes different approaches to zones, land use group categories and</p>

SUPPORT
Yes/No/In Part

RESPONSE

PROPOSAL

			<p>permissibilities, development controls (i.e. use of plot ratio) and the extent of variations possible. There is considered to be no apparent reason why such variations in approach to planning schemes are necessary. If there were greater consistency between the redevelopment scheme and local planning scheme, the need for the City to maintain a separate planning scheme could be avoided. It would also enable the community to more easily navigate the local planning framework.</p>
<p>2.4</p>	<p>Complexity locating and interpreting the local planning framework</p> <p>Require that a local planning scheme be published with the inclusion of the Local Planning Strategy (in the form of a local strategic statement) and Local Planning Policies in a document to be called a “Comprehensive Local Planning Scheme”.</p>	<p>In part</p>	<p>Agree that the Local Planning Strategy, Local Planning Scheme and Local Planning Policies should be placed in one location so that the community can view and understand the local planning framework in its entirety.</p> <p>The concept of a Comprehensive Local Planning Scheme however requires further explanation, as to how it would work and what the implications of it would be. Would the Local Planning Strategy, Local Planning Scheme and Local Planning Policies be prepared, reviewed and amended following the same or different processes, and who would be responsible for approval of these? Would the provisions of these planning documents have equal or different legal weight?</p> <p>Agree that the strategic planning objectives from the Local Planning Strategy should be included in the Local Planning Scheme to establish a clear link between the Local Planning Strategy and Local Planning Scheme.</p> <p>Have reservations about the whole Local Planning Strategy (part one) and the Local Planning Policies being formally included in the Local Planning Scheme. Including these in the one document could blur the role of each of these documents and create confusion.</p> <p>The level of community engagement (inform, consult, involve, collaborate and empower) is likely to vary depending on the stage in the planning process and the type of planning document.</p>

SUPPORT
Yes/No/In
Part

PROPOSAL		RESPONSE
		<p>The current process for the preparation and amendment of Local Planning Policies, with approval resting with local government, provides for a streamlined and quicker process than that for the preparation and amendment of a Local Planning Scheme and therefore enables local government to respond more quickly to address current issues. To introduce a requirement for Local Planning Policies to be approved by the State Government appears contrary to the reform principle of efficiency. Refer to full response to proposal 2.6.1 surrounding this matter.</p>
2.4.2	DPLH to provide guidance for local government in the Local Planning Manual on the content and format of a Local Planning Strategy and Local Planning Policies.	<p>Yes</p> <p>Support the revision of guidance on content and format of Local Planning Strategies.</p> <p>Support the provision of guidance on a Local Planning Policy framework as well as the format of Local Planning Policies, however believe that it would be difficult to include guidance on the content of these as these are often developed to guide discretion around specific issues or in specific areas.</p>
2.4.3	Local governments currently undertaking, or about to embark on, a substantive review of their planning frameworks delay preparation of local planning strategies and local planning schemes (and related omnibus amendments) until guidance on the format and content of local planning frameworks is available.	<p>No</p> <p>Guidance on the format and content of local planning frameworks is likely to be some time away with the White Paper still being required to be prepared.</p> <p>The City of Perth is substantially progressed on the preparation of its City Planning Strategy. Extensive community engagement has occurred to inform the strategy and a draft is expected to be finalised in the latter half of 2018 for consideration by Council. To delay progression of this would not align with community expectations for delivery of the strategy and potentially waste significant resources which have already been invested in this process.</p> <p>The City would be happy to work with the Department and be a test case for a new model Local Planning Strategy.</p> <p>Local Planning Strategies and Local Planning Schemes are required to be regularly reviewed. It is suggested that rather than the progression of these</p>

SUPPORT
Yes/No/In
Part

RESPONSE

PROPOSAL

	PROPOSAL	SUPPORT Yes/No/In Part	RESPONSE
2.4.4	Provide in the LPS Regulations for a clear distinction of the purposes of Local Structure Plans, Activity Centre Plans, Local Development Plans and Local Planning Policies.	Yes	be halted, that they be aligned with any new planning provisions and guidelines when they are due for review.
2.4.5	The DPLH to provide guidance in the Local Planning Manual on the appropriate use of each local planning instrument.	Yes	It would also be useful for the Local Planning Manual to provide some guidance on the drafting of common elements of local planning documents such as the vision, objectives, principles, strategies and provisions, as well as the principles around when planning provisions are needed and the inclusion of matters in a Local Planning Scheme versus a Local Planning Policy.
2.5	Form of a Local Planning Strategy		
2.5.1	The DPLH to update the Local Planning Manual with guidance on the preparation, content and format of a Local Planning Strategy and strategic statement, in a similar form to a Victorian Municipal Strategic Statement.	Yes	
2.6	Form of Local Planning Policies		
2.6.1	The LPS Regulations be amended to provide that local planning policies are to be prepared in a manner and form approved by the WAPC.	No	<p>Do not support the need for WAPC approval of local planning policies as it:</p> <ul style="list-style-type: none"> • unnecessarily reduces the powers of local government and is therefore contrary to the subsidiarity principle of leaving powers and responsibilities with the lowest level of government practicable; • creates a more complex process which is contrary to the reform principle of efficiency. The current process for the preparation and amendment of Local Planning Policies, with approval resting with local government, provides for a streamlined and quicker process, compared to that associated with a Local Planning Scheme which requires State Government approval. This enables local government to respond more quickly to address current issues; and

SUPPORT
Yes/No/In
Part

PROPOSAL	RESPONSE
	<ul style="list-style-type: none"> is likely to create significant resource implications for State Government which has historically experienced delays in the efficient processing of local planning documents such as local planning strategies and local planning schemes and associated amendments. <p>It is understood from the Green Paper that the issue or concern is that there is a large range in the content and style of local planning policies across local governments. There is also concern about the content of local planning policies being in conflict with State Planning Policies.</p> <p>To go from a situation where there is no State Government guidance on local planning policies to requiring State Government approval of these seems unreasonable and unnecessary. To address this issue/concern the State Government:</p> <ul style="list-style-type: none"> should provide guidance on form and writing of a local planning policy as outlined recommendation 2.6.2; ensure that matters of State importance are addressed in local planning strategies and schemes as local planning policies cannot be inconsistent with these; and provide State Government with the ability to direct local governments to amend local planning policies where they are inconsistent with State Government strategy and policy.
2.6.2 The DPLH to update the Local Planning Manual to provide guidance for the form, content and writing of a local planning policy.	Yes
2.7	
2.7.1 Provide in the PD Act that deemed provisions are to be included in a comprehensive local planning scheme.	Yes
	This duplicates proposal 2.4.2 – see response to this.
	Agree that the deemed provisions should be located with other local planning scheme provisions so that they can be read in context of each other.

SUPPORT
Yes/No/In Part

PROPOSAL		RESPONSE
2.7.2	Provide in the LPS Regulations that a comprehensive local planning scheme is to include a specific section for deemed provisions.	Agree that the deemed provisions should be located with other local planning scheme provisions so that they can be read in context of each other.
2.7.3	Provide in the LPS Regulations that there are deemed provisions which set out standardised zones, land uses and land use permissibility which: <ul style="list-style-type: none"> i group like-land uses into themes for which common development standards can be prepared ii identify low risk land use proposals by including suitable parameters for which a streamlined planning process apply iii are mandatory for local government to adopt within their municipalities through the next scheme review or omnibus amendment. 	<p>The Green Paper suggests that common standard zones and land use permissibilities be established and be made mandatory. Common zones suggested include: residential, industrial, commercial and centre zones.</p> <p>Whilst establishing a common zone for residential may be relatively straight forward, establishing other common zones is likely to be more complex and in some instances undesirable.</p> <p>Careful consideration needs to be given to the grouping of land uses and assignment of their permissibilities given clause 61(2)(b) of the deemed provisions which removes the need for the development approval of the local government where a use is identified as a permitted land use in the zone in which it is located.</p> <p>The City currently has a number of land use groups that it will need to review along with land use permissibilities to enable it to assess and place conditions on particular land uses. For example, the City currently has an ‘Entertainment’ use group which includes a range of land uses including amusement parlour, betting agency, cinema/theatre, club, function centre, nightclub and tavern. The use group is preferred in several use areas across the city which will be problematic in the future (when the City’s scheme aligns with the model provisions and associated terminology) given the exemption from planning approval which prevents the City from placing conditions on these uses. The use group currently includes land uses of variable amenity impact and needs to be reviewed to separate these out. The permissibilities of the use group also need to be reviewed (i.e. changed from permitted to discretionary) to enable the amenity impacts of specific land uses to be managed by the placement of conditions relating to matters such as noise attenuation and trading hours on planning approval.</p>

SUPPORT
Yes/No/In Part

PROPOSAL

RESPONSE

			<p>It may also be desirable to have different land use permissibilities in the same zone in different areas to encourage specific uses and industry clusters.</p> <p>Should this proposal proceed, it is suggested that model provisions be created in the first instance and be tested prior to mandating them through deemed provisions.</p> <p>The recommendation refers to the grouping of like-land uses for which common development standards can be prepared. Whilst some development standards may be specific to a particular land use, many are not. For example, the scale and form of office development is likely to vary according to the area in which it is located and the character that is being sought.</p> <p>The Green Paper states that there is a need to refine land use definitions and their treatment in a zoning table to recognise differences in scale, for example, a small versus a large shop or a small café versus a large restaurant. This could become quite complex and unwieldy and may be better addressed through local planning policy rather than through land use definitions to provide greater flexibility in application.</p> <p>The Green Paper states that in other Australian jurisdictions conditions are placed on land use permissibility within their planning schemes so that proposals which are low risk are not subject to planning assessment or are subject to a streamlined assessment process. This is supported. The previous approach to introducing exemptions for planning approval was too simplistic and failed to put in place the necessary safeguards to ensure that amenity impacts were properly addressed.</p> <p>The land use permissibilities and planning approvals for various land uses should be reviewed to determine what if any conditions are being applied to these and their necessity to inform any standardisation around zones,</p>
--	--	--	--

SUPPORT
Yes/No/In Part

RESPONSE

PROPOSAL

			land uses and permissibilities as well the streamlining of development approvals.
2.7.4	The DPLH to revise and keep up to date the Local Planning Manual to ensure it provides local government with the guidance required to prepare and administer its local planning framework and properly reflects the expectations of DPLH and WAPC.	Yes	
2.8	Location of Local Development Standards		
2.8.1	Provide in the LPS Regulations that there be a location within the model provisions for mandatory development requirements for key sites and matters.	Yes	<p>Agree that mandatory provisions are needed in some instances and that provision should be made for these to provide certainty to both the developer and the community.</p> <p>For example, the City has mandatory provisions in relation to maximum plot ratio however allows for limited variation of these subject to certain strategic objectives being met. These provisions provide certainty for infrastructure providers as to the possible quantum of development permitted, plus act as an incentive to encourage important strategic outcomes where the market is not delivering these. Without these mandatory provisions, there would be an ability to vary plot ratio without any set limits. This would provide a lack of certainty for infrastructure providers and undermine the planning incentives.</p> <p>As another example, the City is currently proposing mandatory planning provision on a specific development site. The City has worked closely with the community to develop planning provisions for the site and there are a number of planning provisions which the City believes are non-negotiable from a community perspective.</p> <p>In addition to the ability to include mandatory provisions, there should also be some limits imposed on the extent of variation of key planning provisions such as building height and plot ratio as well as guidance provided on the proper application of discretion. These should be applied to all planning decision makers. Significant variation of key planning provisions</p>

SUPPORT
Yes/No/In
Part

PROPOSAL		RESPONSE
		undermines the planning provisions and does not aid in building community trust in the planning process and decision makers.
2.9	On-line Local Planning Schemes	It is assumed that this would also extend to Local Planning Strategies and Local Planning Policies.
2.9.1	Develop an interactive Planning Portal for keeping local planning schemes online and accessing them in a legible and user-friendly format.	Currently both the Department and local governments are maintaining copies of local planning schemes which results in duplication of effort and is not efficient from a resource perspective. Should the Department take this role over on behalf of local governments there will be a need to ensure that timely and accurate updates are made. The City has encountered accuracy issues in the past with Department's version of its local planning schemes. Ideally the planning portal would be spatial map based to make it more user friendly and easier to determine what planning provisions apply to what property.
3.0	A TRANSPARENT PLANNING SYSTEM	
3.2	Community Engagement	
3.2.1	The DPLH should develop a Community Engagement Charter for all aspects of the planning system that includes principles with regard to: <ul style="list-style-type: none"> i Planning authorities having a duty to engage with the community in a manner that allows residents to contribute to the making or amending of a strategic plan; and ii In the making or amending of a strategic plan, the community, as soon as possible, be given information as to what is proposed and any documents that the planning authority intends to examine. 	Support the development of Community Engagement Charter. This should have regard to the community engagement requirements for the preparation of Strategic Community Plans under the 'Local Government Act'. The Community Engagement Charter could be based on the International Association for Public Participation (IAP2) standard. The City of Perth has recently prepared an internal Stakeholder Engagement Framework based on this.

SUPPORT
Yes/No/In
Part

RESPONSE

PROPOSAL

3.2.2	Align engagement processes in the planning regulations to the Community Engagement Charter.	Yes	
3.2.3	Revise public notification and engagement requirements for planning proposals in the PD Act and LPS Regulations to update out-dated requirements.	Yes	
3.2.4	Make provision within the LPS Regulations that the local planning strategy must be in accordance with the Community Strategic Plan under the Local Government Act to the extent that it is relevant.	In part	Agree in principle with recommendation and that due regard should be given to the Strategic Community Plan in the preparation of the Local Planning Strategy. Given the current approval processes for these documents however there are governance issues with this recommendation. Currently the Strategic Community Plan is approved by the local government whilst the Local Planning Strategy is approved by the State Government. Given the lack of State Government oversight of the Strategic Community Plan it may not reflect or could even be contrary to State Government planning objectives.
3.2.5	DPLH to revise the Local Planning Manual to clarify that: i actions in local planning strategies are limited to those matters that can be carried out within the local planning scheme ii acknowledge a concurrent community participation process between a Strategic Community Plan and a local planning strategy.	In part	A concurrent community engagement process for both the Strategic Community Plan and Local Planning Strategy is supported from both a resource and efficiency perspective. The City has recently undertaken such a process for the development of its Strategic Community Plan and City Planning Strategy. The limitation of the content of Local Planning Strategies to those matters that can be carried out within the Local Planning Scheme is not supported. Local Planning Strategies should set out for the community the holistic vision and strategy for the physical development of the city and their neighbourhoods. These should include guidance for both the private realm (controlled by the local planning scheme) and public realm including transport and infrastructure. A specific section could be created to identify the specific elements of the strategy which translate through to the local planning scheme to provide for a clear line of sight.
3.3	Reasons for Decisions		
3.3.1	The DLPH to publish a Guide as to the Scope of Reasons by Planning Decision Makers, having regard to the Queensland model.	Yes	

SUPPORT
Yes/No/In
Part

PROPOSAL		RESPONSE
3.3.2	Provide in the LPS Regulations that reasons for decisions are to be provided on planning proposals.	Yes
3.4	Transparency of DLPH and WAPC Statutory Reports	
3.4.1	WAPC practice be modified to publish Statutory Planning Committee and WAPC agenda items, reports and recommendations on region and local schemes and amendments.	Yes – in part
3.5	Reporting by Local and State Government on Planning Matters	
3.5.1	Provide in regulations mandatory reporting by local government on planning matters.	Yes – in part
3.6	Transparency and Accountability of Development Assessment Panels	
3.6.1	Provide for DAP meetings to be held at regular times and outside of business hours.	Yes
3.6.2	Provide for the recording of each meeting of a DAP and made available on the DAP website of DPLH.	Yes
3.6.3	Provide clarification in DAP Practice Notes: i. If new information is submitted to the DAP after an RAR, the DAP should consider whether a decision should be deferred pending further RAR advice ii. As to when it may be appropriate to defer a decision, such as where issues are raised which	Yes

SUPPORT
Yes/No/In
Part

PROPOSAL

RESPONSE

	require further detailed technical consideration by responsible authorities.		into the DAP practice notes on the appropriate use of conditions to address this.
3.6.4	Amend the DAP Practice Notes to require reasons for decisions to be given in all decisions made by a DAP, including where the DAP adopts the responsible authority's recommendation contained within the RAR.	Yes	This is consistent with proposals 3.3.1 and 3.3.2.
3.6.5	Provide for a requirement that applications amended through a SAT process are readvertised unless the amended plans comply with all development standards.	Yes – in part	This should be consistent with standard advertisement requirements for variations to development standards. It should be noted that clause 64(2) of the deemed provisions allows the local government to waive a requirement for an application to be advertised where it is satisfied that a departure from the development standards is of a minor nature.
3.6.6	Provide that where a DAP has been invited to reconsider its decision following a SAT mediation, new specialist members be drawn from the available pool of members.	No	<p>It is understood that this recommendation relates to concerns raised by:</p> <ul style="list-style-type: none"> • DAP members with respect to the DAP presiding member or deputy presiding member representing the DAP in SAT mediations and then being perceived as having a preconceived position on an issue where it is reconsidered by DAP. • The community that where there is not a unanimous DAP decision, the presiding member does not necessarily reflect the majority of the DAP in negotiations on SAT. <p>The principles applied to Council in SAT mediations should be applied to DAPs in SAT mediations. It is acknowledged however that in the case of Council, it would generally be represented by the officers of the local government in any mediation.</p> <p>The introduction of a new specialist member to reconsider the application following SAT mediation is not supported. It is important that there is continuity in the decision maker, to enable them to see the application through the process and understand and resolve any issues with their original determination. This is considered important in building DAP members understanding and experience and to aid in greater consistency in decision making. To introduce a new specialist member is not considered efficient as they would need to spend additional time familiarising</p>

SUPPORT
Yes/No/In
Part

PROPOSAL		RESPONSE
		themselves with the application. There is also a risk that the new member may raise new issues not previously considered, slowing the process down and creating frustration for applicants.
3.6.7	The SAT should consider preparing a framework for allowing parties with a sufficient interest in a matter to make a submission or be heard during SAT mediation of DAP matters.	Support those parties who have previously lodged submissions with respect to an application being able to lodge a further submission or be heard during SAT mediation. This will enable a fuller explanation and understanding of the concerns at hand.
3.6.8	Provide for expert DAP members to be drawn from a pool of members across the State on the basis of the type and complexity of the application being heard.	Support bringing in independent expertise to provide advice to DAP where the responsible authority or DAP does not possess the expertise required. For example, in the consideration of a helipad it may be appropriate to obtain expert advice from an aviation consultant.
3.6.9	Provide for an expanded and flexible meeting process where the DAP Presiding member is of a view in relation to an application for development that wider community and local government viewpoints need to be examined.	These independent experts should not however take the place of DAP members in decision making. As outline with respect to proposal 3.6.6, it is considered important that there is continuity in DAP membership to help build understanding and experience and aid in creating greater consistency in decision making.
3.6.10	Provide in the DAP Regulations that the WAPC retains its decision-making ability with respect to development applications under region schemes.	It is unclear what further flexibility is needed as it is understood that DAP can already require further information from the relevant authority prior to the meeting and can also defer applications.
3.6.11	Provide for a Presiding Member to be appointed also as the Chief Presiding Member to: <ul style="list-style-type: none"> i Oversee the quality and consistency of DAP procedures and decisions (such as consistency of the use and content of conditions; the quality of 	Concerned about how any further flexibility would impact on timeframes for determination of applications and therefore the reform principle of efficiency.
		Agree that the role of the WAPC in determining matters of State or regional importance should be maintained. Applications should however be referred to the DAP for advice to provide consistency in decision making.
		Do not support the creation of a Chief Presiding Member. These functions, particularly those outlined in part (i) of recommendation, are largely governance and administrative functions and would be better undertaken by a governance specialist sitting with the DPLH rather than DAP member who generally would not possess these skill sets.

SUPPORT
Yes/No/In
Part

PROPOSAL		RESPONSE
	<p>RAR reports) and recommend changes to DAP procedures and Standing Orders to DPLH</p> <p>ii Assist in identifying panel members appropriate to sit in accordance with the basis of the type and complexity of the application being heard</p> <p>iii Identify training needs for DAP members for the approval of the Director General DPLH.</p>	<p>Support the oversight of the quality and consistency of DAP procedures and decisions as outlined in function (i).</p> <p>Do not support the bringing in of new DAP members as outlined in function (ii). As outlined with respect to recommendation 3.6.8, the bringing in of independent expertise to provide advice to DAP is supported, however these independent experts should not take the place of DAP members in decision making. It is considered important that there is continuity in DAP membership to help build understanding and experience and aid in creating greater consistency in decision making.</p> <p>Support the identification of training for DAP members as outlined in function (iii).</p>
4.0	AN EFFICIENT PLANNING SYSTEM	
4.1	Arrangement of the WA Planning System	
4.1.1	Provide that the PD Act be amended to delete the WAPC function s14.(a)(ii) of advising the Minister for Planning on the administration, revision and reform of legislation.	<p>Governance is of critical importance to ensure delivery of the State and local planning framework and advice on this should remain a function of the WAPC.</p> <p>Question whether the functions of the WAPC should be modified (as this provides a head of power to the State Government) or whether this is more of a delegation matter. WAPC should be advising on direction while the DPLH reports on the operation/ implementation.</p>
4.1.2	Provide for a local government accreditation process.	<p>The Green Paper proposes local government accreditation and states that to receive accreditation local governments would be required to have up to date local planning strategies and schemes and appropriately qualified planning officers and delegations.</p> <p>The Green Paper also proposes that accredited local governments would receive additional WAPC delegations for local planning matters such as small</p>

SUPPORT
Yes/No/In Part

PROPOSAL

RESPONSE

			<p>infill subdivision and subdivision in accordance with an approved local structure plan.</p> <p>The relationship between accreditation and delegations is not apparent. The roles and responsibilities of State and Local Government need to be defined using the subsidiarity principle of leaving powers and responsibilities with the lowest level of government practicable. Any delegations to local government should be related to these defined roles and responsibilities and not performance.</p> <p>A local government accreditation system has the potential to cause confusion to developers and the community as to who is responsible for decision making as approval processes would differ from local government to local government and possibly from year to year. This is contrary to the aim of the reform of providing legitimacy of the planning system.</p> <p>The issues that this proposal is seeking to address are not fully substantiated particularly in relation to the assertion that there are inappropriately qualified planning officers within local government.</p> <p>Local governments are already required under State Government planning legislation to have up to date local planning strategies and schemes. If there are performance issues surrounding these requirements, these should be addressed through separate mechanisms (such as State Government call in or direction powers) rather than through an accreditation system.</p> <p>An accreditation system such as that proposed may not address the issues that it is seeking to address. For example, some local governments, particularly those with resource constraints, may have no interest in receiving delegations around subdivisions, and therefore accreditation would not necessarily act as an incentive to address possible performance issues.</p>
--	--	--	---

SUPPORT
Yes/No/In
Part

PROPOSAL

RESPONSE

			<p>Proposal 3.5.1 which proposes to introduce mandatory reporting by local government on planning matters may also assist in improving local government performance in relation to having up to date local planning strategies and schemes.</p> <p>Should an accreditation system be pursued, it is only reasonable to link any accreditation to matters fully within the local government's control. Local governments are not fully in control of having up to date local planning strategies and local planning schemes as the State Government is ultimately responsible for their approval.</p>
4.1.3	Increase delegations from WAPC to DPLH and local government, for the purpose of the WAPC focussing on the State policy framework and regional strategic planning.	Yes – in part	<p>The Green Paper suggests increased delegations to local government with respect to small infill subdivision and subdivision which accords with a local structure plan.</p> <p>This is supported and is in line with the subsidiarity principle of leaving powers and responsibilities with the lowest level of government practicable.</p> <p>Any delegation however needs to be supported by appropriate:</p> <ul style="list-style-type: none"> • State Government guidance to ensure consistency of approach across local governments. • Local government fees to compensate for the associated resource implications.
4.1.4	<p>Provide for the PD Act to be amended to:</p> <p>i Revise the membership of the WAPC to 5-7 members to have experience, skills or knowledge of any one or more of the following fields—</p> <ul style="list-style-type: none"> • planning, including strategic land use planning in metropolitan or regional areas • infrastructure planning, delivery, policy and strategy • public administration and public policy 	Yes – in part	<p>Support the reduction in the size of the WAPC however it is considered important that there is well balanced representation on the WAPC generally in line with the proposed strategic elements of State Planning Framework.</p> <p>The CEOs of the key government agencies (planning and transport as a minimum) responsible for implementing the State Planning Framework should be on the WAPC to ensure alignment of the goals of the WAPC and these agencies.</p>

SUPPORT
Yes/No/In
Part

RESPONSE

PROPOSAL		RESPONSE
<ul style="list-style-type: none"> • property development • housing supply • corporate or public sector governance • economics, finance or financial management • management of business or commercial ventures • local government. <p>ii Remove committees of the WAPC from Schedule 2, in favour of an ability for the WAPC to establish committees to advise the Commission on any matter, recognising the Statutory Planning Committee and Executive, Finance and Property Committee carry out core functions of the WAPC and will be required immediately under this new system. A committee would consist of at least one member of the Commission who is to be the chairperson of the committee.</p>		<p>Given the reduction in membership of the WAPC, provision should also be made for the WAPC to call in independent expertise where needed.</p> <p>Support the removal of reference to the various committees from the Act and the ability for the WAPC to determine what if any committees are needed to support it in its role.</p>
4.1.5	-	No comment
4.1.6	Yes	
4.1.7	Yes	
4.1.8	Yes	This should be addressed through the proposed Community Engagement Charter. It is recommended that local government also be engaged in the scoping and development of policies.
4.2		Process Efficiency for Planning Proposals

SUPPORT
Yes/No/In
Part

PROPOSAL		RESPONSE
4.2.1	A Planning Reform Team be retained by DPLH to implement proposals arising from the planning review and ongoing reforms to the Western Australian planning system.	This is critical to ensure implementation of the reform recommendations and to ensure continuous business improvement.
4.2.2	A framework for referral of planning applications, to be incorporated in regulations as appropriate.	<p>The provision of further guidance on what planning applications should be referred to and which agencies and what standards will be used by the agencies to assess these is supported. This will provide for increased transparency, certainty and efficiency.</p> <p>It appears that better regulation is also needed with respect to the various agency standards used to assess planning applications. Provisions need to be set out in relevant regulations to outline the process for the preparation of standards including the need for any community engagement, the need for regular review of these and for these to be made publicly available.</p> <p>Public reporting on the performance of the various referral agencies in providing responses on planning applications within the required timeframes may also assist in achieving better compliance. This would also provide greater transparency and enable the State Government to better identify where the issues lie in the planning process and where future planning reform should be focussed.</p> <p>There is also considered to be an opportunity to streamline the planning process when it comes to planning applications requiring WAPC approval. The current process requires an application to be lodged with the local government, who then refers it to the WAPC, who then refers it to agencies for comment. It would be more efficient if such applications were referred to agencies at the beginning of the process.</p>
4.2.3	As an interim arrangement, the DPLH Independent Planning Reviewer be available to assist on issues regarding referral for WAPC matters.	No comment.
4.2.4	Provide in regulation that an applicant may seek pre-lodgement advice for development applications.	This is strongly supported. The City encourages applicants to seek pre-lodgement advice for development applications. This is generally provided

SUPPORT
Yes/No/In
Part

RESPONSE

PROPOSAL

	PROPOSAL	SUPPORT Yes/No/In Part	RESPONSE
4.2.5	Development Assessment Guidance be published by DPLH in consultation with local government and industry bodies.	Yes	verbally at meetings and has worked well and enabled issues to be addressed early resulting in time and cost saving for both the applicant and the City and most importantly improved planning outcomes. This advice should be documented to ensure accountability and transparency, however should not be binding as officers do not have decision making authority. A fee is generally not supported, as it may dissuade applicants from seeking such advice and should be viewed as 'customer service'.
4.2.6	Provide in the LPS Regulations that a local government must advise an applicant within 10 business days of receipt of a development application whether additional information is required.	Yes	Support the creation of updated guidance which helps community members to better understand and navigate the WA planning system and the various planning processes including that for development assessment. This should include general legal planning principles around development assessment which provides guidance on matters such as what a relevant planning matter is and the appropriate use of conditions.
4.2.7	Provide a procedure for local government and developer proponents to agree upfront the scope and content of a local structure plan with the DPLH and other agencies as appropriate.	Yes	There is a need to differentiate when an application is complete and is able to be assessed versus when it is incomplete and unable to be assessed in terms of the prescribed assessment timeframes.
4.2.8	Provide in the PD Act that the implementation section (part one) of approved structure plans and activity centre plans are to be read as part of the scheme and have the "force and effect" of the scheme.	Yes	
4.2.9	Provide in the LPS Regulations that local government may refuse to progress a local structure plan or activity centre plan and amendment, if it is of the view that the proposals lacks sufficient planning merit. The amendment should also include ability for a proponent affected by such a decision to seek the views of the WAPC and the power for the WAPC to direct a local government to progress a proposal.	Yes	The Local Planning Strategy should guide consideration as to whether a proposal has sufficient planning merit.

SUPPORT
Yes/No/In
Part

RESPONSE

PROPOSAL

4.2.10	Provide for development contribution plan cost and cost contributions schedules to be included as a schedule in local planning schemes.	Yes – in part	Agree that details should be included in local planning schemes around the scope of infrastructure to be delivered and the methodology around the determination and apportionment of costs to provide greater certainty. The actual dollar figures costs should not be included however as these are likely to change over time. This should also apply to the Metropolitan Redevelopment Authority and its redevelopment schemes.
4.2.11	Establish a Development Contributions Infrastructure Panel to review proposed local planning scheme amendments that include Development Contribution Plans, with the cost of the review to be included as a development contribution plan administration cost.	Yes	
4.2.12	Provide for in the PD Act an ability for the Minister for Planning to: <ul style="list-style-type: none"> i require a special report from a local government on the operation of a development contribution plan ii instruct a local government to take particular actions for the administration of a development contribution plan. 	Yes	Agree with the need for accountability around expenditure and provision of infrastructure. This should also apply to the Metropolitan Redevelopment Authority.
4.2.13	Provide in the LPS Regulations for a voluntary 'deemed-to-comply' check for single houses and provide in the P&D Regulations a specified fee for the service.	Yes	This will identify the need for planning approval early in the development process.
4.2.14	Provide in the LPS Regulations and R-Codes a fast-track 30-day planning approval process for single house applications that require only minor variations to the R-Codes.	Yes – in part	The Green Paper questions the necessity of minor variations to the R-Codes being required to go through a full assessment (with a 60 day statutory timeframe) where there will be little or no impact for neighbours. This is supported however some of the examples that the Green Paper cites such as front and side setbacks are likely to impact on neighbours. Furthermore, the R-codes are considered to be impractical on smaller lots, with variations frequently being required to the development standards for these.
4.2.15	A framework for "Basic", "Standard" and "Complex" streams for region scheme amendments, local planning strategies and amendments, and local structure	Yes	Agree to risk based assessment of amendments to various planning documents.

SUPPORT
Yes/No/In
Part

PROPOSAL		RESPONSE
	plan/activity centre plans and amendments be developed by DPLH for implementation through regulation.	
5.0	PLANNING FOR CONSOLIDATED AND CONNECTED SMART GROWTH	
5.1	Planning for Targeted Urban Infill	
5.1.1	That the State Government develops clear arrangements for the planning and delivery of the key urban infill locations of activity centres, urban corridors and station precincts, including prioritising of areas which require State and local government collaboration.	Yes These areas should be identified and prioritised in regional/local planning strategies.
5.2	Updating Growth Management Policies	
5.2.1	A new Consolidated and Connected Smart Growth State Planning Policy that builds on the State Government's METRONET policy and establishes contemporary smart growth principles and practices.	Yes
5.3	Planning for Land Use and Infrastructure Coordination	
5.3.1	The WAPC to assist with land use and infrastructure coordination for the delivery of priority precincts through a renewed Committee.	Yes – in part Strongly support the coordination of land use and infrastructure planning. This is critical to ensuring that the State Government's urban infill objectives are met. It is unclear what committee the recommendation is referring to and how this relates to Infrastructure WA and the relationship between such a coordination body and State government infrastructure agency planning and budgets.
5.4	Coordinating State Infrastructure with Regional Rezoning	
5.4.1	Provide in the Metropolitan Region Scheme an "Industrial Deferred Zone".	Yes

SUPPORT

Yes/No/In Part

PROPOSAL		RESPONSE
5.4.2	The WAPC to ensure that any requirements for State infrastructure are in place in the lifting of Urban Deferment or Industrial Deferment, and that the draft Guidelines for Lifting of Urban Deferment 2017 be amended accordingly.	Yes
5.5	Coordination of Infrastructure for Land Development	
5.5.1	Provision be made for advice on the forward planning of State infrastructure, including utility providers to assist local governments in the preparation of local planning strategies and structure plans.	Yes
5.6	Coordination of Land Use and Transport for Corridor Development	
5.6.1	The MRS be updated to include "Urban Corridor" as a category of Reserved Roads based on Perth and Peel @ 3.5 Million, with the Department of Transport being made responsible for coordinating a whole of transport portfolio response to planning proposals along the corridor.	In part Support the recommendation for the Department of Transport to coordinate a whole of transport portfolio response to planning proposals along urban corridors. Question what if any correlation exists between the urban corridors identified in 'Perth and Peel @ 3.5 million' and the existing categories of road reserves under the MRS. Are most of the urban corridors reserved as Other Regional Roads? If so, the creation of an additional category of road reserve adds unnecessary complexity and is not supported. There is a need for the purpose and intent of the various zones and reserves to be clearly set out in the MRS. This proposal needs to be integrated with proposals 5.3.1 and 5.5.1. This needs to address the planning and delivery of State responsibilities. Greater clarity is needed of the roles and responsibilities of State Government and local government and the delivery of infrastructure by the State.
5.6.2	A review be undertaken of regional road reservations in place to accommodate road widenings within the	Yes A regular review process for region schemes, similar to that for local planning schemes, needs to be built into the regulations.

SUPPORT
Yes/No/In
Part

PROPOSAL		RESPONSE
	Metropolitan Region Scheme for designated Urban Corridors.	A broader review of regional planning schemes is also needed along with the processes for the planning and development of reserves under the regional planning schemes.
5.7	Liveable Neighbourhoods	
5.7.1	Liveable Neighbourhoods be elevated to a state planning policy and maintained and refined as a best-practice approach to new greenfield development at regional, district and local level, rather including it into a single Neighbourhood part of Design WA.	Yes
	ADDITIONAL PROPOSALS	
NEW	Review of Regional Planning Schemes	<p>A broader review of regional planning schemes is also needed along with the processes for the planning and development of reserves under the regional planning schemes.</p> <p>For example, the MRS currently:</p> <ul style="list-style-type: none"> • has no clear purpose or objectives set out within it; • identifies the title of the various zones/reserves but does not provide any definitions in relation to these. Descriptions are provided on the WAPC website however the status of these is unknown; • does not provide for the preparation of planning provisions to guide development on reserved land. Large areas of the city are reserved under the MRS resulting in large areas of the city with no planning provisions. This includes areas of the city which are reserved for 'Civic and Cultural' and 'Public Purpose'. Masterplans have been developed for various parcels of reserved land in the city (e.g. Perth Convention Centre, Perth Cultural Centre, Perth Train Station) however they have no legislative weight and are often prepared without community engagement and there is no community visibility of these. Given the significance of the developments on these reserves and that these are ultimately intended for public benefit a more transparent and inclusive approach is needed to the

SUPPORT
Yes/No/In Part

PROPOSAL	RESPONSE
	<p>planning and development of these sites. Many of these reserves are also located within built up areas and therefore the impact of these developments on the surrounding area can be more significant. More bespoke design responses are needed to suit local context;</p> <ul style="list-style-type: none"> • does not outline what the WAPC needs to consider in determining a development application under the MRS; and • single use reserves which are not reflective of today’s mixed - use nature of development. <p>The MRS is no longer the only region scheme with the Peel Region Scheme and Greater Bunbury Region Scheme now also in existence. There are inconsistencies in the format and content of these schemes. To improve the level of consistency it is suggested that a model region scheme text be prepared under regulations similar to that for a local planning scheme to ensure consistency of format and content across the various region schemes.</p> <p>Guidelines should also be developed to set out the principles around the application of reserves/zones as well as the relationship between land which is reserved under the MRS and land which exists as a reserve under the ‘<i>Land Administration Act</i>’.</p>
NEW	<p>One of the terms of reference of the planning review was to “<i>Examine how the use of technology can be used to improve the planning process</i>” however with the exception of the proposal of the creation of an online planning portal to warehouse scheme information, this does not seem to have been addressed.</p> <p>With the emphasis on transparency and efficiency, greater consideration should be given to the role of technology in enabling better data management, monitoring and reporting.</p>

SUPPORT
Yes/No/In
Part

	PROPOSAL		RESPONSE
NEW	Perth Parking Policy		Both State and local government should examine how planning processes contribute to this problem. For example, it is understood that the statutory requirement that the MRS form 1 is filled out in a specific format means that it cannot be converted to an online form, which impedes any systematic data capture during lodgement. The City's e-lodgement system requires applicants to upload a series of pdf documents, partly because of this MRS form 1 requirement. If these processes and technology were improved to allow better data capture, it would generate a much better evidence base to inform strategic planning and monitoring.
NEW	Perth Parking Policy		The Perth Parking Policy is referenced under the ' <i>Perth Parking Management Act 1999</i> ' and is prepared in cooperation with the City of Perth and approved by the Minister (for Transport) following consultation with the Minister (for Planning) and the Minister (for Environment). It is part planning and part licensing policy however sits outside the planning framework. Other than outlining who is responsible for approval of the policy, the Act or its supporting regulations provides no guidance on the process for the preparation of the policy. Given that the policy provides guidance on planning matters, the City has previously advocated for the policy to be prepared in a manner consistent with that documented for State and local planning policies however this suggestion has not received any traction. As it currently stands, amendments can be made to the policy without any community engagement which is contrary to the principles of transparency.
NEW	Planning Education Curriculum		To ensure that education providers are delivering appropriately qualified town planners it is suggested that the State Government should work with tertiary education providers to develop a core planning education curriculum.
NEW	State Government Fast Tracking of Local Planning Strategies, Local Planning Schemes and Structure Plans		It is suggested that the State Government could provide for the fast tracking of local planning strategies, local planning schemes and structure plans which are prepared in a manner and format which is consistent with State Government guidance.

SUPPORT
Yes/No/In
Part

PROPOSAL		RESPONSE
NEW	Public Works	Various public works are exempt from the requirement for development approval. There is a need to ensure that in the planning and development of these public works that consideration is given to the local planning strategy and that these works do not compromise the broader planning outcomes being sought for an area.
NEW	Local Government Fees	The fees and charges specified in the <i>'Planning and Development Regulations 2009'</i> have not been reviewed since 2013. There is a need for these to be reviewed to enable local government to be able to recover some of its costs for the planning services it provides.
NEW	Scheme Amendment Reports	Guidelines should be provided in the Local Planning Manual around what information needs to be submitted to a local government to support a request for a scheme amendment, as well as the format and content of scheme amendment reports.
NEW	Landowner Signatures on Development Applications	<p>It is questioned whether there is a need for landowner signatures on development applications.</p> <p>The need for landowner signatures on development applications can often result in delays in the assessment and determination of applications as obtaining the landowner signature may be difficult due to:</p> <ul style="list-style-type: none"> • there being multiple owners; • the unavailability of owners; and • change of ownership <p>The applicant signature could be obtained and development approval issued however the owner's subsequent consent would be required to act on the approval.</p>
NEW	Community Development Plans - Strata Titles Act Reform	The issue of Community Development Plans under the proposed Strata Titles Act Reform sitting outside the local planning framework (instead being tied to land titles) also needs to be addressed from a transparency perspective.

SUPPORT
Yes/No/In
Part

PROPOSAL

RESPONSE

<p>NEW</p>	<p>Local government visibility of State Government legal advice on local planning matters</p>		<p>Local government should be provided with visibility of the State Government’s legal advice on local planning provisions to better enable it to understand how they should be applied in future applications and how it might need to make changes to these if the legal interpretation of these is inconsistent with the intent.</p>
-------------------	--	--	---

Recommendation:***That Council:***

1. ***APPROVES cash and in-kind support donations to Telethon valued at \$82,669.49 excl GST;***
 - 1.1 ***a City of Perth cash donation to Telethon valued at \$40,000 to be presented on Telethon weekend;***
 - 1.2 ***security and staff services valued at \$3,245 excl GST; and***
 - 1.3 ***provision of subsidised parking (less applicable costs) at the Convention Centre Car Park to the value of \$39,424 excl GST;***

2. ***APPROVES the waiver of parking fees associated with the City's support for Telethon valued at \$17,507 excl GST which includes:***
 - 2.1 ***395 free bump passes for the use of the Telethon telephone room volunteers for parking at His Majesty's Car Park at night;***
 - 2.2 ***up to 107 free permits for the Convention Centre Car Park for employees of Channel 7; and***
 - 2.3 ***2 bays on street parking in Mill Street outside Parmelia Hilton for VIP parking;***

3. ***APPROVES subsidised parking of \$39,424 with the concessional fees for the Convention Centre Car Park, with these fees to apply only during the Telethon weekend as follows:***
 - 3.1 ***for 0 – 3 hours – \$5.00 flat fee per entry; and***
 - 3.2 ***for above 3 hours – \$10.00 flat fee per entry;***

4. ***NOTES that Telethon will provide the following free promotional opportunities for City of Perth Parking (CPP) as a financial offset to the costs associated with parts 3 and 4 above:***
 - 4.1 ***an opportunity for a City representative to present the City's cheque to Telethon;***
 - 4.2 ***CPP logo recognition during broadcast along with other non-conflicting sponsors;***
 - 4.3 ***CPP support of Telethon verbally referred to by on air talent during Telethon broadcast;***
 - 4.4 ***CPP Parking offer mentioned in Telethon Diary column in The West Australian; lead up to the Telethon Weekend;***

- 4.5 CPP Parking offer mentioned in Telethon Diary Email to Telethon database of over 60,000 inboxes in lead up to the Telethon weekend;**
- 4.6 Display of City of Perth and CPP logos on the Telethon Weekend partners page of the Telethon website;**
- 4.7 CPP portable banners to be displayed at Telethon Information Desk; and**
- 4.8 CPP promotional merchandise/giveaways supplied by CPP to be used/ displayed by Telethon at both the Call Centre and PCEC at their discretion.**

FILE REFERENCE: P1007799-3
 REPORTING UNIT: Commercial Parking
 RESPONSIBLE DIRECTORATE: Community and Commercial Services
 DATE: 12 July 2018
 ATTACHMENT/S: Attachment 13.3A – In-kind Parking Calculations
 Attachment 13.3B – Projected Financial Implication
 Attachment 13.3C – Staff Services Calculations

Council Role:

- Advocacy *When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, town planning schemes and policies*
- Quasi-Judicial *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation Sections 6.16, 6.17 and 6.19 of the *Local Government Act 1995*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Goal 8 - A city that delivers for its community

Policy

Policy No and Name: 9.1 – Budget Policies
18.14- Donations

Purpose and Background:

The total support requested by Telethon for 2018 from City of Perth Parking (CPP) is \$100,176. Council in previous years have approved contributions to the Telethon event. In 2017 the value approved was calculated to be \$77,611.

This report details the proposed contribution for the 2018 Telethon event being held at the Perth Convention and Exhibition Centre on 20 and 21 October 2018.

Details:

The following table details the support provided by the City to Telethon in the 2017/18 financial year and the proposed support for the 2018/19. These figures have been sourced from Attachment 13.3B.

Financial Support Provided	2017/18 Actual	2018/19 Proposed
Volunteer parking at His Majesty's Car Park	\$5,386	\$10,105
VIP parking at Convention Centre	\$6,537	\$7,190
VIP parking on Mill Street outside Parmelia Hilton	\$255	\$212
Subsidised parking for visitors at Convention Centre	\$17,810	\$39,424
Direct Cash Donation (GST not applicable)	\$40,000	\$40,000
Security and Staff Costs	\$7,623	\$3,245
Total	\$77,611	\$100,176

The support for Telethon in 2018/19 is higher than 2017/18 due to the following factors:

- Subsidised parking is based on forecast revenue from parking at the Convention Centre Car Park and the revenue received from the 2017 Telethon which was used to produce the 2018 figures, is much higher than parking revenue in 2016 which was used for the 2017 Agreement;
- His Majesty's Car Park Day rate and Night rate have both increased by \$1.00 in the 2018/19 Fee Schedule;
- The hours of the Volunteer bump passes required have increased by 2 hours; and
- The quantity of volunteer bump passes requested by Telethon for 2018 has increased by 65 passes due to the events volunteer call centre capacity increasing.

Volunteer Parking

Telethon advised that they require 395 bump passes. The passes are for volunteers to use at His Majesty's Car Park. Telethon manages the distribution of the passes. Please refer to Attachment 13.3A for the breakdown of how this support was calculated.

VIP Parking at Convention Centre Car Park

VIP parking is provided by the City at no cost for nominated persons participating in the Telethon event (for example, bump in and bump out service providers). 107 free permits were used for this purpose during the 2017 Telethon event. This has remained the same for 2018 and the costs have been calculated to be \$7,190 excl GST. These calculations are demonstrated on Attachment 13.3A. The financial support is calculated to be less this year due that to the change of the 2017/18 Fee schedule for the Convention Centre Car Park. Instead of \$56.20 per permit it has gone down to \$33.60 per permit.

VIP Parking On Street

Two on street bays are provided on Mill Street outside Parmelia Hilton for the use of Telethon VIP and staff pick up and drop off. The total cost of these bays has been calculated as \$212 which is demonstrated in Attachment 13.3A.

Subsidised Parking for Telethon visitors

Parking will be provided at the Convention Centre Car Park at a reduced rate for the Telethon weekend on 20 and 21 October 2018. This amount represents the difference between the estimated income for the week prior to Telethon less the actual income for the week of Telethon (after subsidised parking fees).

Security and Staff Services

The financial implication of providing support to Telethon with staffing for the weekend and pre-event has been calculated on Attachment 13.3C. It is calculated to be \$3,570 excl GST in financial support. This includes the provision of security and Car Park Officers to ensure the proper management of the flat rate function as well as the safety of Telethon patrons at all hours (this is a 24 hour event). There are also administrative costs associated with financial reconciliation producing reports on patronage and revenue as well as the event staff who will be erecting signage.

Financial Implications:

ACCOUNT NO:	1035504600000
BUDGET ITEM:	Convention Centre Car Park Expenditure
BUDGETED AMOUNT:	\$3,818,646.00
AMOUNT SPENT TO DATE:	\$0.00
PROPOSED COST:	\$100,176.89
BALANCE REMAINING:	\$3,741,035.00
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

The support for the 2018/19 Telethon Partnership Agreement totals \$100,176. This is made up of:

- \$40,000 donation to Telethon;
- \$7,190 value in VIP Parking at Convention Centre Car Park;
- \$10,105 volunteer parking at His Majesty's Car Park;
- \$212 of on street parking value;
- \$39,424 in subsidised parking for visitors at Convention Centre Car Park; and
- \$3,245 in Security and Staff Costs.

The value of the 2018/19 Telethon Partnership Agreement has increased due to the following factors:

- Subsidised parking is based on forecast revenue from parking at the Convention Centre Car Park and the revenue received from the 2017 Telethon which was used to produce the 2018 figures, is much higher than parking revenue in 2016 which was used for the 2017 Agreement;
- His Majesty's Car Park Day rate and Night rate have both increased by \$1.00 in the 2018/19 Fee Schedule;
- The hours of the Volunteer bump passes required have increased by 2 hours; and
- The quantity of volunteer bump passes requested by Telethon for 2018 has increased by 65 passes due to the events volunteer call centre capacity increasing.

CPP staff will continue to work closely with Telethon to ensure the success of the Telethon event on Saturday, 20 and Sunday, 21 October 2018.

Free bump passes at His Majesty's Car Park for Volunteers

Day	Date	No. of bays	Timings	Rate	Fee	Total
Saturday	20/10/2018	245	4.00pm to 7.59am (Sun)	4 hours of hourly rate \$4.50 per hour + Night Rate of \$11.00	\$29.00	\$7,105.00
Sunday	21/10/2018	150	4.00pm to 11.00pm	2 hours of hourly rate \$4.50 + Night rate of \$11.00	\$20.00	\$3,000.00
Totals						\$10,105.00

b) Free Permit at Convention Centre for Channel 7 staff 100

Day	Date	No. of bays	Timings	Rate	Fee	Total
Saturday & Sunday	20/10/2018 & 21/10/2018	107	48 hours	2 x Weekend Day Rate \$16.80 + 2 x Night rate \$16.80	\$67.20	\$7,190.40
Totals						\$7,190.40

c) 2 x Onstreet parking bays on Mill Street outside Parmelia Hilton

Day	Date	No. of bays	Timings	Rate	Fee	Total
Saturday	20/10/2018	2		\$70 per bay	\$140.00	\$140.00
Sunday	21/10/2018	2		\$36 per bay	\$72.00	\$72.00
Totals		4				\$212.00

Projected Financial Implication

		2017/18	2018/19
		GST Excl	
1	Volunteer Parking at His Majesty's Car Park	\$5,386.00	\$10,105.00
2	VIP Parking at Convention Centre	\$6,537.00	\$7,190.40
3	VIP Parking on Mill Street outside Parmelia Hilton	\$255.00	\$212.00
4	Subsidised Parking for Visitors	\$17,810.00	\$39,424.04
5	Direct Cash Donation	\$40,000.00	\$40,000.00
6	Security & Staff Costs	\$7,623.00	\$3,245.45
	Total	\$77,611.00	\$100,176.89

In-kind & Cash Total (GST Excl)		\$65,433.00	\$82,669.49
--	--	--------------------	--------------------

Parking Fees Total (GST Excl)		\$12,178.00	\$17,507.40
--------------------------------------	--	--------------------	--------------------

Budget Item:	Convention Centre Car Park	
Budgeted Amount:	(Expenditure)	\$3,818,646
Total		\$3,818,646
Balance		\$3,741,035

Staff Services Calculations

Staff	Ex GST	Hours required	Cost Per Hours	Total (Incl GST)
Staff salary cost - Project Officer	\$1,636	15	\$120	\$1,800.00
Staff salary cost - Finance	\$327	3	\$120	\$360.00
Staff salary cost - Events	\$818	10	\$90	\$900.00
Staff salary cost - Manager	\$218	1	\$240	\$240.00
Staff salary cost - Customer Service	\$245	3	\$90	\$270.00
Total	\$3,245.45			\$3,570.00

Agenda **Business Plan for City of Perth Parking Major Trading**
Item 13.4 **Undertaking**

Recommendation:

That Council:

- 1. ADOPTS Attachment 13.4A the Business Plan for the City of Perth Parking Major Trading Undertaking and proceeds with the undertaking as proposed; and**
- 2. NOTES that no submissions were received in response to the state wide public notice.**

FILE REFERENCE: P1035331
 REPORTING UNIT: Commercial Parking
 RESPONSIBLE DIRECTORATE: Community and Commercial Services
 DATE: 6 July 2018
 ATTACHMENT/S: Attachment 13.4A – Business Plan for City of Perth Parking Major Trading Undertaking

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	Section 3.59 of the <i>Local Government Act 1995</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 2 - An exceptionally well designed, functional and accessible city
Policy	
Policy No and Name:	N/A

Purpose and Background:

The Business Plan (Attachment 13.4A) has been prepared in accordance with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*.

Section 3.59(2) of the *Local Government Act 1995* states:

Before it:

- (a) *commences a major trading undertaking; or*
- (b) *enters into a major land transaction; or*
- (c) *enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.*

As required by Section 3.59 (3) of the *Local Government Act 1995*, the Business Plan details City of Perth Parking's (CPP) effect on:

- The provision of services and facilities by the City;
- Other persons providing services and facilities within the City;
- The City's Finances;
- The City's Plan for the Future; and
- The ability of the City to manage the performance of the undertaking.

The Business Plan was undertaken as a result of findings from the City's Organisational Capability and Compliance Assessment in 2017.

Details:

The Business Plan (Attachment 13.4A) has been prepared in accordance with the requirements set out in Section 3.59 of the *Local Government Act 1995*.

The purpose of the Business Plan is to provide the Community and Stakeholders with an overview of the Major Trading Undertaking; demonstrate the City's ability to manage the undertaking; and demonstrate the City's compliance with Section 3.59(2) and Section 3.59(3) of the *Local Government Act 1995*.

The Business Plan concludes that CPP maintains the community's wellbeing through the reinvestment of revenue and payment of State Government Licencing Fees for a wide range of community services, events and facilities.

The Business Plan was released for public consultation for a period of six weeks from 23 May to 4 July 2018. In compliance with the *Local Government Act 1995*, the City:

- Gave State-wide notice stating that:
 - the City proposes to enter into a major trading undertaking as described in the notice;
 - a copy of the Business Plan may be inspected or obtained by the public at a specified place in the notice; and
 - submissions about the proposed undertaking may be made to the City before a day specified in the notice, being a day that is not less than six weeks after the notice is given;
- Published and exhibited a public notice at Council House and the City of Perth Library.

The City also published and exhibited a public notice on the City of Perth website along with a copy of the Business Plan.

After the last day of public consultation (4 July 2018) there were no submissions received.

Financial Implications:

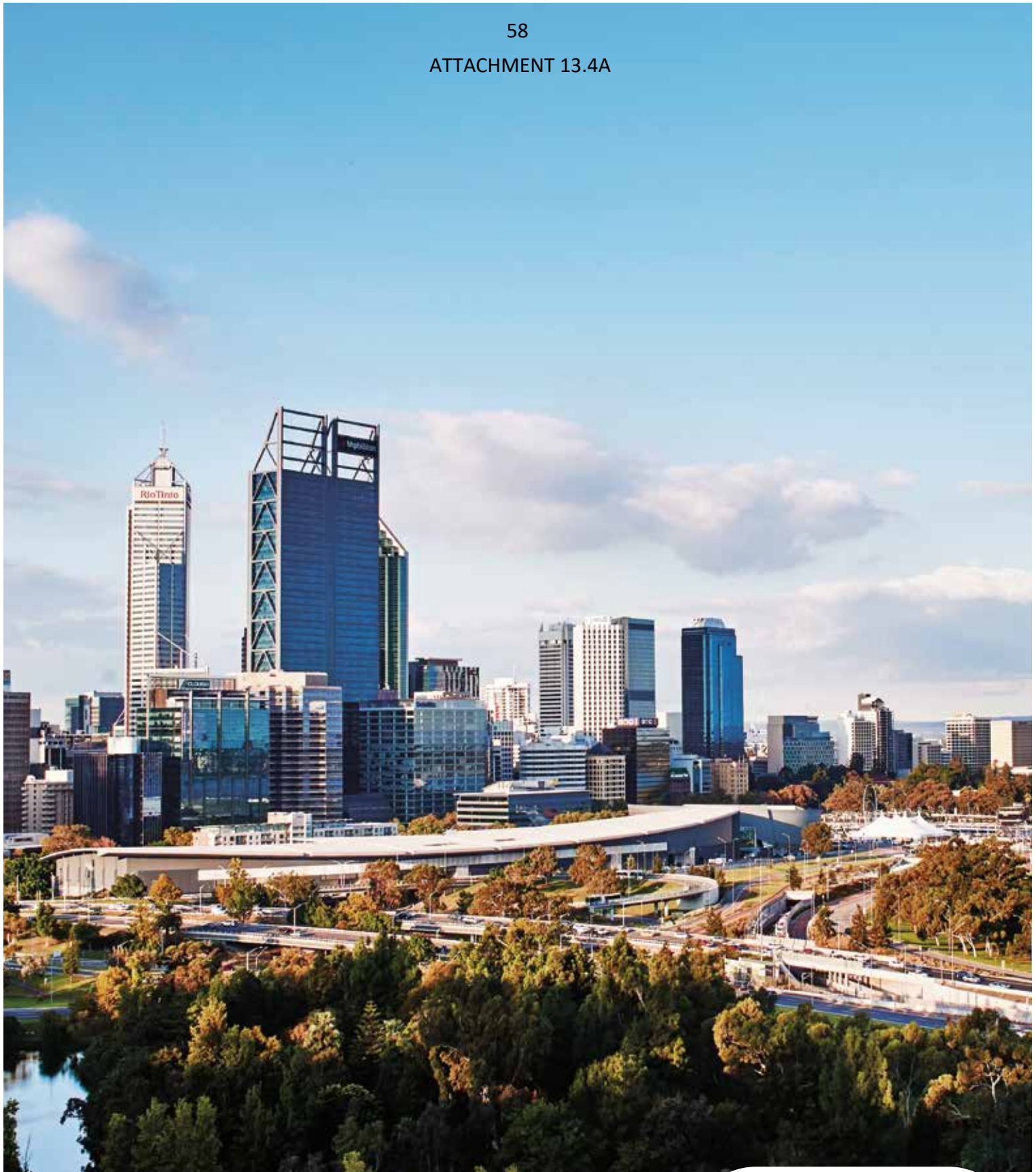
Costs of approximately \$700 have been incurred for the State Wide Public Notice. These costs were met through existing operating budgets.

ACCOUNT NO:	CL62B130007243
BUDGET ITEM:	State Wide Public Notice
BUDGETED AMOUNT:	N/A
AMOUNT SPENT TO DATE:	N/A
PROPOSED COST:	\$697.90
BALANCE REMAINING:	N/A
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

Adoption of the Business Plan will ensure the City's compliance with Section 3.59 (3) of the *Local Government Act 1995*, in the operation of the CPP business.



Business Plan
Major Trading Undertaking

2018



City of Perth Parking

Contents

Executive Summary	3
Business Plan Purpose.....	4
Overview	4
Details of the Operation.....	4
On-Street Parking Technology.....	4
Commercial Parking Services.....	4
Car Park Facilities	5
Map of Car Park Facilities	6
Headquarters	7
The Perth Parking Management Act 1999	7
Local Government Act 1995 Requirements	8
Overall Assessment of the Undertaking	9
Expected Effect on the Provision of Facilities and Services by the City.....	9
Executive Function Test.....	10
A snapshot of Perth parking facility operators	11
Financial effect on the City	12
Return to Council and State Government.....	12
Fees and Charges.....	12
Expected effect on the City’s Plan for the Future.....	13
Ability of the City to manage the performance of the undertaking.....	14
Joint Ventures	14
Public Consultation and Advertising	15
Public Consultation Process	15
Advertising.....	15
Submissions	15

Executive Summary

In March 2017, the City of Perth (the City) appointed Deloitte Touche Tohmatsu (Deloitte) to conduct an independent organisational capability and compliance assessment. It was found that the City did not have a Major Undertaking for the overarching CPP business. The City has major undertakings for two car parks that were developed post 1995.

This Business Plan has been prepared in accordance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996.

As required by section 3.59 (3) of the Local Government Act 1995, this business plan details City of Perth Parking's (CPP) effect on:

- The provision of services and facilities by the City;
- Other persons providing services and facilities within the City;
- The City's Finances;
- The City's Plan for the Future; and
- The ability of the City to manage the performance of the undertaking.

“ After addressing these issues, this business plan concludes that CPP maintains the community's wellbeing through the reinvestment of revenue and payment of State Government Licencing Fees for a wide range of community services, events and facilities. ”

Business Plan Purpose

1. Provide the Community and Stakeholders with an overview of the Major Trading Undertaking;
2. Demonstrate the City's ability to manage the undertaking;
3. Demonstrate the City's compliance with Section 3.59(2) and Section 3.59(3) of the Local Government Act 1995.

Overview

In March 2017, the City appointed Deloitte Touche Tohmatsu (Deloitte) to conduct an independent Organisational Capability and Compliance Assessment (the Assessment). The Assessment formed a critical analysis of the City's processes, systems and procedures. The review found that the City did not have a Major Undertaking for the CPP Business. However, individual Major Undertakings had been developed for Elder Street Car Park and Goderich Street which were both developed after the introduction of the 1995 Local Government Act.

Details of the Operation

Established as a business unit within the City of Perth, CPP began operating commercially in the mid 1990's. CPP is responsible for on-street parking technology and revenue management, as well as off-street car park facilities, financial control, operations and customer services.

Considerations such as community service obligations as well as services to rate payers, businesses, workers and visitors to the City, form the basis of CPP's role in the marketplace.

As a provider of significant revenue to the City, income from the CPP business contributes to works, services and projects, which would otherwise rely on rates income for funding.

On-Street Parking Technology

CPP supports over 5,700 on-street fee-paying bays for the City of Perth. This involves providing the associated technical management, financial management and customer service for over 700 parking meters.

Commercial Parking Services

In addition to services provided to the City of Perth, CPP also provides commercial parking services to third party customers. CPP provides parking service management to the Town of Victoria Park for 156 parking machines located within the Town. Services provided include technical services, financial reconciliation, customer service and cash counting and banking (via subcontractors).

The same services are provided for a private company for Turvey Lane Car Park in West Leederville, which services the McCourt Street Medical Centre.

Car Park Facilities

CPP operates 34 car parks within the City of Perth's jurisdiction, and one private car park in the Town of Cambridge. These car park facilities are listed in the following table:

Map Reference	Car park name	Address
1	Mayfair Street	27 Mayfair Street, West Perth
2	Wellington Street	972-980 Wellington Street, West Perth
3	Coolgardie Street	9 Coolgardie Street, West Perth
4	Mounts Bay Road	129 Mounts Bay Road, West Perth
5	John Oldham Park	Mounts Bay Road, Perth
6	Convention Centre	21 Mill Street, Perth
7	Concert Hall	Terrace Road, Perth
8	Terrace Road	165 Terrace Road, Perth
9	Plain Street	2 Plain Street, East Perth
10	Point Fraser	1 Riverside Drive, East Perth
11	Heirisson Island	Heirisson Island
12	Elder Street	490 Murray Street, Perth
13	His Majesty's	377 Murray Street, Perth
14	The Garage	347 Wellington Street, Perth
15	Pier Street	87-89 Pier Street, Perth
16	Council House	27 St George's Tce, Perth
17	Fire Station	1 Murray Street, Perth
18	James Street	Corner James Street and Milligan Street, Northbridge
19	Aberdeen Street	121 Aberdeen Street, Northbridge
20	Roe Street	68 Roe Street, Northbridge
21	State Library	15 Francis Street, Northbridge
22	Cultural Centre	2 Roe Street, Northbridge
23	Citiplace	1 Roe Street, Perth
24	Newcastle Street	47 Newcastle Street, Northbridge
25	Aberdeen Garage	6B Aberdeen Street, Northbridge
26	Royal Street	158 Royal Street, East Perth
27	Saunders Street	9 Saunders Street, East Perth
28	Goderich Street	133 Goderich Street, East Perth
29	Hay Street East	262 Hay Street, East Perth
30	Regal Place	81-95 Regal Place, East Perth
31	Queens Gardens	42-62 Nelson Crescent, East Perth
32	Victoria Gardens	10 Royal Street, East Perth
33	Mardalup Park	5-7 Brown Street, East Perth
34	Turvey Lane	330 Railway Parade, West Leederville
35	J H Abrahams Reserve	Hackett Drive, Crawley



Headquarters

CPP operates as a commercial unit within the City's Community and Commercial Services Directorate. CPP's administrative headquarters are located at Council House, St George's Terrace. It is the base for the organisation's finance team, customer service call centre, facilities management team, business development team and management staff.

Technical Services houses workshop facilities for the repair of various CPP assets including ticket machines, VMS signs, boom gates and security equipment. Operational staff are based at various undercover car parks. The Unit Hub operates from the Perth Convention and Exhibition Centre Car Park, in which the security control system is based. From the Hub, staff can operate CCTV cameras in other car parks and manage access control including the opening and closing of access doors.

The Perth Parking Management Act 1999

The Perth Parking Management Act 1999 forms part of the legislative framework within which CPP operates. It provides for the management of parking within the Perth metropolitan area and it is from this Act that the Perth Parking Policy 2014 (the Policy) was gazetted. The Policy sets out the approach by the State Government, (in consultation with the City of Perth and other responsible planning authorities) to the development and management of parking facilities that fall within the Perth Parking Management Area. The Policy applies to all parking that occurs within the Perth Parking Management Area except parking for permanent residential purposes.

The Policy also details various specific provisions relating to the development and management of parking facilities including event parking, motorcycle parking and parking for people with disabilities.

The Perth Parking Management Act 1999, together with the Perth Parking Management (Taxing) Act 1999 imposes parking bay licence fees which are payable to the State Government for each qualifying bay.

The revenue raised through the licensing of parking bays is used to fund the Central Area Transit (CAT) bus system (including improvements to that system), improving public transport access, enhancing the pedestrian environment, supporting bicycle access and other initiatives which support a balanced transport system to, from and within the Perth Parking Management Area.

Additionally, revenue raised by CPP contributes towards City of Perth capital works projects and maintenance programmes to make the City a more welcoming place to visit, live, work, and conduct business.

Local Government Act 1995 Requirements

The process for engaging in a major trading undertaking by a Local Government is detailed under the provisions of the Local Government Act 1995. In particular, Section 3.59 addresses Commercial Enterprises by Local Government and requirements for “Major Trading Undertaking”.

As defined under the Local Government Act 1995, a major trading undertaking means: “a major trading undertaking means a trading undertaking that-

- a) In the last completed financial year, involved; or
- b) In the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition”

Regulation 9 of the Local Government (Functions and General) Regulations 1996 prescribes a major trading undertaking as having a minimum annual expenditure of \$5 million.

In accordance with the requirements of Section 3.59 of the Act and the relevant Regulations, the following details have been provided in this Plan.

- An overall assessment of the undertaking;
- Its expected effect on the provision of services and facilities by the City;
- Its expected effect on other persons providing services and facilities within the City;
- Its expected effect on the City finances;
- Its expected effect on the City’s Plan for the Future, as per section 5.56 of the Act;
- The ability of the City to manage the performance of the undertaking; and
- Details of any joint ventures, in accordance with regulation 10 of the Local Government (Functions and General) Regulations 1996.



Overall Assessment of the Undertaking

As CPP operated as part of the City of Perth prior to the commencement of the Local Government Act 1995, there are no ongoing changes to CPP's effect on:

- The provision of services and facilities by the City;
- The City's executive function test;
- The City's finances;
- The City's plan for the future; and
- The ability of the City to manage the performance of the undertaking.

The following sections explain how CPP has an overall positive effect on the City by the provision of Annual Revenue, State Government Licencing Fees and public facilities and complies with the s3.59 (3) of the Local Government Act 1995.

Expected Effect on the Provision of Facilities and Services by the City

CPP's revenue is an enabler of key services and facilities provided by the City. In the 2016/17 financial year, CPP contributed over \$71 million to the City's revenues. This positive gross result allows the City to provide community services and facilities without undue burden on ratepayers. Funds generated by CPP contribute towards maintenance of assets, provision of services and execution of various capital works projects to support and enhance the City.

Aside from its significant revenue contribution to the City, CPP also provides services to the City borne out of its community service obligations as part of local government. Parking facilities are located and operated to facilitate Perth as a place to visit, live, work, and conduct business.

Facilities are located, priced and operated (e.g. opening times) to enhance vibrancy and the local economy. For example, operational hours are adjusted to accommodate events, facilities are located to allow for place-making and pricing is structured to optimise visitation to the City. It is considered that the continued operation of CPP has a positive impact on the provision of facilities and services by the City of Perth.

It is relevant to note that CPP operated as part of the City of Perth prior to the commencement of the Local Government Act 1995. CPP's effect on the City's provision of facilities and services is not expected to change as a result of compliance with the Act in relation to major trading undertakings.

The two car parks built since the introduction of the Local Government Act 1995 have major undertakings in place – Elder Street Car Park and Goderich Street.



Executive Function Test

Section 3.18 (3) of the Local Government Act 1995 states:

“A local government is to satisfy itself that services and facilities that it provides –

- a) Integrate and coordinate, so far as practical, with any provided by the Commonwealth, the State or any public body;
- b) Do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
- c) Are managed efficiently and effectively”.

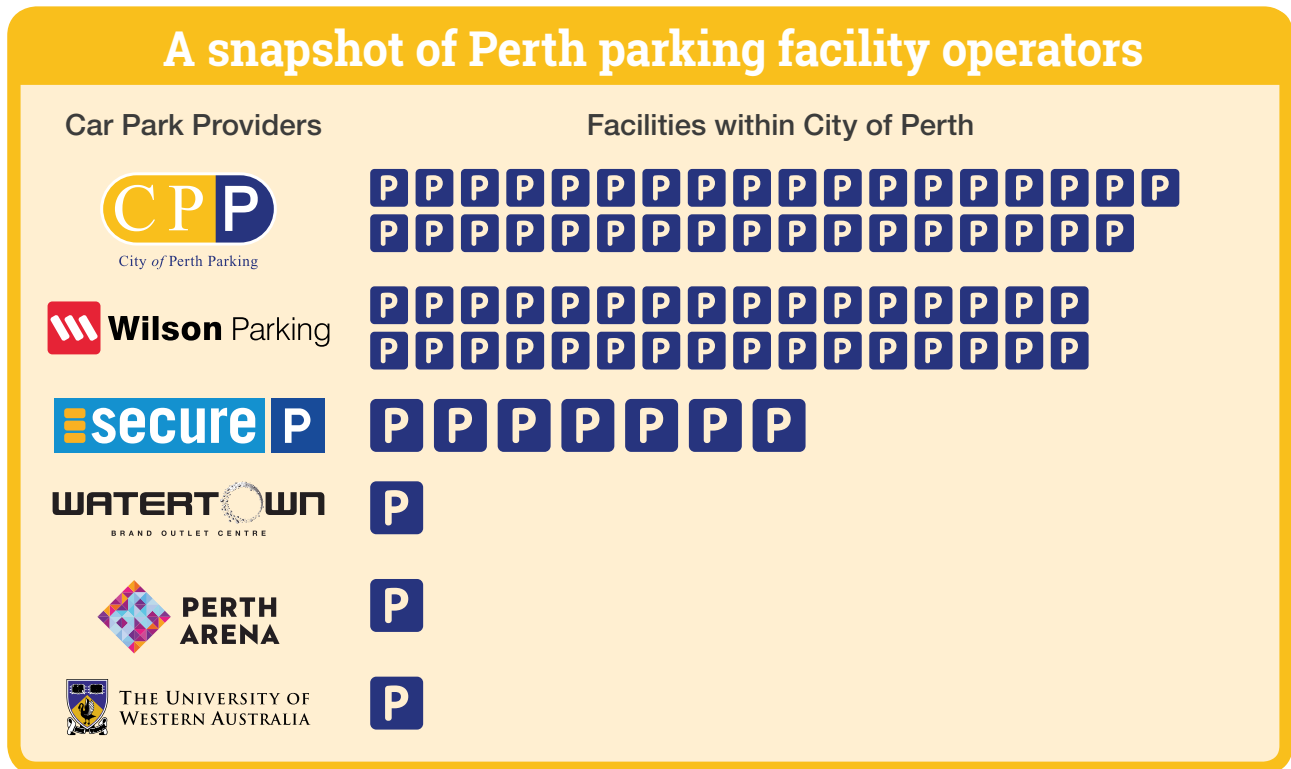
Each of these requirements is addressed below respectively:

a) Integrate and coordinate, so far as practical, with any provided by the Commonwealth, the State or any public body

The Commonwealth and State do not provide paid public parking within the boundaries of the City of Perth. The City of Perth is not aware of any other public body which provides services and facilities similar to that provided by CPP. As such, the integration and coordination of CPP services with those provided by Commonwealth, State or public bodies cannot be implemented.

b) Do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private

CPP has been an operator of parking facilities in the Perth CBD for over 20 years. CPP’s provision of these services pre-dates the Local Government Act 1995. During this timeframe, CPP has operated in competition with private operators which have maintained their presence in the central Perth area within the same time period. There are also a number of independent operators of facilities attached to venues. The combination of the number and variety of providers allows for a competitive representation of the industry. A snapshot of Perth parking facility operators is provided below.



By providing a variety of parking facilities within the Perth CBD, CPP facilitates visitation to the City by complementing other transport options. There is no inappropriate duplication of services or facilities.

c) Are managed efficiently and effectively

As part of local government, CPP is subject to the same regulations, policies and procedures as other business units within the City of Perth. This is in addition to the broader compliance requirements of the industry in relation to car park operations and facilities management. The management of CPP facilities and services is open to scrutiny on a scale not applicable to its privately operated competitors.

Efficiency and effectiveness are at the forefront of CPP service delivery. Accounting and budgeting are subject to rigour at every step of the financial planning process. Publication of the City of Perth’s fees and charges and annual budget provides detailed information about CPP’s pricing, revenue and expenditure. The exposure of CPP to such public examination drives the need to ensure the business is conducted efficiently and effectively.

As the operator of 34 facilities within the Perth CBD, CPP enjoys economies of scale in many aspects of its operations; for example, goods and services may be procured at more competitive prices. The product of such an approach is efficiency and effectiveness in operations.

Financial effect on the City

CPP is a significant revenue generator for the City of Perth. As shown in the following table, CPP generates approximately 38% of the City of Perth's annual revenue:

Financial Year	City of Perth Revenue	CPP Revenue	Percentage of Revenue
2012/2013	\$167M	\$65M	39%
2013/2014	\$180M	\$69M	38%
2014/2015	\$187M	\$72M	39%
2015/2016	\$191M	\$72M	38%
2016/2017	\$201M	\$71M	35%
2017/2018 (Forecast)	\$214M	\$71M	33%

Return to Council and State Government

CPP's revenue allows the City to ease pressure on rates and other revenue. The money is invested into various capital works and operational projects to make the City a better place to visit, live, work, and conduct business. For example, the maintenance of parks and gardens, footpath and road repairs, infrastructure development and maintenance, as well as the sponsorship of events and marketing are all enabled in part by revenue generated from CPP business.

CPP's payment of State Government licensing fees for parking bays is used to fund the Central Area Transit (CAT) bus system (including improvements to that system), improving public transport access, enhancing the pedestrian environment, supporting bicycle access and other initiatives which support a balanced transport system to, from and within the Perth Parking Management Area.

Fees and Charges

Fees and charges are calculated on a number of factors including:

- Market pricing;
- Type and location of facility;
- Operational costs of running each facility; and
- Community service obligations.

Fees and charges are set at the beginning of each financial year and require the ratification of Council. Current fees and charges are published on the CPP website: www.cityofperthparking.com.au

Expected effect on the City's Plan for the Future

The continuation of CPP as a major trading undertaking is consistent with the City's Strategic Direction. As part of the City's Strategic Community Plan 2029, the City describes its vision for Perth as:

“ Vibrant, connected, progressive; a friendly and beautiful place to be ”

The City's Strategic Community Plan 2029 also sets the City's goals, which include the following:

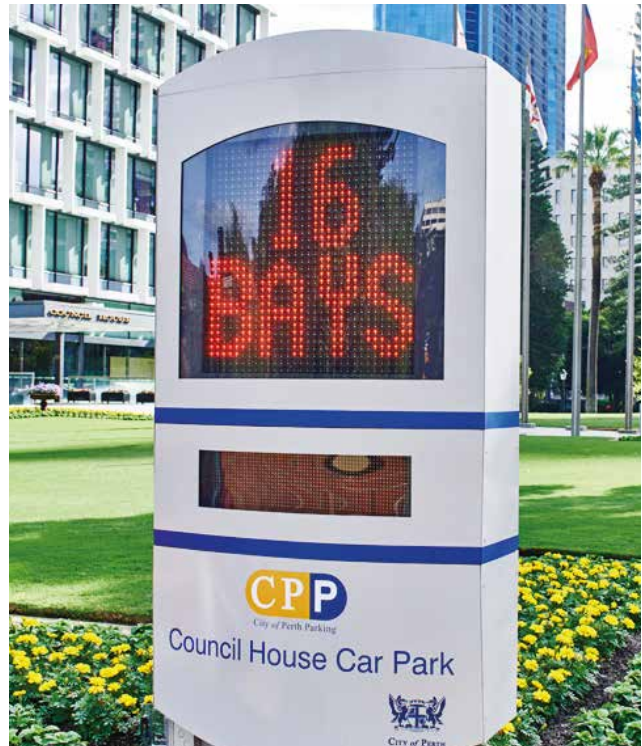
Goal 2: An exceptionally well designed, functional and accessible city

As the city grows it is exceptionally well designed with accessible public and private spaces. Development emphasises Perth's unique location. The ability to move freely and easily throughout the city, in a safe and efficient manner, creates a strong sense of place that can be enjoyed by all.

Goal 5: A prosperous city

A city that is recognised internationally and locally as a leader in the Indian Ocean Rim for diversity and excellence in business, tourism, education, technology and trade. It uses its competitive advantage to cultivate innovation and creativity, enhancing the city's resilience. It is a city with a vibrant and diverse economy.

It is also relevant to note that CPP operated as part of the City of Perth prior to the commencement of the Local Government Act 1995. CPP's effect on the City's Plan for the Future is not expected to change as a result of compliance with the Act in relation to major trading undertakings.



Ability of the City to manage the performance of the undertaking

The City has been managing the undertaking since the founding of the business, which pre-dates the Local Government Act 1995. The ability of the City to manage the undertaking has already been demonstrated via the continued success of the CPP business in provision of parking services to customers over the past 20 years, coupled with the delivery of significant income to the City in parking revenue.

With a business unit dedicated to managing and operating CPP, the City has allocated appropriate and sufficient resources to allow the business to continue operating. Resources include premises specifically allocated to CPP operations, such as the Technical Services Team workshop as well as a fleet of vehicles for operations and technical staff. Car park operations are managed via CPP's Hub at Perth Convention and Exhibition Centre Car Park.

The CPP business unit enjoys a wealth of experience in car park operations and management with a number of staff holding a significant period of tenure with CPP and in the private and public parking sectors. On-going management of CPP operations is supported by experienced staff at operational level through to senior management. As such, the City is well equipped in terms of resources and capability to continue managing this major trading undertaking.

The CPP business is accounted for in wider City of Perth strategic planning including the Long Term Financial Plan and the City's Corporate Asset Management Plan. The Corporate Asset Management Plan acknowledges the City's significant investment in CPP assets and the requirement to maintain and eventually renew those assets during and at the end of the asset lifecycle.

The majority of car parks operated by CPP are on premises owned by the City. The remainder are leased from the State Government or operated for private owners. The continued operation of City owned properties is, at present, dependent upon services provided by CPP.

Joint Ventures

A joint venture, as defined in Regulation 10 of the Local Government (Functions and General) Regulations, is a trading undertaking or land transaction that is to be jointly carried on or entered into.

The City is undertaking the major trading undertaking and is not jointly carrying on the undertaking with any other person or entity.

Public Consultation and Advertising

Public Consultation Process

In accordance with the Local Government Act 1995, the City is required to:

- Give State-wide notice stating that:
 - the City proposes to enter into a major trading undertaking as described in the notice;
 - a copy of this Business Plan may be inspected or obtained by the public at a specified place in the notice;
 - submissions about the proposed undertaking may be made to the City before a day specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- A notice is also to be published and exhibited as if it were a local public notice

After the last day for submissions, the City is to consider all submissions made and may decide (Absolute Majority required) to proceed with the undertaking as proposed or so that it is not significantly different from what was proposed.

Advertising

In accordance with Section 3.59(4)(a) of the Local Government Act 1995, the City is required to give State-wide and local public notice of this Business Plan. Notice will be provided as follows from Wednesday 23 May 2018:

- West Australian Newspaper: 2 x advertisements during submission period;
- Notices will be placed on the notice boards at various City of Perth facilities;
- A notice will also be published on the City of Perth's website, www.perth.wa.gov.au, together with a copy of the Business Plan made available for viewing;
- A copy of the Business Plan will be available for inspection at Council House, 27 St Georges Terrace, Perth.

After the last day for submissions, Council will consider all submissions received prior to deciding to proceed with this proposed major trading undertaking that is the subject of this Business Plan.

Submissions

Submissions will be received from the public for a period of six weeks. All submissions must be received by the City of Perth, by 5:00pm Wednesday 4 July 2018 and addressed to:

**Chief Executive Officer,
City of Perth, GPO Box C120,
Perth WA 6839.**

Submissions should be clearly marked "*Submission for Business Plan – Major Trading Undertaking City of Perth Parking 2018*".

All enquiries concerning this Business Plan should be directed to City of Perth Parking (CPP) on 1300 889 613 or email at info.city@cityofperth.wa.gov.au.



City of Perth Parking

Agenda **Change to Parking Fees at Point Fraser Car Park**
Item 13.5

Recommendation:

That Council APPROVES by ABSOLUTE MAJORITY the proposed change to parking fees, as detailed in this report, for City of Perth Parking's Point Fraser Car Park.

FILE REFERENCE: P1003659-8
 REPORTING UNIT: Commercial Parking
 RESPONSIBLE DIRECTORATE: Community and Commercial Services
 DATE: 11 July 2018
 ATTACHMENT/S: Confidential Attachment 13.5A – Fee options
 (Confidential Attachments are distributed to Commissioners
 under separate cover)

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation Section 6.16 of the *Local Government Act 1995*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Goal 2 - An exceptionally well designed, functional and accessible city

Policy
 Policy No and Name: 9.1 - Budget Policies

Purpose and Background:

Prior to the development of On the Point, parking fees were charged at Point Fraser Car Park as follows:

Mon to Sun - \$2.90 per hour
 Mon to Fri – \$12.20 10-hour maximum
 Night rate - \$8.40
 Weekend and public holiday - \$10.10 10-hour maximum

After the opening of the On the Point precinct, parking fees were changed at the request of On the Point to encourage turnover of bays.

Parking fees were set for financial year 2018/19 as part of the City of Perth's adoption of the 2018/19 Municipal Fees and Charges Schedule. The adopted fees are the same in financial year 2018/19 as they were in 2017/18.

As a result of analysis of parking patronage and revenue data, a reduction to the hourly and night rate parking fees is now proposed.

Details:

Current parking fees at Point Fraser Car Park are as follows:

Monday to Sunday 6am to 5.59pm	\$4.00 per hour
	Motorcycles \$1 per hour
Monday to Sunday 6pm to 5.59am	\$12.00 flat rate
	Motorcycles \$5 flat rate

Approximately 25% of the operating cost for Point Fraser Car Park is attributed to the State Government Parking Levy. Over the past 12 months, On the Point have requested various price reductions and changes to the parking fee structure.

The City considered a number of options for fee changes at Point Fraser Car Park, including the following:

Option 1:

- 6am – 10am - Free
- 10am-6pm \$2.50 per hour
- 6pm – 6am - \$12 flat rate or \$2.50 per hour

Option 2:

- 6am – 6pm - \$2.50 per hour
- 6pm – 6am - \$10 flat rate or \$2.50 per hour

Option 3:

- 6am – 10am – 2 hours free
- 10am – 6pm - \$2.50 per hour
- 6pm – 6am - Free

Option 4:

- 6am – 6pm - \$3.00 per hour
- 6pm – 6am - \$10 flat rate or \$3.00 per hour

Recognising the uniqueness of this area compared to other entertainment precincts across the City as well as locations such as Leederville and Fremantle, the City proposes the following rates¹ for Point Fraser Car Park:

6am – 6pm	\$3.00 ² per hour
	\$1 per hour - motorcycles
6pm – 6am ³	\$10 flat rate or \$3.00 per hour
	\$3 flat rate or \$1 per hour - motorcycles

The City has allocated 19 bays within the precinct for free parking until 9am. The City does not support the entire car park being free until 10am nor the reduction to a \$2.50 per hour rate. In reaching this position, the City is mindful of the impact of any such reduction on revenue and in particular the requirement to pay the State Government Parking Levy which is a flat rate and does not account for parking fees charged. Moreover, the City's obligation to its ratepayers must also be accounted for.

The impact on annual revenue of the reduction in parking fees is outlined in Confidential Attachment 13.5.

When changes are made to fees after the adoption of the annual budget, the City is required to issue a public notice under Section 6.19 of the Local Government Act:

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

Due to lead times for purchase of advertising media, it may take up to 10 business days from date of decision, before the new fee may be enacted.

Financial Implications:

ACCOUNT NO:	10355004000006541
BUDGET ITEM:	Parking Fees
BUDGETED REVENUE 2018-19*:	\$1,357,336
AMOUNT RECEIVED TO DATE:	Nil
PROPOSED REVENUE LOSS 2018-19:	\$295,662
BALANCE REVENUE REMAINING 2018-19*:	\$1,061,674
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

¹ Administrative correction – wording 'price adjustment' to 'rates'

² Administrative correction – dollar value from \$1.00 to \$3.00

*2018-19 Budget was calculated based on January 2018 actuals and the assumption that the Point Fraser overflow area (90 bays) was to be converted into hardstand parking. Since the budget, the overflow area will no longer be converted, and therefore an additional \$300k will be adjusted down in future City of Perth budget reviews.

Comments:

In recognition of the unique situation at Point Fraser, the City recommends the reduction in parking fees at Point Fraser Car Park as detailed in this report.

CONFIDENTIAL ATTACHMENT 13.5A
ITEM 13.5 – CHANGE TO PARKING FEES AT POINT FRASER
CAR PARK

FOR THE ORDINARY COUNCIL MEETING

31 JULY 2018

DISTRIBUTED TO COMMISSIONERS UNDER SEPARATE COVER

Recommendation:

That Council RECEIVES the Financial Statements and the Financial Activity Statement for the period ended 31 May 2018, as detailed in Attachment 13.6A of this Report.

FILE REFERENCE: P1014149-25
 REPORTING UNIT: Finance
 RESPONSIBLE DIRECTORATE: Corporate Services
 DATE: 13 July 2018
 ATTACHMENT/S: Attachment 13.6A - Financial Statements and Financial Activity Statement for the period ended 31 May 2018

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	Section 6.4(1) and (2) of the <i>Local Government Act 1995</i> Regulation 34(1) of the <i>Local Government (Financial Management) Regulations 1996</i>
--------------------	---

Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 8 - A city that delivers for its community
---	--

Policy	
Policy No and Name	N/A

Details:

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

Financial Implications:

There are no direct financial implications arising from this report.

Comments:

The Financial Activity Statement commentary compares the actual results for the 11 months to 31 May 2018.

**FINANCIAL ACTIVITY STATEMENT FOR THE ELEVEN MONTHS TO
31 MAY 2018**

REPORT OF VARIANCES TO BUDGET

This report compares the actual performance for the eleven months to 31 May 2018 to the 2017/18 Budget adopted by Council on 28 June 2017 and amended by Council on 29 August 2017, 21 November 2017 and 15 March 2018.

Operating Revenue

- Parking revenue year to date was \$68.3 million. As part of the mid-year budget review process a further \$859,000 parking revenue was projected to be received for the financial year. This favourable trend has continued resulting in the May year to date results being \$1.3 million above the revised budget. The variance mainly consisted of \$185,000 for Open Air Car Parks, \$114,000 for Kerbside parking, \$1,028,000 for Undercover Car Parks and (\$37,000) for events.
- Fines and Costs were higher than the revised budget by \$77,000 predominantly due to parking fines.
- Investment Income and Interest was slightly above the revised budget by \$10,000.
- Rubbish collection fees were \$8.8 million year to date, which was (\$244,000) below the revised budget.
- Recurrent Grants were (\$730,000) below the revised budget. This was due to the accounting treatment of the Smart Cities grant and is offset by a positive variance in capital grants.
- Contributions, Donations and Reimbursements were (\$127,000) below the revised budget, mainly due to lower than anticipated contribution for the Cathedral Square administration.
- Other income was \$481,000 above the revised budget. The variance included \$427,000 in higher than anticipated revenue for building licence fees.

Operating Expenditure

- Employee costs for the year to date were \$68.3 million being 1.2% or \$833,000 below the revised budget. Vacant positions throughout the City were the main reasons for this underspend.
- Materials and Contracts were \$3.2 million below the revised budget. This category was reduced by \$416,000 as part of the budget review process. To date the main areas of underspend were: contractors \$725,000, consultancy \$930,000, other professional fees \$403,000 and property maintenance \$682,000. These underspends were partly offset with higher

**FINANCIAL ACTIVITY STATEMENT FOR THE ELEVEN MONTHS TO
31 MAY 2018**

REPORT OF VARIANCES TO BUDGET

than anticipated spend on contract labour (\$426,000) and equipment hire (\$104,000) mainly for the Skyworks project.

- Utilities were lower than the revised budget by \$177,000 due to lower than budgeted power consumption, even after a reduction of \$180,000 in the mid-year review.
- Depreciation and Amortisation was over the revised budget by (\$749,000) at the end of May. The full impact of revaluations on depreciation is difficult to quantify. During the mid-year review depreciation for the year was estimated to increase by \$408,000, however recent depreciation on buildings have been even higher than anticipated resulting in the unfavourable variance.
- Loss on disposal of assets was higher than the revised budget by (\$143,000). This item is very difficult to budget for on a monthly basis as it is dependent on the timing of project closeouts.
- Other expenditure was under the revised budget by \$876,000. With \$159,000 relating to slower than anticipated spend on donations and sponsorship and Winter in the City budget of \$308,000 yet to incur costs; these are expected to be timing variances only.

Investing Activities

- Capital grants were \$890,000 above the revised budget, mainly due to the receipt of the Smart Cities Grant, which was budgeted as part of the Recurrent Grants section in operating revenue.
- Capital expenditure for the year was reduced by \$18.5 million to \$51.6 million as part of the budget review process approved in March 2018. Capital spend year to date at the end of May was \$33.7 million being 65% of the full year revised capital budget for 2017/18, and \$12.9 million lower than the revised budget. Expenditure to end of June is forecast to be \$42 million leaving \$9.6 million unspent. \$6.3 million of this is identified as a carry forward in 2018/19 budget.
- \$3.9 million spent for the month includes the following:
 - Sharepoint implementation project \$189,000
 - Council House roof membrane project \$98,000
 - Ozone water treatment plant replacement \$370,000
 - Various Roads, Footpaths projects \$535,000
 - Wellington Street Stage 2B (Perth City Link) \$228,000
 - East Perth Walkability enhancement plan \$441,000

**FINANCIAL ACTIVITY STATEMENT FOR THE ELEVEN MONTHS TO
31 MAY 2018**

REPORT OF VARIANCES TO BUDGET

Financing Activities

- Transfers to Reserves were \$6.8 million below the revised budget which can be linked to the lower than anticipated capital spend.
- Transfers from Reserves were below the revised budget by (\$6.5 million), mainly due to lower than anticipated year to date spend on capital projects.

Amounts sourced from Rates

- Rates revenue raised was \$180,000 above the revised budget. This is the net position of interims raised offset with rates refunds and back rates resulting in the overall result being slightly above budget.

84
CITY OF PERTH

FINANCIAL ACTIVITY STATEMENT for the year ended 31 May 2018

	Revised Budget 2017/18 \$	Actual YTD 31-May-18 \$	Budget YTD 31-May-18 \$	Variance YTD 31-May-18 \$
Proceeds from Operating Activities				
Operating Revenue				
Parking Fees	72,666,479	68,295,430	67,006,310	1,289,119
Fines and Costs	8,771,181	8,120,075	8,042,712	77,362
Investment Income and Interest	5,056,640	4,722,609	4,712,814	9,795
Community Service Fees	1,591,718	1,386,358	1,451,652	(65,293)
Rubbish Collection	9,093,378	8,789,631	9,033,269	(243,638)
Rentals and Hire Charges	5,030,884	4,568,516	4,602,529	(34,013)
Recurrent Grants	2,046,230	1,269,706	1,999,385	(729,679)
Contributions, Donations and Reimbursements	653,905	493,163	620,637	(127,474)
Other Income	5,461,769	5,655,886	5,174,528	481,358
Distribution from TPRC	200,000	0	0	0
	110,572,183	103,301,374	102,643,836	657,538
Less: Operating Expenditure				
Employee Costs	75,703,006	68,311,501	69,145,012	833,510
Materials and Contracts	50,467,245	42,690,245	45,871,448	3,181,203
Utilities	3,284,097	2,822,655	2,999,890	177,235
Insurance Expenditure	829,385	764,723	756,829	(7,894)
Depreciation and Amortisation	33,942,165	31,705,582	30,956,123	(749,459)
Interest Expenses	1,383,119	1,281,083	1,281,078	(5)
Loss on Disposal of Assets	726,908	764,922	622,296	(142,626)
Expense Provisions	1,012,767	1,020,659	935,048	(85,612)
Other Expenditure	25,778,197	22,851,049	23,726,954	875,904
	193,126,889	172,212,421	176,294,677	4,082,256
Add back Depreciation	(33,942,165)	(31,705,582)	(30,956,123)	749,459
(Loss) / Profit on Disposals	(726,908)	(764,922)	(622,296)	142,626
	158,457,815	139,741,916	144,716,258	4,974,342
Net Surplus/(Deficit) from Operations	(47,885,632)	(36,440,543)	(42,072,422)	5,631,880
Capital Grants	2,757,934	1,916,434	1,026,310	890,124
Capital Expenditure	(51,645,004)	(33,755,630)	(46,710,188)	12,954,558
Proceeds from Disposal of Assets/Investments	801,800	781,616	735,899	45,717
Sub-total Investing Activities	(48,085,269)	(31,057,580)	(44,947,979)	13,890,399
Repayment of Borrowings	(6,423,186)	(6,423,187)	(6,423,187)	0
Transfers to Reserves	(33,929,087)	(14,331,058)	(21,140,395)	6,809,337
Transfer from Reserves	28,550,983	24,666,446	31,204,326	(6,537,881)
Sub-total Financing Activities	(11,801,290)	3,912,200	3,640,744	271,456
Add: Opening Funds	35,104,931	35,104,931	35,104,931	0
Net Surplus/(Deficit) before Rates	(72,667,261)	(28,480,992)	(48,274,727)	19,793,735
Amount Sourced from Rates	89,224,045	89,432,743	89,252,870	179,873
Closing Funds	16,556,784	60,951,751	40,978,143	19,973,608

CITY OF PERTH

CURRENT POSITION AS AT THE END OF THE PERIOD 31 MAY 2018

Description	Revised Budget 2017/18	Actual YTD 31-May-18	Budget YTD 31-May-18	Variance YTD 31-May-18
Current Assets	\$	\$	\$	\$
Cash and Cash Equivalents	8,048,446	15,557,498	10,900,495	4,657,003
Deposits and Prepayments	606,590	3,115,821	1,734,058	1,381,763
Money Market Investments - Municipal Funds	9,825,862	53,917,953	49,276,157	4,641,795
Money Market Investments - Restricted Funds	96,532,156	77,609,664	76,348,698	1,260,966
Trade and Other Receivables	12,142,475	10,107,671	6,873,772	3,233,899
Inventories	1,108,777	915,531	798,930	116,601
Total Current Assets	128,264,307	161,224,138	145,932,109	15,292,029
Current Liabilities				
Trade and Other Payables	14,800,004	22,092,525	28,172,052	(6,079,527)
Employee Entitlements	12,586,314	10,333,990	10,763,541	(429,551)
Provisions	645,875	570,198	433,216	136,982
Borrowings	7,487,847	7,448,608	7,448,608	0
Total Current Liabilities	35,520,040	40,445,321	46,817,417	(6,372,096)
Working Capital Position Brought Forward	92,744,267	120,778,817	99,114,692	21,664,125
Deduct Restricted Cash Holdings	(96,532,156)	(77,609,664)	(76,348,698)	(1,260,966)
Add Current Liabilities not expected to clear	12,586,314	10,333,990	10,763,541	(429,551)
Add Current Borrowings	7,487,847	7,448,608	7,448,608	0
Current Funds Position Brought Forward	16,556,784	60,951,751	40,978,143	19,973,608

Net Cash on Hand	\$	\$	\$	\$
Cash On Hand	8,048,446	15,557,498	10,900,495	4,657,003
Money Market Investments	106,358,018	131,527,617	125,624,855	5,902,762
Overdraft	0	0	0	0
Funds on Hand	114,406,465	147,085,115	136,525,350	10,559,765
Analysis of Funds on Hand				
Reserves	96,532,156	77,609,664	76,348,698	1,260,966
Provisions	13,232,189	10,904,188	11,196,758	(292,570)
General Funds	4,371,608	58,571,263	48,979,894	9,591,368
Funds on Hand	114,406,465	147,085,115	136,525,350	10,559,765

EXPLANATORY NOTES – FINANCIAL ACTIVITY STATEMENT

BACKGROUND

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

PURPOSE

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

PRESENTATION

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

FORMAT

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



CITY of PERTH

CITY of PERTH

Financial Report

For the 11 months ended 31 May 2018

**CITY OF PERTH
MUNICIPAL**

Statement of Comprehensive Income for the 11 months ended 31 May 2018

(By Program)

	Note	Budget 2017/2018	Revised Budget YTD	Actual YTD 31/05/2018	YTD Variance	
		\$	\$	\$	\$	%
OPERATING REVENUE						
General Purpose Funding Rates		90,264,232	90,597,363	90,421,752	(175,611)	-0.2%
General Purpose Funding Other		5,049,952	4,470,069	4,575,976	105,907	2.4%
Law, Order, Public Safety		53,534	79,665	95,032	15,367	19.3%
Health		788,100	1,014,502	1,038,273	23,771	2.3%
Education and Welfare		1,810,125	1,747,216	1,700,764	(46,452)	-2.7%
Housing		1,078,000	894,520	858,747	(35,773)	-4.0%
Community Amenities		11,754,116	11,564,445	11,081,555	(482,890)	-4.2%
Recreation and Culture		1,488,764	1,556,474	1,644,635	88,161	5.7%
Transport		83,229,274	77,130,027	78,612,942	1,482,915	1.9%
Economic Services		727,275	2,164,893	1,873,348	(291,545)	-13.5%
Other Property and Services		773,930	677,531	831,095	153,564	22.7%
Total Operating Income		197,017,302	191,896,705	192,734,119	837,414	0.4%
OPERATING EXPENDITURE						
Governance		7,904,924	7,800,048	8,839,466	(1,039,418)	-13.3%
General Purpose Funding		2,109,852	2,127,117	2,077,959	49,158	2.3%
Law, Order, Public Safety		5,674,719	5,441,582	5,478,748	(37,166)	-0.7%
Health		1,744,520	1,572,066	1,383,927	188,139	12.0%
Education and Welfare		3,738,514	3,577,970	3,439,403	138,567	3.9%
Housing		636,116	584,435	631,987	(47,552)	-8.1%
Community Amenities		30,761,301	26,132,636	23,857,270	2,275,366	8.7%
Recreation and Culture		31,838,820	28,952,804	28,519,554	433,250	1.5%
Transport		81,611,822	73,368,377	73,029,150	339,227	0.5%
Economic Services		16,435,044	17,262,804	16,285,911	976,893	5.7%
Other Property and Services		9,017,671	8,852,543	7,904,122	948,421	10.7%
Total Operating Expenditure		191,473,303	175,672,381	171,447,497	4,224,884	2.4%
NET FROM OPERATIONS		5,543,999	16,224,324	21,286,622	5,062,298	31.2%
GRANTS/CONTRIBUTIONS						
For the Development of Assets						
- General Purpose Funding		100,000	58,705	192,474	133,769	227.9%
- Law, Order, Public Safety		-	42,639	42,639	0	0.0%
- Recreation and Culture		150,000	238,940	208,972	-	0.0%
- Transport		1,025,000	686,027	736,421	50,394	7.3%
- Economic Services		-	-	657,247	657,247	0.0%
Total Grants/Contributions		1,275,000	1,026,310	1,837,753	811,443	79.1%
DISPOSAL/WRITE OFF OF ASSETS						
Gain/(Loss) on Disposal of Assets	2	(1,664,126)	(622,296)	(764,925)	(142,629)	22.9%
Change in net assets resulting from operations before significant items						
		5,154,873	16,628,338	22,359,450	5,731,112	34.5%
SIGNIFICANT ITEMS						
Distribution from TPRC		200,000	-	-	-	0.0%
Initial Recognition of Assets from Subiaco		-	-	12,664	12,664	0.0%
Initial Recognition of Assets		-	-	13,868	13,868	0.0%
Contributed Assets Perth City Link		-	-	52,148	52,148	0.0%
Change in net assets resulting from operations after significant items						
		5,354,873	16,628,338	22,438,130	5,809,792	34.9%

**CITY OF PERTH
MUNICIPAL**

Statement of Comprehensive Income for the 11 months ended 31 May 2018

(By Nature or Type)

	Note	Budget 2017/2018	Revised Budget YTD	Actual YTD 31/05/2018	YTD Variance	
		\$	\$	\$	\$	%
OPERATING REVENUE						
Rates		89,256,330	89,252,870	89,432,743	179,873	0.2%
Grants and Contributions for Non Capital Purposes		1,785,738	1,999,385	1,269,706	(729,679)	-36.5%
Donations and Reimbursements		421,783	620,637	493,163	(127,474)	-20.5%
Fees and Charges		99,524,414	93,812,437	95,100,544	1,288,107	1.4%
Interest and Investment Income		4,619,401	4,712,814	4,722,609	9,795	0.2%
Other Revenue		1,409,636	1,498,563	1,715,354	216,791	14.5%
Total Revenue from Operating Activities		197,017,302	191,896,705	192,734,119	837,414	0.4%
OPERATING EXPENDITURE						
Employee Costs		74,752,665	69,145,012	68,311,501	833,511	1.2%
Materials and Contracts		50,713,391	45,871,448	42,690,245	3,181,203	6.9%
Utilities		3,464,509	2,999,890	2,822,655	177,235	5.9%
Depreciation and Amortisation		33,534,089	30,956,123	31,705,599	(749,476)	-2.4%
Interest		1,380,827	1,281,078	1,281,083	(5)	0.0%
Insurance		920,937	756,829	764,723	(7,894)	-1.0%
Expenses Provision		915,726	935,048	1,020,642	(85,595)	-9.2%
Other Expenses from Ordinary Activities		25,791,159	23,726,954	22,851,049	875,904	3.7%
Total Expenses from Ordinary Activities		191,473,303	175,672,381	171,447,497	4,224,884	2.4%
Change in Net Assets from Ordinary Activities before Capital Amounts		5,543,999	16,224,324	21,286,622	5,062,297	31.2%
GRANTS/CONTRIBUTIONS						
Grants and Contributions- Capital		1,275,000	1,026,310	1,837,753	811,443	79.1%
NET OPERATING SURPLUS						
		6,818,999	17,250,634	23,124,375	5,873,740	34.0%
DISPOSAL/WRITE OFF OF ASSETS	2	(1,664,126)	(622,296)	(764,925)	(142,629)	22.9%
SIGNIFICANT ITEMS						
Distribution from TPRC		200,000	-	-	-	0.0%
Initial Recognition of Assets from Subiaco		-	-	12,664	12,664	0.0%
Initial Recognition of Assets		-	-	13,868	13,868	0.0%
Contributed Assets Perth City Link		-	-	52,148	52,148	0.0%
<i>Change in net assets resulting from operations after capital amounts and significant items</i>		5,354,873	16,628,338	22,438,130	5,809,791	34.9%

**CITY OF PERTH
MUNICIPAL**

Statement of Financial Position as at 31 May 2018

	Note	31/05/2018	30/06/2017
CURRENT ASSETS		\$	\$
Cash and Cash Equivalents	11	15,557,498	16,126,364
Deposits/Prepayments	4	3,115,821	1,835,306
Investments	3, 11	131,527,617	112,454,335
Trade and Other Receivables	5	9,311,556	10,276,048
Rates Receivable	1	796,115	323,913
Inventories		915,531	918,639
TOTAL CURRENT ASSETS		161,224,138	141,934,605
NON CURRENT ASSETS			
Investments	3	6,826,790	6,339,449
Trade and Other Receivables	5	53,853	46,356
Property, Plant and Equipment	8	723,841,418	738,190,386
Infrastructure	8	509,894,679	517,437,142
Capital Work in Progress	8	48,905,754	28,810,918
TOTAL NON CURRENT ASSETS		1,289,522,494	1,290,824,251
TOTAL ASSETS		1,450,746,632	1,432,758,856
CURRENT LIABILITIES			
Trade and Other Payables	6	22,092,525	20,929,628
Employee Benefits	7	10,333,990	9,917,287
Provisions	7	570,198	534,300
Loan Liability	9	7,448,608	6,423,187
TOTAL CURRENT LIABILITIES		40,445,321	37,804,402
NON CURRENT LIABILITIES			
Employee Benefits	7	1,616,251	1,616,251
Provisions	7	5,006,642	4,649,307
Loan Liability	9	15,683,134	23,131,742
TOTAL NON CURRENT LIABILITIES		22,306,027	29,397,300
TOTAL LIABILITIES		62,751,348	67,201,702
NET ASSETS		\$1,387,995,284	\$1,365,557,154
EQUITY			
Accumulated Surplus		695,190,187	659,485,259
Asset Revaluation Reserve	10	612,719,403	612,865,897
Reserves	10	80,085,694	93,205,998
TOTAL EQUITY		\$1,387,995,284	\$1,365,557,154

**CITY OF PERTH
MUNICIPAL**

Statement of Changes in Equity for the 11 months ended 31 May 2018

	Accumulated Surplus	Asset Revaluation Reserve	Cash Backed Reserves	Total Equity
Balance at 1 July 2016	\$ 623,860,830	\$ 560,035,698	\$ 88,228,247	\$ 1,272,124,775
Change in net assets resulting from operations	93,432,380	-	-	93,432,380
Transfer to Cash Backed Reserves	(26,090,751)	-	26,090,751	-
Transfers to Asset Revaluation Reserve	(53,920,101)	53,920,101	-	-
Transfers from Asset Revaluation Reserve	1,089,903	(1,089,903)	-	-
Transfer from Cash Backed Reserves	21,113,000	-	(21,113,001)	-
Balance at 30 June 2017	\$659,485,259	\$612,865,897	\$93,205,998	\$1,365,557,154
Balance at 1 July 2017	\$ 659,485,259	\$ 612,865,897	\$ 93,205,998	\$ 1,365,557,154
Change in net assets resulting from operations	22,438,130	-	-	22,438,130
Transfer to Cash Backed Reserves	(11,546,142)	-	11,546,142	-
Transfers to Asset Revaluation Reserve	(214,619)	214,619	-	-
Transfers from Asset Revaluation Reserve	361,114	(361,114)	-	-
Transfer from Cash Backed Reserves	24,666,446	-	(24,666,446)	-
Balance at the end of the reporting period	\$695,190,189	\$612,719,402	\$80,085,693	\$1,387,995,283

**CITY OF PERTH
MUNICIPAL**

Statement of Cash Flows for the 11 months ended 31 May 2018

	Note	Budget 2017/2018 \$	YTD Actual 31/05/2018 \$	YTD Variation \$	%
Cash Flows from Operating Activities					
Receipts					
Rates		89,228,696	88,957,877	(270,819)	-0.3%
Fees and Charges		99,465,787	96,369,964	(3,095,823)	-3.1%
Interest		4,619,401	4,228,901	(390,500)	-8.5%
Other		1,209,636	2,674,542	1,464,906	121.1%
		194,523,520	192,231,284	(2,292,236)	-1.2%
Payments					
Employee Costs		(73,748,183)	(68,912,356)	4,835,827	6.6%
Materials and Contracts		(49,982,742)	(40,729,095)	9,253,647	18.5%
Interest		(1,380,827)	(1,224,290)	156,537	11.3%
Other		(31,092,331)	(26,801,955)	4,290,376	13.8%
		(156,204,083)	(137,667,696)	18,536,387	11.9%
Net Cash Flows from Operating Activities	12	38,319,437	54,563,588	16,244,151	-42.4%
Cash Flows from Investing Activities					
Receipts					
Distribution from TPRC		200,000	-	(200,000)	-100.0%
Proceeds from Disposal of Assets		801,800	1,268,957	467,157	58.3%
Proceeds from Disposal of Investments(Non Current)		-	(487,341)	(487,341)	0.0%
Payments					
Purchase Land and Buildings		(11,652,500)	-	11,652,500	-100.0%
Purchase Infrastructure Assets		(20,986,426)	(173,607)	20,812,819	-99.2%
Purchase Plant and Mobile Equipment		(15,100,443)	(2,747,307)	12,353,136	81.8%
Purchase Office Furniture and Equipment		(12,634,963)	(142,769)	12,492,194	-98.9%
Work in Progress		-	(29,995,351)	(29,995,351)	0.0%
		(60,374,332)	(33,059,034)	27,315,298	45.2%
Net Cash Flows from Investing Activities		(59,372,532)	(32,277,418)	27,095,114	45.6%
Cash Flows from Financing Activities					
Repayment of Borrowings		(6,423,186)	(6,423,187)	(2)	0.0%
		(6,423,186)	(6,423,187)	(2)	0.0%
Cash Flows from Government and Other Parties					
Receipts from Appropriations/Grants					
Recurrent		2,596,843	803,681	(1,793,162)	-69.1%
Capital		1,275,000	1,837,753	562,753	44.1%
		3,871,843	2,641,434	(1,230,409)	-31.8%
Net Increase (Decrease) in Cash Held		(23,604,437)	18,504,416	42,108,854	-178.4%
Cash at 1 July 2017		119,829,671	128,580,699	8,751,028	7.3%
Cash at 31 May 2018	11	96,225,234	147,085,115	50,859,881	52.9%

MUNICIPAL

Notes to the Balance Sheet for the 11 months ended 31 May 2018

1 Rates Receivable

	Actual YTD 31/05/2018	2016/17 YTD 31/05/2017
	\$	\$
Outstanding Amount at 30 June 2017	323,913	190,816
Rates Levied for the Year	89,531,421	88,172,216
Late Payment Penalties	134,839	154,925
Ex Gratia Rates	7,377	17,741
Rates Administration Fee	364,260	337,725
Back Rates	(106,055)	(30,113)
Bins Levy	124,957	82,530
	90,732,904	89,293,555
Amount Received during the Period	89,936,789	88,618,250
Outstanding Amount at 31 May 2018	\$796,115	\$675,305

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

	Annual Budget	Actual YTD 31/05/2018
Infrastructure		
Proceeds on Disposal	-	-
Less: Carrying amount of assets written off	1,786,615	781,201
(Loss) on Write Off	(1,786,615)	(781,201)
Plant and Mobile Equipment		
Proceeds on Disposal	801,800	1,256,685
Less: Carrying amount of assets sold/written off	679,311	1,192,514
Profit on Disposal/Write Off	122,489	64,171
Furniture and Equipment		
Proceeds on Disposal	-	12,272
Less: Carrying amount of assets sold /written off	-	60,167
Profit/(Loss) on Disposal/Write Off	-	(47,895)
Gain/(Loss) on Disposal/Write off of Assets	(\$1,664,126)	(\$764,925)

3 Investments

Current	31/05/2018	30/06/2017
Short Term Cash Investments *	\$	\$
Call Funds	7,371,665	6,237,197
Bank/Term Deposits	119,000,000	101,500,000
Managed Funds	5,155,952	4,717,138
Total Current Investments	\$131,527,617	\$112,454,335

* Short Term Cash Investments as stated in Note 11.

Non Current Investments	31/05/2018	30/06/2017
	\$	\$
Mortgage Backed Securities (MBS)	2,476,029	2,589,685
	2,476,029	2,589,685
Equity in Local Government House	10,000	10,000
Equity in Mindarie Regional Council	450,285	444,132
Equity in Tamala Park Regional Council	3,890,476	3,295,632
	\$6,826,790	\$6,339,449

MUNICIPAL

Notes to the Balance Sheet for the 11 months ended 31 May 2018

4 Deposits/Prepayments

	31/05/2018	30/06/2017
	\$	\$
Prepaid Insurance	177,940	-
Prepaid Parking Bay Licence Fees	1,472,744	111,877
Other	1,465,137	1,723,429
	\$3,115,821	\$1,835,306

5 Trade And Other Receivables

	31/05/2018	30/06/2017
Current	\$	\$
Emergency Services Levy (ESL)	157,029	79,576
Accrued Interest and Investment Income	1,199,225	705,517
Accrued Income	1,513,836	3,173,250
Modified Penalties/Fines and Costs	8,087,878	7,859,984
Debtors - General		
Australian Taxation Office - GST Refundable	-	278,362
Other Debtors	2,208,322	1,850,146
	13,166,290	13,946,835
Less: Provision for Doubtful Debts	(3,854,734)	(3,670,787)
	\$9,311,556	\$10,276,048
Non Current		
Pensioners' Rates Deferred	53,853	46,356
	\$53,853	\$46,356

6 Trade And Other Payables

	31/05/2018	30/06/2017
Current	\$	\$
Trade Creditors	10,418,740	11,749,668
Emergency Services Levy	2,276,886	-
Interest Payable on Loans	213,240	156,447
Accrued Expenses - Operating	3,586,266	3,764,543
Accrued Expenses - Capital	1,755,046	2,650,096
Advances Received for Recoverable Works	114,731	73,846
Income Received / Raised in Advance	1,149,559	733,089
Australian Taxation Office - GST Payable	115,239	-
Other Creditors	2,462,818	1,801,939
	\$22,092,525	\$20,929,628

MUNICIPAL

Notes to the Balance Sheet for the 11 months ended 31 May 2018

7 Employee Benefits

	31/05/2018	30/06/2017
Current	\$	\$
Leave Entitlements		
Annual Leave	4,390,883	4,287,802
Self Funded Leave	159,436	155,276
Long Service Leave	5,686,965	5,350,808
Recognition of Employees- Presentations	96,706	123,401
	\$10,333,990	\$9,917,287
Non Current		
Annual Leave	383,359	383,359
Long Service Leave	1,232,892	1,232,892
	\$1,616,251	\$1,616,251

Provisions

	31/05/2018	30/06/2017
Current	\$	\$
Workers Compensation	570,198	534,300
	\$570,198	\$534,300
Non Current		
Provision for Equipment Replacement PCEC	5,006,642	4,649,307
	\$5,006,642	\$4,649,307

8 Property, Plant and Equipment and Work in Progress

	31/05/2018	30/06/2017
	\$	\$
Land and Air Rights - at cost/fair value	419,968,891	419,968,891
Less: Accumulated Depreciation	(8,170,109)	(7,561,377)
	411,798,782	412,407,514
Buildings - at fair value	413,053,999	413,053,999
Less: Accumulated Depreciation	(187,832,520)	(179,045,884)
	225,221,479	234,008,115
Improvements - at fair value	45,619,000	45,619,000
Less: Accumulated Depreciation	(1,616,104)	(773,529)
	44,002,896	44,845,471
Infrastructure Assets - at cost/fair value	829,525,234	823,353,969
Less: Accumulated Depreciation	(319,630,555)	(305,916,827)
	509,894,679	517,437,142
Plant and Mobile Equipment - at cost/fair value	49,354,484	50,009,822
Less: Accumulated Depreciation	(33,217,972)	(31,873,703)
	16,136,512	18,136,119
Office Furniture and Equipment - at cost/fair value	46,937,401	46,358,543
Less: Accumulated Depreciation	(21,050,923)	(18,360,647)
	25,886,478	27,997,896
Agricultural - at cost	795,271	795,271
Less: Accumulated Depreciation	-	-
	795,271	795,271
Property, Plant and Equipment	1,233,736,097	1,255,627,528
Work in Progress - at cost	48,905,754	28,810,918
	48,905,754	28,810,918
Total Property, Plant and Equipment and Work in Progress	\$1,282,641,851	\$1,284,438,446

MUNICIPAL

Notes to the Balance Sheet for the 11 months ended 31 May 2018

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

	Balance 30/06/2017	Acquisitions Actual YTD 31/05/2018	Transfers Actual YTD 31/05/2018	Initial Recognition of Assets Actual YTD 31/05/2018	Disposals/ Write off/ Actual YTD 31/05/2018	Revaluation Actual YTD 31/05/2018	Balance 31/05/2018
	\$	\$	\$	\$	\$		\$
Land and Air Rights	419,968,891	-	-	-	-	-	419,968,891
Buildings	413,053,999	-	-	-	-	-	413,053,999
Improvements	45,619,000	-	-	-	-	-	45,619,000
Infrastructure Assets	823,353,969	173,607	7,951,170	368,434	(2,321,946)	-	829,525,234
Plant and Mobile Equipment	50,009,822	2,747,307	180,854	-	(3,583,499)	-	49,354,484
Office Furniture and Equipment	46,358,543	142,769	573,662	-	(137,573)	-	46,937,401
Agricultural	795,271	-	-	-	-	-	795,271
Work in Progress	28,810,918	29,100,301	(9,005,465)	-	-	-	48,905,754
	\$1,827,970,413	\$32,163,984	(299,779)	368,434	(6,043,018)	-	\$1,854,160,034

9 Loan Liability

	31/05/2018	30/06/2017
Current	\$	\$
Loans - Western Australian Treasury Corporation	7,448,608	6,423,187
Non Current		
Loans - Western Australian Treasury Corporation	15,683,134	23,131,742

10 Reserve Funds

Purpose of Reserve Fund	Balance 30/06/2017	Transfer from Accumulated Surplus	Transfer to Accumulated Surplus	Balance 31/05/2018
	\$	\$	\$	\$
Refuse Disposal and Treatment	3,638,248	106,688	(38,305)	3,706,631
Concert Hall - Refurbishment and Maint.	6,431,852	166,945	(2,223,365)	4,375,432
Asset Enhancement	28,849,413	803,222	(3,822,516)	25,830,119
Street Furniture Replacement	420,867	11,508	(120,000)	312,375
Parking Levy	17,680,824	9,010,509	(17,543,470)	9,147,863
Art Acquisition	399,511	10,457	(72,147)	337,821
Heritage Incentive	628,769	18,541	-	647,310
Parking Facilities Development	22,353,779	651,477	(846,643)	22,158,613
Employee Entitlements	1,823,030	53,759	-	1,876,789
David Jones Bridge	314,684	9,280	-	323,964
Bonus Plot Ratio	634,650	18,714	-	653,364
PCEC Fixed Plant Replacement	4,649,307	357,335	-	5,006,642
Enterprise and Initiative	4,974,072	315,703	-	5,289,775
Public Art	406,992	12,004	-	418,996
	93,205,998	11,546,142	(24,666,446)	80,085,694
* Asset Revaluation	612,865,897	214,619	(361,114)	612,719,402
	\$706,071,894	\$11,760,761	(\$25,027,560)	\$692,805,096

* 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 11 months ended 31 May 2018

11 Cash Reconciliation

	31/05/2018	30/06/2017
	\$	\$
Cash and Cash Equivalents	15,557,498	16,126,364
Short Term Cash Investments	131,527,617	112,454,335
	\$147,085,115	\$128,580,699

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

	31/05/2018	30/06/2017
	\$	\$
Change in Net Assets Resulting from Operations	22,359,450	5,838,060
Adjustment for items not involving the movement of Funds:		
Depreciation	31,705,599	34,855,597
Doubtful Debts	183,947	247,007
Non Capitalised Work in Progress	299,779	1,671,436
(Gain)/Loss on Disposal/Write off/Contribution of Assets	764,925	6,801,061
	55,313,700	49,413,161
Revenues Provided By :		
Government Grants	(2,641,434)	(4,638,186)
Contribution from Other Parties	-	-
	(2,641,434)	(4,638,186)
Change in Operating Assets and Liabilities		
Add Back		
Decrease in Inventories	3,108	97,584
Decrease in Trade and Other Receivables	-	1,262,728
Decrease in Accrued Income	1,659,414	-
Increase in Income Received /Raised in Advance	457,355	-
Increase in Accrued Interest Payable	56,793	-
Increase in Accrued Expenses	-	1,471,437
Increase in Provisions	809,936	-
Increase in Trade and Other Payables	1,722,076	1,130,093
Deduct		
Decrease in Income Received /Raised in Advance	-	(241,730)
Decrease in Accrued Interest Payable	-	(43,401)
Increases in Deferred Debtors	(7,497)	(13,922)
Decrease in Provisions	-	(746,042)
Decrease in Accrued Expenses	(178,277)	-
Increase in Trade and Other Receivables	(857,363)	-
Increase in Prepayments	(1,280,515)	(588,323)
Increase in Accrued Income	-	(1,727,573)
Increase in Accrued Interest and Investment Income	(493,708)	(168,848)
	1,891,322	432,003
Net Cash Provided by Operating Activities	\$54,563,591	\$45,206,978

MUNICIPAL

Notes to the Balance Sheet for the 11 months ended 31 May 2018

13 Ratios

	31/05/2018	30/06/2017
1 Current Ratio		
<u>Current Assets</u> minus Restricted Assets		
Current Liabilities minus Liabilities associated with Restricted Assets	2.07	1.33
2 Debt Ratio		
<u>Total Liabilities</u>		
Total Assets	4.33%	4.69%
3 Debt Service Ratio		
<u>Debt Service Cost</u>		
Available Operating Revenue	4.00%	4.25%
4 Rate Coverage Ratio		
<u>Net Rate Revenue</u>		
Operating Revenue	46.92%	44.36%
5 Outstanding Rates Ratio		
<u>Rates Outstanding</u>		
Rates Collectable	0.88%	0.36%
6 Untied Cash to Unpaid Creditors Ratio		
<u>Untied Cash</u>		
Unpaid Trade Creditors	6.67	3.15
7 Gross Debt to Revenue Ratio		
<u>Gross Debt</u>		
Total Revenue	12.00%	14.70%
8 Gross Debt to Economically Realisable Assets Ratio		
<u>Gross Debt</u>		
Economically Realisable Assets	2.46%	3.23%

Restricted Assets includes reserve funds and tied contributions not utilised at 31.05.2018

Agenda **Payments from Municipal and Trust Funds – May 2018**
Item 13.7

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 May 2018, be RECEIVED and recorded in the Minutes of the Council, the summary of which is as follows:

FUND	PAID
Municipal Fund	\$ 18,445,291.16
Trust Fund	\$ 5,038.03
TOTAL:	<u><u>\$ 18,450,329.19</u></u>

FILE REFERENCE: P1035536
 REPORTING UNIT: Finance
 RESPONSIBLE DIRECTORATE: Corporate Services
 DATE: 5 June 2018
 ATTACHMENT/S: A detailed list of payments made under delegated authority for the month ended 31 May can be accessed by the Commissioners via the Council Hub. Members of the public can access the list of payments on request.

Council Role:

- Advocacy *When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, town planning schemes and policies*
- Quasi-Judicial *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation	Regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 7 – An open and engaged city
Policy	
Policy No and Name	N/A

Comments:

Payments for the month of May 2018 included the following significant items, but exclude Payroll and payroll taxation payments to the Deputy Commissioner of Taxation:

- \$532,152.50 to Department of Planning, Lands and Heritage for, both the State Library and the Cultural Centre Car Parks rental for the financial year ended 30 June 2018.
- \$509,793.15 to Data 3 for Microsoft annual productive enterprise E3 subscription and licences.
- There were three payroll payments made during the month of May 2018.

Agenda **Payments from Municipal and Trust Funds – June 2018**
Item 13.8

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 30 June 2018, be RECEIVED and recorded in the Minutes of the Council, the summary of which is as follows:

FUND	PAID
Municipal Fund	\$ 18,934,506.04
Trust Fund	\$ 0.00
TOTAL:	<u><u>\$ 18,934,506.04</u></u>

FILE REFERENCE: P1035536
 REPORTING UNIT: Finance
 RESPONSIBLE DIRECTORATE: Corporate Services
 DATE: 12 July 2018
 ATTACHMENT/S: A detailed list of payments made under delegated authority for the month ended 30 June can be accessed by the Commissioners via the Council Hub. Members of the public can access the list of payments on request.

Council Role:

- Advocacy *When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, town planning schemes and policies*
- Quasi-Judicial *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Goal 7 - An open and engaged city

Policy
Policy No and Name N/A

Comments:

Payments for the month of June 2018 included the following significant items, but exclude Payroll and payroll taxation payments to the Deputy Commissioner of Taxation:

- \$2,232,627.16 to the Department of Fire and Emergency Services for the emergency services levy fourth quarter contribution for 2017/18, and minor invoices in relation to call out fees.
- \$646,404.55 to Duratec Australia Pty Ltd for progress claims of \$454,604.66 for the Perth Concert Hall waterproofing works and \$191,779.89 for façade repairs to the Eastern, Western and Southern elevation of Council House.

Recommendation:

That Council ACCEPTS the most suitable tender submission, being that submitted by Nine Entertainment Co. Holdings Limited (trading as Channel 9 Perth) for the Promotion and Broadcast by a TV Station – Australia Day Long Weekend (Tender 140 – 17/18), for an initial period of one year (2019) with the option to extend to 2020 and 2021.

FILE REFERENCE: P1036452
 REPORTING UNIT: Marketing and Activation
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 DATE: 14 July 2018
 ATTACHMENT/S: Confidential Attachment 13.9A – Channel 9 Perth and Seven Network Proposal
 Confidential Attachment 13.9B – Compliance Criteria
 Confidential Attachment 13.9C – Evaluation Matrix
 (Confidential Attachments are distributed to Commissioners under separate cover)

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation Part 4 of the *Local Government (Functions and General) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Goal 5 - A prosperous city

Policy

Policy No and Name: 9.7 – Purchasing Policy

Purpose and Background:

Tender 140 – 17/18 Promotion and Broadcast by a TV Station – Australia Day Long Weekend, was advertised in the West Australian on 30 May 2018. Tenders closed at 2.00pm on 26 June 2018, with the following tenders received:

- Nine Entertainment Co. Holdings Limited (trading as Channel 9 Perth); and
- Seven Network Operations Limited.

Purpose of Tender

The City introduced the Australia Day Long Weekend (ADLW) campaign in 2018 to provide the opportunity to celebrate and promote the entire long weekend in the City, positioning the City as the only ADLW destination. The campaign includes the hero event Skyworks on 26 January, sponsored events, additional activations, retail, accommodation and food and beverage offerings.

The City of Perth requires multi-channel promotion (including television, digital, social media etc) of ADLW and Skyworks in addition to the broadcast of the soundtrack and pyrotechnics display for Skyworks 2019, with a possible extension to 2020 and 2021. The successful TV Station will be provided brand exposure according to the endorsed media strategy including being provided with major sponsor status of ADLW and Skyworks.

Details:

The tenders were assessed against the following criteria with a summary of the assessment below:

Proposal

- Provide details of the value break-down of the proposal across all portfolio channels; and
- Demonstrate how the promotional program would meet the objectives of ADLW and Skyworks.

Channel 9 Perth submitted a proposal with a significant value and clearly demonstrated how the promotional program would meet the objectives of both ADLW and Skyworks. Refer to Confidential Attachment 13.9A for full details of the proposal.

Seven Network submitted a suitable proposal of high value. The promotional program demonstrated how it would meet the objectives of Skyworks in particular, with some support to ADLW. The proposal included some minor uncertainties with several inclusions not guaranteed. Refer to Confidential Attachment 13.9A for full details of the proposal.

Experience

- Provide details of experience in developing and broadcasting events of similar scale, level of complexity and level of expenditure to that proposed for Skyworks;
- Provide details of experience in filming and producing a delayed telecast of events of a similar scale; and
- Provide details of experience in working cooperatively as part of a team including with other media, pyrotechnics and Government bodies.

Channel 9 Perth has had experience broadcasting events including City to Surf, HBF Run for a Reason, WA State Election Coverage, WA Stands Together Telethon 2017 and WA Anzac Day Broadcast, amongst others. Nine Entertainment Co. has broadcast Brisbane's River Fire event for the past 10 years, an event of similar scale, complexity and requirements as Skyworks. Channel 9 Perth proposes to fly two key personnel from Nine Queensland to deliver on Skyworks and leverage the experience of River Fire. Channel 9 Perth demonstrated working cooperatively with radio stations, Local Government and pyrotechnic companies.

Seven Network has extensive experience, broadcasting Skyworks for 22 years as well long histories with broadcasting Telethon and the Christmas Pageant live. Seven Network demonstrated their working relationships with radio partners and working with the Skyworks Consortium Group.

Reach

- Provide monthly ratings achieved over the past year;
- Provide details of other reach and audience figures for proposed channels including average social media reach; and
- Give an indication of demographics / profile of audiences.

Channel 9 Perth had a monthly average rating of 77,000 to 96,000 (1800 to 2400 hrs) during 2017. This has increased to 82,614 to 94,272 on average per month for the first five months of 2018. Nine News Facebook has 683,000 followers with an average post reach of 9,614,965 and post engagement of 3,550,121. Average monthly traffic to website (nine.com.au) is 1,400,000. Channel 9 Perth outlined demographics with 16 – 39 years holding the biggest share but 25-54 with the largest growth in 2018 thus far.

Seven Network has had a monthly average rating of 150,880 viewers Monday to Friday in 2018. 7 News Perth Facebook has 626,000 followers with an average post reach of 5,502,557 and post engagement of 7,790,537. Average monthly traffic to websites (thewest.com.au and perthnow.com.au) is 736,000 unique visits. Audience demographics were not clearly outlined however Seven Network proposed to specifically address key target audiences for ADLW and Skyworks.

References

- Provide details of two referees for whom you have developed and executed events of similar scale and level of complexity to the services specified for a televised major event and having worked in collaboration with a radio station and/or pyrotechnician.

Both Channel 9 Perth and Seven Network provided suitable referees which were checked with no concerns to note.

Financial Implications:

The total value of this proposal is not reflected in the Skyworks 2018/19 budget as Channel 9 Perth is providing this in advertising, promotion and broadcast in exchange for major sponsor status of ADLW including Skyworks. The total value of the proposal is outlined in Confidential Attachment 13.9A. There are no financial implications to the City.

Comments:

Channel 9 Perth scored highest on the evaluation matrix (Confidential Attachment 13.9C), providing the best value proposal for the ADLW including Skyworks. Whilst Seven Network has a long-standing history with Skyworks which should be appropriately recognised, the experience demonstrated by Channel 9 Perth is comparable and supported by a stronger, significant proposal that best demonstrates value for money for the City of Perth and ratepayers.

CONFIDENTIAL ATTACHMENT 13.9A, 13.9B AND 13.9C
ITEM 13.9 – TENDER 140-17/18 PROVISION OF THE PROMOTION
AND BROADCAST BY A TV STATION – AUSTRALIA DAY LONG
WEEKEND

FOR THE ORDINARY COUNCIL MEETING

31 JULY 2018

DISTRIBUTED TO COMMISSIONERS UNDER SEPARATE COVER

Agenda Item 13.10 **Amendments to Council Policy 6.20 'Comment and Recommendations on Development Proposals Referred to the City by Statutory Authorities'**

Recommendation:

That Council ENDORSE amendments to Council Policy 6.20 'Comment and Recommendations on Development Proposals referred to the City by Statutory Authorities' as detailed in Attachment 13.10B.

FILE REFERENCE: P1005611
 REPORTING UNIT: Development Approvals
 RESPONSIBLE DIRECTORATE: Planning and Development
 DATE: 6 July 2018
 ATTACHMENTS: Attachment 13.10A – Existing 6.20 Comment and Recommendations on Development Proposals Referred to the City by Statutory Authorities Policy
 Attachment 13.10B - Draft 6.20 Comment and Recommendations on Development Proposals Referred to the City by Statutory Authorities Policy

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	2.7(2)(b) of the <i>Local Government Act 1995</i> <i>Metropolitan Redevelopment Authority Act 2011</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 2 - An exceptionally well designed, functional and accessible city.
Policy	
Policy No and Name	6.20 – Comment and Recommendations on Development Proposals Referred to the City by Statutory Authorities

Purpose and Background:

On 17 January 2018, the City of Perth (City) Executive Leadership Group (ELG) endorsed an ongoing Policy Review Framework. Review timeframes are based on the risk rating determined for the policy. Policies have been categorised as:

- High risk. Due or overdue high risk policies are to be reviewed within six months (July 2018) and then subject to an ongoing annual review;
- Medium risk. Due or overdue medium risk policies are to be reviewed within 12 months (February 2019) and then subject to an ongoing two yearly review; and
- Low risk. Due or overdue low risk policies are to be reviewed within 18 months (July 2019) and then subject to an ongoing four yearly review.

Council Policy 6.2 Comment and Recommendations on Development Proposals Referred to the City by Statutory Authorities has been assessed by the City's Risk Management officers and the Policy Short Term Action Group, with finding endorsed by ELG, as high risk. This is on the basis that the policy provides Council authorisation for Local Government comments/recommendations relating to development proposals be provided administratively.

The purpose and background of policy 6.2 Comment and Recommendations on Development Proposals Referred to the City by Statutory Authorities.

Details:***Local Government Act 1995*****2.7 Role of council**

- 1) The Council –
 - a) governs the local government's affairs; and
 - b) is responsible for the performance of the local government's functions.
- 2) Without limiting subsection 1), the Council is to –
 - a) oversee the allocation of the local government's finances and resources; and
 - b) determine the local government's policies.

Purpose of the Policy

Section 64 of the *Metropolitan Redevelopment Authority Act 2011* requires development applications for sites located within the City of Perth to be referred by the Metropolitan Redevelopment Authority (MRA) to the City for comment. However, it does not provide an instrument of delegation to allow the provision of comment and recommendations to be delegated to City Officers. As such, Policy 6.20 was adopted by Council in February 2010 to clarify authorities to provide comment and recommendations on development applications referred to the City by MRA.

Proposed Amendments to the Policy

The City's Notice of Delegation 2.5.1. 'City Planning Scheme No. 2- Planning Approval' delegates the following function to the City's Officers: "Authority to comment on applications referred to the Council by other authorities." The condition of this delegation is that "comment may only be made on proposals that are considered minor in nature". To remove any inconsistency with Policy 6.20, the Policy should be amended to reflect this condition.

The Policy contains outdated legislative and authority references that need to be updated.

It is also noted that the Policy requires comments provided by the Administration to be detailed in the weekly "Desk of the CEO" publication. As the method of communication to Elected Members/Commissioners can change from time to time it is considered that reference be made to an 'appropriate forum' rather than a specific publication that can be superseded.

It is proposed that the existing policy be amended to read as follows:

"POLICY STATEMENT

BACKGROUND

The ~~East Perth Redevelopment Act 1991~~ Metropolitan Redevelopment Authority Act 2011 (Act) requires the ~~East Perth Metropolitan~~ Metropolitan Redevelopment Authority (~~EP~~MPMRA) to refer any development proposals it has the authority to determine to the City of Perth. The Act enables the City to provide comment on those proposals to the ~~EP~~MPMRA.

Additionally, occasionally other statutory authorities may refer development proposals to the City for comment.

1. Comment and recommendations on minor development proposals referred to the City by statutory authorities, including ~~EP~~MPMRA, shall be provided to the referring authority by the Administration without first being referred to the Council.
2. Development proposals referred to the City by statutory authorities and the comments provided by the Administration thereon shall be ~~detailed in the weekly "Desk of the CEO" publication~~ provided to the Council via the appropriate forum (such as the Council Hub).
3. Where a development proposal is referred to the City by a statutory authority for comment and the Administration believes that the proposal warrants consideration by the Council, the matter shall be referred to the Council for determination."

Financial Implications:

There are no financial implication associated with the revoking of this policy.

Comments:

It has been identified that Policy 6.20 'Comment and Recommendations on Development Proposals Referred to the City by Statutory Authorities' is required to be retained to clarify the authority to provide comment and recommendations on development applications referred to the City by the MRA. However, it requires amendments to bring it up to date with the relevant legislation and the City's delegations.



Council Policy Manual

CP6.20 Comment and Recommendations on Development Proposals Referred To the City by Statutory Authorities

POLICY OBJECTIVE

To determine authority for providing comment and recommendations in respect of development proposals referred to the City by other statutory authorities.

POLICY STATEMENT

BACKGROUND

The *East Perth Redevelopment Act 1991* (Act) requires the East Perth Redevelopment Authority (EPRA) to refer any development proposals it has the authority to determine to the City of Perth. The Act enables the City to provide comment on those proposals to EPRA.

Additionally, occasionally other statutory authorities may refer development proposals to the City for comment.

1. Comment and recommendations on development proposals referred to the City by statutory authorities, including EPRA, shall be provided to the referring authority by the Administration without first being referred to the Council.
2. Development proposals referred to the City by statutory authorities and the comments provided by the Administration thereon shall be detailed in the weekly "Desk of the CEO" publication.
3. Where a development proposal is referred to the City by a statutory authority for comment and the Administration believes that the proposal warrants consideration by the Council, the matter shall be referred to the Council for determination.



Council Policy Manual

CP6.20 Comment and Recommendations on Development Proposals Referred To the City by Statutory Authorities

Document Control Box							
Document Responsibilities:							
Custodian:	Planning and Development			Custodian Unit:	Development Approvals		
Decision Maker:							
Compliance Requirements:							
Legislation:							
Industry:							
Organisational: PR0498, PR0508							
Document Management:							
Risk Rating:	High	Review Frequency:	Annual	Next Due:	2011	TRIM Ref:	P1023849
Version #	Decision Reference:		Synopsis:				
1.	OCM - 16/02/2010 (88/10)						
2.							
3.							
4.							
5.							



Council Policy Manual

CP6.20 Comment and Recommendations on Development Proposals Referred To the City by Statutory Authorities

POLICY OBJECTIVE

To determine authority for providing comment and recommendations in respect of development proposals referred to the City by other statutory authorities.

POLICY STATEMENT

BACKGROUND

The ~~East Perth Redevelopment Act 1991~~ Metropolitan Redevelopment Authority Act 2011 (Act) requires the ~~East Perth~~ Metropolitan Redevelopment Authority (EPMRA) to refer any development proposals it has the authority to determine to the City of Perth. The Act enables the City to provide comment on those proposals to EPMRA.

Additionally, occasionally other statutory authorities may refer development proposals to the City for comment.

1. Comment and recommendations on minor development proposals referred to the City by statutory authorities, including EPMRA, shall be provided to the referring authority by the Administration without first being referred to the Council.
2. Development proposals referred to the City by statutory authorities and the comments provided by the Administration thereon shall be ~~detailed in the weekly "Desk of the CEO" publication~~ provided to the Council via the appropriate forum (such as the Council Hub).
3. Where a development proposal is referred to the City by a statutory authority for comment and the Administration believes that the proposal warrants consideration by the Council, the matter shall be referred to the Council for determination.



Council Policy Manual

CP6.20 Comment and Recommendations on Development Proposals Referred To the City by Statutory Authorities

Document Control Box							
Document Responsibilities:							
Custodian:	Planning and Development			Custodian Unit:	Development Approvals		
Decision Maker:							
Compliance Requirements:							
Legislation:							
Industry:							
Organisational: PR0498, PR0508							
Document Management:							
Risk Rating:	High	Review Frequency:	Annual	Next Due:	2011	TRIM Ref:	P1023849
Version #	Decision Reference:		Synopsis:				
1.	OCM - 16/02/2010 (88/10)						
2.							
3.							
4.							
5.							

Recommendation:

That Council:

1. ***APPROVES the draft Council Policy 14.1 Outdoor Dining Policy (as detailed in Attachment 13.11B) for consultation purposes;***
2. ***NOTES that a review of the Outdoor Dining Policy will be undertaken after the first year and then updated every three years;***
3. ***ENDORSES the draft Outdoor Dining Guidelines (as detailed in Attachment 13.11C) for consultation purposes; and***
4. ***NOTES that the results of the consultation will be presented to Council at a future meeting.***

FILE REFERENCE: P1014820
 REPORTING UNIT: Coordination and Design / Health and Activity Approvals
 RESPONSIBLE DIRECTORATE: Planning and Development / Community and Commercial Services
 DATE: 16 July 2018
 ATTACHMENT/S: Attachment 13.11A – Existing 14.1 Alfresco Dining 2000 Policy
 Attachment 13.11B – Draft 14.1 Outdoor Dining Policy
 Attachment 13.11C – Draft Outdoor Dining Guidelines

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input checked="" type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation

Food Act 2008
 Australian and New Zealand Food Standards Code
City of Perth Alfresco Dining Local Law 2009

Integrated Planning and Reporting Framework Implications

Strategic Community Plan
 Goal 1 – A city for people
 Goal 2 – An exceptionally well designed, functional and accessible city
 Goal 5 – A prosperous city
 Goal 7 – An open and engaged city
 Goal 8 - A city that delivers for its community

Policy

Policy No and Name: 14.1 Alfresco Dining 2000

Purpose and Background:

At the Planning Committee meeting held on **21 June 2016**, a notice of motion was put requesting:

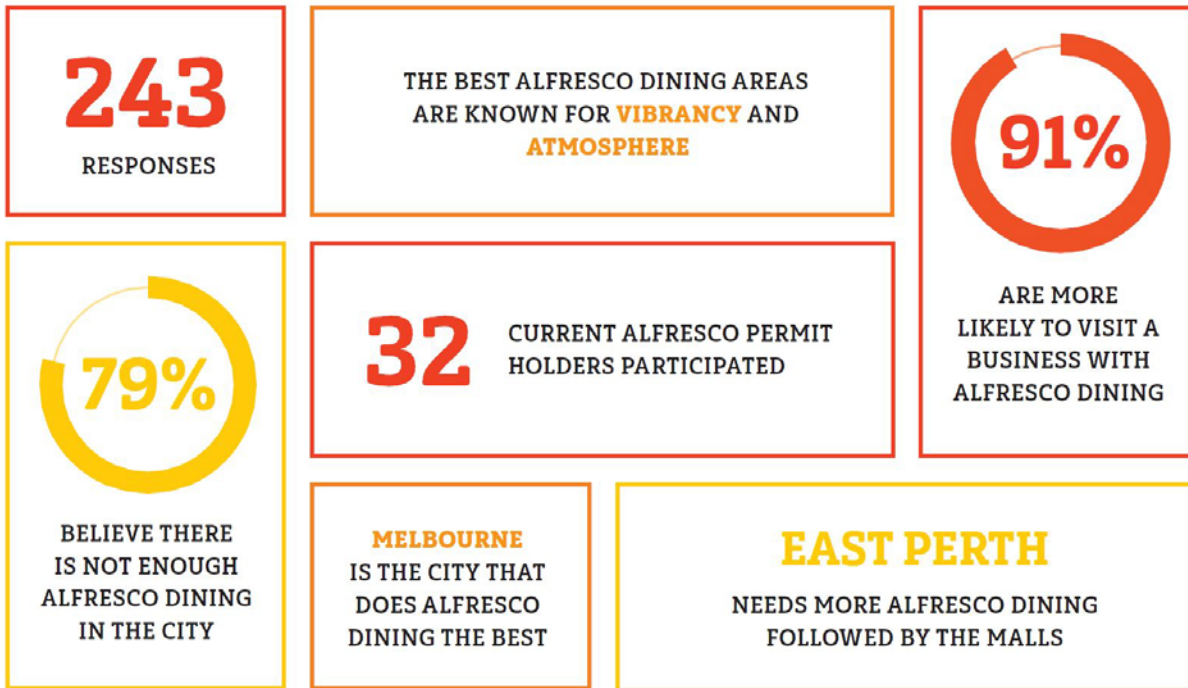
“That the administration prepares a report for the consideration of outlining how the Alfresco Dining Local Law (2009) and Alfresco Dining Policy 2000 can be amended to allow licensees, to, on a temporary basis only, i.e. not more than once per week, be allowed to, inside their existing alfresco permit area, prepare food and drink.”

At the Ordinary Council meeting held on **1 November 2016**, Council received a report requesting consideration on the implications of permitting the preparation of food and beverage on a temporary basis in alfresco areas and its implications on the *City of Perth Alfresco Dining Local Law 2009* and Council Policy 14.4 – Alfresco Dining Policy 2000.

The Council noted that the Council Policy 14.4 – Alfresco Dining Policy 2000 and the *City of Perth Alfresco Dining Local Law 2009* would be reviewed in 2017.

An Alfresco Working Group (the Group) was established in March 2017 tasked with reviewing the Local Law, Policy, fee structure and design guidelines associated with alfresco dining. This review included community engagement and submissions from external stakeholders in July 2017 which informed the Groups’ preliminary recommendations to Council.

At the Ordinary Council meeting held on **21 November 2017**, detail of the Community Engagement survey was provided to Council which informed a suite of major changes including the development of a new Policy and Guidelines. At a glance, the City received the following feedback:



At the Ordinary Council meeting held on **21 November 2017**, Council endorsed the following:

- 1.1 *the implementation of an annual Alfresco Dining Fee Rate of \$40.00 per square metre from 1 January 2018 as detailed in this Report;*
- 1.2 *the allowance of beverage preparation and service from within the outdoor dining area;*
- 1.3 *the allowance of service of pre-packaged food from within the outdoor dining area;*
- 1.4 *the change of program name to Outdoor Dining;*
- 1.5 *the reduction of the pedestrian clearance in the new outdoor dining zones;*
- 1.6 *the permission of alcohol consumption whilst standing in an outdoor dining area;*
- 1.7 *the renewal period from annually to three yearly;*
- 1.8 *the option of a payment plan; and*
- 1.9 *the proposed future timeline as detailed in this report.*
2. *That Council NOTES, subject to endorsement in Part 1 above, the following will be submitted to Council for approval as detailed in this Report:*
 - 2.1 *Amendments made to the City of Perth Alfresco Dining Policy 2000 and Alfresco Dining Local Law (2009);*

Outdoor dining was also identified in the City's Corporate Business Plan 2017 – 2021:

Goal	Strategic Objective	Operational Initiative
2 - An exceptionally well designed, function and accessible city	A city uninhibited by regulation	Review alfresco regulations to facilitate increased activation opportunities

It also achieves the following goals of the Strategic Community Plan Shaping Our Capital City:

Goal	Strategic Objective
1 – A city for people	A safe and secure city
	Increase the amount of people that live, work, visit and stay in the city developing a strong sense of neighbourhood in the community
2 – An exceptionally well designed, functional and accessible city	Public and private spaces support hospitality and vibrant activity
	People of all ability can move into and throughout the city to access and use public spaces and places
5 – A prosperous city	Tourist destination that uses uniqueness that attracts visitors
7 – An open and engaged city	Community is involved and has trust in government
8 – A city that delivers for its community	Service delivery is of a high quality and focused on the needs of the City’s Community, Business and Visitors

This report provides details on the new Outdoor Dining Policy and Guidelines.

Details:

Ideas and information from the community consultation process held in July 2017 has informed a raft of changes, including the reduction of fees and charges which were adopted by Council in November 2017 and came into effect on 1 January 2018. The revised Policy and Guidelines support these changes and will ensure there is clarity around application processes.

From the 243 responses received during community consultation there was a general desire for a more simplified approach to the City’s outdoor dining offerings and the need to address the following:

- Footpath access and circulation (53 comments);
- Shade and the need for umbrellas (43 comments); and
- Quality of furniture and design (32 comments).

In terms of precedents the majority of respondents thought that Melbourne is the city that does outdoor dining the best.

Recognising that public space within the City of Perth has more competing uses and functional requirements than neighbouring Councils, a comparison of fees and typical processing times was undertaken. These numbers exclude outdoor dining in private property:

Council	Outdoor dining fees 2018/19	Approx Number of Outdoor Dining venues (excludes private realm)	Typical permit processing time
Town of Vincent	Footpath: - \$0 Parking bay/parklet: - \$200 (application fee) \$1000 (approval fee including 2-year permit) \$500 (annual renewal)	118	Online self service
City of Subiaco	\$310 per application \$135 per application (if permit has expired within 30 days) \$50 transfer fee No annual permit fee	70	10 days* *provided the applicant submits everything required
City of Perth	Permits:- \$40 m2 \$98 (application fee) Lease: - \$150 to \$200 m2 per 5 year tenure.	236	10 days* *provided the applicant submits everything required

The City's revised Policy and Guidelines will:

- Make it easier for existing businesses with outdoor dining and new applicants to understand and implement high quality and compliant outdoor dining areas;
- Improve efficiency for officers involved in the approval and management of outdoor dining areas; and
- Help deliver high quality outdoor dining for our community and enhance our public spaces.

The Guidelines have taken into account broad desktop research and literature on current best practice of other capital cities including City of Melbourne, City of Adelaide and City of Sydney.

A typical street ties the City together with a cohesive and well designed aesthetic. It is important to provide the setting but not compete with the City's rich fabric which evolves over time; great architecture, engaging window displays, outdoor dining and most importantly, people using the streets provide colour, vibrancy and a sense of place.

A typical street in a capital city is subject to a limited amount of space and often this has to be allocated to different and competing uses and functions. Outdoor dining, for example, has to co-exist comfortably amongst bus stops, bus and bike lanes, street trees, parking, street furniture and lighting. Streets must allow for people of all ages and abilities to move around comfortably and engage in public life. City streets also need to be maintained to a high standard and consideration must be given to how these spaces are accessed for servicing and cleaning on a daily basis.

Analysis of pedestrian volumes on City streets was undertaken as well as a comparison of setback requirements of other cities. This analysis has informed a number of changes to pedestrian clearance requirements. Reducing some of the required clearances without inhibiting pedestrian access will open up more outdoor dining opportunities for those businesses previously excluded.

The principles that underpin the Guidelines include:

Principle	Guidelines
Embrace the public nature of the street	Ensure that the public space is open and welcoming, allowing people to dwell, move through and enjoy the streetscape.
Allow for activity and movement for all pedestrians	Provide permeable streets and public spaces, ensure that people are on the same physical level and allow for safe and uninterrupted paths of travel accessible to all users regardless of ability.
Ensure the streetscape is visually easy to understand and negotiate	Crowding the street or footpath with items and obstacles should be avoided.
Support the street's identity and character	Avoid visual or physical clutter that detracts from the appeal of building and shop frontages and select quality materials that provide a positive sensory experience.
Complement the existing streetscape	The configuration and layout ties in with the street's design and any future planned upgrades.
Embrace Perth's climate and urban greenery	Perth has the highest number of sunny days and sunshine hours of any Australian capital city (source: Bureau of Meteorology) and our outdoor dining offering should reflect this. Allow for people to enjoy the seasonality of the city, embrace the environment by avoiding enclosing the outdoor dining area.
Allow for flexibility of use	Outdoor dining should be a robust design, so that the changing needs of the public space can be accommodated.
Contribute to a pleasant built environment	Select materials that will ensure resilience and easy maintenance, despite rigorous use.
Support public safety and vibrancy through passive surveillance	Provide uninterrupted sightlines and encourage passive surveillance of the street. It is essential for patrons in an outdoor area to see their surroundings and to be seen by passer-by's.

A review of the Policy will be undertaken after the first year and then at least every three years. The Guidelines will be updated as required in response to the changing needs of our City spaces.

Financial Implications:

At the Ordinary Council meeting held on **21 November 2017**, Council approved the implementation of an annual Fee Rate of \$40.00 per square metre for licensed outdoor dining areas, from 1 January 2018. This represents fee reductions of 50% to 73%. It was anticipated that the lower fees and revised regulations would encourage more food businesses to apply for outdoor dining licenses, offsetting the fall in revenue to some extent. The 2018/19 Budget reflects the impact of the fee and policy changes.

Comments:

Outdoor dining should contribute to the creation of inviting public places for the whole community. A simplified Policy and Guidelines will ensure clarity for businesses with existing outdoor dining and new applications. The Policy and Guidelines will provide a framework to encourage high quality outdoor dining befitting of a capital city, that supports businesses, contributes to street life and vibrancy, improves the public realm and ensures a point of difference from our inner city and suburban neighbours.

The renewal process for 2018/19 provides an opportunity for the City to complete an audit of all current Outdoor Dining areas in the City. Considerable stakeholder engagement has already occurred and this will continue during the renewal process. A site visit of each Outdoor Dining area has commenced and assistance provided to operators to provide up to date site plans and photographs of the areas.

The associated new Local Law will be submitted to the next Ordinary Council meeting following endorsement of the Policy and Guidelines and is intended to align with both documents. After submission to Council there will be a mandatory six week advertising period to allow for public submissions on the intended local law. Following this, a report shall be submitted to Council to allow it to consider any public submissions received. If there are no significant changes to the Local Law on the basis of these submissions, it may then adopt the Local Law. References to the *Outdoor Dining Local Law 2018* in the attached Policy and Guidelines shall be read as the *Alfresco Dining Local Law 2009* until the new local law is adopted and gazetted.



Council Policy Manual

CP14.1 Alfresco Dining 2000

POLICY OBJECTIVE

To:-

1. encourage high quality alfresco dining to enhance the amenity, vitality and ambience of the City of Perth;
 2. provide a comprehensive framework for the development, management and control of alfresco dining; and
 3. ensure that alfresco dining does not interfere with the safe and reasonable movement of pedestrian and vehicular traffic.
-

POLICY STATEMENT

1. PRELIMINARY

Power to Make the Policy

- 1.1 This policy has been made under Part 3 of the Alfresco Dining Local Law 2000.

Citation

- 1.2 This policy may be cited as the "City of Perth Alfresco Dining Policy 2000".

Objectives

- 1.3 The objectives of this policy are to –
- a. encourage high quality alfresco dining to enhance the amenity, vitality and ambience of the City of Perth;
 - b. provide a comprehensive framework for the development, management and control of alfresco dining; and
 - c. ensure that alfresco dining does not interfere with the safe and reasonable movement of pedestrian and vehicular traffic.
-



Council Policy Manual

CP14.1 Alfresco Dining 2000

Application of policy

1.4 This policy applies throughout the district.

Definitions

1.5 (1) In this policy, unless the context otherwise requires -

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

"**alfresco dining area**" means an area in which tables, chairs and other structures are provided for the purpose of the consumption of food or beverages or both by the public;

"**approval sticker**" means the sticker issued by the City of Perth signifying that a licence has been issued;

"**central zone**" means the zone shaded black on the Map;

"**eating house**" means " means any land, premises or place, or any part thereof, on or in which meals are prepared for service, or are served, to the public for gain or reward.

The term does not include -

- (a) Any boarding-house or lodging-house; or
- (b) Any building or other structure used temporarily for the preparation for service or service of meals to the public, at any fair, show, military encampment, races or other public sports, games or amusements.'

"**general zone**" means the area which is not shaded on the Map; and

"**Hay Street West zone**" means the zone shaded grey on the Map;

"**furniture**" means the chairs, tables, waiters' stations, planter boxes, umbrellas, screens, awnings and any other structure to be set up in the alfresco dining area;

"**local law**" means the City of Perth Alfresco Dining Local Law2000;

"**Map**" means schedule 4 being the map of alfresco dining zones; and

"**subcentral and Northbridge zone**" means the hatched zone on the map.



Council Policy Manual

CP14.1 Alfresco Dining 2000

- (2) Words and expressions used in this policy which are not defined in this policy have the meanings given to them in the local law and the Act.

2. APPLICATION FOR LICENCE AND DETERMINATION OF APPLICATION

Documents which are to accompany an application for a licence

2.1 An applicant for a licence shall make an application by forwarding to the CEO -

- a. the fee; and
- b. the completed application in the form prescribed in Schedule 1 and all plans and other documents required to be attached to the application.

Matters to be considered

2.2 The matters to which the City of Perth may have regard in determining an application for a licence include -

- a. the desirability of the alfresco dining in the proposed alfresco dining area;
- b. the proposed location of the alfresco dining area including but not limited to –
 - i. the size of the proposed location;
 - ii. safety issues such as levels and speed of traffic;
 - iii. whether any hazard or obstruction is likely to arise from alfresco dining;
 - iv. compatibility with existing uses including but not limited to other businesses, street entertainment, loading zones, bus stops, trees and fixed street furniture; and
 - v. compatibility with pedestrian, vehicle and emergency access;
- c. whether the proposed alfresco dining area will –
 - i. obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - ii. impede pedestrian access;
- d. whether the proposed furniture –
 - i. is unsuitable, in any respect to the location in which the licence is to operate; or
 - ii. may obstruct or impede the use of the public place for the purpose for which it was designed;



Council Policy Manual

CP14.1 Alfresco Dining 2000

- e. whether users of the alfresco dining area will have access to proper and sufficient sanitary and ablutionary conveniences;
- f. whether alfresco dining is in keeping with the amenity of the locality of the proposed location;
- g. whether the interests of the amenity of the locality of the proposed alfresco dining area or public safety, or both, require that because of the locality, the alfresco dining should be of a higher standard or of an alternative form;
- h. potential for nuisance, including rubbish, increased noise, or anti-social behaviour;
- i. whether the application for a licence is an application for the renewal of a licence under clause 2.6 of the local law; and
- j. any other matters that the City of Perth considers to be relevant in the circumstances of a case.

2.3 Standard conditions which may be imposed on the licensee

- (1) If the City of Perth approves an application for alfresco dining, it may, in addition to such other conditions as it may impose, require that the licensee shall -
 - a. ensure that alfresco dining only occurs in the permitted location;
 - b. ensure that the furniture is only placed within the alfresco dining area and does not obstruct or impede the reasonable use of the public place by any person or interfere with or be hazardous to vehicular or pedestrian traffic;
 - c. ensure that alfresco dining does not obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or a vehicle crossover;
 - d. ensure that alfresco dining does not obstruct -
 - i. footpath pedestrian flow; or
 - ii. arcade or retail premises entrances;
 - e. remove the furniture at the request of an authorized person –



Council Policy Manual

CP14.1 Alfresco Dining 2000

- i. where in the opinion of the authorized person there is any hazard or obstruction or is likely to be a hazard or obstruction caused by reason of the location of the alfresco dining, notwithstanding that the location was approved by the City of Perth; or
 - ii. for the purpose of a special event, parade, thoroughfare works or any other contingency which requires relocation or removal of the furniture;
 - f. ensure that alfresco dining does not encroach into designated emergency lanes or service vehicles accessways;
 - g. ensure that the alfresco dining area is kept in a clean and tidy condition at all times;
 - h. maintain the furniture in good, clean and serviceable condition at all times;
 - i. ensure that the furniture is removed before the close of the adjacent eating house;
 - j. be solely responsible for all rates and taxes levied upon the alfresco dining area;
 - k. ensure that the approval sticker is displayed in a conspicuous place in the adjoining eating house so that it may be easily seen by an authorized person;
 - l. obtain public liability insurance in an amount and on terms reasonably required by the Council; and
 - m. reimburse the City of Perth for all costs associated with preparing the public place for alfresco dining including but not limited to reshaping footpaths and marking the boundaries of the alfresco dining area.
- (2) Notwithstanding paragraph (1) the City of Perth may -
- a. approve an application subject to additional conditions under subclause 2.4(3) of the local law; and
 - b. vary any of the conditions referred to in paragraph (1) when approving the application if, in the opinion of the City of Perth, the circumstances of a particular application warrant the variation and the variation is in accordance with the local law.



Council Policy Manual

CP14.1 Alfresco Dining 2000

3. LOCATION REQUIREMENTS

Location

- 3.1**
- (1) The alfresco dining area should be located directly adjacent to the eating house.
 - (2) The alfresco dining area must be located adjacent to the kerb with a minimum kerb clearance of 600mm. In areas where kerbs are flush with the road, the minimum kerb clearance must be 1 metre. In exceptional circumstances the City of Perth may permit alfresco dining in specified streets to be located adjacent to the building line, when an acceptable alternative pedestrian clearway has been provided
 - (3) There must be a minimum pedestrian clearway of 2.5 metres from the alfresco dining area to the building line. However, in the central zone and Hay Street West zone, greater widths will generally be required. In footpath enhancement area, the alfresco dining area will be restricted to the width of the footpath enhancement area.
 - (4) In the central zone the minimum pedestrian clearway is 3 metres. However, up to 4 metres pedestrian clearance may be required in high pedestrian areas. There is also an emergency vehicle clearway in the centre of malls.



Council Policy Manual

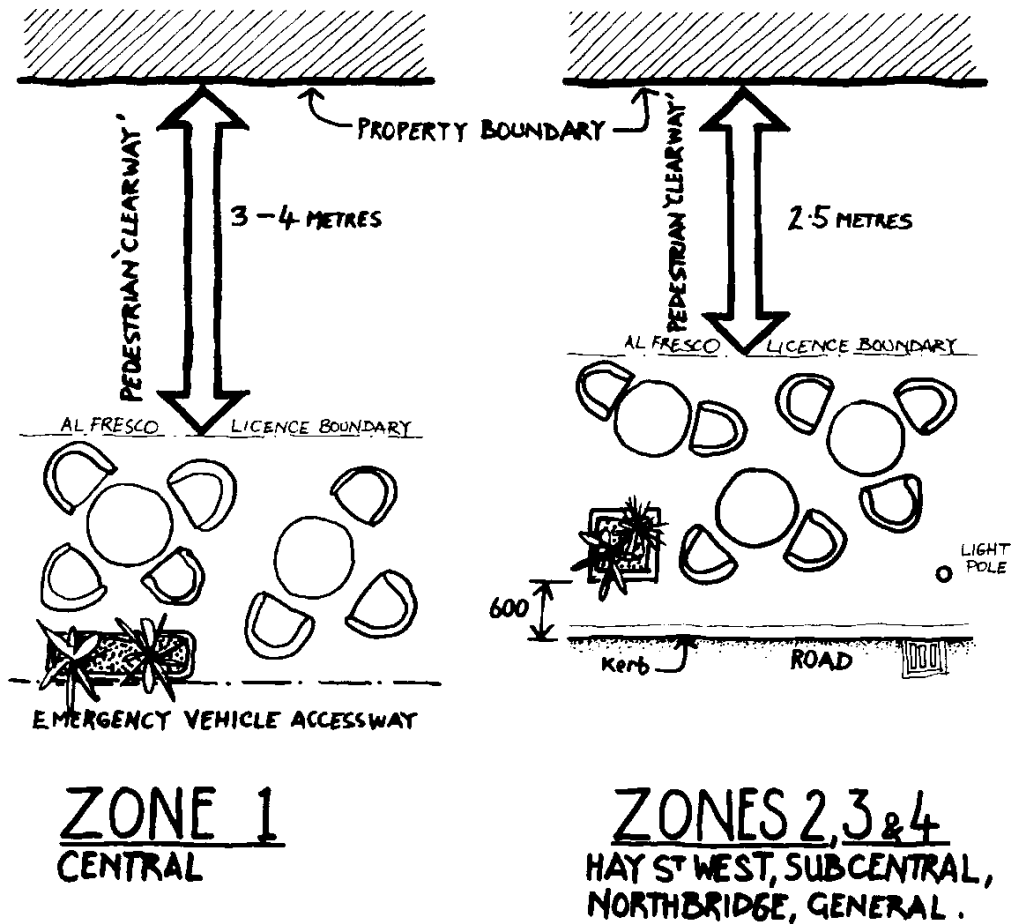
CP14.1 Alfresco Dining 2000



Council Policy Manual

CP14.1 Alfresco Dining 2000

Figure 1 - Location of alfresco dining in the central, and other areas of the city



- (5) Alfresco dining will be prohibited within at least 6 metres of the building line on a street corner except in exceptional circumstances.
- (6) On the waterfront the alfresco dining area must be setback at least 2.5 metres from the water's edge. In some areas a greater pedestrian clearway may be required.
- (7) In limited circumstances, the City may approve / support an alfresco dining area from the building line to the kerb to allow carriage of alcoholic beverages to the seated area. Application would require the submission of an Alfresco Management Plan to the satisfaction of the City prior to recommendations being made to the Department of Racing Gaming and Liquor.



Council Policy Manual

CP14.1 Alfresco Dining 2000

Extensions to an alfresco area

- 3.2**
- (1) Applications to widen a footpath for alfresco dining may be made to the City of Perth. The cost of any works to widen the footpath are to be paid by the licensee. The application will be assessed in relation to existing and future pedestrian, traffic and parking requirements. Applications should be in writing to the Manager Environment & Public Health of the City of Perth.
 - (2) Temporary arrangements to extend an alfresco dining area to include the street frontage of adjacent premises may be permitted in exceptional circumstances, where a significant benefit to the streetscape can be demonstrated to the satisfaction of the Council.
 - (3) The written consent of the owner and occupier of the adjacent premises must accompany an application to use the street frontage of the adjacent premises.
 - (4) If the owner or occupier of the adjacent premises, or their successors or assigns, revokes their consent for the alfresco dining area to include the area adjacent to their premises, the licensee must cease using that area immediately and reinstate the footpath within the time specified by the City.

Car parking embayments in Northbridge

- 3.3**
- (1) Applications will only be considered in relation to pedestrian oriented streets of Northbridge where traffic speeds are low. The parking embayments must be directly adjacent to the eating house to which the licence relates. Traffic and safety considerations will affect the suitability of the alfresco dining areas close to street intersections.
 - (2) Removable barriers must be provided by a licensee to prevent patrons encroaching on the roadway.
 - (3) In-ground barrier support units (footings) must be provided and installed by the City of Perth. The cost of the installation of the footings is to be paid by the licensee. The licensee may also purchase barriers from the City of Perth.

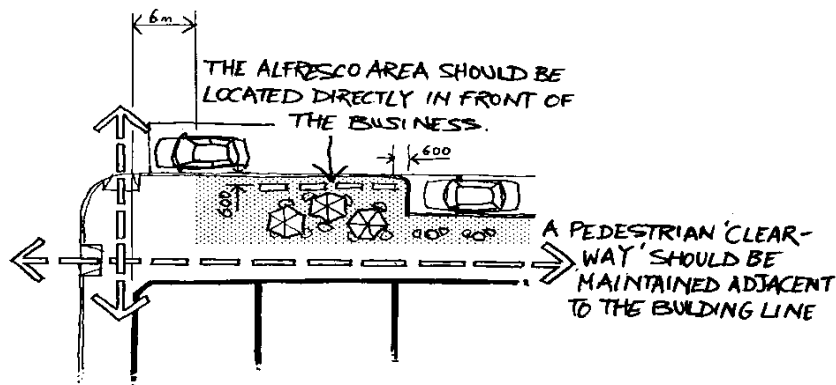


Council Policy Manual

CP14.1 Alfresco Dining 2000

- (4) The licensee must meet the cost of modifying parking signage.

Figure 2 - Location of alfresco dining on footpaths and car parking embayments



4. FURNITURE

Number of chairs

- 4.1 A maximum of one chair (in other words, patron) per square metre may be located in an alfresco dining area subject to any restrictions imposed by other laws including but not limited to the Building Code of Australia.

Placement of furniture

- 4.2 (1) The placement of furniture must not compromise the access and safety of patrons, pedestrians and emergency and service vehicles.
- (2) Furniture must not be fixed to the pavement without the written approval of the Council. Where fixed furniture is approved, the location of underground services should be determined prior to the installation of footings. The cost of any work and repairs to services and the pavement shall be paid by the licensee.
- (3) The style, layout and orientation of furniture should be chosen according to the extent and shape of the alfresco dining area and to dissuade patrons from moving furniture beyond the boundaries of the alfresco dining area. In kerbside



Council Policy Manual

CP14.1 Alfresco Dining 2000

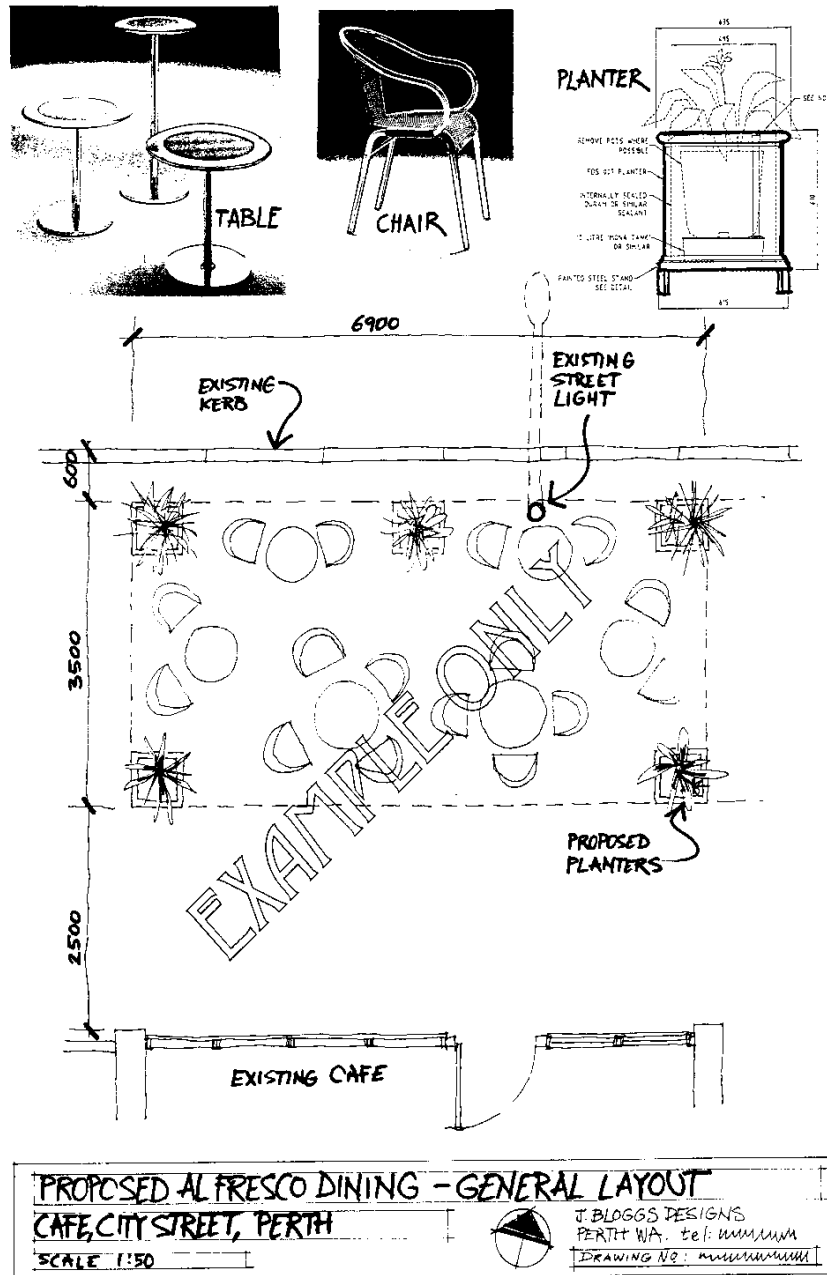
locations, for safety reasons, chairs should not be placed with their backs to the kerb.

- (4) The furniture must be placed and kept within the alfresco dining area only.
- (5) The furniture must not interfere with pedestrian access and safety and security camera visibility.
- (6) The minimum practical width of an alfresco dining area is one metre which will allow for 2 chairs and a table. A lesser width may be approved if the applicant can demonstrate that the furniture, when in use, will fit comfortably within the proposed alfresco dining area.

Figure 3 - Typical plan of a proposed alfresco dining area

Council Policy Manual

CP14.1 Alfresco Dining 2000



Furniture style

- 4.3 (1) The furniture styles should make a positive contribution to the street environment. A style that is practical and elegant and in keeping with the style and character of the host eating house or the streetscape is required, or both.



Council Policy Manual

CP14.1 Alfresco Dining 2000

- (2) In some circumstances the City of Perth may require furniture to harmonize with heritage or character streetscapes.
- (3) In King Street, the provision of modern sympathetic designs are preferable to 'period' designs that are not authentic to the precinct.
- (4) The furniture should be strong, durable, waterproof, rustproof and weather resistant and should fold or stack for storage for removal from the alfresco dining area each day.
- (5) Public safety and comfort must be considered. For example, sharp edges and hinges or moving parts that could be a potential hazard for patrons should be avoided.
- (6) All furniture must be freestanding and removable, unless specific approval has been given by the Council for fixed furniture.

Material and colours

- 4.4**
- (1) The preferred materials are metal or timber. The feet of any metal furniture should be suitably encased in rubber or plastic to minimize noise. Plastic or acrylic tables and chairs are not encouraged due to generally lower standards of design and quality and their rapid deterioration in the urban environment.
 - (2) Colours which provide a good contrast with the pavement should be used to allow people with low vision to distinguish the chairs from the footpath. Pure white tabletops must not be used given they may cause an unpleasant glare.

Advertising

- 4.5**
- (1) Subject to paragraph (2) advertising on any item of furniture including barriers, is limited to the name and logo of the eating house. The advertising must only appear once on each item and should not exceed 10% of the area of the particular item of furniture.
 - (2) Product advertising is limited to umbrellas and must only relate to products sold by the eating house.



Council Policy Manual

CP14.1 Alfresco Dining 2000

- (3) Details of the location and extent of advertising should be shown on the licence application form.
- (4) Free standing signage such as A- frame signs or sandwich boards are not permitted in an alfresco dining area

Umbrellas, screens and awnings

- 4.6**
- (1) To provide shade and shelter, high quality market umbrellas are encouraged. The canopy of the umbrella must be higher than 2.3 metres from the pavement. The City of Perth may specify another height.
 - (2) Footings for market umbrellas shall be installed by the City of Perth or accordance with the City of Perth's specifications (if any) and to the satisfaction of the City of Perth. The cost of the installation of the footings is to be paid by the licensee.
 - (3) Umbrellas must be adequately secured in an approved manner. Heavy bases are not always appropriate as they take up a lot of room in a relatively confined space.
 - (4) Removable screens of up to one metre in height may be used to define the boundary of an alfresco dining area, but should not create a barrier or solid wall effect. Pedestrian accessways of a minimum of one metre width for each seven metres of alfresco dining area are required.
 - (5) Screens more than one metre in height, including glass or perplex panels or clear plastic rolled down from umbrellas and awnings are not permitted.
 - (6) In exceptional circumstances an awning or decking may be approved by the Council. This will require a development application to be submitted under the City of Perth 's Town Planning Scheme. Decking may only be approved to accommodate a difference in level, that is, the gradient of the footpath A smooth and continuous transition between the platform and adjacent surfaces must be provided.
 - (7) Boundary definition on all sides of an alfresco dining area is mandatory where alcohol is served.



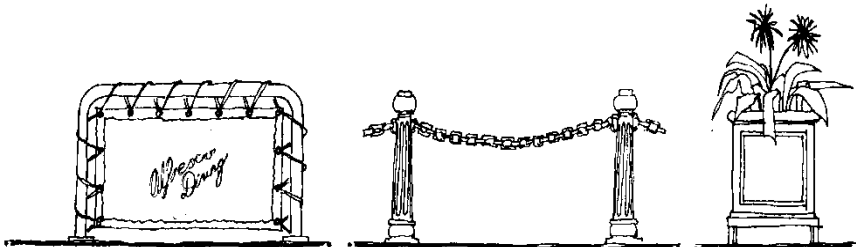
Council Policy Manual

CP14.1 Alfresco Dining 2000

Planter Boxes and Plants

- 4.7**
- (1) Well maintained and attractive planter boxes can significantly add to the amenity of an alfresco dining area and the public place and can also be used in conjunction with low screens.
 - (2) Planter boxes should be located to define, but not enclose, the alfresco dining area or create a barrier effect. Maintaining significant gaps between planter boxes is important to allow public access from both the footpath and the street. Defined accessways of a minimum of one metre width for each seven metres of alfresco dining area are required. The City of Perth will consider public safety issues and urban design standards in assessing the use of planter boxes and planting.
 - (3) Plants must not spread, have spikes, thorns, be allergic or poisonous.
 - (4) Large planter boxes may remain in some alfresco dining areas after the adjacent eating house has closed (for example new enhancement areas) with the express approval of the City of Perth.
 - (5) Compact plants requiring low maintenance are encouraged. Planter boxes must be at least 100mm off the ground. Self watering planters which only require weekly watering (such as the Mona system) are encouraged. Detailed guidance on planting and maintenance can be found in the City of Perth Design and Construction Notes 8.7.

Figure 4 - Barriers and planters to create definition



Waiter's station

- 4.8**
- (1) A temporary waiter's station for the storage of cutlery or crockery or both and the serving of coffee may be provided within the alfresco dining area. This



Council Policy Manual

CP14.1 Alfresco Dining 2000

should be shown on the plan of an alfresco dining area as part of the application for licence.

- (2) The waiter's station must be serviced from within an alfresco dining area.
- (3) An alfresco dining area must not be used for the preparation of food or beverages.

4.9 Portable Gas Heaters

Portable gas heaters may be considered for approval where the heaters are:-

- (1) placed completely within the approved alfresco area;
- (2) placed where they pose no safety or fire hazard;
- (3) removed when the alfresco area is not being used;
- (4) demonstrated that they comply with:-
 - (a) Gas Standards (Gasfitting and Consumers Gas Installations) Regulations 1999;
 - (b) AS 5601/AG 601 – 2000 Gas Installations;
 - (c) AS/NZS 1596 – 1997 Storage and Handling of LP Gas;
 - (d) AS 4565 - Outdoor Radiant Gas Heaters;
- (5) be free standing and self contained but must be securely fixed and stable.

5. OPERATING REQUIREMENTS

Hours of operation

- 5.1 (1) The applicant is required to stipulate the hours of operation on the application form and these may be approved or amended in consultation with the applicant depending upon the location and nature of the alfresco dining.



Council Policy Manual

CP14.1 Alfresco Dining 2000

- (2) The hours of operation of an alfresco dining area serving alcoholic beverages will be limited to the hours stipulated in the extended trading permit of the adjacent licensed premises or as otherwise directed in writing by the City of Perth.

Removal and storage of furniture

- 5.2 (1) All furniture must be removed from the alfresco dining area at the close of business each day, unless otherwise permitted by the City of Perth.
- (2) In Northbridge, barriers for parking embayments may remain over the designated weekend period if the licensee has written approval from the City of Perth.

Table service

- 5.3 Table service is encouraged. Where alcohol is served table service is mandatory and patrons must be seated at all times.

Cleanliness and hygiene

- 5.4 (1) The alfresco dining area and its management and operation must comply with the *Health Act 1911*, regulations made under that Act, the City of Perth's local laws, the *Litter Act 1979* and all other relevant legislation.
- (2) The licensee is not permitted to prepare food or beverages in the alfresco dining area. For example, cappuccino machines are not permitted in the alfresco dining area.
- (3) Licensees will maintain the footpath to a high standard of cleanliness and hygiene, to the satisfaction of the City of Perth. This will include removing grease and stains, keeping the vicinity clear of litter and waste materials and the daily washing down of the pavement. No waste or sweepings are to be swept or placed in the gutter.
- (5) In the case of a fast food or takeaway establishment, the City of Perth may require the licensee at its cost to install litter bins of an approved design.



Council Policy Manual

CP14.1 Alfresco Dining 2000

Maintenance

- 5.5** All furniture must be maintained in a physically sound and aesthetically acceptable condition to the City of Perth's satisfaction, and all of the alfresco dining area must present a clean, well maintained image.

Lighting

- 5.6** If alfresco dining occurs outside daylight hours, the licensee must provide adequate, clear and well distributed lighting to ensure the safety and amenity of both patrons and the public.

Electrical wiring

- 5.7** (1) All electric wiring connected to lights, devices or appliances which are situated in or about the alfresco dining area shall not be placed -
- (a) on or under the alfresco dining area;
 - (b) above any part of a public place so as to interfere or obstruct the passage of vehicles or pedestrians; or
 - (c) in any manner or in any place which may be prejudicial to safety.
- (2) Any electrical wiring must be approved by Western Power and must not be placed across the footpath.

6. FEE

Fee

- 6.1** The fee consists of a fee for -

- (1) receiving an application for approval, granting an approval, making an inspection and issuing a licence; and
- (2) providing the use of a public place.



Council Policy Manual

CP14.1 Alfresco Dining 2000

- 6.2 The fee for a new licence application will be pro-rataed. A licence which has lapsed will not be pro-rataed.



Council Policy Manual

CP14.1 Alfresco Dining 2000

SCHEDULE 1

CITY OF PERTH

ALFRESCO DINING LOCAL LAW 2000

APPLICATION FOR LICENCE

TO: The Chief Executive Officer

I
(Full Name)

of
(Residential Address)

..... (Occupation)

apply for a licence to set up and conduct alfresco dining under the City of Perth Alfresco Dining Local Law 2000.

I declare that the following details are true and correct -

Details of Proposed Alfresco Dining Area

Item No.

1. Name and address of eating house (including the zone).....

.....

2. Location of proposed alfresco dining area (including the zone)

.....

3. Description of premises adjacent to proposed alfresco dining area

.....

4. Details of proposed alfresco dining area

5. Does the eating house have a liquor licence?.....

If not, do you intend to apply for a liquor licence for the eating house?.....

6. Proposed days of operation



Council Policy Manual

CP14.1 Alfresco Dining 2000

7. Proposed hours of operation
8. Proposed number of tables
9. Proposed number of chairs
10. Proposed number of other structures
11. Description of tables and chairs including materials and dimensions
.....
12. Description of other structures including materials and dimensions
.....
13. Details of proposed eating house name signage to be placed on furniture.....

NOTE: NO THIRD PARTY ADVERTISING PERMITTED EXCEPT FOR ADVERTISING OF PRODUCTS SOLD BY THE EATING HOUSE IN ACCORDANCE WITH THE ALFRESCO DINING POLICY.

I hereby declare that -

- (a) the eating house referred to in item 1 above is registered as required by Division 3 of Part V of the *Health Act 1911*;
- (b) I am the proprietor of that eating house and I am licensed in accordance with Division 3 of Part V of the *Health Act*;
- (c) the eating house referred to in item 1 above is registered as required by the *Liquor Licensing Act 1988*; and
- (d) I am the licensee of that eating house and I am licensed in accordance with the *Liquor Licensing Act*.

Note: Paragraphs (c) and (d) of the declaration only apply if the application relates to an eating house which is licensed under the Liquor Licensing Act.

The following are attached -

- (a) two copies of a plan and specifications of the proposed alfresco dining area on a scale of 1:50 showing -
 - (i) the location and dimensions of the proposed alfresco dining area;



Council Policy Manual

CP14.1 Alfresco Dining 2000

- (ii) the position of furniture to be provided in the proposed alfresco dining eating area; and
 - (iii) the manner in which the alfresco dining area is to be separated from the balance of the public place;
- (b) two copies of a plan and specification of the proposed alfresco dining area and all land within 30 metres beyond the boundaries of the proposed area on a scale of 1:500 which plan and specification shall show the location of all thoroughfares, footpaths, public facilities, public places, streets and street alignments;
 - (c) photograph of the proposed alfresco dining area in relation to adjacent premises;
 - (d) photographs or brochures of the furniture to be set up in the proposed alfresco dining area;
 - (e) details of any advertising proposed to be displayed on the furniture, including but not limited to the content, dimensions, colour and proposed location;
 - (f) details of storage areas for furniture;
 - (g) a written statement of the manner in which food, drink and dining accessories are to be conveyed to, and protected from contamination within the area; and
 - (h) if the eating house is licensed under the *Liquor Licensing Act 1988*, the liquor licence and the extended trading permit; and
 - (i) written particulars of arrangements made in respect of public liability insurance coverage in the sum of \$10,000,000 for the City of Perth and licensee in respect of alfresco dining; and
 - (j) written statements from the owner and occupier of the adjacent premises consenting to the conduct of alfresco dining in the area adjacent to their premises.

I acknowledge that if the owner or occupier of the adjacent premises, or their successors or assigns, revokes their consent for alfresco dining in the area adjacent to their premises, then this area may no longer be used by me for alfresco dining.

In making this application for a licence, I agree on the issue of a licence to -

- (a) indemnify the City of Perth and Council against any claim for loss, damage or injury however arising from the operation of the alfresco dining area; and
- (b) not to claim from the City of Perth or the Council or any person acting on their behalf, for any loss, damage or injury however arising from any public work on the public place.

I enclose the fee of \$.....



Council Policy Manual

CP14.1 Alfresco Dining 2000

Dated the day of

Signature of Applicant _____

NOTE: Only a holder of a liquor licence may sell liquor. Under the Liquor Licensing Act 1988, the holder of a liquor licence, with the consent of the Council, may be issued an extended trading permit which permits the sale and supply of liquor on a road or footpath. Any application for a liquor licence or extending trading permit should be sent to -

*The Director of Liquor Licensing
Liquor Licensing Division
Office of Racing and Gaming
1st Floor
87 Adelaide Terrace
EAST PERTH WA 6004*



Council Policy Manual

CP14.1 Alfresco Dining 2000

SCHEDULE 2 CITY OF PERTH

ALFRESCO DINING LOCAL LAW 2000

LICENCE TO CONDUCT ALFRESCO DINING

This licence is issued to -

..... (Full Name)
of (Address)

This licence authorizes you to set up and conduct an alfresco dining area -

- (a) on those portions of the public place, adjacent to.....
shaded blue on the licence plan attached to and forming part of this licence; and
- (b) on those portions of the public place, adjacent to.....shaded red on the licence
plan attached to and forming part of this licence, subject to the consent of the owner or
occupier, and their successors or assigns, of the adjacent premises; and
- (c) in compliance with the conditions attached to the licence and the alfresco dining local law
and the alfresco dining policy.

This licence is valid commencing on the date of issue shown below and expires at 12.00 o'clock
midnight on.....or on the sooner cancellation of this licence.

If the owner or occupier, or their successors or assigns, of the premises adjacent to the area
referred to in paragraph (b) revokes their consent, the licensee must immediately cease to use
that area for alfresco dining.

In accepting this licence, the licensee agrees -

- (a) to indemnify and hold indemnified the City of Perth and Council against any claim for
loss, damage or injury however arising from the operation of the alfresco dining area;
and
- (b) not to claim from the City of Perth or the Council or any person acting on their behalf for
any loss, damage or injury however arising from any public work in or around the public
place.

Issued this day of

Chief Executive Officer



Council Policy Manual

CP14.1 Alfresco Dining 2000

SCHEDULE 3

CITY OF PERTH ALFRESCO DINING LOCAL LAW 2000 TRANSFER OF LICENCE TO CONDUCT ALFRESCO DINING

The City of Perth transfers the licence to conduct alfresco dining situated at -
.....
.....

From the current licensee
To
of (the 'transferee')
for the period from the date of this transfer until

In accepting this Transfer of Licence, the transferee agrees –

- (a) to indemnify and hold indemnified the Council and the City of Perth against any claims for any loss, damage or injury however arising from the operation of the eating area; and
- (b) not to claim from the Council or the City of Perth or any person acting on their behalf, for any loss, damage or injury however arising from any public work on the public place.

Issued this day of

Chief Executive Officer



Council Policy Manual

CP14.1 Alfresco Dining 2000

**CITY OF PERTH ALFRESCO
DINING LOCAL LAW 2000
APPLICATION FOR RENEWAL OF LICENCE**

TO:
Chief Executive Officer
City of Perth

I, (Full Name)

of (Residential
Address)

..... (Occupation)

wish to apply for renewal of the licence to set up and conduct alfresco dining under the City of Perth Alfresco Dining Local Law 2000.

I declare that the details set out below are true and correct.

Details of Alfresco Dining Area

Item No.

1. Name and address of eating house (including the zone).....
.....
2. Location of the alfresco dining area
3. Description of the premises adjacent to the alfresco dining area
.....
4. Details of the alfresco dining area
5. Is alcohol served?.....If yes, attach a copy of the liquor licence and extended trading permit.
6. Days of operation
7. Hours of operation
8. Number of tables
9. Number of chairs



Council Policy Manual

CP14.1 Alfresco Dining 2000

10. Number of other structures
- (d) Description of the tables and chairs including materials and dimensions
.....
- (e) Description of other structures including materials and dimensions
.....
- (f) Details of the eating house name signage located on furniture.....

Note: No third party advertising permitted except for advertising of products sold by the eating house in accordance with the Alfresco Dining Policy.

I declare that -

- (c) the eating house referred to in item 1 above is registered as required by Division 3 of Part V of the Health Act 1911;
- (d) I am the proprietor of that eating house and I am licensed in accordance with Division 3 of Part V of the *Health Act*;
- (e) the eating house referred to in item 1 above is registered as required by the *Liquor Licensing Act 1988*; and
- (f) I am the licensee of that eating house and I am licensed in accordance with the *Liquor Licensing Act*.

Note: Paragraphs (c) and (d) of the declaration only apply if the application relates to an eating house which is licensed under the Liquor Licensing Act.

In making this application for renewal of the licence, I agree to -

- (a) indemnify the City of Perth and Council against any claim for loss, damage or injury however arising from the operation of the alfresco dining area; and
- (b) not to claim from the City of Perth or the Council or any person acting on their behalf, for any loss, damage or injury however arising from any public work on the public place.





I enclose the fee of \$.....

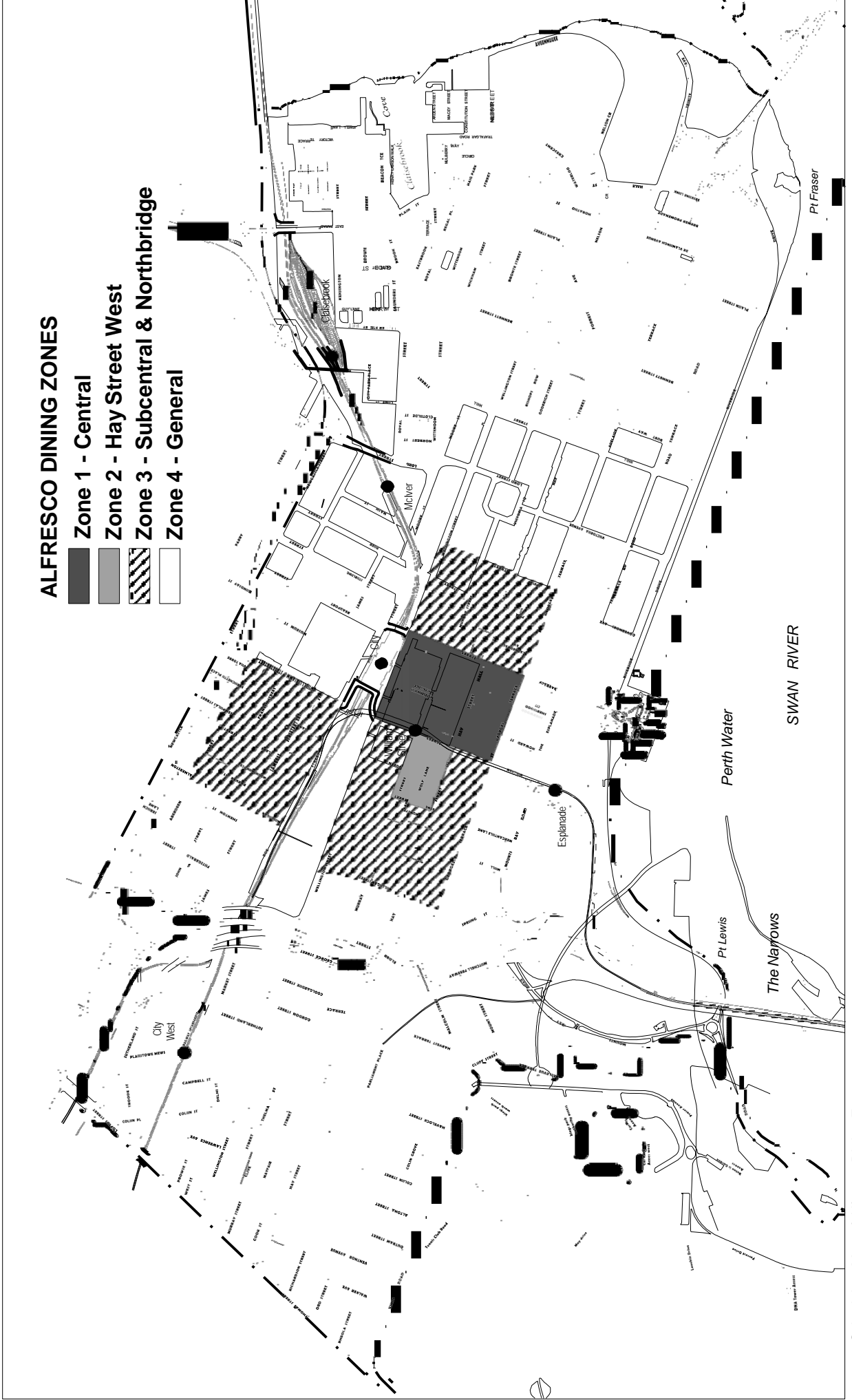
Evidence of \$10,000,000 public liability insurance coverage, with a reputable insurer, of the alfresco dining area must be attached to the signed application

Dated the day of

Signature of Applicant

POLICY 14.10
SCHEDULE 4 (Amended Council Meeting 6/12/11 746/11) CITY OF PERTH
ALFRESCO DINING LOCAL LAW 2000
MAP OF ALFRESCO DINING ZONES

- ALFRESCO DINING ZONES**
-  Zone 1 - Central
 -  Zone 2 - Hay Street West
 -  Zone 3 - Subcentral & Northbridge
 -  Zone 4 - General





Council Policy Manual

CP14.1 Alfresco Dining 2000

Document Control Box			
Document Responsibilities:			
Custodian:	Manager Health and Activity Approvals	Custodian Unit:	Health and Activity Approvals
Decision Maker:	Council		
Compliance Requirements:			
Legislation:	Alfresco Dining Local Law 2000		
Industry:			
Organisational:	PR0801		
Document Management:			
Risk Rating:	High	Review Frequency:	Medium
		Next Due:	2013
		TRIM Ref:	P1002146
Version #	Decision Reference:	Synopsis:	
1.	24/10/00	Previous Policy No. SU16	
2.	13/07/10 (345/10)		
3.	06/12/11 (746/11)		



Council Policy Manual

DRAFT CP14.1 Outdoor Dining

POLICY OBJECTIVES

This policy sets the foundation for developing and maintaining an adaptable framework that;

- 1) appropriately recognises the role of outdoor dining in the activation of streets and precincts, whilst not interfering with the safe and accessible movement of pedestrians and vehicular traffic;
- 2) is aligned with the City’s Disability Access and Inclusion Plan (DAIP) and universal access standards;
- 3) incentivises outdoor dining participation by making it more affordable;
- 4) allows bricks and mortar operators greater design flexibility to compete with pop-up businesses and promote competitive innovation; and
- 5) keeps regulatory requirements and impediments for participation to a minimum.

POLICY STATEMENT

The City of Perth strongly supports the use of its public thoroughfares for outdoor dining. Outdoor dining is matched perfectly to Perth’s climate and provides important benefits such as activation of streets and opportunities for business to increase their visibility.

We recognise the importance of providing a framework that meets the expectations of business and the community by being able to quickly adapt to changing trends and demands.

To achieve this, outdoor dining shall be supported by a framework consisting of this policy, followed by a local law and a guideline. The local law is to specify how outdoor dining is to be regulated, while the guideline details how the local law and other associated laws and standards are to be practically applied.

Document Control Box							
Document Responsibilities:							
Custodian:	Manager Health and Activity Approvals			Custodian Unit:	HAA		
Decision Maker:							
Compliance Requirements:							
Legislation:							
Industry:							
Organisational:							
Document Management:							
Risk Rating:		Review Frequency:		Next Due:		TRIM Ref:	75522/04



Council Policy Manual

CP [##] [Title]

Version #	Decision Reference:	Synopsis:
1.	ELG	
2.	ELG	
3.		

DRAFT



Outdoor Dining Guidelines

DRAFT



Acknowledgement

We acknowledge the Whadjuk Nyoongar people, Traditional Owners of the lands and waters where the City of Perth is today and pay our respects to Elders past and present.



TABLE OF CONTENTS

Introduction	6
Urban Design Principles	10
Suitable Locations	12
Determining the extent of the outdoor dining area	16
Designing the outdoor dining area	30
Managing and operating the outdoor dining area	42
Compliance	48
Decommissioning of an outdoor dining area	50
Applying for an outdoor dining permit	52
Outdoor Dining Checklists for Applicants	58
Frequently Asked Questions	62
Site Plan Example	68

1

INTRODUCTION



INTRODUCTION

IMPORTANCE OF OUTDOOR DINING

The City of Perth supports the use of suitable public spaces for outdoor dining.

Outdoor dining provides important benefits to the city. By nature of its location in our public places, outdoor dining is perfectly suited to Perth's climate; it should be temporary in nature, and complement the associated food business.

High quality outdoor dining areas:

- create diverse street activity and contribute to the life and vibrancy of streets and other public places, aligning with the City of Perth Strategic Community Plan
- attract residents, visitors and tourists to spend time in the city and provide activity that makes public spaces feel safer
- support the City's economy by increasing trading opportunities for cafes, restaurants and bars

OBJECTIVES OF THE GUIDELINES

These guidelines will assist business owners create and manage high quality outdoor dining areas and support them in complying with the City's Outdoor Dining Policy.

The City conducted extensive community and stakeholder consultation, to develop the following objectives:

- Ensure equal access to and public safety in public places with outdoor dining.
- existing food businesses that have an outdoor dining permit
- new applicants for outdoor dining permits

The City of Perth Outdoor Dining Guidelines can be accessed through the City website and are available in other formats on request.

WHO DO THE GUIDELINES APPLY TO?

The guidelines apply to:

- outdoor dining areas on public land, and City owned and leased land within the City of Perth
- existing food businesses that have an outdoor dining permit
- new applicants for outdoor dining permits

Outdoor dining applicants must be a registered food business within the City of Perth and have a tenancy fronting the public place where outdoor dining will be situated, with clear and unobstructed access and views to this area.

Each application will be assessed by the City on a case-by-case basis.



EXISTING OUTDOOR DINING AREAS

Permit holders that commenced operation of their outdoor dining permit under the previous Alfresco Dining 2000 Policy, or any earlier Policy, will be given reasonable time to ensure their outdoor dining area meets the minimum standards set out in the Outdoor Dining Policy, the revised Outdoor Dining Local Law 2018 and these guidelines. Failure to comply will result in the permit being cancelled; and in the case of installations such as fixed umbrellas and glass barriers, these will need to be removed and rectification works completed at the permit holder's expense.

DEFINITIONS

Outdoor dining

Outdoor dining or drinking or both in a public place.

Outdoor dining area

An approved area in which tables, chairs and other structures can be placed for the supply and consumption of food or beverages, or both.

Furniture and other approved items must be located within this area at all times when the business is operating.

Public place

A public place is defined by the City of Perth Thoroughfares and Public Places Local Law 2017 as "any thoroughfare or place which the public are allowed to use."

These places are open and available for all members of the community to enjoy cultural, social and recreational activities. This includes footpaths and pedestrian malls. Public places must be accessible to all members of the community and allow for effective pedestrian movement.



Applicant

The business or representative of a registered food business formally applying to operate an outdoor dining area in a public place, within the City of Perth's jurisdiction.

Outdoor dining permit

A permit, approved by the City of Perth, that allows the operation of an outdoor dining area in a public place within the municipality.

Under the Outdoor Dining Local Law 2018, a permit from the City of Perth is required to operate an outdoor dining area in any public place.

Permit holder

The business or representative of the business that holds an outdoor dining permit.

Development Application

A Development Application (DA) is a formal request for approval to change the use of a premises from one activity or land use to another. This is a separate application and approval process to the outdoor dining application.

Non-fixed items

Furniture and items that can be easily and quickly removed from the outdoor dining area are considered non-fixed. This includes tables and chairs.

Semi-fixed items

Furniture and items require a permanent footing or structural installation system. This includes umbrellas, canvas screens and planter boxes.

Fixed items

Furniture and items that are permanently fixed in the street and not easily removeable at short notice. This includes glass screens.

Policy framework

This guide has been developed in line with City policies and local laws and responds to a range of municipal, state, and federal legislation and standards.

2

URBAN DESIGN PRINCIPLES



URBAN DESIGN PRINCIPLES

Outdoor dining should contribute to the creation of inviting public places for the whole community.

The following principles outline the urban design considerations required to deliver successful public places that support outdoor dining. Outdoor dining should:

Embrace the public nature of the street

Ensure that the public place is open and welcoming, allowing people to dwell, move through and enjoy the streetscape.

Allow for activity and movement of all pedestrians

Provide permeable streets and public places, ensure that people are on the same physical level, and allow for uninterrupted paths of travel accessible to all users regardless of ability.

Ensure the streetscape is visually easy to understand and negotiate

Crowding the street or footpath with items and obstacles should be avoided.

Support the street's identity and character

Avoid visual or physical clutter that detracts from the appeal and clear views of building and shop frontages and select quality materials that provide a positive sensory experience.

Complement the existing streetscape

Have their configuration and layout tie in with the street's design and any future planned designs.

Embrace Perth's climate and urban greenery

Allow for people to enjoy the seasonality of the city, embrace the outdoor environment, and avoid enclosing the outdoor dining area.

This is a key part of the outdoor dining experience – Perth has the highest number of sunny days and sunshine hours of any Australian capital city (source: Bureau of Meteorology) and a small proportion of rainy days; outdoor dining should make the most of this.

Allow for flexibility of use

Outdoor dining areas should have a robust design, so that the changing needs of the public place can be accommodated.

Contribute to a pleasant built environment

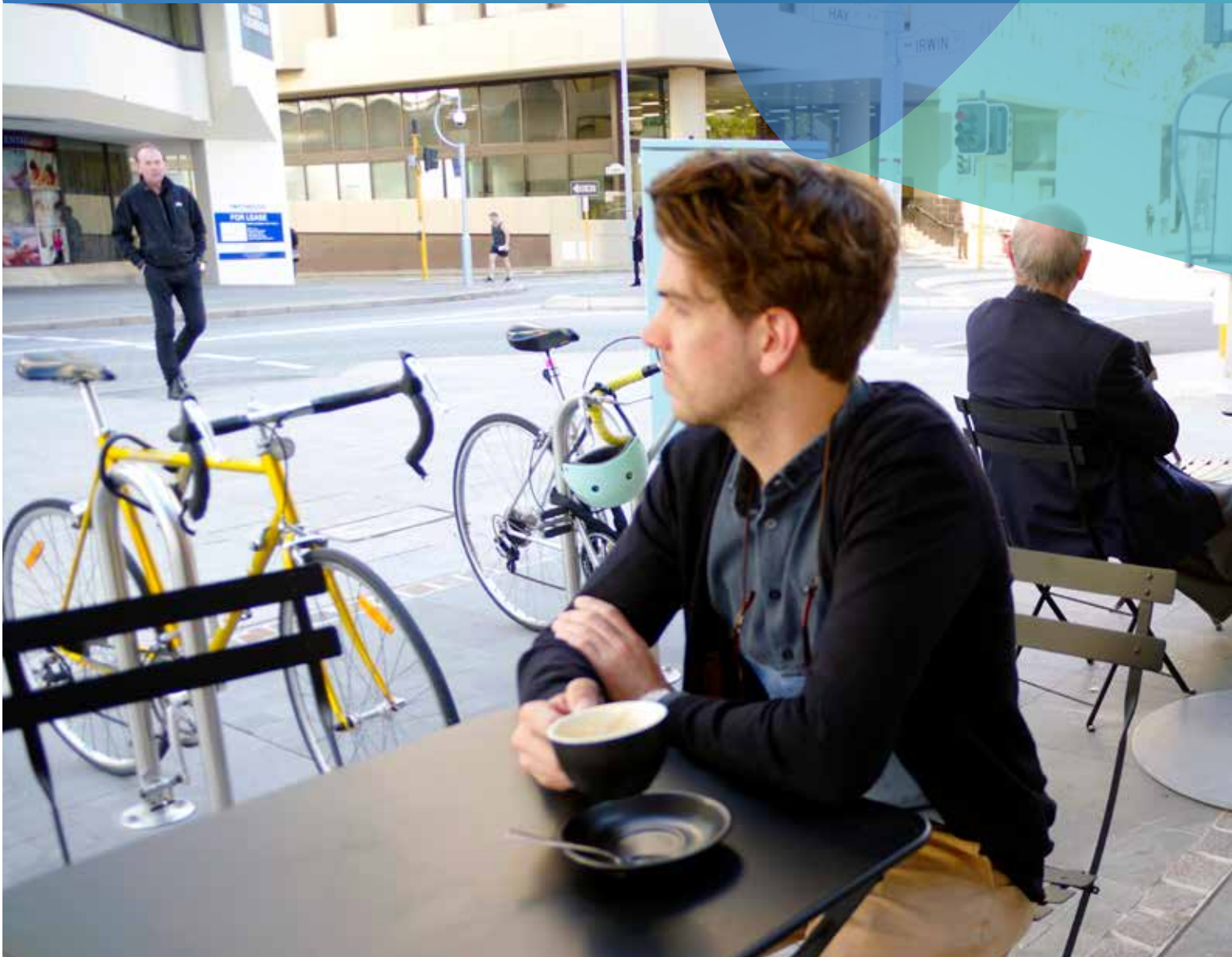
Select materials that will ensure resilience and easy maintenance, despite rigorous use.

Support public safety through passive surveillance

Provide uninterrupted sightlines to encourage passive surveillance of the street. It is essential to 'see and be seen' i.e. for patrons in an outdoor area to see their surroundings and to be seen by passer-by's.

3

SUITABLE LOCATIONS



SUITABLE LOCATIONS

Outdoor dining areas should provide comfortable and attractive environments for patrons. They should be positioned to enhance the public place and improve the street's activity. Outdoor dining is particularly encouraged in areas that have potential for more pedestrian activity.

Consideration should be given to ensuring the outdoor dining area does not negatively impact neighbouring uses or the amenity of the surrounding streetscape.

Outdoor dining is most appropriate in the following locations:

- Footpaths directly outside the associated business which are not required for existing or proposed public infrastructure or service (e.g. bus stops).
- Streets with a minimum 3.2m combined footpath and kerb width, to ensure minimum pedestrian clearance and kerb setback requirements are met.
- Laneways.
- Pedestrian malls.

The City of Perth will determine the impact and appropriateness, with respect to location, for all outdoor dining applications and amendments. The final location and position of the outdoor dining area is subject to the City's approval.

Please be aware that not all locations are suitable for setting up an outdoor dining area.

RESIDENTIAL AREAS

Traditional residential neighbourhoods, including Crawley and Nedlands, are particularly sensitive to commercial activity in their public places. For these neighbourhoods to have outdoor dining and continue to be socially sustainable, it is important that the business is compatible with the community's access to and use of the public place.

OUTDOOR DINING BEYOND PERMIT HOLDER'S FRONTAGE

The applicant must provide written permission from the business owner and building owner of the neighbouring premises, and include it in their application. The written permission must include an acknowledgement that the extension of outdoor dining in front of the neighbouring premises will result in the area no longer being available for their use during outdoor dining trading hours.

If permission is withdrawn by the neighbouring building owner or business owner (current or future), the outdoor dining area must be removed. The permit holder must submit a revised outdoor dining area plan and withdrawal letter as part of this process.

TEMPORARY EXTENSION INTO CAR PARKING EMBAYMENTS ON JAMES STREET, NORTHBRIDGE

Applications for the temporary extension of outdoor dining into a car parking embayment may be considered on James Street, Northbridge. The car parking embayment must be directly adjacent the applicant's business, and all furniture and outdoor dining items must be non-fixed and removeable at the end of each day. They must also be accessible by wheelchair, as such an access ramp that is compliant with Australian Standards may be required.

Traffic safety will be a key consideration when assessing the application, especially if located close to a street intersection. If approved, removable barriers must be provided by the permit holder to prevent patrons or furniture from encroaching on to the roadway. Furniture and other items cannot block access to storm-water inlets or other key services. Other site-specific conditions may also apply to the permit holder.

NARROW FOOTPATHS

In areas where footpaths are narrow and the required pedestrian clearances only allow for small outdoor dining areas (e.g. where the footpath is only 3.2m wide), alternative furniture layouts and modifications to a business's street interface may be considered to allow for outdoor dining.

Alternative arrangements are subject to the City's approval on a case-by-case basis. Note that in some instances a development application may be required.



4

DETERMINING THE EXTENT OF THE OUTDOOR DINING AREA



DETERMINING THE EXTENT OF THE OUTDOOR DINING AREA

Outdoor dining should complement the range of different street conditions within the adjacent public place. Suitable, consistent clearances are required around the outdoor dining area to allow for safe and equitable pedestrian circulation and to prevent the appearance of a cluttered streetscape.

EQUAL ACCESS

The City of Perth is committed to providing convenient and safe pedestrian access for people of all ages and abilities throughout the city.

The City's Disability Access and Inclusion Plan (DAIP) recognises that all city businesses and users are responsible for contributing to a safe, equitable and shared public environment. The DAIP complies with legislative requirements, including the Disability Services Act 1993, Disability Discrimination Act 1992 and the Australian Standards for Access and Mobility.

The permit holder is responsible for ensuring their outdoor dining area complies with the requirements of the City's DAIP.

The DAIP is available for download from the City's website (www.perth.wa.gov.au/disability-access-and-inclusion-plan-2016-2020) and is available in various other formats on request.

ALIGNMENT

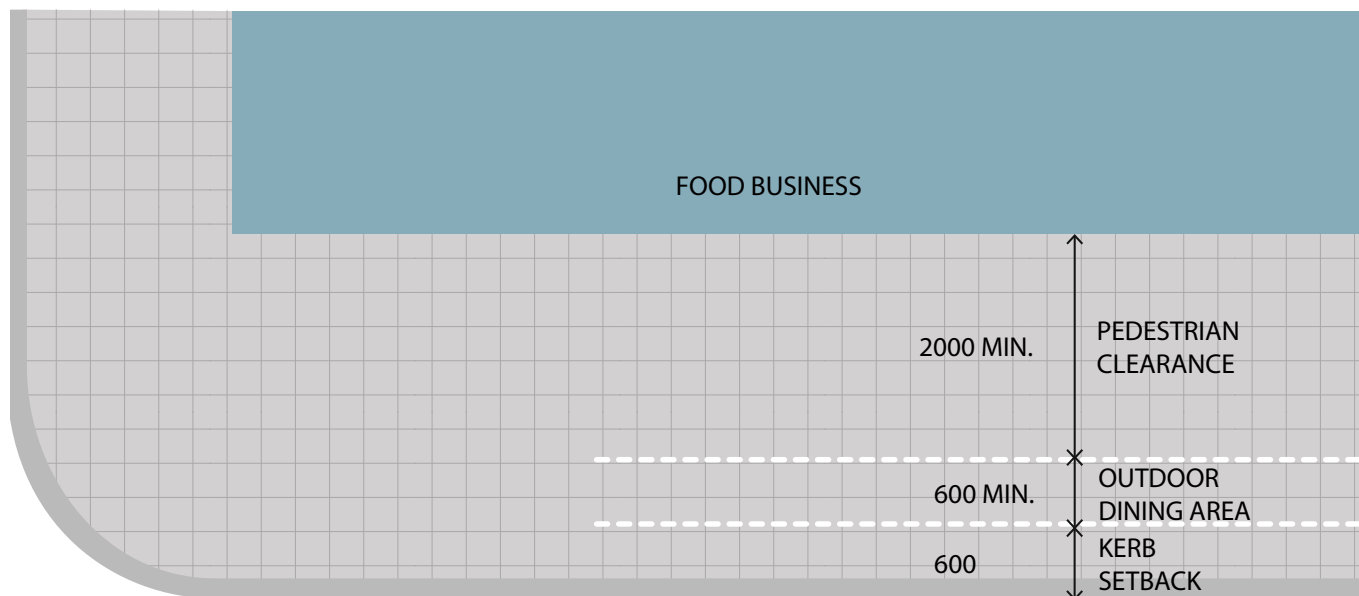
To maintain a consistent thoroughfare against the building line for all pedestrians, outdoor dining areas must be located adjacent kerb.

In minor streets and laneways, and areas with low pedestrian volumes, outdoor dining may be aligned adjacent to buildings, subject to the City's approval.

Outdoor dining is not permitted adjacent to buildings in high pedestrian traffic areas such as:

- Hay Street Mall
- Murray Street Mall
- St Georges Terrace
- William Street
- Barrack Street
- Parts of Wellington Street, Hay Street, Murray Street, and James Street as determined by the City

Figure 1. Clearances and Setbacks



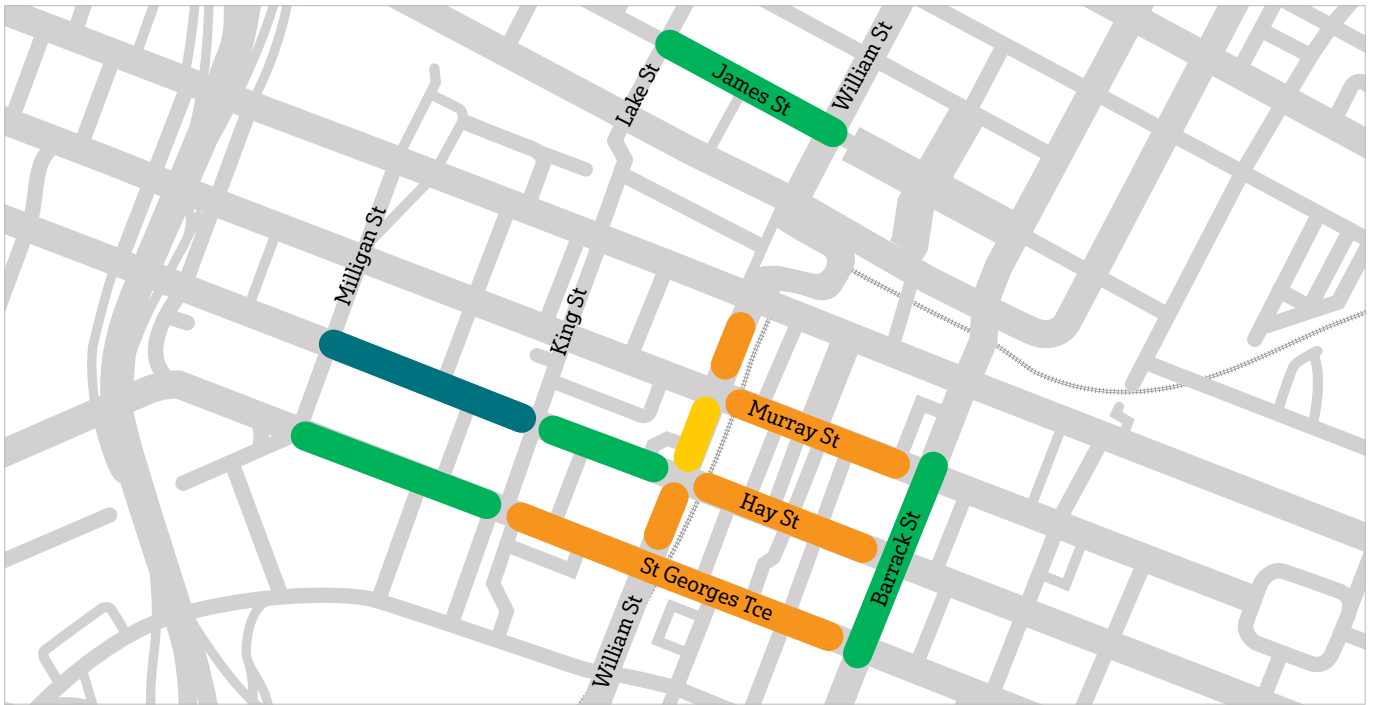
*Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

CLEARANCES AND SETBACKS

The minimum width of an outdoor dining area is 600mm from the face of kerb; relevant kerb setback and pedestrian clearances (outlined below) will need to be allowed for.

The following minimum clearances and setbacks are required to ensure safe pedestrian movement and existing street functions are maintained.

Figure 2. *Pedestrian Clearances*



Pedestrian clearances

A minimum continuous clear width of 2m for pedestrian circulation is required for footpaths throughout the city. Additional clearances apply to specific streets, as outlined in the diagram above.

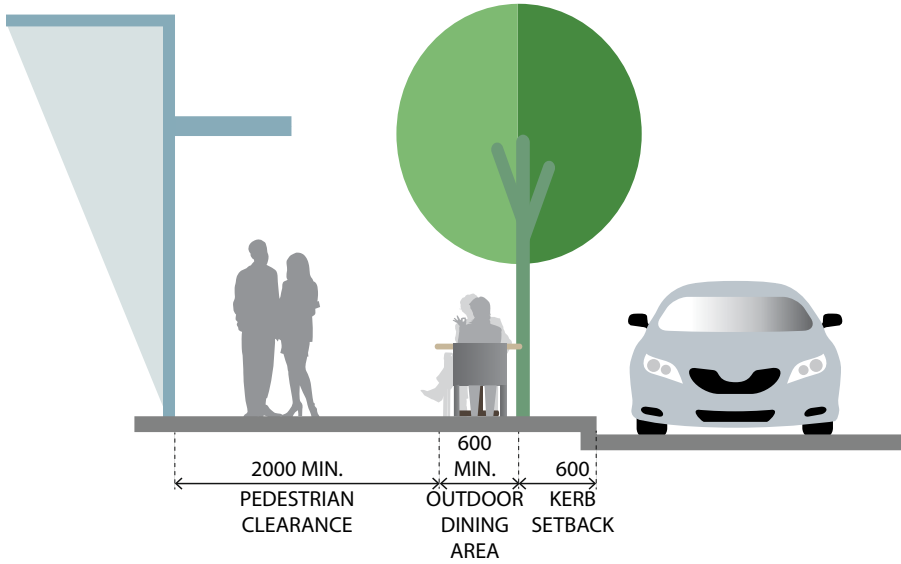
These clearances are based on the Australian Standards minimum requirements for pedestrian access, including for people with visual impairment and users of mobility aids.

The City of Perth reserves the right to vary pedestrian clearances to respond to the local conditions of the proposed outdoor dining area, including pedestrian and vehicular traffic volumes, footpath conditions and other street uses.

Legend

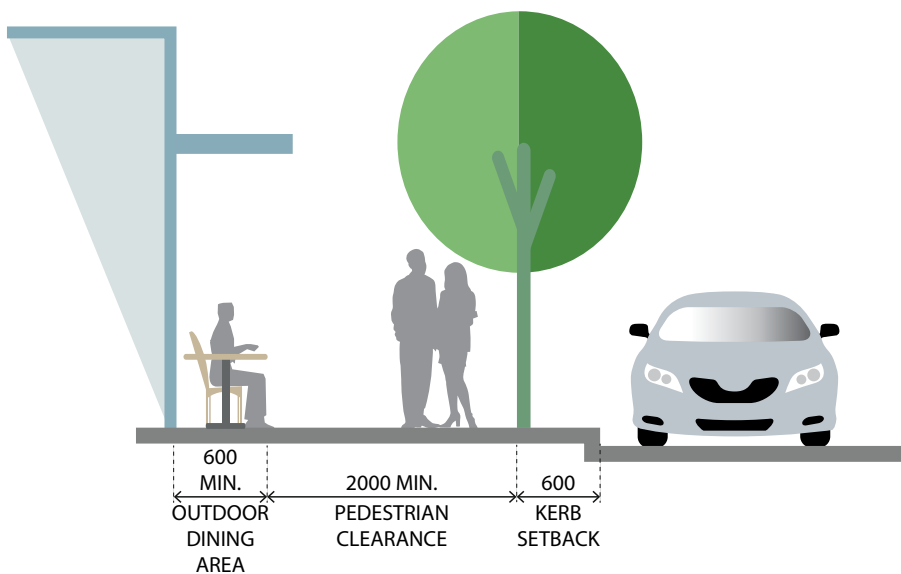
- No outdoor dining (bus stop conflict)
- 3m clearance
- 2.5m clearance
- 2.2m clearance
- 2m clearance on all other streets unless noted

Figure 3: Kerb Setback with outdoor dining adjacent to kerbs



*Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

Figure 4: Kerb Setback with outdoor dining adjacent to building

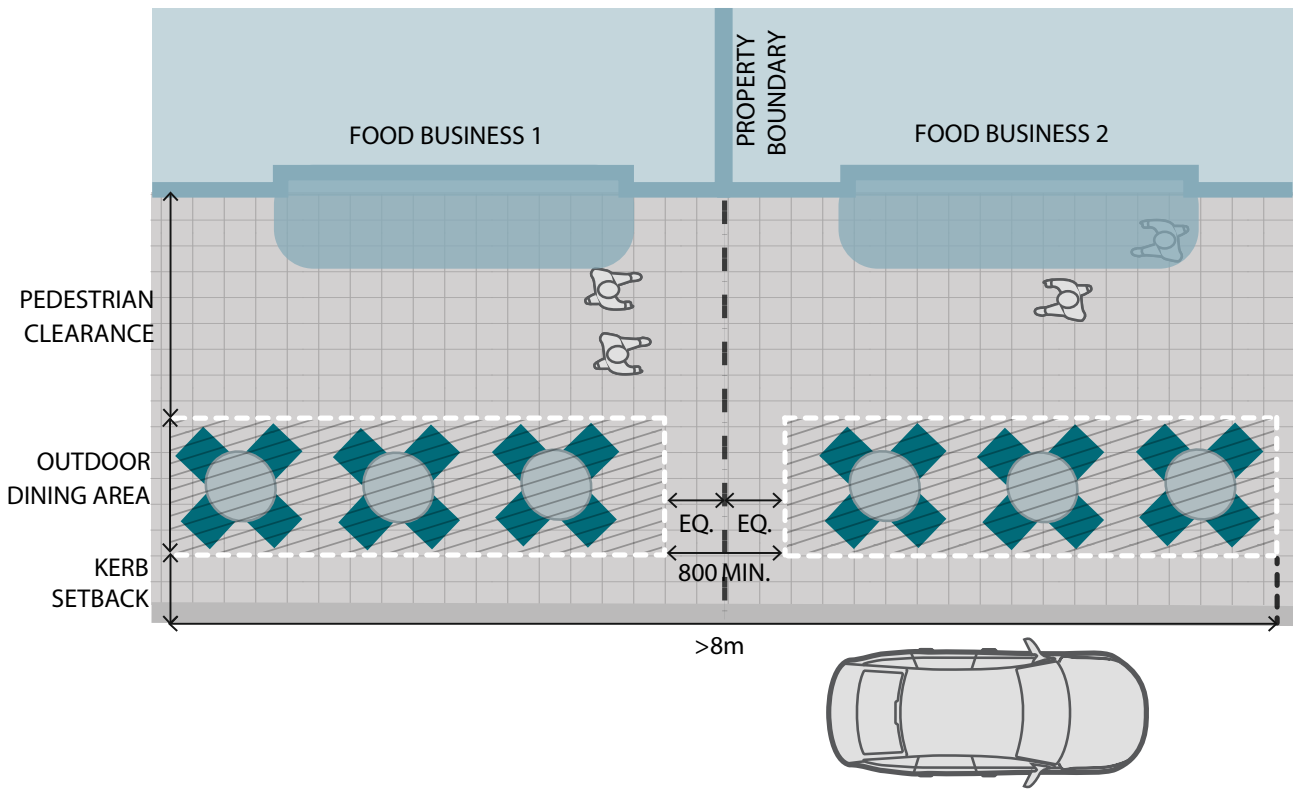


Kerb setback

A setback of 600mm is required from the front face of kerb to the outdoor dining area or pedestrian clearance if outdoor dining is

adjacent buildings. This helps creates a safe environment for patrons and should reduce the likelihood of conflicts with on-street activity.

Figure 5: Clearances between businesses with adjacent outdoor dining areas



*Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

Clearances between businesses with adjacent outdoor dining areas

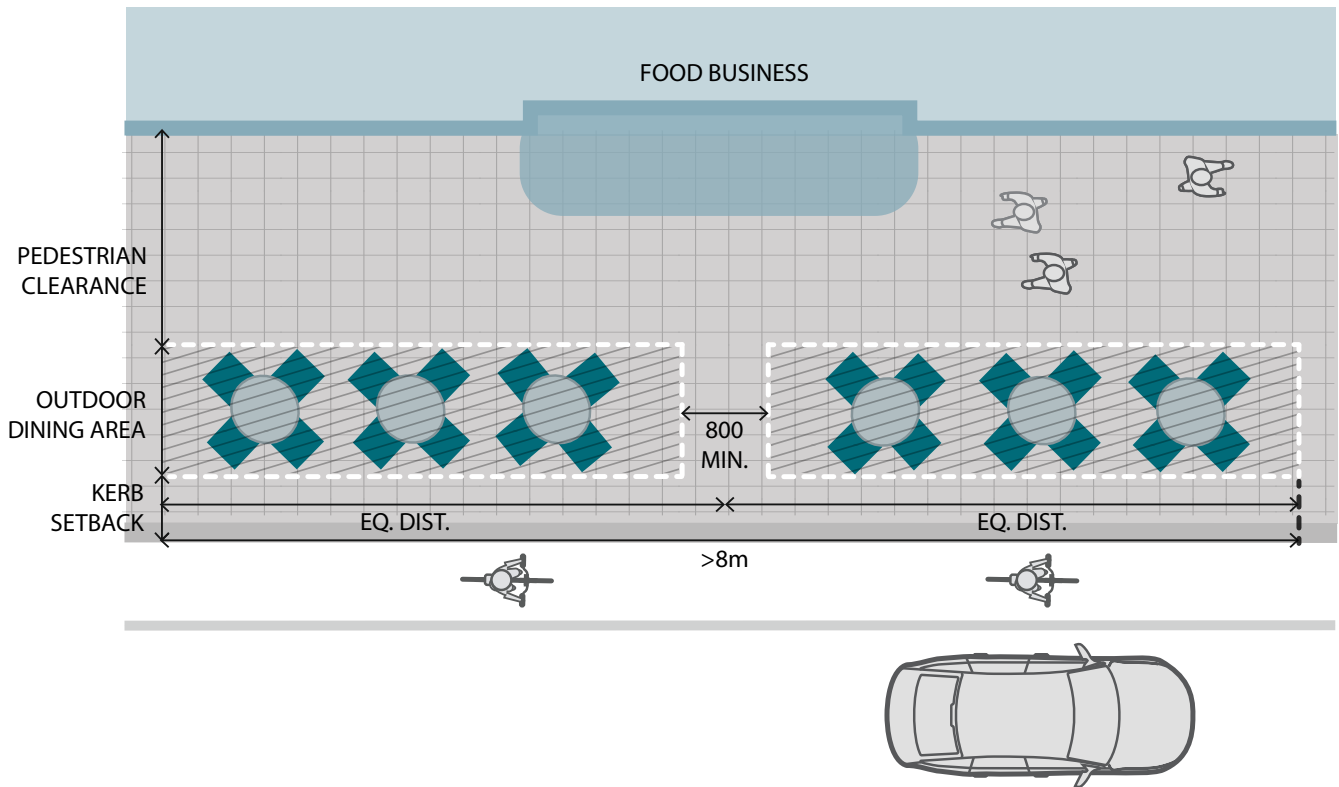
Clearances between adjacent outdoor dining areas are required to allow for pedestrian access to the street, and to allow for street cleaning and maintenance machinery access.

If the combined length of two adjacent outdoor dining areas is greater than 8m, a clear zone shall be provided, aligned with the dividing property boundary.

If no permanently fixed items are being used in the outdoor dining areas, a minimum 400mm clearance is required from the boundary of each area, giving a total clearance of 800mm. In some instances, such as pedestrian malls and areas with flush kerbs, the City may require a 1200mm clearance between two outdoor dining areas.

If permanently fixed items, such as glass screens or permanent planter boxes, are being used in the outdoor dining area, a minimum 800mm clearance is required from the boundary of each area, giving a total clearance of 1600mm.

Figure 6: Breaks within outdoor dining areas



*Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

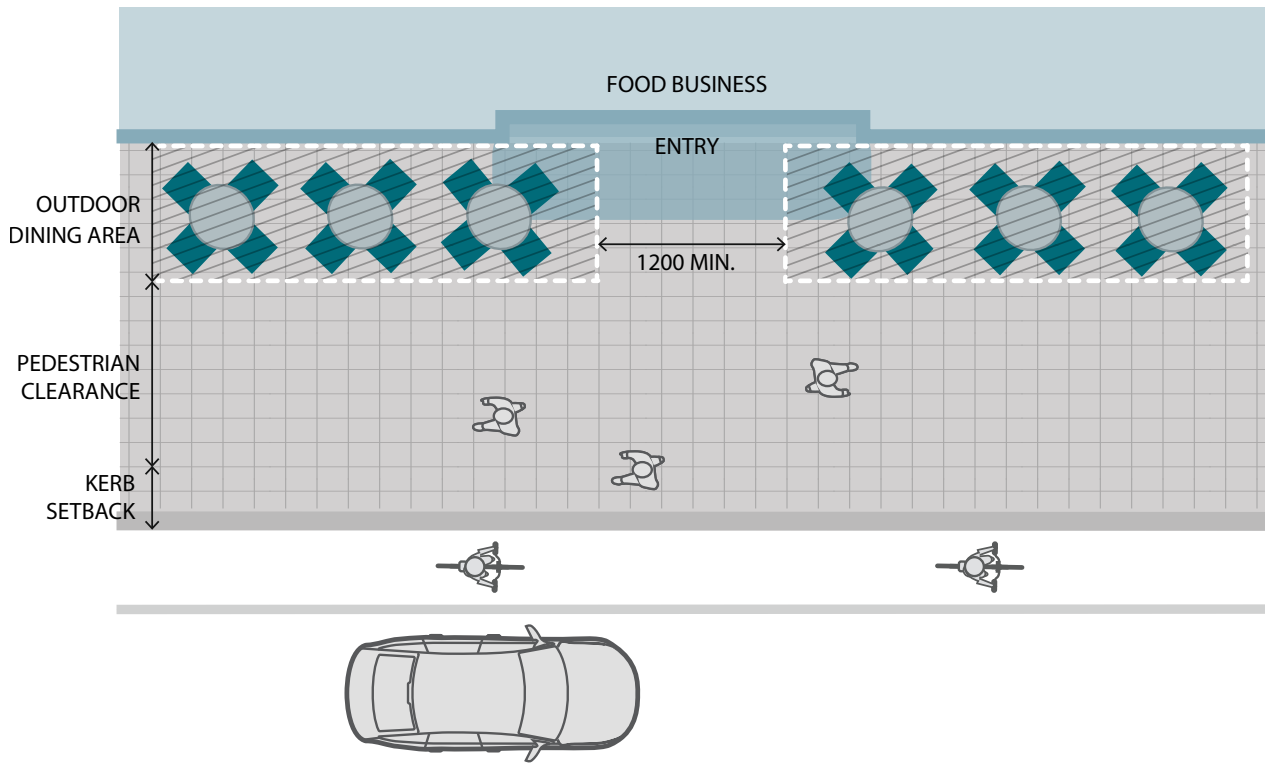
Breaks within outdoor dining areas

For every 8m of continuous outdoor dining, an evenly spaced 800mm wide pedestrian break shall be provided. For example, a 12m continuous outdoor dining area would have one evenly spaced 800mm break, and an 18m continuous outdoor dining area would have two evenly spaced 800mm breaks.

Note that in some instances, such as pedestrian malls and areas with flush kerbs, the City may require a 1200mm min wide break.

These clearances apply to all outdoor dining areas, including those with screens and planter boxes.

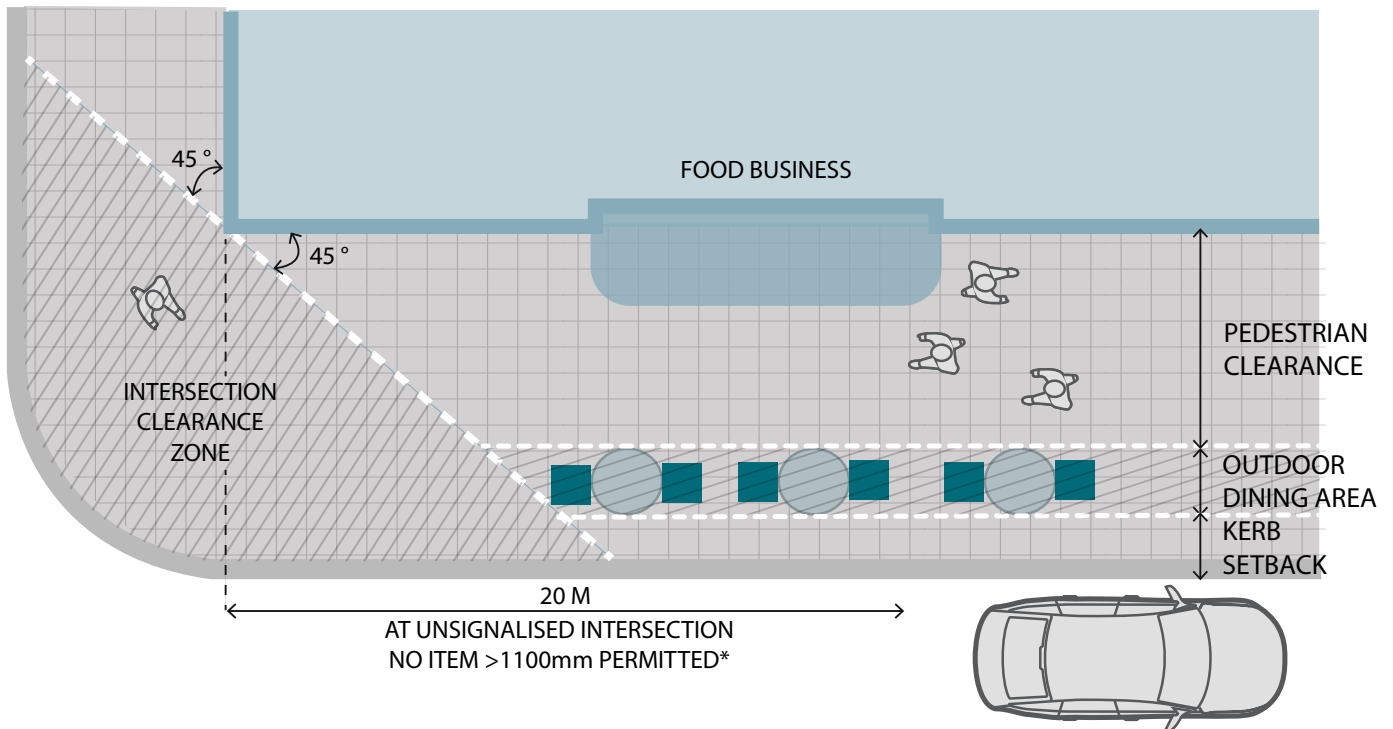
Figure 7: Entry to building and business



**Pedestrian Clearance determined by Figure 2: Pedestrian Clearances*

Entry to buildings and businesses

Where the outdoor dining is located adjacent to buildings, a 1200mm clearance is required, from the principal pedestrian entrance of a building with outdoor dining to the pedestrian clearance.

Figure 8: *Intersection setbacks*

*Refer to *Visibility at unsignalised intersections* outlined below.

Intersection setbacks

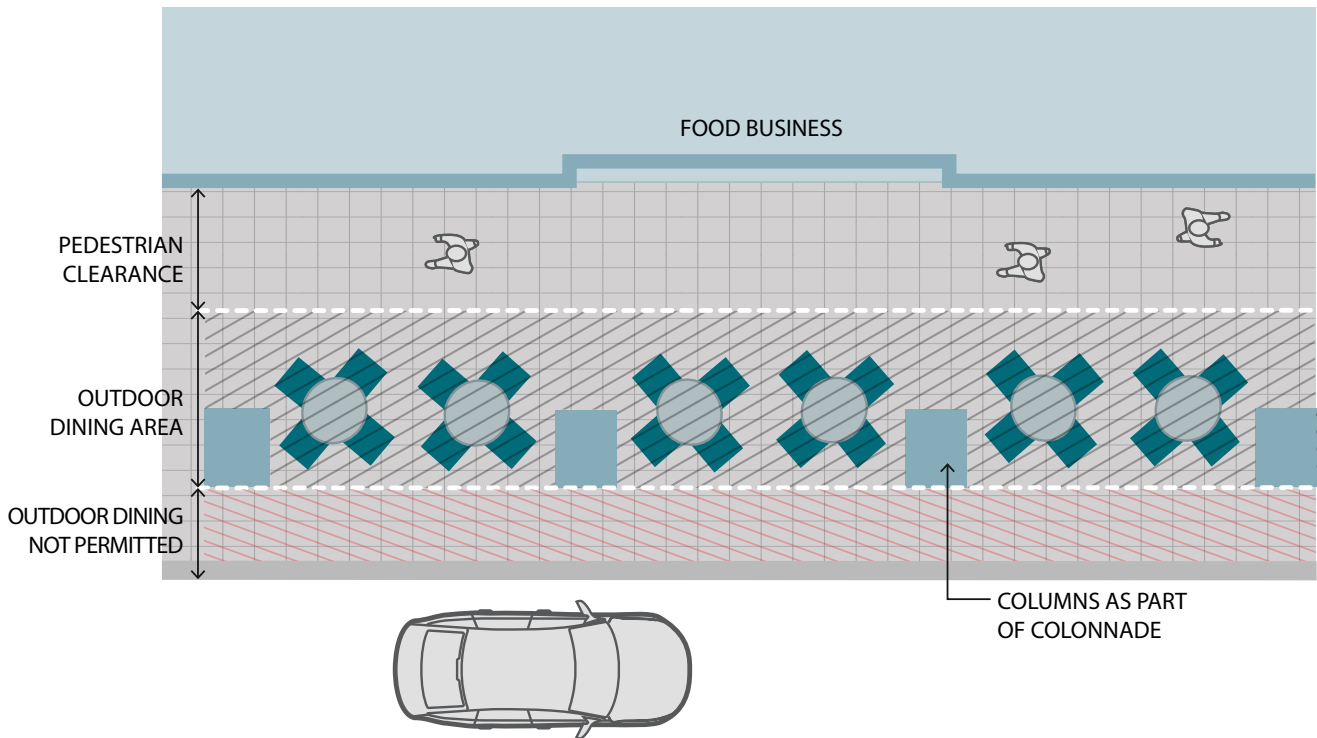
To maintain sightlines for road users, outdoor dining must be setback from intersections. The typical minimum setback from both signalised and unsignalised intersections to the outdoor dining area is determined by a line of sight, set at a 45-degree angle from the corner of the building to the kerb.

Setbacks from intersections may vary depending on site-specific streetscape conditions. Additional setbacks may be required at intersections with high traffic volumes, speeds and/or poor visibility. Final intersection setbacks are subject to the City's approval.

Visibility at unsignalised intersections

Outdoor dining furniture and fixtures within 20m of the building corner at an unsignalised intersection, including laneways, may be no greater than 1100mm high and all barriers shall be visually permeable.

Figure 9: Colonnades on Hay Street

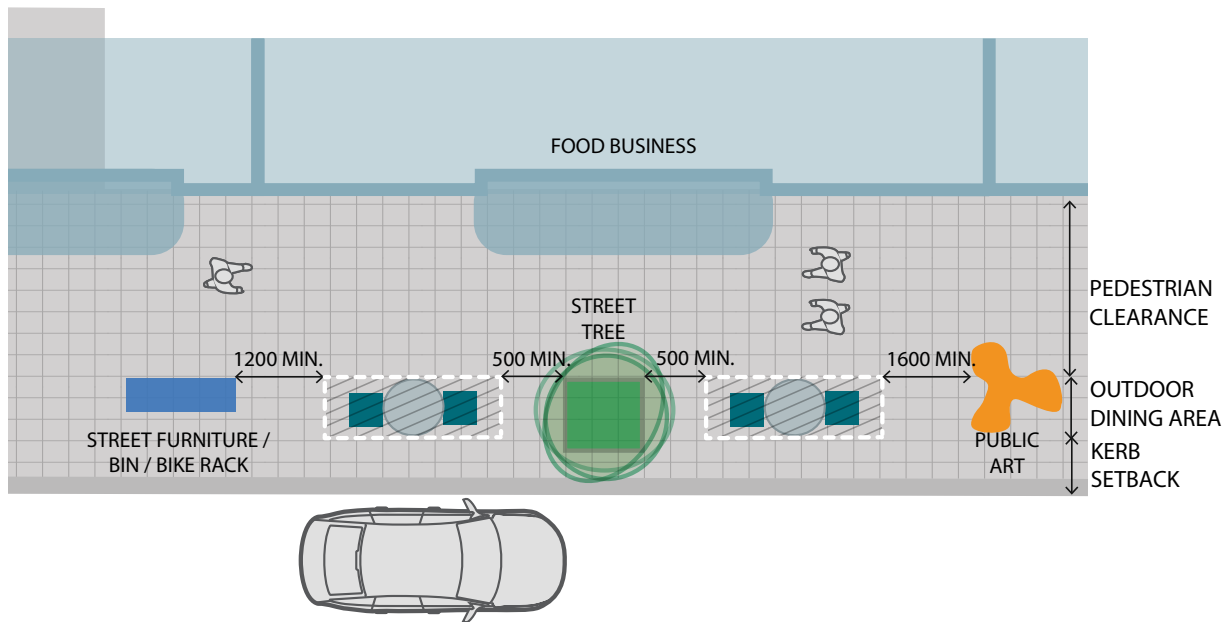


Colonnades

On Hay Street colonnades support built structures that extend over the footpath and public place. These should be integrated into the outdoor dining area to provide shade and shelter.

The outside edge of the outdoor dining area must not extend beyond the colonnade. In addition, a continuous path of travel adjacent buildings shall be provided in accordance with minimum pedestrian clearances.

Figure 10: Street furniture, public art, and street tree setbacks



Driveways, laneways, and right-of-way's

All outdoor dining areas shall be setback 1500mm from the edge of all driveways, laneways, and right-of-way's, to ensure patron and community safety.

Street furniture and infrastructure setbacks

All outdoor dining areas shall be setback 1200mm minimum from all street furniture and other public infrastructure to maintain access for community use and contractor servicing. This includes items such as benches, bins and bike racks, but does not include manholes, service pits, or light poles.

Permit holders have an obligation to temporarily remove outdoor dining area fixtures upon request, with there being no obligation on the service provider to forewarn the permit holder in the case of an emergency (e.g. urgent drainage or electrical works). Staff of the permit holder will need to be made aware of this requirement.

Note that the permit holder or any other persons shall not be entitled to any payments, compensation or damages of any kind from the service provider or the City of Perth where outdoor dining area is removed temporarily to allow for contractor access.

Public art setbacks

The City of Perth Public Art Collection is an important cultural expression showcasing Perth's unique identity and encouraging residents and visitors to explore their City. To ensure public artworks are accessible, outdoor dining areas are to have a 1600mm setback from all public art.

As public art is site specific, the City will not support relocating public art to accommodate outdoor dining. The City of Perth will work to ensure that public art is maintained in good condition, appropriate for public display.

Street tree setbacks

Street trees are important for the quality of the City's public places. They create streets that are attractive, provide shade, improve air and water quality, and improve levels of community health and well-being. Further information is included in the Urban Forest Plan, which can be found on the City's website (www.perth.wa.gov.au/planning-development/city-initiatives/urban-forest-plan).

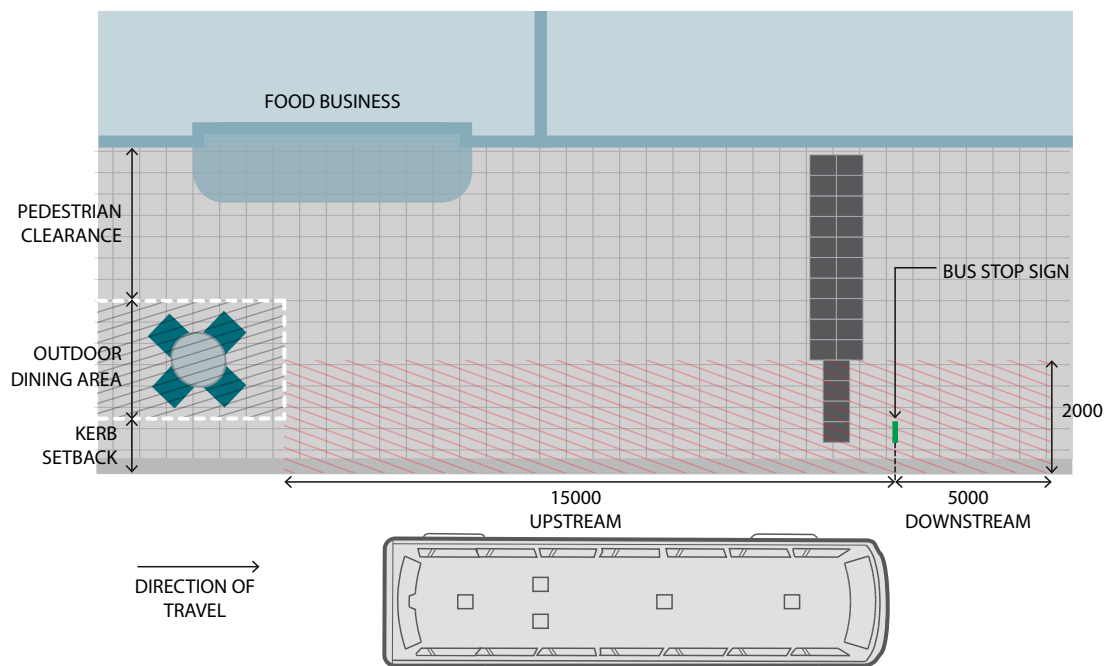
Existing street trees should be integrated into the outdoor dining area to provide shade, shelter and a pleasant dining experience. To ensure street trees thrive, they cannot be removed, relocated, trimmed or pruned, or modified in any way.

A 500mm clearance from the outer edge of any tree grate or pit to the outdoor dining area shall be maintained at all times to protect the trunk and root system.

The City may require amendments to existing outdoor dining areas that conflict with new street trees planted in footpaths and public places.



Figure 11: Public transport setbacks



Public transport setbacks

To maintain space for access and queuing, the following requirements apply:

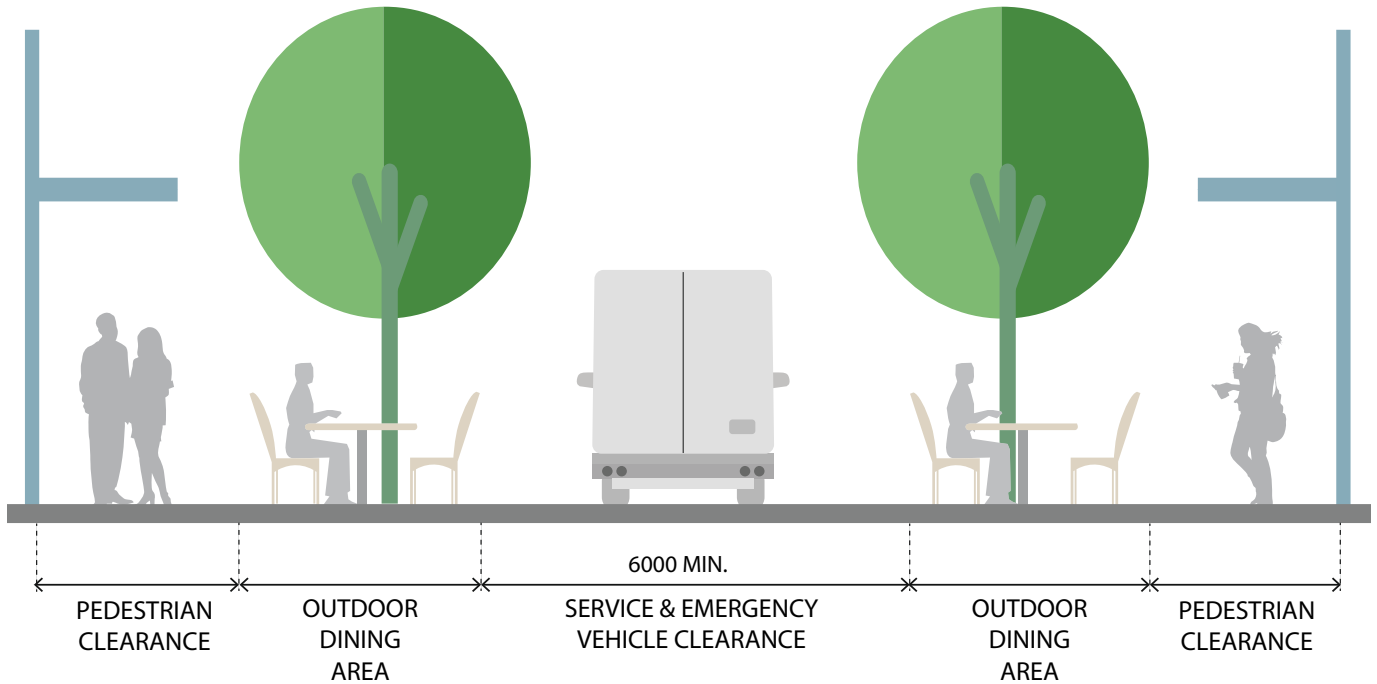
- At taxi ranks, outdoor dining areas shall be setback a minimum of 2000mm from either of the taxi bays, with a 2000mm wide clearance along its length.
- At all bus stops, a 2000mm wide clearance from front of kerb, 5m downstream and 15m upstream, is required.

Construction site setbacks

The City of Perth will provide guidance on the management of outdoor dining areas adjacent construction sites. A minimum setback of 3000mm will be required from the outdoor dining area to the construction site. Applications will be assessed on a case by case basis.

The City of Perth reserves the right to temporarily suspend, amend, or cancel an outdoor dining permit to ensure the safety of the community during construction projects. A period of 14 days' notice will be given to the permit holder in these circumstances. Note that the permit holder or any other persons shall not be entitled to any payments, compensation or damages of any kind from the City of Perth.

Figure 12: Mall clearances



Malls

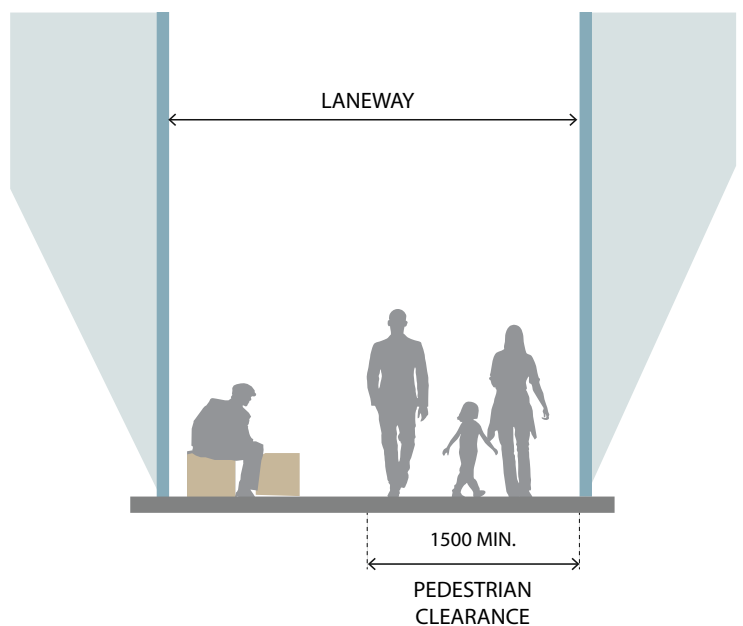
Pedestrian clearances still apply to malls and other pedestrian areas.

Access for service and emergency vehicles must be maintained; with a minimum central clear width of 6m for their circulation required.

Laneways

Where laneways are closed or temporarily closed to traffic, a minimum clear width of 1500mm for pedestrian circulation is required.

Figure 13: Laneway clearances



5

DESIGNING THE OUTDOOR DINING AREA



DESIGNING THE OUTDOOR DINING AREA

Outdoor dining areas should respond to the existing street environment. Culturally significant features and street trees should be integrated into the space. Unless approved by the City they should not be removed, relocated or modified.

ADVERTISING AND SIGNAGE

Advertising in outdoor dining area falls within the City's Signs Policy. The policy is available for download from the City's website (www.perth.wa.gov.au/planning-development/planning-schemes-and-policies/cps2-planning-policies).

Advertising should be kept to a minimum. The City does not support advertising in outdoor dining areas as it privatises the public space and adds visual clutter.

Advertising on any item of furniture, including barriers, shall be limited to the name and logo of the business. No third party advertising is permitted.

Advertising is to take up no more than 10 per cent of the total surface area of these items. There shall be no advertising on tables or chairs.

Advertising of product brand names, is limited to umbrellas and must only relate to products sold at the business, with no liquor or tobacco advertising. No product pictures are permitted.

ELECTRICAL WORKS

No lighting or other items requiring mains power, including point-of-sale and power outlets, are to be installed in the public place. All electrical works need to be contained within the private lot.

PLACEMENT OF FURNITURE AND FIXTURES

Outdoor dining furniture and fixtures shall be located so that:

- Clear and unobstructed views of the outdoor dining area from inside the business are maintained.
- Street frontages are not obscured.
- Natural air and light is maintained.

The City of Perth will specify the maximum number of tables, chairs and other furniture during the application and approval process. Operators are to allow for approximately 600mm² per chair, and observe all relevant clearances and setbacks.

All furniture is to be placed within the approved outdoor dining zone only.

Non-fixed items

A 500mm clearance shall be provided between adjoining table and chair settings and other non-fixed items.

Fixed items

Glass screens and some planter boxes may be permanently fixed where there is a demonstrated safety need for them, predominantly streets with high volumes of traffic. Streets where fixed items are permitted includes St Georges Terrace, William and Wellington Street which are on major bus routes.

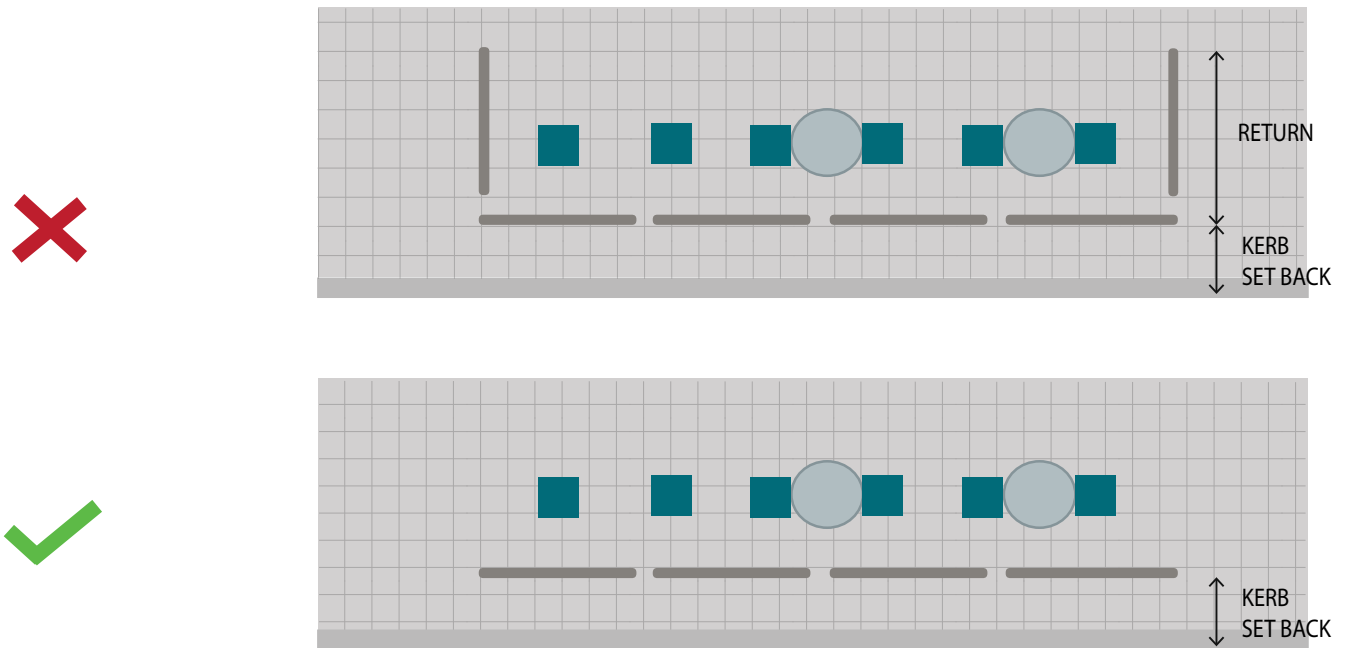
Where fixed items or furniture are approved, a 1600mm setback from the item to all street furniture, public infrastructure, street trees, buildings, and adjacent outdoor dining areas with fixed items, is required. This is to allow for street cleaning, and maintenance machinery access.

Permanent and semi-permanent structures

Permanent and semi-permanent structures compromise pedestrian access and obstruct views of and through the public place. Ensuring that businesses, pedestrians and vehicles can see and be seen is key to the success of public places with outdoor dining areas. These structures create maintenance issues and privatise what is a public place. As such, permanent and semi-permanent structures are not permitted, this includes:

- decking over existing paving
- shipping containers
- canopies
- pergolas
- canvas and plastic blinds
- drop down shades
- plastic covers
- temporary shelters

Existing structures such as verandas, awnings and trees should be integrated into the outdoor dining area, to provide shade and shelter. Using additional structures where these items are present, makes the public place feel cluttered and detracts from the building's frontage and street appearance.

Figure 14: *Barrier furniture***Barrier furniture**

The City does not encourage the use of items that create a barrier between the outdoor dining area and the public place, as they compromise pedestrian access and obstruct view of and through the public place. Barriers are not encouraged where there is already protection from on-street activity in the form of kerbside parking or low-speed bike paths and lanes.

Barriers will only be considered for approval where protection from the street environment is required for the outdoor dining area to be useable, as determined by the City.

Barrier furniture must help create a high quality urban space and should not obscure street frontages. Barrier furniture includes:

- canvas screens
- glass screens
- planter boxes

Barriers should not be used to enclose the area as this presents issues with cleaning and maintenance.

Barrier furniture shall be placed:

- Parallel with the road, on the kerbside boundary of the outdoor dining area (Figure 14).
- Abutting, with no gaps between.

Barrier furniture shall not be placed:

- Between the building and the outdoor dining area.
- Perpendicular to the road.

Infrastructure and services setbacks

Fixed and semi-fixed items must be setback 1000mm from in-ground services such as fire hydrants, sewer, telecommunications and electricity pits, manhole lids and stormwater grates and inlets. This is to allow emergency and maintenance access to service contractors.

Where footings are required for fixed items, the applicant must order and verify a Dial Before You Dig to determine services locations, and submit this as part of their application.

Non-fixed items, such as tables and chairs, may be placed on top of structurally sound infrastructure and service pits, provided they can be easily moved aside for immediate access to the services.

The permit holder, or their staff, must remove items immediately upon request by the City or any service contractor needing to undertake work on infrastructure.

Gradients and Slopes

Unlike other Australian capital cities, such as Sydney, Perth is relatively flat.

Where outdoor dining is located on footpaths or public places that are sloped or have a gradient, adjustable feet or furniture levellers can be attached to the legs of tables, chairs, and other non-fixed furniture to accommodate the topography.

CCTV

A network of CCTV cameras, monitored by the City of Perth Surveillance Centre, contributes to a safe public environment for businesses, visitors and the community.

The City of Perth will review all outdoor dining areas within 10m of a CCTV camera, prior to approval.

The City may deny outdoor dining applications where they will conflict with existing CCTV cameras or request amendments to existing outdoor dining areas when new CCTV cameras are installed in locations that conflict with existing umbrellas and other tall items.

Development Application

A Development Application will be required where alterations are made to the building or streetscape to accommodate outdoor dining, this may include:

- Modifications to a building's frontage
- Installation of a permanent or retractable awning
- Installation of bi-fold windows
- All works outside or adjacent heritage buildings

Information on the Development Application process can be found on the City's website (www.perth.wa.gov.au/planning-development/planning-and-building-tools/application-forms-planning-development-building-and).

Heritage buildings

Outdoor dining areas in front of heritage buildings should not adversely affect the cultural significance of the building and surrounding public place or streetscape.

All works involving permanent changes, including semi-fixed and fixed furniture and items, to places included in the City Planning Scheme Register of Places of Cultural Heritage Significance, including places within conservation areas, requires planning approval prior to progressing.

Information on Heritage Conservation and Development within the City can be found on the City's website (www.perth.wa.gov.au/planning-development/heritage/conservation-and-development).

FURNITURE AND FIXTURES

Furniture and fixtures in outdoor dining areas shall be:

- Simple and contemporary in style, appearance and colour – dark, warm colours that prevent visual glare.
- Consistent in quality and aesthetic for each outdoor dining area, to reduce visual clutter and impact on the streetscape.
- Maintained to ensure that they remain in good condition, acceptable to the City's satisfaction.
- Portable so that they can be moved or retracted from the outdoor dining area at the end of trading each day, to return the area to a public place in appearance and function.

Materials and finishes shall be:

- High quality and unobtrusive.
- Hardy, durable and windproof.
- Appropriate for use in public place and suitable for outdoor environments.
- Physically sound and safe, with no sharp edges or entrapment issues.
- Protected against visible dirt and wear (consider using dark colours as these are less likely to discolour and stain).

Details of the furniture and fixtures shall be supplied to the City for approval, as part of the application process.

Accessibility

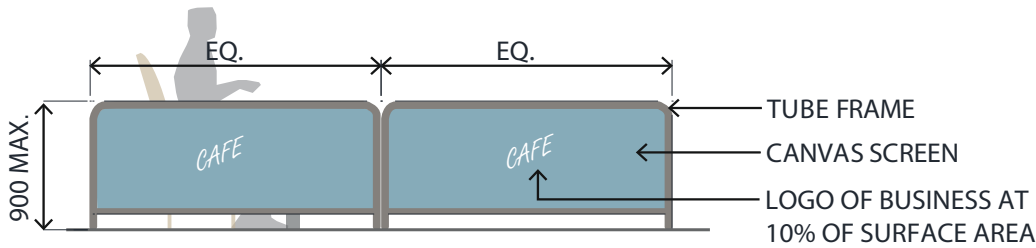
The City encourages businesses to select furniture and other items that are accessible for people of all sizes and abilities. For example, chairs should be of large size but light in weight and durable.

Tables and chairs

Tables and chairs shall:

- Be placed according to the requirements of non-fixed items
- Have a metal or timber frame, or be made of heavy-duty polypropylene.

For the safety of patrons, chairs must not be placed with their back to the street.

Figure 15: Canvas screens

Canvas screens

Canvas screens shall be:

- Be placed according to the requirements of barrier furniture and semi-fixed items
- Made of a canvas material with metal frame.
- 900mm high to ensure the street remains open in appearance and feel.
- Positioned with weighted footings, that do not pose a trip hazard. Footings must attach directly to the screen and must prevent the screen blowing over in strong winds. Additional weights to secure the screens and footings, such as sand bags, are not permitted.
- Positioned in accordance with Figure 15.

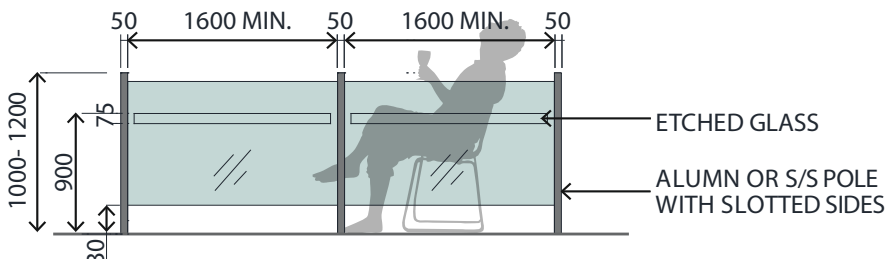
Details shall be supplied to the City as part of the application process.

Glass screens

As glass screens need to be permanently fixed, they impact on the openness and character of the public place outside of trading hours. They also make cleaning and maintenance of streets difficult. Glass screens will only be considered for approval where permanent protection from the street environment is required for the outdoor dining area to be useable, as determined by the City.

Glass screens shall be:

- Placed according to the requirements of barrier furniture and fixed items
- Simple in appearance and design
- Between 1000mm and 1200mm in height
- Designed with a 230mm gap between the ground and base of the glass panel
- Designed and certified by a structural engineer.
- Compliant with Australian Standards. Consideration shall be given to the requirements of glass panels in public place.

Figure 16: *Glass screens*

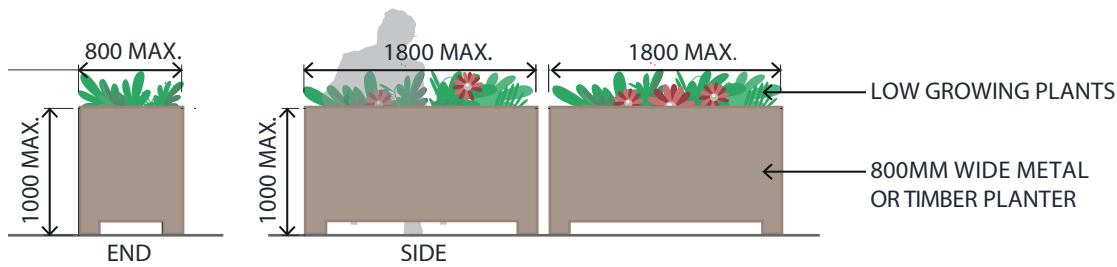
Support poles shall:

- Be either:
 - 50mm diameter round section structural marine grade aluminium supports with slotted sides to receive glass, powder coated in silver finish; or
 - 50mm diameter round section structural marine grade polished stainless-steel supports with slotted sides to receive glass.
- Placed such that there is a 1600mm gap between poles.
- Be evenly spaced along the length of the screen.
- Be surface mounted.

Details of fixing by the manufacturer or installer shall be provided by the applicant to the City, prior to approval.

- Be a minimum of 1600mm long.
- Have a 75mm wide band of plain etched glass on each side of the panel, in accordance with Figure 16.

Figure 17: Planter boxes



Planter boxes

Plant species shall be low-growing, hardy and low-maintenance. Consideration should be given to the ongoing upkeep of the plants including vandalism. The City can provide advice on the selection of plants, upon request.

Planter boxes shall:

- Be placed according to the requirements of barrier furniture, and semi-fixed items or fixed items.
- Be made of metal or timber only.
- Be no greater than 1800mm long x 800mm wide x 1000mm high and 230mm above ground level.
- Not be taller than 1200mm, including plants.

Planter boxes must be removed from the public space at the end of trading, unless fixed to the ground by a socket and sleeve system that is approved by the City. These details shall be supplied to the City as part of the application process.

Umbrellas

Umbrellas should only be used where verandas, awnings, trees, or other forms of existing shade or shelter are absent. Using umbrellas where these items are present makes the public place

feel cluttered and detracts from the building’s frontage and street appearance. Umbrellas:

- Shall be placed according to the requirements of semi-fixed items.
- Shall be placed 1000mm minimum, in all directions, from buildings and existing infrastructure such as canopies, verandas and trees.
- Canopy cannot extend more than 300mm beneath an existing awning, veranda or canopy.
- Canopy may extend a maximum of 300mm over the outdoor dining area boundary facing the shopfront and shall comply with kerb setbacks outlined above.

Figure 18: Umbrella clearances

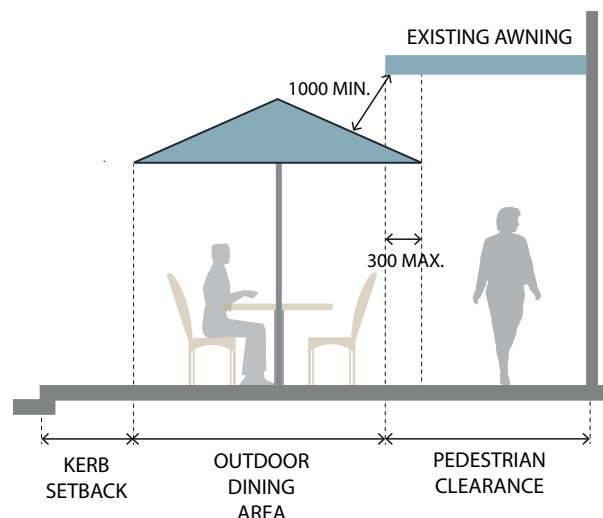
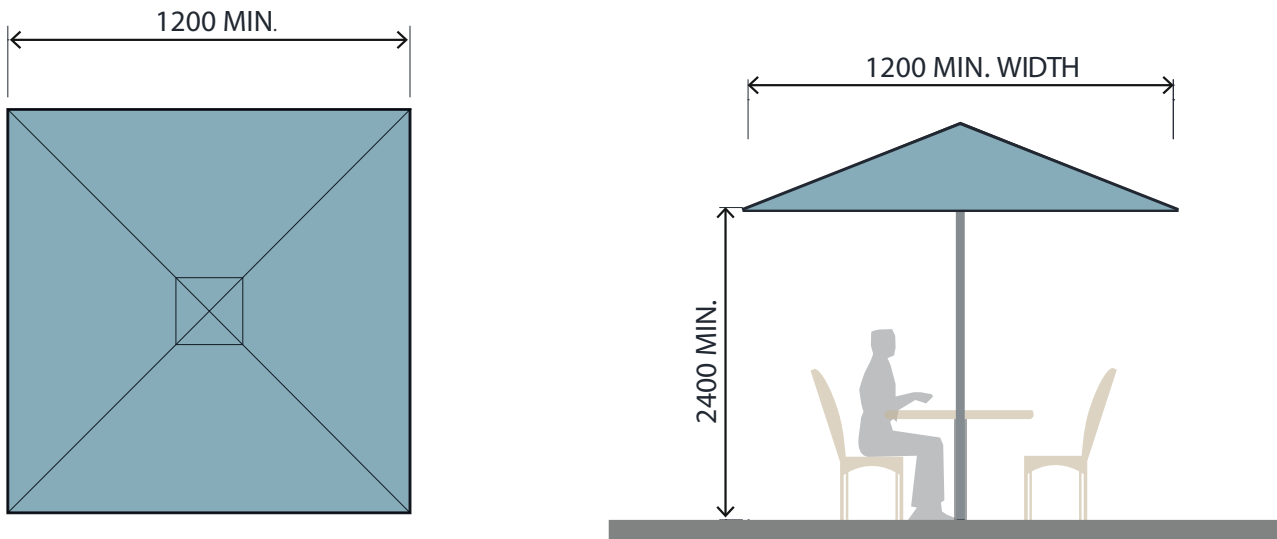


Figure 19: Umbrellas

Umbrellas shall:

- Be minimum 1200mm wide with a 2400mm vertical clearance.
- Have a structural grade aluminium frame.
- Be a patented product, with structural design considerations (wind speed, wind pressure, and live loads) that are compliant with Australian Standards.

Umbrella fixings:

- To prevent blowing over in strong winds, umbrellas shall be securely fitted into a socket and sleeve footing or unobtrusively weighted to the footpath, such that they are not a trip hazard.
- Socket and sleeve footings shall have a protective lid that will not present a tripping hazard when the umbrella is removed at the end of trading.

- Footing sockets for umbrellas shall be designed and constructed so that the pavement is not damaged.
- Details of the footing design shall be provided to the City as part of the application process.

Retractable Awnings

Retractable awnings should only be used where verandas, permanent awnings, trees, or other forms of existing shelter are absent.

Note that retractable awnings are subject to approval and will require a Development Application to be submitted to the City of Perth.

Menu boards

A menu board may be placed within the outdoor dining area in place of a table and chair, subject to the board not causing a trip hazard and being capable of withstanding strong and gusty wind.

Menu boards shall consist of written text only, only include information on food and drink offers available at the associated business, and shall not exceed dimensions 600mm x 500mm. No pictures are to be used on the menu board.

Freestanding signs that do not meet the above requirements are prohibited.

Delineation markers

To assist the permit holder in defining the extent of their outdoor dining trading area, City of Perth delineation markers can be installed by the City of Perth at the applicant's expense. If desired, a request for delineation shall be included in the applicant's submission.

The City may require the applicant to install delineation markers, at the applicant's expense, in malls and outdoor dining areas that are licensed to serve alcohol.

Portable gas heaters

Heaters may be used in outdoor dining areas subject to the City's approval. They must be compliant with all relevant safety standards, and placed so that they do not pose a fire hazard or present a safety issue to patrons or the community.

For patron and venue safety, they must be free-standing, self-contained and stable. They shall be removed and properly stored when the outdoor dining area is not being used.

Bi-fold windows and Perches

Outdoor dining that incorporates bi-fold windows or perches that integrate into a building's street facade are encouraged by the City where footpaths are narrow. These allow for commercial and social interaction with the street whilst providing an alternative dining layout suited to smaller outdoor dining areas.

Note that altering the building frontage to accommodate bi-fold windows is subject to approval and will require a Development Application to be submitted to the City of Perth.

Other Furniture and Outdoor Items

Additional, minor furniture and outdoor items may be included in the application, and will be assessed by the City on a case-by-case basis.



6

MANAGING AND OPERATING THE
OUTDOOR DINING AREA



MANAGING AND OPERATING THE OUTDOOR DINING AREA

REMOVAL AND STORAGE OF FURNITURE AND FIXINGS

Outdoor dining areas shall not be set up prior to the time specified on the permit. All furniture, including umbrellas, canvas screens and planter boxes, must be removed from the outdoor dining area and stored inside at the close of business each day, unless otherwise permitted by the City.

Glass screens are generally not required to be removed from the public place at the end of permit trading hours.

The applicant will need to clearly demonstrate where outdoor dining area equipment will be stored when making application for a permit.

MAINTENANCE

General

All furniture, planters and other fixtures must be maintained in a physically sound, safe and aesthetically acceptable condition to the City's satisfaction.

Umbrellas shall be replaced by the permit holder every three to five years or at signs of weathering, such as fading or fraying, to ensure a high level of presentation is maintained.

Planting

Plants require constant attention and, if allowed to deteriorate, can have a negative effect on the streetscape. To ensure a high level of presentation, the following guidelines for the maintenance of planter boxes apply:

- Planter boxes shall be constantly checked and maintained to a high standard by the business owner. Plants are to be in good health and must look neat and tidy at all times. To ensure this, they must be appropriately pruned, watered, fertilised, and receive enough sunlight.
- The business owner is responsible for the replacement of dead plants and the removal of rubbish such as cigarette butts.
- Planter boxes that are sparse, overgrown, or weedy must be removed from the outdoor dining area immediately, and only returned once they are appropriately filled out. Failure to do so will result in approval of the planter boxes being withdrawn.



Cleaning

The following requirements apply to keeping outdoor dining areas clean and well presented:

- Must be regularly monitored by staff to ensure it presents a well-maintained image.
- Glass screens shall be regularly cleaned, as dirty or reflective screens reduce views and sightlines, presenting a safety issue.
- Businesses must provide table service or a provision for frequent cleaning and servicing of the outdoor dining area. This must include the clearing of crockery, cleaning tables, removal of food, paper, cigarette butt waste, bird faeces and plant matter, such as leaves and pollen.
- Permit holders are required to maintain the footpath to a high standard of cleanliness and hygiene, to the satisfaction of the City. This will include removing grease and stains, keeping the vicinity clear of litter and waste materials and the daily washing down of the pavement. Litter and waste must be swept, collected, and disposed of in approved receptacles. Litter or waste must not be disposed of into stormwater drains or tree wells.
- A permit holder may request the City to clean their outdoor dining area: commercial fees and charges will apply.



STREET CLEANING AND WASTE COLLECTION

The City of Perth is committed to making sure the entire city looks its best at all times.

Waste and recycling collection services and street cleaning activities operate in the City seven days a week. These services are an essential part of the City's service to its residents and businesses, and as such, may impact on some outdoor dining area's hours of operation and the nature of its design and layout. The applicant will be notified of these restrictions following application, with operating hours included as a condition on the approval of the outdoor dining permit.

FOOD AND BEVERAGE HYGIENE

The following requirements apply to food and beverage hygiene, including service and preparation, in outdoor dining areas:

- The permit holder is not permitted to prepare food in the outdoor dining area. There is the allowance of service of pre-packaged food from within the outdoor dining area. All food is to be prepared in an approved food preparation area.
- Beverage preparation and service from within the outdoor dining area is allowed.
- The permit holder is to discourage patrons from feeding birds in the outdoor dining area
- Smoking is not permitted within the outdoor dining area.

WASTE MANAGEMENT

The following requirements apply to waste management in outdoor dining areas:

- Litter and waste shall be removed promptly and disposed of in bins at the approved location on private property. No waste should be placed in public litter bins.
- In the case of a fast food or takeaway establishment, the City may require the permit holder to supply a bin in their outdoor dining area. Additional bins shall be stainless steel (not chrome), with a lid, and have a capacity equal to or less than 75L. They shall be kept clean and in good-working order and emptied into the business' own waste and recycling bins.
- No waste shall be placed in public litter bins.
- All businesses are required to supply their own waste and recycling bins which are to be collected on a regular basis. All bins should be kept within property boundaries, except during collection times.

SUSTAINABILITY AND HEALTH

Outdoor dining can help to reduce the impact the city has on the environment. It is important that outdoor dining positively contributes to the responsible disposal of waste, minimisation of potential waste and litter, and conservation of energy and resources.

Health Local Law

The City of Perth Health Local Law sets out standards in environmental health for business. The law is applicable to all business owners and occupiers within the City of Perth, and will be enforced with respect to outdoor dining areas.

Organic composting

Organic composting is an environmentally friendly solution for food waste. Instead of disposing of fruit and vegetable scraps or leftover bread rolls in a rubbish bin, businesses should recycle into organic compost.

The City of Perth offers an organic waste collection service to commercial properties, including food businesses. For more information on this service, please contact the City's Waste and Recycling Hotline on 1800 013 827.

Crockery and glassware

To minimise waste, crockery and glassware should be used to serve food and drink in outdoor dining areas. Single use items, including plastic containers and cutlery, add to waste consumption, cause additional litter on the street and in stormwater drains, and contribute to greenhouse gas emissions.

Crockery and glassware serve the business by indicating quality to consumers and attracting diners.

Smoking

Smoking is not permitted in outdoor dining areas. The permit holder is required to establish the outdoor dining area as 'no smoking' and manage the area to ensure patrons comply.

MAINTAINING A SAFE CITY

Outdoor dining generates activity and contributes to the passive surveillance of the city's public places. This promotes a feeling of safety for visitors, workers and residents.

To ensure patron and pedestrian safety and access in the public place is preserved, the permit holder is responsible for:

- Ensuring that staff are trained in the management of outdoor dining areas, with specific regard to access, layout, and furniture placement.

- Maintaining clear lines of sight through outdoor dining areas.
- Monitoring their outdoor dining area to ensure the safety of the community is not being compromised and that anti-social activities are not taking place.
- Maintaining clearances and ensuring appropriate circulation around the outdoor dining area to prevent injury.
- Showing consideration for the public place by allowing for pedestrian movement, including passengers alighting from vehicles and passing bike riders.

CONSUMPTION OF ALCOHOL IN OUTDOOR DINING AREAS

The City has no objection to the consumption of alcohol in the outdoor dining areas subject to compliance with requirements of the Department of Local Government, Sport and Cultural Industries (DLGSCI).

The City of Perth reserves the right to object to any liquor application if it considers the proposal would be detrimental to the amenity and safety of the area.

For more information about liquor licensing matters contact: Department of Local Government, Sport and Cultural Industries (www.dlgsc.wa.gov.au).

7

COMPLIANCE



COMPLIANCE

The City of Perth will ensure that outdoor dining areas are operating according to the conditions of the permit and are being maintained to the standard outlined in these guidelines.

If conditions of the permit or guidelines are breached, a City of Perth representative will visit the premises and seek rectification. Action is initiated according to the impact the breach is having on the safety, access and amenity of the area.

Education

With each outdoor dining application, the City of Perth will provide:

- A copy of the guide.
- A meeting with the applicant to assist with the layout and positioning of tables, chairs, and other items within the outdoor dining area.

The permit holder is responsible for the effective operation and management of the outdoor dining area. This includes the training of staff and contractors to ensure access, safety, amenity and appearance is maintained for the community.

8

DECOMMISSIONING OF
AN OUTDOOR DINING AREA



DECOMMISSIONING OF AN OUTDOOR DINING AREA

REINSTATEMENT OF THE STREETScape ON EXPIRY OF PERMIT

In the event of the permit no longer being required, the permit being revoked or the permit not being renewed the permit holder is responsible for:

- Repairing any damage to the outdoor area to the satisfaction of the City.
- Removing any additions to the area such as furniture, plants or planter boxes.
- Removing any bolts or studs protruding from the pavement area and repairing the pavement to the same specifications as the surrounding paved area.
- Leaving the pavement in a clean condition.

The permit holder is required to carry out the works within 14 days of cancellation of the permit and shall cover all replacement costs. If the permit holder fails to remove the furniture and fittings from the public place and reinstate the footpath to its original condition within the specified period, the furniture will be removed by the City of Perth and works carried out to reinstate the footpath at the permit holder's expense.

No payment or compensation will be given to the permit holder by the City of Perth for removal and disposal of outdoor dining furniture.

When outdoor dining infrastructure is left behind in the public place after a business closes down, it can cause serious safety issues for pedestrians and exposure to public liability.

9

APPLYING FOR AN
OUTDOOR DINING PERMIT



APPLYING FOR AN OUTDOOR DINING PERMIT

The City of Perth manages all aspects of the outdoor dining permit application process, from providing information about requirements, receiving and assessing applications, to issuing permits.

An applicant interested in obtaining an outdoor dining permit must complete in full the prescribed outdoor dining application form available on the City of Perth website. Applicable fees must be paid in full before assessment of the application can commence.

The information below provides information for applicants regarding applying, re-applying and making amendments to existing permits.

APPLICATION PROCESS

A typical application for the establishment of a permit involves a six-step process:

1. Selection of an appropriate site for the outdoor dining.
2. Preparation of application information.
3. Lodgement of application.
4. Application assessment by the City of Perth requires approximately 8 – 10 weeks.
5. Issue of permit.
6. Request from City of Perth for more information.

ASSESSMENT CONSIDERATIONS

The City will take into account, but will not be limited to, the following conditions when assessing an application for an outdoor dining permit:

- The proposed outdoor dining area is in keeping with the amenity of the locality.
- The level of activation provided to the street and location.
- Public safety is not adversely affected.
- The compatibility or otherwise with existing businesses, and usual street activities.
- The required pedestrian clearance in the location.
- The type, design and quality of the proposed outdoor dining area and associated furniture.
- The proposed position of the outdoor dining area in correlation to the building line or street, including the positioning of other existing outdoor dining areas in the location.
- The impact on the streetscape, the adjoining buildings, and any heritage buildings.
- Any requirements outlined by a Development Application (if applicable), noting the provisions of the City Planning Scheme.

Plans submitted by the applicant for approval by the City are required to detail the location and type of infrastructure and services located within or near the outdoor dining area.



PROCESSING TIMES

Consideration and approval of a new permit application takes approximately eight to 10 weeks, or longer if the application is incomplete and further information is required.

Conditions on permits

The City may impose conditions at its discretion that it considers to be relevant to:

- Protect the amenity, environment and/or public interest.
- Comply with the objectives of the Outdoor Dining policy.
- Comply with the Outdoor Dining Local Law 2018.
- Ensure appropriate levels of insurance and indemnity are held.
- Any operational requirements of an outdoor dining area.

BONDS

Bonds may be applied to any outdoor eating area that involves alterations to the City's infrastructure. Any bond applied will be reflective of the market rate to repair/make good any works arising from installations that require fixings and other modifications to the streetscape.

In the case of a bond being applied, the bond is not recoverable until such time that the outdoor dining area permit is cancelled, or as otherwise determined appropriate by the City.

PERMIT DURATION AND RENEWAL

Outdoor dining permits can be approved for a period not exceeding 36 months in duration. Permit holders must apply to renew their permit at or before the expiry of their permit and pay any applicable fees associated with the renewal. A permit may not be renewed by the City if the conditions of the previous permit have not been adhered to.



CANCELLATION OR SUSPENSION OF A PERMIT

The permit holder may request to cancel a permit at any time. Thirty (30) days' notice of intention to cancel must be provided in writing to the City (info.city@cityofperth.wa.gov.au).

The City reserves the absolute right to cancel or suspend a permit to allow for construction works or changing requirements of the public place. Permit holders will be given thirty (30) days written notice by the City whenever practical.

Permit fees paid in advance will only be refunded on a monthly pro-rata basis.

CHANGE OF OWNERSHIP

If the ownership of the business with an approved permit is transferred, the new proprietor is responsible for submitting a revised application form noting the change of ownership. They will be issued with a new permit subject to meeting the eligibility criteria and conditions. A permit application fee will apply to this process.

The new proprietor is responsible for ensuring the outdoor dining area is compliant with all minimum standards as set in the Outdoor Dining Guidelines and local law.

FEES AND CHARGES

The City has set appropriate fees and charges which may be amended from time to time, including:

- permit application fee
- annual per square metre fee
- permit renewal fee
- permit amendment fee
- use of a payment plan
- penalties for non-compliance with conditions
- bond applied to use of area and refundable at end of permit

On approval of the application a permit fee applies. The permit fee must be paid before the permit is issued. The initial permit term is from the date of issue to the end of the financial year unless the permit is revoked by the City or is no longer required by the permit holder. Normal practice is that the permit renewal is to be effected by 1 July each third year.

To avoid additional application cost, inconvenience and the inability to operate an outdoor area the permit holder should ensure their permit is renewed by the due date.

The City will provide the option of a payment plan for any applicant that is not able to pay their annual fees in full.

HOURS OF OPERATION

The applicant is required to stipulate the hours of operation on the Outdoor Dining Application form and these operating hours may be approved or amended in consultation with the applicant depending upon the location and nature of the outdoor dining. The hours of operation of an outdoor dining area serving alcoholic beverages will be limited to the hours stipulated in the extended trading permit (issued by the Department of Local Government, Sport and Cultural Industries) or as otherwise directed in writing by the City of Perth.

Where an outdoor dining area is located in close proximity to residential neighbourhoods, proposed trading hours will be carefully considered against the safety and amenity of the area.

If an applicant chooses to apply to the Department for a liquor licence to serve alcohol in the outdoor dining area, the trading hours of the outdoor dining area will be translated onto the liquor licence.

PUBLIC RISK

The permit holder is required to maintain a valid public liability insurance policy. To meet City of Perth requirements the policy must:

- Be for a minimum amount of \$20,000,000 in respect to any single occurrence.
- Cover injury, loss or damage to persons arising out of the activity carried out under the permit or the granting of this permit.

- Note the interest of the City of Perth on the policy.
- State the period covered by the insurance policy (ie. commencement and expiration date) and be renewed upon expiry.
- Be issued by an insurer approved by the Australian Prudential Regulation Authority (APRA).
- Be supplied in an approved form, such as a Certificate of Currency.

The policy must also indemnify and release the City of Perth against all liability arising from the use or occupation of the outdoor dining area or the conduct of the permit holder's business by the holder or any of permit holder's agents including:

- Any claim made by any person for injury, loss or damage arising in any matter.
- Any loss or damage to any property belonging to the permit holder or other person located in the vicinity of the outdoor dining area caused by the permit holder or the permit holder's agent.
- Any loss, damage, injury or illness sustained or incurred by the permit holder or any of the permit holder's agents.

The City of Perth may from time to time request a Certificate of Currency from the permit holder. Failure to provide within the requested timeframe may lead to cancellation of the Permit.



APPENDIX 1

Outdoor Dining Checklists For Applicants

PURPOSE OF THE CHECKLISTS

The purpose of this checklist is to:

- Help applicants work through the Guideline's requirements in a logical sequence.
- Assist with submitting completed applications, to speed up the approval process for applicants.
- Enable outdoor dining area permit holders to self-audit to ensure compliance with the Permit and City of Perth Outdoor Dining Area Local Law and Policy.

The City appreciates that there are many specifications outlined in the Guidelines that need to be met. We understand that many applicants will find this overwhelming and for this reason we have designed 3 checklists to make this task simpler.

CHECKLIST 1 - PREPARATION AND SUBMISSION OF ONLINE APPLICATION

	Yes	No	N/A
Pre-application considerations			
To be eligible to apply for an outdoor dining license, applicants need to:			
1 Be a registered food business within the City of Perth.			
2 Have clear and unobstructed access and views onto the public place where the outdoor dining area is proposed.			
3 Have a suitable area within the building or leased area to store any outdoor dining area furniture at the close of each day's trade			
Suitability of Location			
To determine a suitable location for an outdoor dining area, the applicant needs to confirm that:			
4 The proposed area is not required for bus stands, taxi ranks, or other public uses.			
5 A minimum 3.2m combined footpath and kerb width is available.			
6 The proposed outdoor dining area is a minimum of 600mm wide.			
7 The area will comply with the requirements of the City of Perth Disability Access and Inclusion Plan. This includes the Disability (Access to Premises - Buildings) Standards 2010 (https://www.legislation.gov.au/Details/F2011C00214).			

		Yes	No	N/A
8	The proposed outdoor dining area will align with other outdoor dining areas on the same street.			
9	If the outdoor dining area is extending beyond the applicant's frontage to a single adjacent neighbour, written permission from the neighbouring business owner and building owner is received.			
Clearances & Setbacks				
To determine the required clearances and setbacks of the proposed outdoor dining area, the applicant needs to:				
10	If the outdoor dining area is extending beyond the applicant's frontage to a single adjacent neighbour, written permission from the neighbouring business owner and building owner is received.			
11	Comply with the kerb setback that applies to their proposed location (See Table 1).			
12	Check there is no CCTV camera within 10m of the outdoor dining area, and confirm with City there are no conflicts.			
All outdoor dining areas must keep a minimum:				
13	800mm clearance from an adjoining outdoor dining area (see Figure 5).			
14	800mm clearance for every 8m of outdoor dining (see Figure 6).			
15	1200mm clearance from the pedestrian entrance of a building to the pedestrian clearance on the footpath or public place (see Figure 7).			
16	1200mm setback from street furniture (benches, bins, bike racks).			
17	1500mm setback from the edge of all driveways, laneways, and right-of-way's.			
18	1600mm setback from the permanently fixed items to all street furniture, public infrastructure, street trees, buildings, and adjacent outdoor dining areas with fixed items.			
19	1600mm setback from public art.			
20	500mm setback from tree grates, pits, and plots.			
21	500mm clearance between adjoining table and chair settings and other non-fixed items.			

		Yes	No	N/A
22	2000mm setback and clearance along the length of bus bays and taxi ranks.			
23	3000mm setback from construction sites.			
If the Outdoor Dining Area has/is:				
24	Located near an intersection; then maintain sightlines and setbacks (see Figure 8).			
25	Located beneath colonnades; then maintain setbacks and clearances (see Figure 9).			
26	Located in a pedestrian mall; then maintain a 6m central service and emergency vehicle clearance (see Figure 11).			
27	Located in a laneway; maintain a minimum pedestrian clearance of 1500mm (see Figure 12).			
28	Umbrellas; maintain a 1000mm clearance from other structures and umbrellas (see Figure 14).			
29	Items that require permanent footings; ensure footings are not located within 1000mm of in ground services (telephone pits etc) and contact Dial before you dig on 08 9330 3166 or at wa@1100.com.au.			
Designing the outdoor dining area				
To ensure the proposed outdoor dining area is designed to meet the standards outlined in the guidelines, the applicant needs to ensure the following:				
30	Advertising on furniture takes up no more than 10% of the total surface area of the item.			
31	Advertising is the name and logo of the business only.			
32	No electrical fixings requiring mains power are installed in the outdoor dining area.			
33	Furniture and items don't obstruct views of the outdoor dining area from inside the business.			
34	Furniture and items don't significantly obscure the building frontage.			
35	If applicable, barrier furniture (canvas screens, glass screens, planter boxes) is placed parallel with the road and on the kerb-side of the proposed outdoor dining area			
36	Existing shelter structures (verandas, awnings, trees) are integrated into the outdoor dining area, if present.			

		Yes	No	N/A
37	No new built and shelter structures are proposed – this includes decking over existing paving, shipping containers, canopies, canvas and plastic blinds, drop down shades, plastic covers, temporary shelters.			
38	The gradient and slope of the footpath is accommodated with adjustable feet or furniture levellers.			
39	No surface treatments, such as artificial turf, carpets and rugs, and decking, are used.			
40	A Development Application with the City of Perth is made if any alterations to the building or streetscape are proposed.			
41	Consult the City Planning Scheme Register of Places of Cultural Heritage Significance to determine if the outdoor dining area is in a significant location and requires planning approval.			
Selecting Furniture and Fixtures				
To ensure the delivery of a high quality outdoor dining area, the applicant must:				
42	Meet the general quality, materials, and finishes outlined in the guidelines			
43	Ensure outdoor dining areas are accessible for people of all abilities (strong but lightweight – cater for large and small persons)			
44	Use tables and chairs that have a metal, timber, or heavy-duty polypropylene frame			
The following items may be permitted in outdoor dining areas, but must conform to the requirements set out in the guide:				
45	Canvas screens (see page).			
46	Glass screens (see page).			
47	Planter boxes (see page).			
48	Umbrellas (see page).			
49	Retractable awnings (see page).			
50	Menu boards (see page).			
51	Delineation markers (see page).			
52	Portable gas heaters (see page).			
53	Bi-fold windows			

	Yes	No	N/A
Insurance			
To ensure the safety of the business, patrons, and the community, successful applicants will need to:			
54 Provide a copy of Public Liability Insurance to the value \$20,000,000.00 before the City will award a license.			
Online Application			
To lodge an application for Outdoor Dining, the applicant must:			
55 Have all documents available electronically to attach, during the online application process.			
56 Include an accurately measured and dimensioned site plan.			
57 Provide details of proposed furniture and items. This is to include images and information on materials and finishes.			
58 Apply via the City of Perth website, at www.perth.wa.gov.au/alfresco-dining .			
59 Follow the prompts and complete the application. Be aware of the following:			
<ul style="list-style-type: none"> • You will need approximately 15 minutes to complete the online application. • Incomplete applications will not be processed and the City will have no record of you attempting to make application. • The system will time out if left idle for 20 minutes. • You will receive a reference number at the end of the application process if your application was successful. If not, please contact the City to discuss the following working day. • Processing of your application will likely take between 8-10 weeks. The City may contact you to seek more information during this period. • The City may apply a bond to the outdoor dining area which will incur additional costs. 			

CHECKLIST 2 - INSTALLATION WORK

Yes No N/A

This checklist is brief and provides applicants with handy tips to ensure compliance with the City's outdoor dining area guideline.

1 Apply for an obstruction permit 7 days prior to commencing work. You are not permitted to obstruct a public thoroughfare without a permit in place. Visit: <https://www.perth.wa.gov.au/planning-development/undertaking-works/obstruction-permits>

2 Double check all setbacks required for the outdoor dining area as detailed below.

- a. Between adjoining outdoor dining areas: 800mm minimum clearance
- b. For every 8m of continuous outdoor dining: 800mm minimum gap
- c. Located near an intersection: sightlines and setbacks outlined in Figure 7
- d. Located beneath colonnades: setbacks and clearances outlined in Figure 8
- e. Located in a pedestrian mall: 6m central service and emergency vehicle clearance
- f. Located in a laneway: 1500mm pedestrian clearance
- g. Street Furniture (benches, bins, bike racks): 1200mm clearance
- h. Umbrellas: 1000m from other structures and building
- i. Underground service pits and permanently fixed items: 1000mm
- j. Public Art: 1600mm
- k. Tree grate or pit: 500mm
- l. Adjoining table and chair settings and other non-fixed items: 500mm Bus bay: 2000mm
- m. Construction site: 3000mm
- n. CCTV cameras and umbrellas: 10m (unless approved)

It is highly recommended that you use tape to mark out the outdoor dining area before you start drilling or digging.

3. Contact the City's Health and Activity Approvals to arrange a post installation inspection of the area before commencing use. Contact 08 9461 3333 or email: info.city@cityofperth.wa.gov.au

CHECKLIST 3 - ONGOING COMPLIANCE

Yes No N/A

This checklist should be used by permit holders to ensure that compliance with the permit requirements. It is a handy checklist that permit holders can provide to staff to set up and maintain outdoor dining areas in accordance with the permit requirements.

It should be used in conjunction with a copy of the outdoor dining area permit and site plan.

Management of Area**Start of Day**

1. Set out furniture precisely in accordance with the approved plan (recommend you have a tape measure handy to check set-backs, delineation markers can be installed by the City at the applicant's expense).
2. Check furniture and other fittings for safety against collapse, sharp edges, cracks and breaks.
3. Check suitability of weather – don't put out umbrellas, menu boards or removable barricades if strong winds greater than 40km/hr are forecast.
4. Check that no obvious works to the footpath are scheduled for that day and that construction works are not being undertaken within 3m of the area.
5. If applicable, check plants and planter boxes for good condition (trim broken branches, replace dead plants). If the planter box is not in good condition, remove from the outdoor dining area until rectified.

During Day

6. The area is to be kept clean and tidy.
7. Provide table service or a provision for frequent cleaning and servicing throughout the day
8. Regularly empty bins and ensure they are not overflowing.
9. Confirm furniture and fittings have not been reconfigured by customers, and that the area still meets the approved plan.
10. Use crockery and glassware if possible, to minimise waste.
11. Ensure customers are not smoking in the area.

End of Day

12. Remove all furniture and items at the end of the trading day (with the exception of permanently fixed items).
13. Footpath to be cleaned with biodegradable environmentally friendly products.

Staff Member Name:

Date:

Please note that if you decide to cease operating your business or wish to cease using your outdoor dining area – please contact advise the City’s Health and Activity Approval Services in writing via email info.city@cityofperth.wa.gov.au.

APPENDIX 2

Frequently Asked Questions

ACCESS AND LAYOUT

Why does the city have outdoor dining located adjacent the kerb?

All people regardless of age or ability should be able to move through our city's public places safely and with ease. Locating outdoor dining adjacent the building in areas where there are lots of pedestrians, makes navigating the street difficult for people with vision impairment, who use the building edge as a shoreline. For this reason, outdoor dining is located adjacent the kerb in most locations.

Why are sightlines important?

It's important for safety and security that people and vehicles can easily see all street users. It also creates vibrant social spaces.

DESIGN

What sort of advertising is allowed?

The City of Perth aims to reduce intrusive advertisements and ensuring commercial and shop signage is scaled to fit the streetscape and the pedestrian environment. The City allows identification and promotional signs that add vitality and colour to business areas.

Why doesn't the City allow permanent structures?

Outdoor dining takes place in public space which is available to everyone. Permanent structures or enclosures privatises the space, and makes it exclusive even when not in use. Structures can also negatively affect sightlines and public safety, inhibit cleaning, maintenance of the street and access to underground services.

OPERATION AND MANAGEMENT

Why does my furniture have to be removed every day?

Furniture needs to be removed at the end of trading every day to ensure that the area is returned to a public place in appearance and function. Permanent furniture privatises public space, limits the flexibility of the street, and makes it difficult to clean the streets and footpaths.

Why are there clearances between furniture and through outdoor dining areas?

Clearances ensure comfortable circulation and help create a safe environment for pedestrians and vehicles. It's important that people have room to move around and through outdoor dining areas, and that access to the street and kerb is not prohibited. Clearances also make sure there is enough room for the City's fleet of street cleaning vehicles to operate – work that keeps our city looking beautiful.

LICENSING

Do I need a permit?

Yes, a permit is required for outdoor dining that extends beyond the property boundary.

APPLICATION INFORMATION

What requirements do I need to meet?

Applicants need to meet all the requirements of the guidelines, policy, and local law. The policy and local law can be found at the City's website: www.perth.wa.gov.au.

Where can I apply for a license?

Apply via the City of Perth website, at www.perth.wa.gov.au/alfresco-dining.

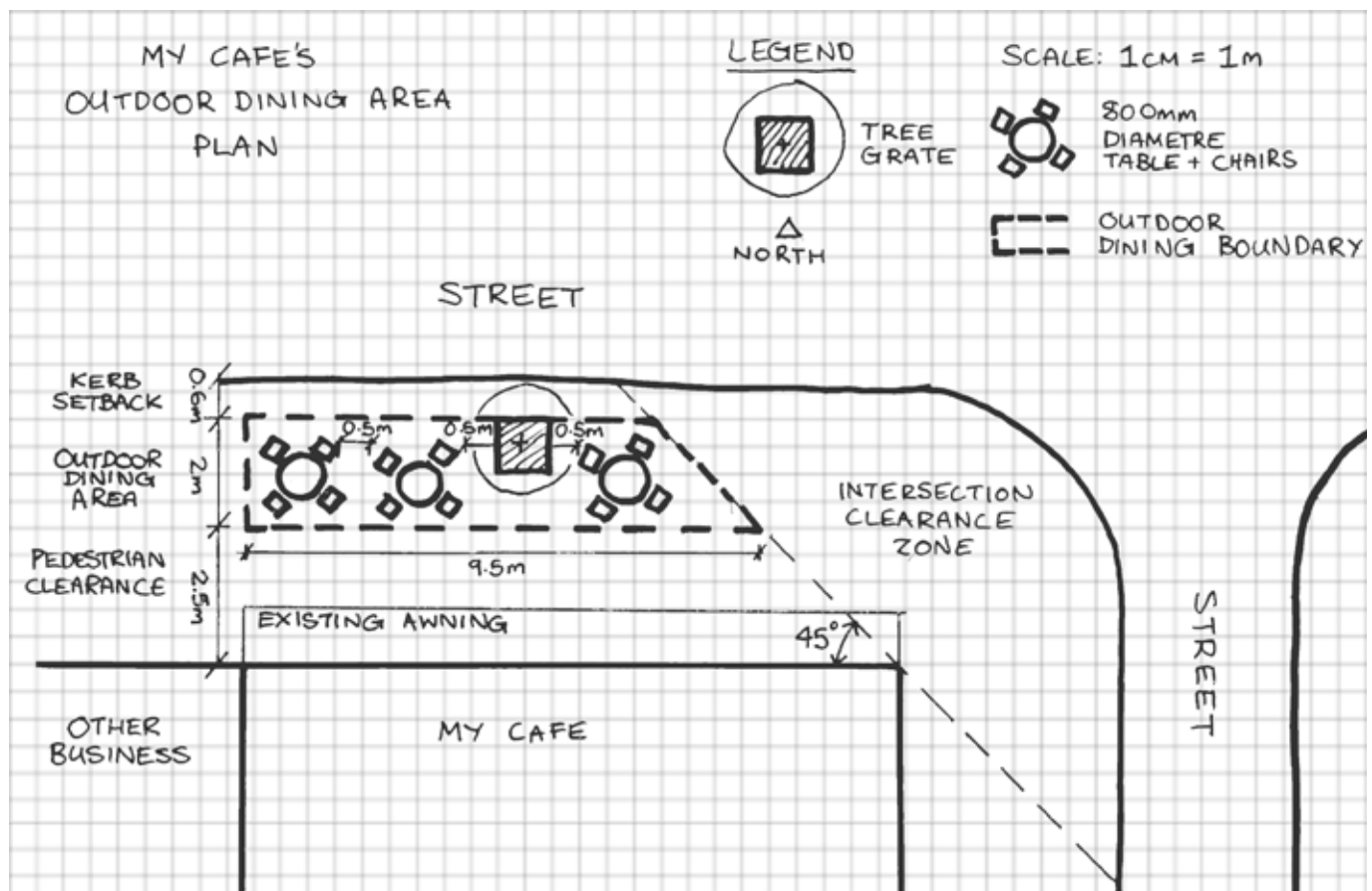
APPENDIX 3

Site Plan Example

Below is an example of the level of detail required in the site plan, that must be submitted as part of the application process for new, or changes to existing, outdoor dining areas.

The site plan must be accurately measured and dimensioned. It must show:

- Extent of outdoor dining area
- Placement of furniture and items
- Pedestrian clearance
- Kerb setback
- Any other relevant clearances and setbacks
- Location of existing awnings, verandas, or canopies
- Location of any existing street furniture and infrastructure, public art, and street trees





Agenda **Request for Reimbursement of Legal Expenses – Mr Gary**
Item 13.12 **Stevenson**

Recommendation:

That Council APPROVES the request dated 16 April 2018 by Mr Gary Stevenson for reimbursement for legal expenses incurred in his capacity as Chief Executive Officer of the City of Perth subject to payment being limited to \$2,200 (including GST).

FILE REFERENCE: P1007299
 REPORTING UNIT: Governance
 RESPONSIBLE DIRECTORATE: Office of the Chief Executive Officer
 DATE: 11 July 2018
 ATTACHMENT/S: Attachment 13.12A - Council Policy 10.16 - Legal Representation for Members and Employees
 Confidential Attachment 13.12B - Application for Legal Expenses request including Cost Breakdown
 Attachment 13.12C - Declaration of compliance to Council Policy by Mr Gary Stevenson
 (Confidential Attachments are distributed to Commissioners under separate cover)

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:**Legislation**

Section 9.56 of the *Local Government Act 1995*
 Department of Local Government Operational Guidelines Number
 14 - Legal Representation for Council Members and Employees

Integrated Planning and Reporting Framework Implications

Strategic Community Plan
 Goal 7 - An Open and Engaged City

Policy

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

Purpose and Background:

On 16 April 2018, a request was received by Mr Gary Stevenson for reimbursement of legal expenses in accordance with Council Policy 10.16.

The matter related to Mr Stevenson's attendance before the Corruption and Crime Commission (CCC) in March 2016 following his departure as Chief Executive Officer (CEO) from the City of Perth (City) in January 2016.

Mr Stevenson engaged Darren Renton from Equus Chambers to provide legal advice and assistance for this matter.

Details:

Section 9.56 of the *Local Government Act 1995* (the Act) provides protection from actions of tort for anything a council member or employee has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law.

Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district.

Section 6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions, a council can expend funds to provide legal representation for council members and employees, as long as it believes that the expenditure falls within the scope of the local government's function.

In accordance with Department of Local Government Operational Guidelines Number 14 - Legal Representation for Council Members and Employees, the City has established a Council Policy (Attachment 13.12A) to determine the criteria for eligibility and handling of claims to assist with legal representation.

Mr Stevenson has submitted an application for legal expenses which is detailed in Confidential Attachment 13.12B including cost breakdown.

City Policy 10.16 - Legal Representation for Members and Employees establishes a number of criteria in order for a person to be eligible for reimbursement for legal expenses. The criteria and assessment are detailed below:

Criteria	Assessment
The legal representation costs must relate to a matter that arises from the performance, by the member or employee, of his or her functions as a member or employee.	The scope of the hearing called upon information from Mr Stevenson as a witness in his capacity as former CEO of the City.
The legal representation cost must be in respect of legal proceedings that have been, or may be, commenced.	The policy defines as; "legal proceedings" may be civil, criminal <u>or</u> <u>investigative</u> (including an inquiry under any written law). Mr Stevenson was requested to attend the hearing under the powers of the <i>Corruption, Crime and Misconduct Act 2003</i> .
In performing his or her function, to which the legal representation relates, the member or employee in the Chief Executive Officer's, or where the employee is the Chief Executive Officer, the Council's opinion must have acted in good faith, and conduct under the City's Code of Conduct, Local Government (Rules of Conduct) Regulations 2007 or other written law.	The CCC made no adverse findings against Mr Stevenson.
The legal representation costs do not relate to a matter or dispute in respect of a Local Government Election process.	The matter did not involve a Local Government Election process.

Having satisfied the above criteria the application is required to be accompanied by a signed declaration by the relevant member or employee that he or she:

"3.2

(a) has read, and understands, the terms of this Policy;

(b) has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates;

(c) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clauses 5.7 and 7 and any other conditions to which the approval is subject; and

(d) undertakes to repay to the City any legal representation costs in accordance with the provisions of clauses 5.7 and 7, as may be required by the City and the terms of this Policy.

Mr Stevenson has supplied a declaration which is detailed in Attachment 13.12C.

The Council, in respect of an application for payment of legal representation costs, may:

“5.1

(a) refuse the application;

(b) grant payment; or

(c) grant payment subject to conditions.”

In this instance, the amount being sought is less than the stated threshold set within Council Policy of \$10,000.

The Administration’s position is that the costs associated with the CCC matter are appropriate.

Financial Implications:

Sufficient funds are allocated in the City of Perth Governance Legal Expenses Account to accommodate this request.

The total amount sought to be reimbursed by this claim is \$2,200 (including GST).

Comments:

It is recommended that the application for \$2,200 (including GST) be approved.



Council Policy Manual

CP10.16 Legal Representation for Members and Employees

POLICY OBJECTIVE

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

POLICY STATEMENT

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

In this policy:-

“approved solicitor” is to be:-

- a) An Australian legal practitioner under the *Legal Profession Act 2008*; and
- b) approved in writing by the Chief Executive Officer;

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

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

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

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



Council Policy Manual

CP10.16 Legal Representations for Members and Employees

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

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

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

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

1. FINANCIAL ASSISTANCE CRITERIA

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

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

2. EXAMPLES OF LEGAL PROCEEDINGS

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



Council Policy Manual

CP10.16 Legal Representations for Members and Employees

- (a) where proceedings are brought against a member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the member or employee;
 - (b) where proceedings are commenced by a member or employee to enable them to carry out their local government functions - for example, where a member or employee seeks a restraining order against a person using threatening behaviour to the member or employee; or
 - (c) for involvement in a statutory or other inquiry that requires information to be given, or to which information is given, by a member or employee in connection with his or her functions.
- 2.2 The City will not make payment for legal representation costs to a member or employee for a defamation or negligence action, instituted by the member or employee.

3. Application For Payment

- 3.1 A member or employee who seeks payment under this policy:-
- (a) must make an application in writing, to the CEO (unless the CEO is the applicant, in which case the application is to be submitted to the Director Corporate Services) with the following details:-
 - (i) the matter for which legal representation is sought;
 - (ii) how that matter relates to the functions of the member or employee making the application;
 - (iii) the solicitor (or firm) who is to be asked to provide legal representation;
 - (iv) the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
 - (v) the estimated cost (if known) of the legal representation; and
 - (vi) why it is in the interests of the City for payment to be made; and



Council Policy Manual

CP10.16 Legal Representations for Members and Employees

- (b) so far as possible, to make the application in paragraph (a) before seeking the legal representation to which the application relates.

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

- (a) has read, and understands, the terms of this Policy;
- (b) has acted reasonably and in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates;
- (c) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clauses 5.7 and 7 and any other conditions to which the approval is subject; and
- (d) undertakes to repay to the City any legal representation costs in accordance with the provisions of clauses 5.7 and 7, as may be required by the City and the terms of this Policy.

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

4. Legal Representation Costs – Limit

4.1 Unless otherwise determined by the Council, payment of legal representation costs in respect of a single application is not to exceed \$10,000.

4.2 A member or employee may make one or more additional applications to the Council in respect of the same matter.

5. Council's Powers

5.1 The Council, in respect of an application for payment of legal representation costs, may:-

- (a) refuse the application;
- (b) approve payment; or



Council Policy Manual

CP10.16 Legal Representations for Members and Employees

- (c) approve payment subject to conditions.
- 5.2 Conditions under clause 5.1 may include, but are not limited to:-
- (a) a financial limit; and
 - (b) a requirement to enter into a security deed in accordance with clause 5.3.
- 5.3 A member or employee in respect of whom payment of legal representation that exceed or may exceed \$5,000 has been approved must execute a security deed, prepared by the City, which sets out the terms and conditions on which the assistance is offered, including any repayment requirements under clauses 5.7 and 7.
- 5.4 In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant or to the City under the City's member or employee insurance policy (or its equivalent).
- 5.5 The Council may, cancel or vary an approval, or any conditions of approval, for the payment of legal representation costs.
- 5.6 The Council may determine that a member or employee in respect of whom payment of legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:-
- (a) not acted reasonably or in good faith; or
 - (b) given false or misleading information in respect of the application.
- 5.7 Where the Council makes a determination under clause 5.6 or where a court, tribunal, inquiry or other body finds that a member or employee has acted unlawfully or in a way that constitutes misconduct:-
- (a) no further payments of legal representation costs are to be made; and
 - (b) the legal representation costs paid by the City must be repaid by the member or employee in accordance with clause 7.
- 5.8 Where the Council resolves to cancel or vary an approval under clause 5.5, but no determination has been made under clause 5.6: -



Council Policy Manual

CP10.16 Legal Representations for Members and Employees

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

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

6. Chief Executive Officer's Powers

- 6.1 Where a delay in the approval of an application would be detrimental to the applicant, the CEO, subject to clause 6.2, may exercise, on behalf of the Council, any of the powers of the Council under clause 5.1 and 5.2, below \$5,000 in respect of each application.
- 6.2 For the purposes of clause 6.1, an application from the CEO is to be dealt with by the Director Corporate Services.
- 6.3 An application approved by the CEO under clause 6.1, or by the Director Corporate Services under clause 6.2 is to be submitted to the next Ordinary Meeting of the Council which may exercise any of its powers under this Policy, including its powers under clause 5.5.

7. Repayment of Legal Representation Costs

- 7.1 A member or employee whose legal representation costs have been paid by the City must repay the City:-
 - (a) all or part of those costs – in accordance with any determination by the Council under clause 5.6; or
 - (b) as much of those costs as are available to be paid by way of set-off – where the member or employee receives, or is entitled to receive, money paid by way of costs, damages, or settlement, in respect of the matter for which the City paid the legal representation costs.



Council Policy Manual

CP10.16 Legal Representations for Members and Employees

- 7.2 The City may take action in a court of competent jurisdiction to recover any money due to it under this Policy.

Document Control Box							
Document Responsibilities:							
Custodian:	Manager Governance			Custodian Unit:	Governance		
Decision Maker:	Council						
Compliance Requirements:							
Legislation:	Sections 3.1 and 6.7(2) of the <i>Local Government Act 1995</i>						
Industry:							
Organisational:	Security deed (TRIM 228961/16)						
Document Management:							
Risk Rating:	Medium	Review Frequency:	Two years	Next Due:	2018	TRIM Ref:	75522/04
Version #	Decision Reference:			Synopsis:			
1.	OCM 15/07/08 (727/08)			Original			
2.	OCM 01/02/11(33/11)			Amended.			
3.	OCM 13/12/16 (199/16)			Amended			

**CONFIDENTIAL ATTACHMENT 13.12B
ITEM 13.12 – REQUEST FOR REIMBURSEMENT OF LEGAL EXPENSES
– MR GARY STEVENSON**

FOR THE ORDINARY COUNCIL MEETING

31 JULY 2018

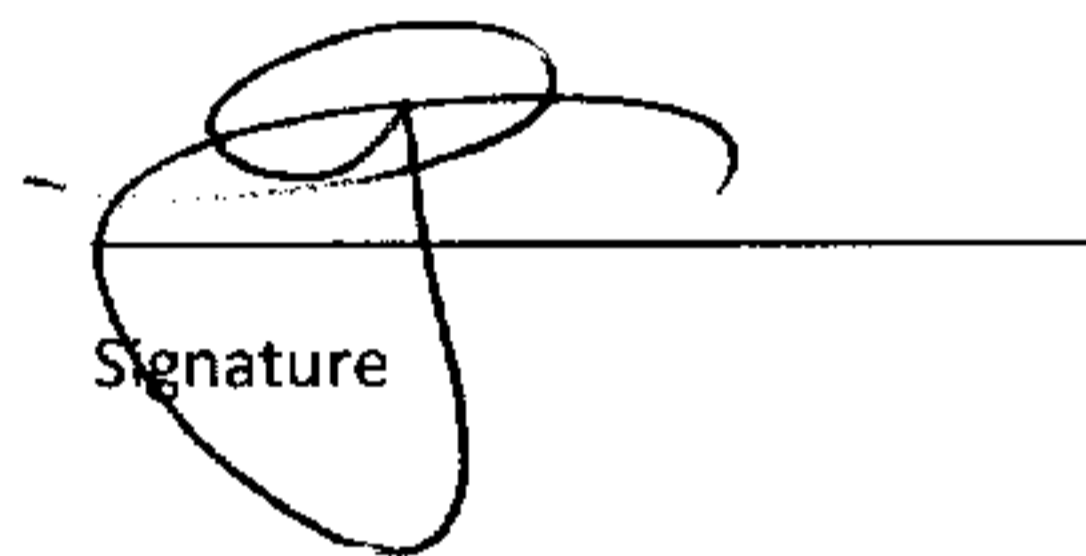
DISTRIBUTED TO COMMISSIONERS UNDER SEPARATE COVER

ATTACHMENT 13.12C

DECLARATION

I, Gary Stevenson hereby sincerely declare that I have:

1. read and understood the terms of City of Perth Policy CP 10.16 Legal Representation for Members;
2. at all times acted reasonably and in good faith and not acted unlawfully or in any way that constitutes improper conduct in relation to the matter to which this application relates;
3. acknowledge that any approval of legal representation cost is conditional upon the repayment provisions in clauses 5.7 and 7 and any other conditions to which the approval is subject; and
4. undertake to repay to the City any legal representation costs in accordance with the provisions in clauses 5.7 and 7 as may be required by the City on the terms of this policy.



Signature

27/6/18
Date

Agenda **Amendment to Council Policy 10.6 Elected Members –**
Item 13.13 **Reimbursement of Expenses and Council Policy 10.3 Elected**
Members – Interstate and Overseas Travel and Expenses

Recommendation:

*That Council **ENDORSE** for public consultation:*

- 1. Draft Council Policy 10.6 – “Elected Members – Reimbursement of Expenses” (draft policy 10.6) as detailed in Attachment 13.13B; and**
- 2. Draft Council Policy 10.3 – “Elected Members – Interstate and Overseas Travel and Expenses” (draft policy 10.3) as detailed in Attachment 13.13D.**

FILE REFERENCE:	P1007299
REPORTING UNIT:	Governance
RESPONSIBLE DIRECTORATE:	Office of the Chief Executive Officer
DATE:	11 July 2018
ATTACHMENT/S:	Attachment 13.13A – Existing 10.6 Elected Members – Reimbursement of Expenses Policy Attachment 13.13B – Draft 10.6 Elected Members – Reimbursement of Expenses Policy Attachment 13.13C – Existing 10.3 Elected Members – Interstate and Overseas Travel and Expenses Policy Attachment 13.13D – Draft 10.3 Elected Members – Interstate and Overseas Travel and Expenses Policy

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation Sections 5.98 and 2.7(2)(b) of the *Local Government Act 1995* and Regulations 31 and 32 of the *Local Government (Administration) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Goal 7 - An open and engaged city

Policy

Policy No and Name: 10.3 Elected Members – Interstate and Overseas Travel and Expenses
10.6 Elected Members – Reimbursement of Expenses

Purpose and Background:

Following the October 2017 Local Government elections, a number of Elected Members expressed a desire for immediate amendments to policy 10.6, in the areas of clothing, apparel, personal presentation and child care.

At the Ordinary Council meeting held on **21 November 2017**, a motion was carried that limited the amount that an Elected Member could claim for reimbursement of expenses on clothing, apparel, dry cleaning and personal presentation associated with a member's attendance at Council related functions and activities to \$3,000 per annum. A further amendment to policy 10.6 was made, extending the scope under which a claim for reimbursement of expenses could be claimed for child care costs to include all child care expenses incurred because of the member's requirement to fulfil the duties of a Council member, to a maximum of \$25 per hour.

The Administration organised a special workshop with the newly formed Council on 4 December 2017 seeking input into Elected Member policies, including Council Policy 10.6. The administration suggested a number of amendments to the policy including:

- The requirement for Elected Members to undertake relevant training, paid for by the City;
- A requirement for clothing purchased pursuant to Council Policy 10.6 to be purchased within the City of Perth;
- Uploading a summary of quarterly expenses by Elected Members to the City's website; and
- Removal of the use of the Councillors' Office/Lord Mayor's budget for individual Elected Member expenses.

Draft amendments to policies were prepared and presented to Elected Members at an additional special workshop held on 13 February 2018. These amendments were put on hold following the suspension of the Council by the Minister for Local Government, the Hon David Templeman MLA, on 2 March 2018.

Following the appointment of Commissioners on 2 March 2018, the Administration held an Elected Member Policy Workshop on 10 May 2018. At the workshop, the Commissioners requested that the following key principles be incorporated into the City's Elected Member policy review as the basis for consideration of any policy reviews:

- a) A focus on transparency, including the justification and need for the proposed expenses;
- b) Ensuring a clear nexus between expenses paid by the City and the functions of an Elected Member under the *Local Government Act 1995*; and
- c) Ensuring appropriate mechanisms are in place to enable the appropriate expenditure of ratepayer funds and to ensure any costs are applied by way of a consistent and equitable process.

The above key principles were presented to Council at the Ordinary Council Meeting held on **29 May 2018**. At the same meeting, Council deferred consideration of the report titled Review of City of Perth Elected Member policies to allow for a further workshop and advertisement for public comment prior to further consideration by Council. In accordance with the motion to defer, the administration held a workshop with Commissioners on 6 June 2018.

Details:

Local Government Act 1995

5.98. Fees etc. for council members

- 2) A council member who incurs an expense of a kind prescribed as being an expense —
 - (a) to be reimbursed by all local governments; or
 - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement, is entitled to be reimbursed for the expense in accordance with subsection (3).

- 3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
 - (a) where the extent of reimbursement for the expense has been determined, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.

Local Government (Administration) Regulations 1996

31. Expenses to be reimbursed (Act s5.98(2)(a) and (3))

- 1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.

32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))

- 1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
 - (a) an expense incurred by a council member in performing a function under the express authority of the local government; and
 - (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
 - (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

The *Local Government (Administration) Regulations 1996* (Regulations) set out the types of expenses incurred by Elected Members that must be reimbursed. These are outlined above in regulation 31. Expenses incurred by Elected Members that a Local Government may choose to reimburse are outlined above in regulation 32. Regulation 32 provides Local Governments with the power to enact policy (in conjunction with the policy making power in section 2.7(2)(b) of the Act) to provide reimbursement for costs to an Elected Member for any expense incurred while performing a function in their capacity as a Council Member.

The current Council policy sets out an extensive list of expenses that Council has approved for reimbursement in accordance with regulation 32. The list includes:

- Clothing;
- Apparel;
- Dry cleaning;
- Personal presentation expenses;
- Protocol gifts;
- Spectacles and other aids; and
- Personal donations to the value of \$50.

Council Policy 10.6 currently provides an Elected Member with the opportunity to claim up to \$13,360 in reimbursement of expenses in a financial year. If a member reaches this limit, all further requests are required to be sent to Council for approval.

Assessment of Expenses

	Travel/ Parking	Child Care/Carer	ICT	Meal/ Incidentals	Training	Clothing	Dry Cleaning	Personal Presentation	Protocol Gifts	Spectacles / Aids	Personal Donations
Transparency, including justification and need for expense	High	High	High	High	High	Non-Compliant	Non-Compliant	Non-Compliant	Non-Compliant	Non-Compliant	Non-Compliant
Nexus between reimbursement and functions of an EM	High	Medium	High	High	High	Medium	Non-Compliant	Medium	Medium	Non-Compliant	Non-Compliant
Appropriate expenditure of funds	Medium	High	High	Medium	Medium	Non-Compliant	Non-Compliant	Non-Compliant	Non-Compliant	Non-Compliant	Non-Compliant

Table Key

High – High compliance with principles
 Medium – Medium compliance with principles
 Low – Non-compliant with principles

The above matrix assesses each type of reimbursement against the Commissioner's principles. All expenses that were assessed as "low" against one or more principles have been removed from the draft Council Policy 10.6.

In line with the principle of transparency, including the justification and need for the expense, the \$13,360 expenses entitlement allocated to each Elected Member has been abolished in draft Council Policy 10.6.

The City of Perth is very conscious of providing equity and supporting family responsibilities. The draft Council Policy 10.6 ensures that costs for child care services are reimbursed in accordance with regulation 31(1)(b) for attendance at council and committee meetings (of which he or she is a member).

Draft policy 10.6 provides further coverage for child care expenses for Elected Members performance/attendance at:

- a) Electors Meeting (Annual and Special);
- b) Agenda Briefing Session;
- c) Council Workshop;
- d) City approved Training;
- e) Civic Event or Function;
- f) Committee Meetings (regardless of whether the Elected Member is a member);
- g) External Committees to which the Elected Member is the appointed delegate or deputy; and
- h) Compelled attendance at a hearing/inquiry or other quasi-legal proceeding as a witness or under a written law.

Draft Council Policy 10.6 also extends this same level of support to Elected Members who incur carer expenses (capped at \$25 per hour) because of the requirement to attend these same meetings.

Under draft Council Policy 10.6, all incidental and meal expenses accrued while travelling pursuant to Council policy will be reimbursed in accordance with the current relevant determination of the Salaries and Allowances Tribunal.

Draft Council Policy 10.6 provides Elected Members with the option of either receiving a City issued mobile phone and laptop computer or instead an annual information and communications technology (ICT) allowance (currently the maximum annual allowance for ICT is \$3,500). It is the Administration's preference for Elected Members to use City issued ICT hardware as these devices will be fully supported by the City's Information Technology support staff. From a financial perspective, the City would prefer to issue City hardware to take advantage of bulk procurement and government rates. This would see a significant saving in the order of \$13,500 per annum.

It is the Administrations further preference that City devices are supplied to Elected Members which will ensure a greater level of protection of computer systems from theft or damage to the hardware, software or electronic data.

To ensure the principle of transparency is satisfied, the payment of activities below \$250 through the Lord Mayor's or Councillors' Office budget cease under draft Council Policy 10.6.

Further, all Elected Members expenses incurred in accordance with draft Council Policy 10.6 will be published quarterly on the City's website.

In line with the above positive assessment, the City intends to prepare a new policy regarding Elected Member training which will be presented to Council for consideration later this year.

Draft Council Policy 10.6 is provided at Attachment 13.13B.

Council Policy 10.3 Elected Members – Interstate and Overseas Travel and Expenses

The policy amendments in draft Council Policy 10.6 require subsequent amendments to Council Policy 10.3.

Policy 10.3 states:

- 1.1 Overseas Conferences and Study Tours** – Elected Members may use their individual reimbursement of expenses entitlement to attend overseas conferences, study tours, seminars or conventions.

Overseas study tours approved by the Council may be funded from the Elected Members Office account or the project budget to which the study tour relates.

- 1.2 Interstate Conferences and Study Tours** – Elected Members may use their individual reimbursement of expenses entitlement to attend interstate conferences, study tours, seminars or conventions.

Interstate study tours approved by the Council may be funded from the Elected Members Office account or the project budget to which the study tour relates.

Council Policy 10.3 references an Elected Member's "individual reimbursement of expenses entitlement". This expenses entitlement is established in current Council Policy 10.6 and provides Elected Members with the opportunity to claim up to \$13,360 in reimbursement of expenses in a financial year. Draft Council Policy 10.6 abolishes this entitlement therefore subsequent amendments to Council Policy 10.3 are required.

Draft Council Policy 10.3 recommends an amendment to state that interstate and overseas travel may be undertaken with the express authority of Council.

The method of transport available under the current policy has also been amended in draft Council Policy 10.3 to "up to business class for flights in excess of 3 hours travel time".

The standard of accommodation available to Elected Members has also been included in draft Council Policy 10.3. In line with a number of other metropolitan Councils, the policy provides that where applicable, accommodation will be booked at or near the event venue. Draft Council Policy 10.3 also states that "accommodation standards are to be consistent with the current relevant Salaries and Allowances Tribunal determination".

Draft Council Policy 10.3 is provided at Attachment 13.13D.

Financial Implications:

Draft Council Policy 10.6 abolishes a number of items that were previously available as an Elected Member reimbursable expense, including clothing, dry cleaning and personal presentation costs. The deletion of these mentioned items is likely to have a positive financial impact. In both 2012/13 and 2013/14 over \$32,000 was spent each year on these expenses. It is however recognised that in recent years spending on these items has dropped with over \$6,500 being recorded in these categories in 2015/16.

Draft Council Policy 10.3 provides business class travel is only available for flights in excess of three hours travel time. For flights over three hours an Elected Member has the option of choosing economy or premium economy rather than business class. This proposed amendment will have a positive financial impact on the City's operating budget.

Comments:

A Stakeholder engagement plan has been developed and the public will be invited to make submissions via the Engage Perth website. The City welcomes feedback from the community to help inform the final policy draft to be considered by Council.



Council Policy Manual

CP10.6 Elected Members - Reimbursement of Expenses

POLICY OBJECTIVE

To provide for the reimbursement of expenses incurred by an Elected Member while performing his or her duties.

POLICY STATEMENT

1. For Elected Members the City shall meet costs associated with:-

1.1 Travel and parking expenses incurred by a member to and from and attending:-

- (a) meetings of the Council or a Committee of the Council, and civic functions;
- (b) as a delegate of the Council to statutory and other boards and committees, community organisations, conferences, local government associations or industry groups, or committees of them, within the Perth metropolitan area;
- (c) a specific request or instruction of the Council and/or including inspection, ratepayer/electors' requests or other duty;
- (d) as a representative of the Council or the Lord Mayor (as appropriate) at any function or presentation;

Transport costs to such meetings are to be calculated in accordance with the City of Perth Salaried Officers' Award Rate where the member's vehicle is used or when a taxi is used, the actual costs incurred will be reimbursed.

A claim for reimbursement of expenses form is to be completed by members to ensure that the transport expenses can be verified.

1.2 Registration, entertainment, accommodation, incidental and meal expenses incurred by members when attending conferences, seminars, study tours or conventions within the Perth metropolitan area, or within Western Australia when air travel is not required, with the exception of the WA Local Government Association's Annual Conference as detailed below:-

WALGA Annual State Conference



Council Policy Manual

CP10.6 Elected Members – Reimbursement of Expenses

- (a) The two Elected Members appointed as the Council representatives to the Central Zone Committee of WALGA are to be funded to attend the annual WALGA State Conference subject to appropriate funds being allocated in the annual budget.
 - (b) If either of the two Council designated Elected Members are unable to attend, the Deputy Delegate to the Central Zone Committee of WALGA may attend. If the Deputy Delegate is unable to attend another Elected Member may substitute subject to a decision of the Council to appoint them as a voting delegate in lieu of one of the Central Zone Committee members.
 - (c) Other than required by 1.2 (b) above, no report to the Council is required to authorise the travel.
- 1.3 Professional development, such as courses and training aligned to their role as a member, conducted in the Perth metropolitan area, or within Western Australia when air travel is not required.
- 1.4 Interstate and overseas travel and expenses in accordance with Policy No: 10.3 “Elected Members – Interstate and Overseas Travel Expenses.”
- 1.5 Child care costs incurred by the member because of the member’s requirement to fulfil the duties of a Council Member, to a maximum of \$25 per hour.
- 1.6 Costs relating to City business incurred through the use of a City provided mobile telephone and facsimile machine.
- 1.7 Telephone and facsimile call costs relating to City business incurred by a member through the use of a personal telephone/facsimile machine
- 1.8 Social functions where the:-
- (a) member is representing the Lord Mayor; or
 - (b) member is attending by resolution of the Council; or
 - (c) member is the Council’s authorised representative on the board/committee/organisation hosting the function; or
 - (d) Council is a donor to the organisation; or
 - (e) organisation is a civic/cultural organisation; or
 - (f) function is an otherwise authorised activity.



Council Policy Manual

CP10.6 Elected Members – Reimbursement of Expenses

- 1.9 Clothing, apparel, drycleaning, personal presentation to a maximum claimable amount of \$3,000 per annum, associated with a member's attendance at Council-related functions and activities.
- 1.10 Protocol gifts as approved by the General Purposes Committee.
- 1.11 Spectacles and other aids.
- 1.12 Personal donations to charitable/non-profit organisations/activities, to a maximum of \$50.
- 1.13 An electronic diary where it is to be used in the performance of Council duties.
2. Costs of activities in part 1.2 below \$250, may be paid from either the Lord Mayor's or Councillors' Office budget, as appropriate, rather than be claimed as a reimbursement of expenses.
3. The costs in part 1 above be met by the Council up to a limit of \$13,360 in each financial year. When a member reaches this limit, all requests shall be referred to the Council for approval.

The entitlement is to be made available on a pro-rata basis in those years where an Elected Member is due for election or retires before the end of their term.
4. All expenses must have been incurred and substantiated prior to reimbursement with the exception of part 5 below. All expenses are reimbursed on a monthly basis.
5. The following expenses will be paid in advance:
 - 5.1 Air travel costs approved under Policy No: 10.3 may be paid on booking of the travel.
 - 5.2 An advance for incidental travel expenses may be made as specified in Policy No. 10.3. All advances must be acquitted with receipts within one week of the Elected Member's return to Perth. Amounts not acquitted shall be refunded to the City.
6. A record of all Elected Member reimbursements is to be maintained.



Council Policy Manual

CP10.6 Elected Members – Reimbursement of Expenses

Document Control Box							
Document Responsibilities:							
Custodian:	Manager Governance			Custodian Unit:	Governance		
Decision Maker:	Council						
Compliance Requirements:							
Legislation:	s . 5.98(2)(b) and s 5.100 (1) of the <i>Local Government Act 1995</i> ; <i>Salaries and Allowances Act 1975</i> ; regs. 31, 32, 34AD of the <i>Local Government (Administration) Regulations 1996</i> .						
Industry:							
Organisational:	PR0991, PR0545 – City of Perth Procedures						
Document Management:							
Risk Rating:	Medium	Review Frequency:	Two years	Next Due:	2019	TRIM Ref:	P1014564
Version #	Decision Reference:		Synopsis:				
1.	27/08/96		Previous Policy No. CS28, CS11				
2.	09/09/97						
3.	28/04/98 (353/98)						
4.	08/06/99 (367/99)						
5.	10/08/99 (529/99)						
6.	22/08/00 (534/00)						
7.	23/04/02 (280/02)						
8.	25/06/02 (446/02)						
9.	13/08/02 (555/02)						
10.	08/04/03 (269/03)						
11.	09/03/04 (165/04) (168/04)						
12.	25/10/05 (767/05)						
13.	08/08/06 (554/06)						
14.	26/08/08 (815/08)						
15.	01/02/11 (33/11)						
16.	08/11/11 (684/11)						
17.	21/11/17 – Item 13.25		Amended				



Council Policy Manual

CP10.6 Elected Members - Reimbursement of Expenses

POLICY OBJECTIVE

To provide for the reimbursement of expenses incurred by an Elected Member while performing his or her Functions.

POLICY STATEMENT

1. In accordance with regulation 32 of the *Local Government (Administration) Regulations 1996*, the City will reimburse the following expenses incurred by an Elected Member:
 - (a) Any expense incurred in performing a Function authorised by this Policy.
 - (b) An expense incurred by an Elected Member by reason of being accompanied by a partner to a Function;
 - (c) Travel and parking expenses, incurred by an Elected Member in performing a Function in his or her capacity as a council member.
 - (d) Meal and incidental expenses accrued while travelling. Meal and incidental expenses are to be reimbursed in accordance with the current determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members.
 - (e) Carer/child care expenses, capped at \$25 per hour, incurred because of the Elected Member performing a Function.

Definitions

'Carer' Is a person required to provide personal care, support and assistance to another individual due to disability, medical condition, including terminal or chronic illness, mental illness or is frail and aged (Source: *Carer Recognition Act 2010*).

'Carer expenses' means costs incurred by an Elected Member's absence whilst performing their Functions.

'Function' is defined in this policy as performance/attendance at any of the following:

- (a) Council Meeting (Ordinary and Special);
- (b) Electors Meeting (Annual and Special);
- (c) Agenda Briefing Session;
- (d) Council Workshop;
- (e) City approved Training;
- (f) Civic Event or Function;
- (g) Committee Meeting;



Council Policy Manual

CP10.6 Elected Members – Reimbursement of Expenses

- (h) External Committees to which the Elected Member is the appointed delegate or deputy;
 - (i) Compelled attendance at a hearing/inquiry or other quasi-legal proceeding as a witness or under a written law.
2. The City will provide Elected Members with a City issued mobile phone and computer.
3. The City will pay an information, communications and technology (ICT) allowance, at the maximum annual rate set by the Salaries and Allowances Tribunal, to any Elected Member who declines the offer of a City issued mobile phone and laptop as outlined in paragraph 2.
4. An Elected Member is not entitled to receive both the City issued devices outlined in paragraph 2 and an ICT allowance.
5. City staff will only provide technical assistance to Elected Members with City issued ICT hardware.
6. All reimbursement of expenses must comply with the current determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members.
7. A record of all Elected Member reimbursements is to be maintained and published on the City of Perth website.

Document Control Box							
Document Responsibilities:							
Custodian:	Manager Governance			Custodian Unit:	Governance		
Decision Maker:	Council						
Compliance Requirements:							
Legislation:	s . 5.98(2)(b) and s 5.100 (1) of the <i>Local Government Act 1995</i> ; <i>Salaries and Allowances Act 1975</i> ; regs. 31, 32, 34AD of the <i>Local Government (Administration) Regulations 1996</i> .						
Industry:							
Organisational:	PR0991, PR0545 – City of Perth Procedures						
Document Management:							
Risk Rating:	Medium	Review Frequency:	Two years	Next Due:	2019	TRIM Ref:	P1014564
Version #	Decision Reference:	Synopsis:					
1.	27/08/96	Previous Policy No. CS28, CS11					
2.	09/09/97						
3.	28/04/98 (353/98)						
4.	08/06/99 (367/99)						
5.	10/08/99 (529/99)						
6.	22/08/00 (534/00)						
7.	23/04/02 (280/02)						



Council Policy Manual

CP10.6 Elected Members – Reimbursement of Expenses

8.	25/06/02 (446/02)	
9.	13/08/02 (555/02)	
10.	08/04/03 (269/03)	
11.	09/03/04 (165/04) (168/04)	
12.	25/10/05 (767/05)	
13.	08/08/06 (554/06)	
14.	26/08/08 (815/08)	
15.	01/02/11 (33/11)	
16.	08/11/11 (684/11)	
17.	21/11/17 – Item 13.25	Amended

DRAFT



Council Policy Manual

CP10.3 Elected Members - Interstate and Overseas Travel and Expenses

POLICY OBJECTIVE

To determine the nature and extent of the Council's representation by Elected Members at international/interstate conferences, study tours, seminars or conventions and the travel and accommodation expenses payable.

POLICY STATEMENT

The following authority and guidelines are applicable in the determination of Elected Member attendance at conferences, study tours, seminars and conventions:-

1. The Council authorises the following travel entitlements for Elected Members:-
 - 1.1 **Overseas Conferences and Study Tours** - Elected Members may use their individual reimbursement of expenses entitlement to attend overseas conferences, study tours, seminars or conventions.

Overseas study tours approved by the Council may be funded from the Elected Members Office account or the project budget to which the study tour relates.
 - 1.2 **Interstate Conferences and Study Tours** - Elected Members may use their individual reimbursement of expenses entitlement to attend interstate conferences, study tours, seminars or conventions.

Interstate study tours approved by the Council may be funded from the Elected Members Office account or the project budget to which the study tour relates.
 - 1.3 ALGA National Conference.
 - a) The two Elected Members appointed as the Council representatives to the Central Zone Committee of WALGA are to be funded to attend the annual ALGA National Conference subject to appropriate funds being allocated in the annual budget.
 - b) If either of the two Elected Members in 1.3 (a) above are unable to attend, the Deputy Delegate to the Central Zone Committee of WALGA may attend. If the Deputy Delegate is unable to attend another Elected Member may substitute



Council Policy Manual

CP10.3 Elected Members – Interstate and Overseas Travel and Expenses

subject to a decision of the Council to appoint them as a voting delegate in lieu of one of the Central Zone Committee members.

- c) Other than required by 1.3 (b) above, no report to Council is required to authorise the travel.

2. The authority above is subject to:-

2.1 Appropriate provisions being made in the adopted budget for reimbursement of Elected Member expenses.

2.2 The attendance forming part of the training and development for Elected Members or associated with the core business of a Committee that the Elected Member is a member of.

3. The Chief Executive Officer is to authorise travel for Elected Members in advance of travel, in accordance with this policy. Any request for travel that is not in accordance with this policy or exceeds the budget allocation is to be referred to the Council by the Chief Executive Officer.

4. A list of all Elected Member interstate and overseas travel is to be maintained on the Council's records of Elected Members.

5. Travel and accommodation standards will apply as follows unless varied with the prior approval of the Council where circumstances necessitate:-

5.1 **Transport** - Business Class

5.2 **Accommodation**

The actual cost of reasonably and properly incurred travelling and accommodation expenses will be reimbursed. Receipts or vouchers must be provided in support of any claim for reimbursement of travelling and accommodation expenses.

6. An advance for food and drink and incidental expenses for interstate and international travel may be made as specified by the Australian Tax Office Taxation Determination (TD2010/19) or subsequent updated Determination. Figures should be taken from the top income bracket. It is not intended to be a maximum permissible allowance. Therefore, all reasonable incidental expenses incurred above the advance amount will be reimbursed.

7. All advances must be acquitted within one week of the Elected Member returning to Perth. Amounts not acquitted shall be refunded to the Council.



Council Policy Manual

CP10.3 Elected Members – Interstate and Overseas Travel and Expenses

8. Documentary evidence in the form of receipts is required for the acquittal of all advances.
9. Travel associated with Sister City relationships, Council of Capital City Lord Mayors and World Energy Cities Partnership is addressed in other policies.

Document Control Box							
Document Responsibilities:							
Custodian:	Manager Governance			Custodian Unit:	Governance		
Decision Maker:							
Compliance Requirements:							
Legislation:	s . 5.98(2)(b) and s 5.101A of the <i>Local Government Act 1995</i> ; regs. 31, 32, 34AD of the <i>Local Government (Administration) Regulations 1996</i> ; <i>Salaries and Allowances Act 1975</i>						
Industry:							
Organisational:	PR0545						
Document Management:							
Risk Rating:	High	Review Frequency:	Annual	Next Due:	2012	TRIM Ref:	P1001324
Version #	Decision Reference:		Synopsis:				
1.	08/04/03 (269/03)		Previous Policy No. 10.3, CS30				
2.	02/08/05 (533/05)						
3.	08/08/06 (554/06)						
4.	30/01/07 (72/07)						
5.	29/01/08 (46/08)						
6.	01/02/11 (33/11)						



Council Policy Manual

CP10.3 Elected Members - Interstate and Overseas Travel and Expenses

POLICY OBJECTIVE

To determine the nature and extent of the Council's representation by Elected Members at international/interstate conferences, study tours, seminars or conventions and the travel and accommodation expenses payable.

POLICY STATEMENT

The following authority and guidelines are applicable in the determination of Elected Member attendance at conferences, study tours, seminars and conventions:-

1. Interstate and overseas travel may be undertaken with the authority of the Council.
2. All reimbursement of expenses must comply with the current determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members.
3. A list of all Elected Member interstate and overseas travel (including class of travel) is to be maintained and published on the City of Perth website.
4. Travel and accommodation standards will apply as follows:

Transport

Up to business class for flights in excess of 3 hours travel time.

Accommodation

Where applicable, accommodation will be booked at or near the event venue.

Accommodation standards are to be consistent with the current relevant Salaries and Allowances Tribunal determination.

5. Travel associated with Sister City relationships, Council of Capital City Lord Mayors and World Energy Cities Partnership is addressed in other policies.



Council Policy Manual

CP10.3 Elected Members – Interstate and Overseas Travel and Expenses

Document Control Box							
Document Responsibilities:							
Custodian:	Manager Governance			Custodian Unit:	Governance		
Decision Maker:							
Compliance Requirements:							
Legislation:	s . 5.98(2)(b) and s 5.101A of the <i>Local Government Act 1995</i> ; regs. 31, 32, 34AD of the <i>Local Government (Administration) Regulations 1996</i> ; <i>Salaries and Allowances Act 1975</i>						
Industry:							
Organisational:	PR0545						
Document Management:							
Risk Rating:	High	Review Frequency:	Annual	Next Due:	2012	TRIM Ref:	P1001324
Version #	Decision Reference:	Synopsis:					
1.	08/04/03 (269/03)	Previous Policy No. 10.3, CS30					
2.	02/08/05 (533/05)						
3.	08/08/06 (554/06)						
4.	30/01/07 (72/07)						
5.	29/01/08 (46/08)						
6.	01/02/11 (33/11)						