



City of Perth

**Ordinary Council Meeting
Minutes**

**25 June 2019
6.00pm**

**Council Chamber
Level 9
Council House**

APPROVED FOR RELEASE

**MURRAY JORGENSEN
CHIEF EXECUTIVE OFFICER**



City of Perth

**Ordinary Council Meeting
Minutes**

**25 June 2019
6.00pm**

**Council Chamber
Level 9
Council House**

Present

Deputy Chair Commissioner Gaye McMath
Commissioner Andrew Hammond

Minutes to be confirmed at the next Ordinary Council meeting.

**THESE MINUTES ARE HEREBY CERTIFIED AS
CONFIRMED**

PRESIDING MEMBER'S SIGNATURE

DATE:-----

Minutes of the Ordinary Meeting of the Council of the City of Perth held in the Council Chamber, Ninth Floor, Council House, 27 St Georges Terrace, Perth, on Tuesday, 25 June 2019.

Presiding: Deputy Chair Commissioner, Gaye McMath

Commissioners in Attendance:

Commissioner Andrew Hammond

Officers in Attendance:

Mr Jorgensen	Chief Executive Officer
Mr Farley	Acting Director Planning and Development
Mr High	Acting Director Economic Development and Activation
Mr Ridgwell	Acting Director Corporate Services
Ms Landers	Acting Director Community and Commercial Services
Ms Smith	Manager Development Approvals
Mr Ahern	Manager Waste and Cleansing
Mr Corke	Acting Manager Governance
Mr Anastas	Personal Aide
Ms Rutigliano	Governance Officer
Ms Stefani	Governance Officer

Observers:

Six members of the public

Seven members of staff

Two members of the media

1. Prayer / Acknowledgment of Country

The Chief Executive Officer read the prayer.

The Deputy Chair Commissioner read the Acknowledgement of Country.

2. Declaration of Opening

6.01pm The Deputy Chair Commissioner declared the meeting open.

3. Apologies

Director Construction and Maintenance, Mr Crosetta

4. Question Time for the Public and Notification of Deputations

4.1 Question Time for the Public

Nil

4.2 Notification of Deputations

- 4.2.1** Deputation request received from Ms Alice Brown in relation to Item 13.1 – 581 – 583 (Lots 6 and 36) Murray Street, West Pert – Reconsideration of Change of Use for Level 1 to a Dog Day Care Centre ('Unlisted Use') and Shop ('Retail (General) Use') including Minor Works and Signage (CM 163531/19).

5. Members on Leave of Absence and Applications for Leave of Absence

Chair Commissioner Eric Lumsden

6. Confirmation of Minutes

Moved Commissioner Hammond, seconded Commissioner McMath

*That Council **CONFIRM** the minutes of the Ordinary Council Meeting held on 28 May 2019 and the Agenda Briefing Session held on 18 June 2019 as a true and correct record.*

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

7. Announcements by the Chair Commissioner

Acknowledging the passing of former Councillor Max Kay

The City of Perth, both Commissioners and staff, would like to extend its sincere condolences to his wife Norma and family and friends.

Mr Kay was a City of Perth Councillor from 2003 to 2007 and made a significant contribution to the City of Perth and the broader community. He will be sadly missed.

Letter of resignation from Mrs Janet Davidson

Mrs Davidson has resigned as a Councillor at the City of Perth due to the selling of her property in the city. The City wishes to recognise the valuable long-term contribution that Mrs Davidson gave to the City since first elected in 1998 and therefore having 20 plus years of service to the City in the roles as Councillor and Deputy Lord Mayor. The City thanks Mrs Davidson for her contribution and wishes her the best for the future.

Commissioner McMath's attendance at the Council of Lord Mayors Meeting and the Asia Pacific Summit Meeting – Brisbane 9 – 10 July 2019

The Lord Mayors meeting is intertwined with the Asia Pacific Summit Meeting where important issues such as housing, homelessness and public amenity will be discussed. For the record, I will be travelling on behalf of the City to attend these meetings and represent the City in place of the Chair Commissioner who would otherwise consider attending.

8. Disclosures of Members' Interests

Commissioner/Officer	Item No. and Title	Nature/Extent of Interest
Commissioner Gaye McMath (CM 158006/19)	Item 13.3 – Strategic Partnership Agreement – Perth Public Art Foundation Inc	Nature: Impartiality Interest - Commissioner McMath is a Board member of Perth Public Art Foundation Inc as appointed by the City of Perth Extent: Insignificant
Commissioner Gaye McMath (CM 158006/19)	Item 13.5 - Key Sector Development Sponsorship – StudyPerth	Nature: Impartiality Interest - Commissioner McMath is a Board member of StudyPerth as appointed by the City of Perth Extent: Insignificant
Commissioner Gaye McMath (CM 158006/19)	Item 13.8 - Heritage Perth Incorporated Transition Plan	Nature: Impartiality Interest - Commissioner McMath is a Board member of Heritage Perth as appointed by the City of Perth Extent: Insignificant
Commissioner Andrew Hammond (CM 166445/19)	Item 13.8 - Heritage Perth Incorporated Transition Plan	Nature: Impartiality Interest - Commissioner Hammond is a Board member of Heritage Perth as appointed by the City of Perth Extent: Insignificant

9. Questions by Members of which due notice has been given

Nil

10. Correspondence

Nil

11. Petitions

Nil

12. Matters for which the Meeting may be Closed

The Chief Executive Officer advised that in accordance with Section 5.23(2) of the *Local Government Act 1995*, should a Commissioner wish to discuss the content of the confidential item **13.3**, **13.8** and **13.9**, it is recommended that Council resolve to close the meeting to the public prior to discussion of the Item.

Item No.	Item Title	Reason
Confidential Attachments 13.3A, 13.3B, 13.3C and 13.3D	Item 13.3 - Strategic Partnership Agreement – Perth Public Art Foundation Inc	s5.23(2)(e)(iii)
Confidential Attachments 13.8A and 13.8B	Item 13.8 - Heritage Perth Incorporated Transition Plan	s5.23(2)(e)(iii) and s5.23(d)
Confidential Attachment 13.9A	Item 13.9 - Further Term Licence Agreement Rooftop Movies	s5.23(2)(e)(ii)

13. Reports**En Bloc Motion**

Moved Commissioner Hammond, seconded Commissioner McMath

That Council:

- 1. ADOPTS the Officer Recommendations for items 13.2, 13.4, 13.6, 13.7, 13.9, 13.10, 13.11 and 13.14.***
- 2. CONSIDERS items 13.1, 13.3, 13.5, 13.8, 13.12, 13.13 and 13.15 separately.***

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.1 581 - 583 (Lots 6 and 36) Murray Street, West Perth – Reconsideration of Change of Use for Level 1 to a Dog Day Care Centre ('Unlisted Use') and Shop ('Retail (General)' Use) including Minor Works and Signage

FILE REFERENCE:	DA-2018/5465
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
REPORT AUTHOR DISCLOSURE OF DATE:	Nil
ATTACHMENT/S:	10 June 2019
	Attachment 13.1A – Location Plan
	Attachment 13.1B – Development Plans
	Attachment 13.1C – Schedule of Submissions
	Attachment 13.1D – Noise Monitoring and Management Plan
3D MODEL PRESENTATION:	N/A
LANDOWNER:	SKS Claremont Pty Ltd
APPLICANT:	M. Gorman
ZONING:	(MRS Zone) Urban
	(City Planning Scheme Precinct) West Perth (P10)
	(City Planning Scheme Use Area) Commercial
APPROXIMATE COST:	\$40,000

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 type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input checked="" 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 type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	Planning and Development Act 2005
	Planning and Development (Local Planning Scheme) Regulations 2015
	Metropolitan Region Scheme
	City Planning Scheme No. 2

Policy

CPS2 Policy No and 2.2 - Public Notification/Advertising
Name: 4.1 – City Development Design Guidelines
4.6 – Signs

Purpose and Background:

The purpose of this report is to set out the assessment and recommendations for a development application to conduct a 'dog day-care' business at 581-583 Murray Street, West Perth.

The subject site is located on the south-eastern corner of the Murray Street and Harvest Terrace intersection and has a total area of 1,955m². The site contains an existing two storey building, ancillary building and at grade car parking area. The main building was constructed in 1952 and was previously the Scouts Western Australia headquarters. More recently the City granted approval for the use and fit-out of the ground floor level for a gymnasium with the first-floor level remaining vacant since the departure of the Scouts from the premises.

The first-floor level is 720m² in area and comprises an open plan hall and large meeting rooms separated from each other by floor to wall partitions, a bathroom and kitchenette.

At its meeting held on **26 March 2019**, Council resolved to:

"Defer consideration of the report titled 581-583 (Lots 6 and 36) Murray Street, West Perth - Change of Use for Level 1 to a Dog Day Care Centre ('Unlisted Use') and Shop ('Retail (General)' use) including Minor Works and Signage to a later meeting.

Reason: So that information regarding the effectiveness of noise mitigation and inspection of similar land use in a high-density area can be obtained so Commissioners can get an indication of how noise is managed."

The applicant subsequently provided additional details of similar, centrally located dog day care centres within Australia.

At its meeting held on **30 April 2019**, Council considered the application and resolved to:

"Refuse the application for the Change of Use of Level 1, 581-583 (Lots 6 and 36) Murray Street, West Perth from a Scout hall ('Community and Cultural' use) to a dog day-care centre ('Unlisted Use') and shop ('Retail (General)' use) including minor works and signage due to concerns regarding the effective mitigation of noise and the negative impact it would have on the immediate locality."

On 1 May 2019, the applicant submitted an application for review to the State Administrative Tribunal (SAT), requesting that the application be conditionally approved in accordance with the Administrations recommendation to Council. A Directions Hearing was held on 17 May 2019. It is important to note that the merits of the application had not been assessed or discussed at the directions hearing, with the focus being on the SAT processes and the options available to progress the matter. The applicant explained that the main concern of the Council had been regarding the effective mitigation of noise from the premises and suggested that this could be addressed further through the submission of additional information about noise monitoring and management. The

City Officers agreed that consideration could be given to any new information that was submitted. Consequently, the matter was adjourned and the following orders were made by the SAT:

- "1. Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 the respondent is invited to reconsider its decision by 25 June 2019.*
- 2. The matter is listed for a further directions hearing at 9 am on 28 June 2019 in the State Administrative Tribunal Building at 565 Hay Street, Perth, Western Australia."*

Section 31(1) of the *State Administrative Tribunal Act 2004* enables SAT to invite Council to reconsider the decision that is the subject of review proceedings before SAT, whenever it believes appropriate. This can include where the applicant provides additional information or clarification since the original decision.

After reconsidering a decision, the Council may:

- Affirm the original decision;
- Vary the decision; and
- Set aside the decision and substitute a new decision.

If the Council decides to substitute the refusal decision with a new approval decision, the applicant can withdraw the proceedings and the new decision comes into effect. If the applicant is not happy with the new decision, or the Council decides to affirm the original refusal decision, the proceedings are resolved before SAT.

The purpose of this report is to provide Council the opportunity to consider the additional information submitted by the applicant and to reconsider the application in accordance with the SAT order.

Details:

In accordance with s 31(1) of the *State Administrative Tribunal Act 2004*, Council is invited to reconsider its decision made at the Council meeting held on **30 April 2019**, in regard to an application seeking approval to change the use of the first-floor of the building on the subject site from a Scouts hall ('Community and Cultural' use) to a dog day care centre ('Unlisted Use') with an associated shop ('Retail – General' use), including minor works and signage. The details of the application have not been modified since the applicant submitted an application for review to the SAT.

The applicant advises:

- the proposed business will provide dog day care services primarily for dogs of city workers during the day, specialising in smaller breeds under 11 kilos;
- the proposed hours of operation are Monday to Friday 6.30am to 6.30pm. On weekends the premises will be used based on demand between the hours of 10.00am and 4.00pm for dog training classes, dog birthdays, dog related gatherings and other dog events;
- the proposed venue will accommodate up to 60 dogs at any one time, however it is anticipated that the average occupancy rate will be well below this maximum;

- dogs will be kept in separate zones according to temperament and will be continuously under observation;
- a dog grooming and pampering service will also be offered during business hours targeted at day care attendees;
- up to six staff members will be on site depending on the numbers of dogs attending with staffing to be in accordance with the Pet Industry Association of Australia's guidelines which recommends a minimum of one staff member for every 12.5 dogs on premises;
- the premises will have a small retail area where boutique dog accessories and dog specific items will be sold, specifically to day care attendees; and
- the business will operate a 'dog valet' service in the morning and evenings so that customers will not need to get out of their car to drop off their dog. It is expected that use of this service will be high, as seen with similar dog day care businesses, who successfully provide this service.

The proposed minor works to the tenancy and building includes:

- division of the main hall space into separate themed zones separated by fencing;
- fit out of the lobby and retail space including furniture and display facilities; and
- refurbishment, painting and illumination of the exterior of the building and fence including the removal of obsolete air conditioning units and signs and the addition of new signage and graphics.

Compliance with Planning Scheme:

Land Use

The subject site is located within the Commercial Use Area of the West Perth Precinct (P10) under City Planning Scheme No. 2 (CPS2). This area will provide for a limited range of business related commercial activities which will be supported in the area bounded by Hay, George, Havelock and Wellington Streets. Appropriate commercial uses are banks, restaurants, lunch bars, showrooms and other commercial uses which serve West Perth in particular.

The predominant 'dog day care centre' proposed use does not readily fall within any of the Land Use Categories contained within CPS2. As such, the proposal is required to be considered as an 'unlisted use' in the context of the current and future amenity of the locality, the Precinct Statement of Intent, and Clause 34 of CPS2. Specifically, Clause 34 of CPS2 outlines the process of determination of an application for an unlisted use as follows:

- "(1) The local government cannot grant development approval for a development which involves an unlisted use unless -*
- (a) the advertising procedure set out in clause 64 of the Deemed Provisions has been followed; and*
 - (b) it is satisfied, by an absolute majority, that the proposed development is consistent with the matters listed in clause 67 of the Deemed Provisions."*

'Retail (General)' is a contemplated ('C') use within the Commercial use area of the West Perth Precinct (P10). Noting the proposed retail component only comprises a small area of the tenancy and is ancillary to the main use, it is considered that the proposed use is suitable in the context of the site and wider locality.

Whilst the application was originally seeking a range of secondary alternative uses within the first-floor level, a lack of detail and certainty was provided in relation to the uses and their compatibility with the predominant dog day care use. The applicant has acknowledged this and is satisfied that the application be limited to the dog day care and retail uses. Any additional uses will be the subject of a separate application to the City at which point their suitability can be determined.

With regards to the overall proposal, it is considered that the following matters outlined within Clause 67 of the Deemed Provisions are appropriate noting the existing site conditions and context:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (g) any local planning policy for the Scheme area;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application.”*

Development Requirements

The West Perth Precinct (P10) does not contain any specific criteria or requirements in relation to development of pet facilities or grooming salons. All development is required to be generally consistent with the Statement of Intent for the Precinct (as outlined in the previous section) in which it takes place. It is noted that an existing building is to be utilised with no new development proposed.

Comments:

Consultation

In accordance with clause 34 of CPS2 and clause 64 of the Deemed Provisions, the proposal was advertised to the owners of the adjacent properties for a period of 14 days, closing on 25 January 2019. These included the owners of the properties directly adjacent at 579 Murray Street and 1070, 1072 and 1076 Hay Street and those in the near vicinity at 580-586, 600-608 and 611 Murray Street, 1 Coolgardie Street and 1100 Hay Street, Perth.

A total of 16 submissions were received during the advertising period, with 14 raising objections and two providing conditional support in relation to the proposal. Full details of the submissions are included as an attachment to this report (Attachment 13.1C). The main issues raised during the advertising period are quoted below:

Noise

'There are two residential apartment buildings across the road from the proposed development. The noise from multiple barking dogs would not be welcomed by anyone living in these in either complex';

'The cumulative noise impact of so many animals in close company, plus the volume of traffic delivering and collecting same, will create substantial acoustic 'shock' to residents located only 40m or so from the premises';

'There are no effective measures that the business could take which will be sufficient to suppress the noise impacts of keeping a large number of dogs in close proximity to the residential apartments that neighbour the building. It appears likely that a building of this era and construction could never be acoustically refurbished to suppress the noise coming from within its walls without a significant restructure of the building';

'The noise generated from the proposed usage will cause a loss of amenity; have a negative impact on our customers and be generally disruptive to our day to day operations';

'While not within the realm of a kennel, which would typically require a one-kilometre noise buffer, without proper noise controls in place, the quality of life for adjoining residents will be reduced due to potentially incessant barking and nuisance as dogs (and cars) come and go seven days per week. It is critical to understand the level of noise and resulting amenity impact for adjacent residences and what controls could be put in place to mitigate these effect before the development application is determined'; and

'We believe that up to 60 dogs cannot be kept quiet. I live approximately 5 kilometres from a Kennel area and you can hear those dogs all the time'.

Odour

'It is clear from the proposal that 'smells' and waste disposal are a major concern and for the same reasons that 'noise' will impact, we object to being a close neighbour of a 'smell generating enterprise'; and

'I appreciate the need to install the system so as to provide a clean, healthy and pleasant environment internally but that means the odours, unhealthy bacteria, etc. identified requiring removal is then being pumped directly to the surrounding area'.

Traffic

'The proposed access to and from 581-583 Murray Street may also have an undesirable effect upon traffic flow in the area. Having a number of vehicles both attempt to enter and exit 581-583 Murray Street during this time will further strain the capacity of the road system in the area to handle traffic flow';

'Harvest Terrace is a 'one-way' street and invariably illegal traffic will be generated along our laneway which provides the only vehicular access to our office. This prospect would require significant amelioration which would also reduce the amenity of the precinct';

'Is the council confident that appropriate traffic modelling has been undertaken to assess the increase to traffic congestion and affect to road safety at peak periods';

'I think the increase in traffic will only add to an already very difficult section of road to navigate in peak times';

'I foresee a serious issue of vehicles pulling up on to the pavements or blocking surrounding driveways or simply stopping in the middle of the road lane to drop off or pick up their dogs to avoid entering and exiting the carpark at peak times. Particularly if the dog valet service is not strictly confined to within the car park area'; and

'The site has constrained access, with just one crossover to Harvest Terrace which is a one-way street. Harvest Terrace is grid-locked every week day between 4:30-6pm as cars use it to access the north and south freeway on-ramps from Murray Street. This congestion would prevent timely access to the site for customers collecting their dogs during evening rush hour, meaning dogs might be on site for longer than the hours stated in the application'.

External Appearance/Signage

'Whilst accepting that businesses want to advertise their presence, a more restrained external decoration scheme would surely be much better-mannered for neighbours and passing traffic';

'The proposed appearance of pink painted street facing facade and dog cartoon characters is out of character with the business precinct';

'A pink building with striped pink fence is definitely an eye sore';

'I do not think the proposed design and colour of the centre is appropriate for this area'; and

'Although I welcome building improvements as detailed I would like clarification on the lighting to be externally installed. Will efforts be made to hood, angle or recess the lighting or by other means so that it does not shine up or outwards towards neighbouring buildings'.

Waste

'Is council confident the current layout and facilities are appropriate for the waste management requirements. I see this as an unanswered health and safety issue';

'It is concerning the quantity of waste which will be produced and the proposed method of disposal'; and

'A detailed waste management plan should accompany this development application to provide further detail, not put off to the building/health license stages'.

Appropriateness of tenancy location

'I don't want to see this change of use being used as a precedent to other changes in the future';

‘What is effectively a major ‘kennels’ establishment will blight the neighbourhood and does not belong in a densely developed residential area’;

‘We should instead be introducing high-end services for residents of the neighbourhood to uplift the area, rather than transferring problems (pet care) from other suburbs to West Perth’; and

‘What does the Dog Day Care propose should one or more dogs be aggressive or violent, should one or more dogs escape and will the Dog Day Care have sufficient insurance to cover potential injury, damage, cleaning and health issues’.

Impact on property values

‘Our unit has gone through a drastic devaluation in recent years. The very last thing we need is a Dog Care Centre nearby to further lower values’;

‘Property devaluation in an already depressed real estate market’; and

‘I’m definitely concerned that this business could decrease the value of my apartment if I was to rent it out or sell it because no one wants to live across the road from a doggy day-care’.

It is noted that any impact that the proposed change of use might have on the value of properties is a matter that, whilst understandably of importance to individual landowners, is not directly relevant in any assessment of the planning merit of a proposal and is not a relevant consideration under the current planning framework.

Land Use and Development Requirements

As outlined previously, there is no specific guidance within CPS2 in relation to the appropriateness of the proposed land use. The use is considered to be compatible with the mixed-use nature of the precinct and will utilise a vacant tenancy within an existing building. It is considered that the proposal will also add to the diversity of commercial business activity within the area while providing a service to workers and residents in West Perth and the city. The appearance of the existing building will also be upgraded from its current condition and will provide an overall improvement to the streetscape. The revised proposed projecting and wall signs comply with the relevant objectives and provisions of the City’s Signs Policy 4.6 in relation to scale, safety, content and design.

It is noted that surrounding landowners have raised concerns in relation to potential impacts associated with noise, odour and waste management as outlined previously. These matters are addressed as follows:

Noise

The applicant submitted an Environmental Noise Assessment (ENA) prepared by a qualified acoustic consultant in support of the proposed use. The ENA concludes that based on the inclusion of various noise management requirements as outlined in the report, the proposed dog day care centre will comply with the assigned noise levels associated with the *Environmental Protection (Noise) Regulations 1997* when measured at nearby residential and commercial premises.

City officers have reviewed the ENA and are satisfied that the proposed use can be accommodated within the existing building while complying with the relevant noise legislation. It is recommended

that any approval be conditioned to require the implementation of the identified mitigation measures on an ongoing basis by the operator, to the City's satisfaction.

The applicant has also advised that if, for any reason, a dog does not settle and continues to bark and disrupt other dogs, it will be provided with one-on-one time with a staff member to address the behaviour. Staff will have proven experience and knowledge of dog behaviour and psychological needs as well as training techniques. Owners will be contacted if the situation cannot be satisfactorily resolved.

Additional Information - Noise Monitoring and Management

Following the SAT Directions Hearing held on 17 May 2019, the applicant submitted to the City a new Noise Monitoring and Management Plan (refer to Attachment 13.1D) in an attempt to further address the concerns raised by surrounding landowners and Council in its original consideration and ultimate refusal of the application. The Plan outlines a monitoring program which includes:

- Part 1: confirmation of measures to achieve compliance with the conditions of the Acoustic Report during the construction phase;
- Part 2: carrying out of a noise evaluation within six months of commencing operation comparing them to the levels prescribed in the *Environmental Protection (Noise) Regulations 1997*; and
- Part 3: working with an acoustical engineering company to ascertain maximum noise levels for each playroom section of the Daycare centre once changes to the building and décor are complete. Staff to be supplied with access to mobile application to take decibel readings during work hours and take the appropriate remedial action as required.
- Part 4: use of a Trigger Action Response Plan (TARP) which sets out specific conditions (or "triggers") and a set of actions which staff must follow when those trigger events occur.

City officers have reviewed the Plan and are satisfied that the additional measures included in the proposed noise mitigation and management measures would be adequate to address the concerns raised by surrounding property owners and the Council regarding noise impacts from the premises, subject to the inclusion of additional insulation being pinned to the underside of the ceiling in areas currently untreated, to further minimise potential reverberation. It is also recommended that the noise evaluation outlined in Part 2 be expanded to include a minimum of two operating days where the centre is at least half full in order to provide a greater analysis of any external noise created. The results of any records kept as outlined in Part 3 should also be submitted to the City if and when any incidents occur to provide the City with suitable oversight and comfort that the provisions of the Plan are being adhered to. It is therefore recommended that any approval include conditions to address these specific requirements and to ensure that the Noise Monitoring and Management Plan is implemented on an ongoing basis by the operator.

Odour

The applicant submitted an Odour Management Plan which includes the following objectives and measures to mitigate against odours:

- provision of a mechanically assisted airflow at a minimum rate of 20 litres per second for each small dog to create a constant breeze;
- keeping all dogs inside at all times, and keeping windows closed;

- using suitable approved cleaning products and adhering to a strict regular cleaning schedule and;
- applying a comprehensive waste management plan.

The applicant also advises that the air-conditioning system will only operate during business hours and will be subject to a regular schedule of maintenance as is standard for commercial air conditioning installations.

City officers have reviewed the Odour Management Plan and are satisfied that the proposed mitigation measures will minimise any impacts related to odour or transmission of odours. It is recommended that any approval be conditioned to require the on-going implementation of the identified odour mitigation measures by the operator, to the City's satisfaction.

Traffic and Parking Impact

Under the provisions of the Department of Transport's Perth Parking Policy, the site can accommodate a maximum of 50 tenant car parking bays. It is noted that the current site has 30 car parking bays and the proposed change of use does not include any increase to the car parking within the site. The proposed valet service also means that customers will not be relying on the availability of on-site or on-street parking to drop-off or pick-up their dogs and this can be further addressed through conditions of any approval.

It is considered that any additional vehicular traffic generated by the change of use can be accommodated within the existing surrounding road network. It is also noted that the existing issues at the Harvest Terrace and Murray Street intersection are likely to be resolved when the City completes the two-way conversion of Murray Street within the local area.

External Painting and Signage

The applicant has submitted a revised signage and external modifications/painting scheme for the building and site in recognition of some of the concerns raised by adjoining landowners and City officers. The revised scheme has sufficiently addressed the issues raised as the signs are now more appropriately scaled and suited to the existing building, the colour scheme for the exterior of the building is more subtle and the result is considered to be an improvement on the original plans that were viewed by adjoining landowners during the advertising period.

However, it is noted that as part of Council's previous consideration of the application it was identified that the proposed colour palette was not in keeping with the existing streetscape. It is therefore recommended that a condition requiring final details of the external colour of the building with a colour range more in keeping with the surrounding streetscape be included on any approval.

Waste Management

The applicant has submitted a Waste Management Plan (WMP) in support of the application. The WMP confirms that the development will generally be consistent with the City's servicing requirements however, the following matters need to be further addressed:

- rubbish collection frequency and responsibility;
- bin room functionality and sewerage connection; and
- design and location of a bin presentation area.

It is recommended that a relevant condition requiring the resolution of the above matters to the City's satisfaction be included in a final WMP to be submitted to and approved by the City prior to the commencement of the new use.

Safety

The applicant advises that the business will have the necessary insurances in place and aggressive dogs will be removed from the premises and not re-admitted as they are a danger to staff and other dogs. In accordance with their duty of care, double gates and numerous other management measures will be employed to prevent any dogs from escaping from the building.

Any approval of the proposed use cannot be construed as precedent for any other business in the locality being automatically granted approval in the future. Every 'unlisted use' is assessed and determined on its merits under CPS2.

Relevant Case Law

In 2007 the City of Belmont received an application for a change of use from a 'warehouse' to "Daycare Centre for Dogs". The site was located in a 'Mixed Use' zone used predominantly for warehousing, showrooms and offices.

The business was to operate as follows:

- The building is divided into three main dog activity areas through the construction of solid walled pens which allow for viewing windows and internal gates. Time-out pens are located within each area to allow for the dogs to rest when required.
- A maximum of 30 dogs per day.
- Hours of operation are from 7 am to 9 pm.
- Staff numbers are between one and four at any one time.
- Internal noise control measures include:
 - construction of solid walled open pens for dogs;
 - rubberised flooring;
 - sound absorbing panels on inside of external walls and hanging from the ceiling;
 - pens to be sited away from roller doors; and
 - minimise time external doors are open.

The use was considered to be a 'Use Not Listed' under their Planning Scheme and the proposal was referred to surrounding landowners for comment. Seven objections and one conditional support was received. The areas of concern related to traffic, safety, smell, waste management and noise.

The application was refused by City of Belmont Council because of the potential for emission of noise and odour impacts incompatible with other premises in the area. The Council also cited uncertainty of the adequacy of parking and access arrangements for drop off and pick up of dogs.

The applicant appealed to the State Administrative Tribunal (Vary Enterprises Pty Ltd and City of Belmont [2008] WASAT 130). They argued that the characteristics of the premises were such that, based on anticipated sound levels, noise transmission to adjoining premises would be within acceptable limits prescribed by the *Environmental Protection (Noise) Regulations 1997 (WA)*. Further arrangements to attenuate noise and to manage waste disposal would ensure that the use

was conducted in a manner compatible with the interests of adjoining businesses. Overall parking for the complex was in excess of requirements. Access and parking arrangements for the drop off and pick up of dogs were adequate and practical.

In June 2008, the Tribunal concluded that the applicant's arguments should be preferred, based on the substance of the evidence presented. The Tribunal considered that, subject to implementation of intended measures to control noise and odour emissions, the proposed use would be conducted without unreasonable impact on the amenity of the locality, and was therefore capable of being identified as a use consistent with the objectives of the prevailing zoning. The application for review was upheld and the proposed development was conditionally approved (allowing the centre to operate as applied for, in terms of dog numbers, hours, internal noise control, etc).

City of Belmont advised that only one complaint had been received in the 10 years the dog day care facility has been in operation. The complainant was of the opinion that the dogs should be able to go outside rather than being confined indoors.

Conclusion

It is noted that the proposed development was subject to objections raised by surrounding landowners and was ultimately refused by Council. However, it is considered that the applicant has satisfactorily addressed the highlighted concerns through the submission of an additional comprehensive noise monitoring and management plan related to the operation of the business.

Having regard for SAT's previous decision in a similar case, and its current order inviting the Council to reconsider its refusal of the application for a dog day care at 581-583 Murray Street, West Perth, in accordance with Section 31(1) of the *State Administrative Tribunal Act 2004*. Officers are of the opinion that it is likely to be unsuccessful in defending a refusal decision at SAT. In addition to the costs of such action for both the City and the applicant, such action could also attract the awarding of costs to the applicant should the application for review be upheld and the proposed development be conditionally approved. It is also noted that SAT might not impose all of the conditions as recommended by the City's Officers.

Should Council determine to set aside its decision of 30 April 2019, it is recommended that it be substituted by a new approval decision subject to conditions as previously identified, related to maximum accommodation numbers, hours of operation, pick up and drop off arrangements, noise, odour and waste management to ensure the ongoing preservation of the existing levels of local amenity. Additional conditions related to the implementation of the Noise Monitoring and Management Plan and to the external appearance of the building are also recommended in recognition of the potential impact on the locality.

Officer Recommendation

That Council:

1. in response to the invitation of the State Administrative Tribunal, consideration of further information provided by the applicant, and pursuant to section 31 of the State Administrative Tribunal Act 2004, **RECONSIDERS** its decision of 30 April 2019 to refuse the application for the change of use of Level 1, 581-583 (Lots 6 and 36) Murray Street, West Perth from a Scout hall

('Community and Cultural' use) to a dog day-care centre ('Unlisted Use') and shop ('Retail (General)' use) including minor works and signage; and

2. determines to set aside its decision of 30 April 2019 to refuse the application and to substitute a new decision to APPROVE the application, as indicated on the Metropolitan Region Scheme Form One dated 13 December 2018 and as shown on the plans and details received on 17 December 2018, 27 February 2019 and 7 June 2019, subject to:
 - 2.1 all requirements as outlined in the Noise Monitoring and Management Plan dated 7 June 2019 being implemented by the operator on an ongoing basis to the satisfaction of the City, with
 - 2.1.1 additional insulation being pinned to the underside of the ceiling in areas currently untreated, prior to the commencement of the dog day care use and to the satisfaction of the City, to minimise reverberation;
 - 2.1.2 a noise evaluation being undertaken by a qualified acoustic consultant for a minimum of two operating days with a minimum of 30 dogs being present on-site and the results being submitted to the City within six months of the commencement of operation of the dog day care; and
 - 2.1.3 the results of any records kept in accordance with Part 3 of the Plan being submitted to the City within five business days;
 - 2.2. final details of the external colours of the building, including a revised colour palette of muted tones that are more consistent with surrounding development, being submitted to and approved by the City prior to applying for a building permit;
- 2.3 the noise mitigation measures specified in Section 6 – Noise Management of the Environmental Noise Assessment prepared by Eco Acoustics dated 1 March 2019 (Ref: 19010691-01b) being implemented in full prior to occupation of the premises, with all management measures being implemented by the operator on an ongoing basis to the satisfaction of the City;
- 2.4. the hours of operation of the tenancy being limited to 6:30am to 6:30pm Monday to Friday and 10am to 4pm Saturday and Sunday with no animals being kept on the premises overnight;
- 2.5. the dog behavioural management measures, as outlined in the application, being implemented by the operator at all times to the satisfaction of the City;
- 2.6. a maximum of 60 dogs being permitted on site at any one time with no dogs being permitted to be kept or cared for external to the building;
- 2.7. drop-off and pick-up of dogs by customers arriving by car, inclusive of the valet service, only being allowed from cars stopped or parked within the site and not from public streets;

(Cont'd)

- 2.8. a final Waste Management Plan, satisfying the City's waste servicing requirements, being submitted for approval by the City prior to the commencement of the dog day-care use, with the waste management measures outlined in the approved waste management plan being implemented by the operator/s on an ongoing basis to the satisfaction of the City;
- 2.9. the odour management measures outlined in the approved odour management plan being implemented by the operator/s on an ongoing basis to the satisfaction of the City;
- 2.10. any proposed air-conditioning condensers, external building plant, piping and ducting being located or screened so that they cannot be viewed from any location external to the site and to minimise any visual and noise impact on the adjacent developments, with details of the location and screening of such plant and services being submitted for approval by the City prior to installation;
- 2.11. final details of all lighting and signage being submitted for approval by the City prior to installation, with a low level of illumination being used for the illuminated signs and no part of any external lighting or illuminated sign to contain flashing, pulsating or flickering lights; and
- 2.12. any additional uses being subject to a separate application(s) for approval.

ALTERNATE MOTION

Council resolved to adopt an alternate motion as follows:

Moved Commissioner Hammond, seconded Commissioner McMath

That Council:

- 1. in response to the invitation of the State Administrative Tribunal and in consideration of further information provided by the applicant, and pursuant to section 31 of the State Administrative Tribunal Act 2004, agrees to RECONSIDER its decision of 30 April 2019 to refuse the application for the change of use of Level 1, 581-583 (Lots 6 and 36) Murray Street, West Perth from a Scout hall ('Community and Cultural' use) to a dog day-care centre ('Unlisted Use') and shop ('Retail (General)' use) including minor works and signage; and***
- 2. determines to AFFIRM its decision of 30 April 2019 to refuse the application.***

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Reason: Council is not satisfied that the proposed noise mitigation measures will be effective to prevent the proposed use having a negative impact on the amenity of the immediate locality.

Item 13.2 Strategic Event Sponsorship – Perth City Farm Inc.

FILE REFERENCE: P1037136#07
 REPORTING UNIT: Business Support and Sponsorship
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 5 June 2019
 ATTACHMENT/S: Nil

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 (e.g. 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 Section 8 of the *City of Perth Act 2016*

Integrated Planning and Strategic Community Plan
Reporting Framework Strategic Priority - Social
Implications

Policy

Policy No and Name: 18.13 – Sponsorship and Grants

Purpose and Background:**Applicant Details**

Entity Name	Perth City Farm Inc.
ABN	90 364 009 655
Entity Type	Other Incorporated Entity
ABN Status	Active
ATO Endorsed Charity Type	Charity

Perth City Farm, located in East Perth, is a non-profit community environmental centre that provides space and opportunities to build community connections, educate and enable people to live sustainably. The organisation's focus is on the relationships between people and the environment, society and one another.

Details:

Sponsorship Category	Strategic Event Sponsorship
Applicant	Perth City Farm Incorporated
Project Title	Perth City Farm 25 th Birthday Celebrations
Project Start Date	18/08/2019
Project End Date	15/09/2019
Venue	Perth City Farm 1 City Farm Place, Perth WA 6004 The walking tour will wind through East Perth and the Perth CBD, incorporating the Urban Orchard in the Perth Cultural Centre which is maintained by Perth City Farm.
Estimated attendance	4,765
Ticket Cost	The Open Day event will be free. Some workshops happening outside of that may have a ticket price to get commitment from participants, and the cost will be \$10 - \$45 per person.
Total Project Cost	\$89,562
Total Amount Requested	\$9,901 (11%)
Recommendation	Approve
Recommended amount	\$9,900
Assessment Score	<u>31 out of 35 (88.57%)</u>

Project Description

Perth City Farm is celebrating its 25th birthday in 2019 with a month of events, '25 Ways to Celebrate 25 Years of City Farm', occurring from Sunday, 18 August to Sunday, 15 September 2019. There will be 25 celebration activities that occur in the period, all developed around the theme of community connection and sustainable living.

The application seeks support for the full 25th birthday calendar, with a particular focus on the East Perth Aboriginal Cultural Sharing Series, celebrating the story of Fanny Balbuk.

Events will include:

East Perth Aboriginal Cultural Sharing Series

Date: Various

Venue: Perth City Farm
Urban Orchard

The walking tour will wind through East Perth and the Perth CBD, incorporating the Urban Orchard in the Perth Cultural Centre which is maintained by Perth City Farm.

Ticket price: Walking Tour \$25

Magic of Bush Medicine \$45

Fanny Balbuk (1840-1907) was a prominent Nyoongar Whadjuk woman and an early Aboriginal land rights activist who lived in East Perth during the early years of the Swan River Colony. Balbuk was born in Matagarup in the Derbarl Yerrigan (Swan River) and is renowned for protesting about the occupation of her traditional land around Perth. Fanny would walk through the area of the city of Perth, naming every feature and tradition of the land. The Balbuk project is aimed at sharing a local story with the community.

Participants will be encouraged to identify with the personal story of a woman who was standing up for her people and access to her land. Fanny Balbuk's life and story will be celebrated through inclusive workshops and collaboration. The Balbuk story featured in this celebration is one that is not only unique to Perth, but unique to the actual land on which Perth City Farm, and the Urban Orchard, are located. Perth City Farm have developed the program of activities so that there will be multiple ways through which people can participate.

The Balbuk project is being guided and led by key local Nyoongar community members including:

- Vivienne Hansen – Aboriginal Elder and herbal medicine expert;
- Dr Richard Walley – Nyoongar Elder and world class performer;
- Natasha Eldridge – upcoming young Nyoongar singer-songwriter;
- MC Flewnt – upcoming Nyoongar Hip-hop artist; and
- Kobi Morrison – young Nyoongar Choir leader and 2018 NAIDOC Youth of the Year.

The East Perth area has an important place in Aboriginal culture and history, and Perth City Farm organisers note that they have close relationships with the local Whadjuk Nyoongar community. Perth City Farm have consulted with local Elders Vivienne and Mort Hansen to develop a series of events to share the history of Fanny Balbuk.

These events will include:

Walking tours to tell the story of Fanny Balbuk

Local Elder Marie Taylor will guide participants through Perth to explore the regular walking path of Fanny Balbuk, and sites significant in her life. Aunty Marie will animate the story of Fanny's fascinating life. Two tours will occur, with a self-guided tour (developed previously by the National Trust) for people who can't make the tours.

Fanny Balbuk Garden Planting

Workshop to build a garden for Balbuk, featuring indigenous edible/useful plants. Paying homage to Balbuk, there will be a community workshop to plant a garden full of edible and useful native plants. The garden will exist past the event with educational signage. Participants will learn about native plant selection, establishment and care.

Launch of the Balbuk Garden

Vivienne Hansen presenting a talk on indigenous bush food and medicine.

Nyoongar Language Singing Lessons, Workshops and Rehearsals

As a part of celebrating the life of Fanny Balbuk, a song will be developed for Balbuk, written and performed by Indigenous singer Natasha Eldridge and Hip-hop MC Flewnt (aka Joshua Eggington).

Once these young performers have written the song, they'll work with the Koondarm Choir and Junkadelic Brass Band (both of whom were located at Perth City Farm) to be involved in developing vocal and horn arrangements respectively for the song.

A collaborative performance of the song will occur at the Perth City Farm Open Day event.

Reunion Gala Dinner

Date: Friday, 6 September 2019
Venue: Perth City Farm, East Perth
Anticipated attendance: 125 attendees
Ticket price: \$125 Adult and \$75 Concession

Perth City Farm will stage a gala dinner to celebrate all alumni, volunteers and organisations that have contributed to the 25 years of the organisation. A celebratory dinner and dance, the event will include produce grown by Perth City Farm Farmers Market vendors. Key figures from the organisation's past will share stories on the topic of 'Lessons Learnt from Creating Lasting Community-led Change,' a historical movie will be premiered, and the audience will have the opportunity to record and share their experiences at Perth City Farm.

Perth City Farm 25 Anniversary Open Day

Date: Sunday, 15 September 2019, 10am - 4pm
Venue: Perth City Farm, East Perth
Anticipated attendance: 2,500 attendees
Ticket price: Free to the public

A one-day Open Day to celebrate 25 years of Perth City Farm. The focus will be on helping people connect with each other, with City Farm programs and with other organisations, and live more sustainably.

Activities will include:

- Talks and workshops related to connected, sustainable lives. Examples include living in a tiny house, chook care, plastic free lunchboxes;
- Facilitated connection activities such as A Human Library, Ask an Expert Station, Big Plant/Seed Swap, Big Dance Class, Speed Friending;
- Live music from City Farm's favourite alumni acts including Junkadelic, Lucky Oceans, Jebediah, Koondarm Choir;
- The performance of the song written for Fanny Balbuk;
- Roving performers;
- Live visual arts and community collaborative pieces using recycled materials; and
- Stalls and activities from partner organisations.

Partner Events

Date: Various
Venue: Perth City Farm
Anticipated attendance: 375 attendees
Ticket price: Free to the public

Perth City Farm have a rich history of sharing their site with other community organisations delivering events and programming. As a part of the celebrations they will invite and support organisations to hold events at the venue, bringing a rich spread of community events into Perth. Examples include:

- Perth Green Drinks event;
- Befriend social event;
- Food Not Bombs fundraising event; and
- Tours of the new MycoCasa mushroom farm onsite, and mushroom growing workshops.

Perth City Farm events

Date: Various dates in September 2019
 Venue: Perth City Farm
 Ticket price: Free to the public

Regular City Farm events will be boosted during the birthday month, including:

- Sustainable September Twilight Festival, focusing on sustainable urban living;
- Weekly Farmers Markets with Market Tours and cooking workshops;
- Weekday farm tour open to public;
- Wednesday shared community lunch; and
- The creation of a short video about history of City Farm, and separate 'stories of change' video snippets, to be shown onsite and shared online.

Previous five years City of Perth Support and Acquittals

Year	Amount	Project
2015	\$0	N/A
2016	\$0	N/A
2017	\$7,040	Grow Cook Connect Workshop Series (Community Enhancement Grant)
2018	\$0	N/A
2019	\$0	N/A
TOTAL	\$7,040	

- The City of Perth has received an acquittal for the previous support; and
- City Officers can confirm that all previous funding has been satisfactorily acquitted.

Sponsorship Benefits

- Logo recognition on all associated promotional material and event website;
- Sponsor profile on Perth City Farm website;
- Opportunity to display City of Perth signage at the event;
- Opportunity for nominated City representatives to speak at the Open Day and Gala Dinner;
- Acknowledgment of support in all associated social media; and

- Acknowledgment of support in mass media appearances (Event poster will appear on the Yagan Square screens, live radio broadcast from open Day event, live TV broadcast from City Farm during evening weather crosses).

Assessment Score Card

The application was assessed by a three-person assessment panel and the scoring has been averaged for each outcome.

Essential Assessment Criteria	Score /5
Cultural Outcomes	
To what extent does the event celebrate the diversity of Perth as a capital city?	3.17
Social Outcomes	
To what extent does the event strengthen social cohesion and provide opportunities to connect?	3.83
Civic Outcomes	
To what extent does the event have a point of difference, making it a drawcard to the city, and raising Perth's profile as a premier capital city?	3.50
Economic Outcomes	
Does the event stimulate the local economy and provide opportunities for engagement with local business?	2.83
Organisational Competency	
Does the applicant have a demonstrated capacity to manage all aspects of the event?	3.50
Does the event demonstrate financial viability through evidence of support from other government agencies, business or community organisations?	3.67
Benefits	
Does the event offer adequate benefits/ recognition for the City?	3.33
Sub total 23.83 out of 35	
Optional Assessment Criteria	
<i>The below are non-essential criteria (optional) based on goals identified in the City of Perth Strategic Community Plan. Applicants who can demonstrate their project achieves any of these outcomes can receive additional assessment points for each of these criteria</i>	
To what extent does the event celebrate Aboriginal Culture?	3.50
To what extent does the proposal create a sense of community in the city or one of its precincts?	3.67
To what extent does the event activate the riverfront or underutilised locations with vibrant activity?	-
Additional score 7.17 out of 10	
TOTAL ASSESSMENT SCORE 31 out of 35 (88.57 %)	

* The assessment formula for Strategic Event Sponsorship awards bonus points for applicants who can demonstrate strong alignment with the Goals of the City's Strategic Community Plan. Due to the nature of the bonus points, it is possible to receive over 100% for high scoring applicants.

Financial Implications:

ACCOUNT NO:	PJ 1395-80430-0000-7901
BUDGET ITEM:	Event Annual Sponsorship
BUDGETED AMOUNT:	\$760,000
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$9,900
BALANCE REMAINING:	\$750,099
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

The assessment panel noted that Perth City Farm is a unique not-for-profit venue providing important community engagement and education for sustainability initiatives, catering for diverse community and cultural groups. The 25th year celebration is an important milestone and will provide opportunities for various units within the City to leverage, including Community Services, Sustainability, and Arts Culture and Heritage.

The sponsorship request will be used specifically towards the Fanny Balbuk project component of the application, which celebrates local Aboriginal history and encourages connection and participation from the community.

The panel were all supportive of the full funding request for this event (\$9,900) as it aligns with the City's Reflect Reconciliation Action Plan (RAP), specifically:

- 6.10 – Investigate and make plans to work with the appropriate representatives to determine which stories the Whadjuk Nyoongar community would like to share, and plan an interactive storytelling project.
- 7 – Strengthen the natural environment and focus on the importance of native flora and fauna.
- 7.3 – Investigate the opportunity to work with the Aboriginal community to install a 'bush tucker garden' within the City of Perth.

It also aligns with the City's Cultural Development Plan, specifically:

- Research and consider a natural heritage 'green' activation, event or festival in partnership with key internal and external stakeholders.
- 4.1 – Celebrate and make visible Aboriginal and Torres Strait Islander cultures through community-led initiatives.

The application provided evidence of Whadjuk and Nyoongar community leaders and emerging leaders involvement in the development and delivery of Perth City Farm's 25th year celebrations.

The panel also noted that this event has the potential to be integrated in the City's Spring in the City campaign.

Moved Commissioner Hammond, seconded Commissioner McMath

That Council subject to the approval of the 2019/20 budget:

1. **APPROVES** a Strategic Event Sponsorship of \$9,900 (excluding GST) to Perth City Farm Incorporated for Perth City Farm 25th Birthday Celebrations; and
2. **AUTHORISES** the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount.

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.3 Strategic Partnership Agreement – Perth Public Art Foundation Inc

FILE REFERENCE: P1012262-10
 REPORTING UNIT: Arts, Culture and Heritage
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 REPORT AUTHOR DISCLOSURE OF: Nil
 DATE: 31 May 2019
 ATTACHMENT/S: Confidential Attachment 13.3A – PPAF Business Plan 2019 – 2021
 Confidential Attachment 13.3B – PPAF Key Performance Indicators
 Confidential Attachment 13.3C – PPAF Funding Request Breakdown
 Confidential Attachment 13.3D – PPAF Budget Summary 2019 – 2022
Confidential Attachments are distributed to Commissioners under separate cover

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 (e.g. 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 Section 8 of the *City of Perth Act 2016*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Strategic Priority - Social

Policy

Policy No and Name: 1.5 – Public Art
 18.1 – Arts and Culture

Purpose and Background:**Applicant Details**

Entity Name	Perth Public Art Foundation
ABN	54 765 601 095
Entity Type	Other Incorporated Entity
ABN Status	Active
ATO Endorsed Charity Type	Charity

The Perth Public Art Foundation (PPAF) is an independent organisation, which was established by the City of Perth in 2000. Underpinning and supporting the aims of the City of Perth's Public Art Strategy, PPAF has been funded through a Principal Partnership with the City of Perth since 2013.

PPAF is registered as a charity with the Australian Charities and Not-for-profits Commission and has charity tax concession status and is endorsed as a DGR. The organisation is governed by a Board of Directors.

PPAF's core purpose is to develop partnerships and raise funds for arts and cultural activity in Perth, with a focus on public realm projects.

Funding Model

The purpose of PPAF's independent structure from the City of Perth is to allow the organisation to secure independent funding and develop private sector and philanthropic partnerships.

PPAF has a Principal Partnership with the City of Perth which supports all administration and operational costs associated with running the organisation.

To fund its associated projects, PPAF aims to derive income from a variety of sources including corporate partnerships, community fundraising and philanthropy. PPAF notes that this model ensures all funds raised for a specific project are directed to that project and not used to fund costs associated with running the organisation.

Funding Submission

At its meeting on **29 May 2018**, Council presented an amended motion confirming a one-year extension (instead of a three-year agreement) to the PPAF Funding Agreement to enable Commissioners the opportunity to become fully informed about the work of the PPAF and to ensure alignment with the implementation of the City's strategic direction. The current one-year Principal Partnership with PPAF expires on 30 June 2019.

The City has received a request from the PPAF for renewal of its Principal Partnership with the City of Perth for an additional three years, for the period of 1 July 2019 through to 30 June 2022.

Details:

Applicant	Perth Public Art Foundation
Project Title	Annual operating costs including salaries and administration
Total Operating Costs	\$646,059 for three years
Total Amount Requested	\$631,217 for three years, comprising \$607,507 cash funding and \$23,710 in-kind support.
Recommendation	Approval
Recommended amount	\$211,323 (ex GST) for one year (comprising \$203,419 cash funding and \$7,904 in-kind support)
Assessment Score	25.96 out of 50 (52%)

The funding request from PPAF includes the following costs:

- Employment costs for the Executive Director; and
- Cash funding and in-kind support for the operating costs of the organisation, including insurances, legal, financial and accounting services, membership, office rental and equipment and website.

A breakdown of the funding request is included in Confidential Attachment 13.3C.

The Principal Partnership is based on a Business Plan that identifies the strategic direction for the PPAF and potential key projects (included in Confidential Attachment 13.3A and Confidential Attachment 13.3B). PPAF goals are aligned with the City's Strategic Community Plan, Cultural Development Plan and Public Art Strategy.

Path to Financial Sustainability

The organisation's mid-to-long-term vision is to develop a sustainable business model from which PPAF can maximise partnerships with business, government and through fundraising activity support delivery of the City of Perth Cultural Development Plan and Public Art Strategy.

Project Delivery

The Principal Partnership funding supports the operations of the PPAF. Funding for projects is negotiated separately, in line with the City's strategic priorities. Any funding requests for project support require the PPAF to apply separately to the City and are subject to Council Approval.

The City and the PPAF currently have three collaborative projects in progress including

- The Bicentenary Project - Delivery 2029 (Phase Two Due 30 June 2020);
- The Resources Tribute - Delivery 2019 – 2022; and
- The Art Basel Cities Program - Delivery 2019 - 2022 (Phase One Due December 2019).

The PPAF is currently in contract negotiations with the City with a view to underwriting Phase One of the Art Basel Cities Project at a cost of \$150,000. PPAF's role is to deliver a four-year fundraising program that will aim to secure funding for Phases two and three through a combination of

corporate partnership and philanthropy. The PPAF will also receipt, administer and report on funds raised for the project.

Previous five years City of Perth Support and Acquittals

Year	Amount	Project
2014/15	\$129,026	Principal Partnership Agreement (\$129,026)
2015/16	\$370,026	Principal Partnership Agreement (\$149,026) Cow Parade Project Funding (\$221,200)
2016/17	\$299,124	Principal Partnership Agreement (\$234,256) Cow Parade Project Funding (\$64,868)
2017/18	\$262,863	Bicentenary Project Funding (\$45,455) Principal Partnership Agreement (\$217,408)
2018/19	\$196,117	Principal Partnership Agreement (\$196,117)
TOTAL	\$994,556	

Principal Partnership costs include remuneration costs for the PPAF Executive Director position.

PPAF is contractually due to provide an annual written report which sets out the Funding which has been expended for the period 1 July 2018 – 30 June 2019 on or before 30 August 2019.

Assessment Score Card

The application was assessed by a three-person assessment panel and the scoring has been averaged for each outcome.

Assessment Criteria	Score /5
1. Alignment to City of Perth Integrated Planning and Reporting Framework	
To what extent does the proposed partnership support the City in achieving the Goals outlined in the Strategic Community Plan and draft Cultural Development Plan?	3.33
Subtotal 3.33 out of 5	
2. Community Benefit	
To what extent does the proposed partnership provide opportunities for sustainable development and allow the City to support stronger outcomes for its community and stakeholders?	3.17
To what extent does the proposed partnership support the principle that a collaborative approach will add value by bringing together skills and resources for more effective and efficient outcomes?	3.33
Subtotal 6.5 out of 10	
3. Business Plan Feasibility	
To what extent does the applicant demonstrate feasibility to carry out the projects including clear and realistic objectives and timeframe?	2.5
How achievable and effective are the business plan and KPIs?	2.33
To what extent does the applicant demonstrate a clear strategy for the future?	2.00
Subtotal 6.83 out of 15	

4. Organisational Capacity	
What is the demonstrated evidence of the capacity of the applicant to deliver the proposed projects, including key personnel and their relevant experience?	3.00
To what extent does the applicant demonstrate a realistic budget, financial viability and value for money for the City?	2.17
To what extent does the applicant demonstrate fundraising capacity to secure philanthropic contributions to support arts and cultural activities in Perth?	2.67
What is the demonstrated evidence of an appropriate evaluation method to measure the outcomes of the projects and benefits to the community?	1.50
Subtotal 9.33 out of 20	
TOTAL ASSESSMENT SCORE	25.96 out of 50 (52%)

Financial Implications:

ACCOUNT NO:	1400808
BUDGET ITEM:	Perth Public Art Foundation
BUDGETED AMOUNT:	\$205,392
AMOUNT SPENT TO DATE (Since 2014):	\$994,556
PROPOSED COST:	\$203,419
BALANCE REMAINING:	\$1,973
ANNUAL MAINTENANCE:	\$N/A
ESTIMATED WHOLE LIFE COST:	\$N/A

All figures quoted in this report are exclusive of GST.

Note that all figures fall within the draft 2019/20 budget and are subject to Council approval.

Comments:

Public art is an important element of any capital city. The Perth Public Art Foundation was created as independent body with capacity to source private funding for the realisation of public realm projects.

Upcoming projects such as the Bicentenary and Art Basel are initiatives of strategic importance to the City of Perth community and PPAF is expected to play a critical role in securing funding to ensure their delivery.

The Assessment Panel noted the following concerns regarding the PPAF application:

- The key performance indicators included are not measurable and the Business Plan does not provide a detailed strategy for future development. There are no measurable KPIs articulated related to organisational development or financial sustainability (all are project-based);
- The application does not satisfy the assessors that PPAF has a long-term, sophisticated fundraising strategy with the ability to deliver consistent outcomes; and
- The assessment panel expressed concerns that projects, timelines and that KPIs detailed in previous business plans do not appear to have all been delivered and the reporting and evaluation frameworks for future funding needs to be implemented.

The City of Perth administration has identified the following actions to improve governance and transparency in the implementation of the PPAF funding agreement:

1. Transfer of Payroll

PPAF staff are currently employed by the City and informally seconded to the PPAF. This poses many logistical, administrative, and governance issues for both organisations. The City of Perth administration is responsible for managing performance shaping, payroll, leave requests, accruals, superannuation, human resource services, including recruitment, for the Executive Director of the PPAF. This creates a potentially conflicted situation for officers when simultaneously working with the PPAF as an independent not-for-profit.

The PPAF is also disadvantaged in that its financial statements do not accurately reflect its full operational costs (i.e. staff costs). The staff of the PPAF are disadvantaged in that there are certain privileges afforded City of Perth staff that are not associated with the secondment, yet the PPAF does not have the opportunity to compensate for this as they do not directly employ the staff.

It is recommended that the PPAF directly employ and provide payroll and related human resources services for its staff. The costs associated with this change are estimated at up to \$15,000 over the term of the one-year agreement, however this estimate has not yet been subject to a competitive quotation process. The intention is that this additional support will no longer be required for future agreements.

It is recommended the 2019/20 funding is contingent on the transfer of payroll being implemented by 1 January 2020, as detailed in the below payment milestones.

The proposed transfer of payroll by 1 January 2020 will require the Executive Director's employment contract with the City of Perth to be extended for a period of six months (1 July 2019 – 31 December 2019).

2. Improved Procurement Processes

It is recommended that the funding agreement include an obligation that PPAF demonstrate a genuine competitive process for all supplier and contractors. It is recommended that this is achieved through alignment with the City's procurement policies and the funding agreement will detail that:

- PPAF must obtain a minimum of three written quotations from suppliers before procuring any goods or services between \$5,001 and \$150,000 (ex GST); and
- PPAF must undertake a competitive tender process for goods and services over \$150,000 (ex GST).

3. Improved Strategic Planning

The strategic objectives of PPAF require refinement and quantifying to develop defined targets around fundraising and organisational sustainability. City Officers will work with PPAF to develop a clear strategic plan with quantified objectives to measure the outcomes of the organisation, with KPI's linked to the funding agreement.

4. Improved Acquittal Processes

City of Perth Officers have identified a need to increase the transparency over the expenditure of the funding. It is recommended that as a condition of the funding agreement that PPAF provide audited accounts to the City of Perth on an annual basis.

5. Improved Governance around Disclosures of Interest

It is recommended that all PPAF staff and Board Members provide a declaration to disclose any known relationships between PPAF and all proposed contractors and suppliers.

6. Payments Linked to Milestones

Previously the PPAF funding has been paid in one lump sum. It is recommended that future funding is tied to the delivery of milestones, which will be mutually agreed between the organisations and detailed in the Funding Agreement.

It is recommended that deliverables included in the 2019/20 Funding Agreement would include:

Payment No	Due Date	Details	Funding Quantum
1	30 August 2019	Submission of a funding acquittal and audited accounts for the period 1 July 2018 – 30 June 2019.	20%
2	30 September 2019	Completion of a quotation process and selection of a supplier to manage the PPAF payroll transfer.	25%
3	1 January 2020	Completion of the transfer of the payroll from the City of Perth to PPAF.	30%
4	30 April 2020	Submission of a revised strategic plan and business plan	25%

Strategic Funding Program

City of Perth officers are currently developing key project funding guidelines to provide a consistent and transparent framework for the administration of partnerships and cross-organisational collaborative initiatives which have a clear alignment to the strategic priorities of the Strategic Community Plan.

This will ensure that partnership projects are reviewed under a consistent framework and support high levels of transparency and governance. It is anticipated that this program will be presented to Council prior to the end of the 2019 calendar year.

It is expected that the PPAF funding agreement will sit under this Strategic Funding Program in future years. A one-year agreement is recommended in the interim.

Moved Commissioner Hammond, seconded Commissioner McMath

That Council:

1. ***APPROVES a commitment of \$203,419 (ex GST) cash funding and \$7,904 (ex GST) in-kind support for the City's Principal Partner Funding Agreement with the Perth Public Art Foundation Incorporated (PPAF) for a one-year period commencing 1 July 2019 through to 30 June 2020, subject to the following funding conditions:***
 - 1.1 ***Submission of a funding acquittal and audited accounts for the period 1 July 2018 – 30 June 2019 by 30 August 2019;***
 - 1.2 ***Completion of a quotation process and selection of a supplier to manage the PPAF payroll transfer by 30 September 2019; and***
 - 1.3 ***Completion of the transfer of the payroll from the City of Perth to PPAF by the 1 January 2020.***
2. ***APPROVES a commitment of up to \$15,000 (ex GST) for the costs associated with the transfer of payroll from the City of Perth to PPAF and an additional payout of any accrued leave liabilities for the Executive Director; and***
3. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to execute with the PPAF the funding agreement according to the Council approved funding amount.***

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.4 Neighbourhood Enhancement Grants (2019/20)

FILE REFERENCE: P1038032
 REPORTING UNIT: Business Support and Sponsorship
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 22 May 2019
 ATTACHMENT/S: Attachment 13.4A – Detailed Officer Assessment

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 (e.g. 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 Section 8 of the *City of Perth Act 2016*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Strategic Priority - Social

Policy

Policy No and Name: 18.13 – Sponsorship and Grants

Purpose and Background:

A key recommendation of the Perth City Summit, convened by John Carey MLA the Member for Perth in August 2017, was to 'establish Perth with clear community precincts, backed by precinct place-making organisations'. Each precinct was encouraged to establish their own organisation to facilitate and manage local improvements. The Perth City Summit aimed to connect current precinct organisations and to encourage delegates to become involved with local precinct groups. As a result, a number of precinct groups were established to represent neighbourhoods across the City of Perth.

Strategic Community Plan

The City of Perth Strategic Community Plan outlines the strategic priorities of the City, including 'Social – A vibrant, liveable and inclusive city':

- S1: 'Thriving Neighbourhoods' and the following objectives:
 - S1.1 Create a strong sense of community vibrancy, connection and involvement; and
 - S1.1.1 Improve active community participation and connection.

Draft City Planning Strategy

The draft City Planning Strategy outlines the City's vision to create a 'City of Neighbourhoods' and the objective to:

- 'Establish neighbourhood level place management incorporating engagement and service delivery'.

Neighbourhood Enhancement Grants

The Neighbourhood Enhancement Grants program was introduced by the City of Perth to support the objectives of the Strategic Community Plan and City Planning Strategy and provide a consistent and transparent framework to contribute financial support to neighbourhood groups undertaking grassroots initiatives in their local areas. The program was approved by Council at its meeting held on **25 September 2018**.

The program provides funding to incorporated associations established for the purpose of promoting the interests of a local community or a particular section of the local community within a recognised area of significance ('precinct') within the City of Perth.

The City conducts one competitive round of Neighbourhood Enhancement Grants each year. This round is applicable for projects occurring between 1 July 2019 and 30 June 2020.

Grants of up to \$20,000 are available to incorporated associations for precinct specific initiatives, projects or planning that creates place branding and identity, strategic capacity building or marketing and promotional activities for the local area.

Precincts

For the purposes of this grant, the City defined a 'precinct' as a geographical area within the City of Perth local government area, that can be considered as an area of significance and which has a unique and distinct identity in the public domain, which could benefit from a specific place branding and identity, localised marketing and precinct-based development initiatives.

Current recognised precincts within the City of Perth include, but are not necessarily limited to:

- Northbridge;
- East Perth and Claisebrook;
- East End;
- West Perth;
- City Centre (inclusive of the riverfront); and

- Nedlands and Crawley.

Types of Projects Supported

The following types of projects can be considered for Neighbourhood Enhancement Grants:

- activities that leverage existing City of Perth activities such as marketing campaigns, events and activations;
- localised marketing, promotional and activation activities or initiatives for the benefit of the defined precinct area, such as the development of precinct focused internet portals, trader programs or maps and placemaking initiatives that drive awareness and visitation to the defined precinct area;
- precinct specific branding and identity initiatives; and
- initiatives to improve the ongoing viability and capacity of the incorporated association, including the preparation of business plans, studies, reports or professional advice that result in tangible outcomes.

Community Support

Applicants must be able to demonstrate that they have undergone a process of community consultation and stakeholder engagement, with evidence of broad support for the proposed project or initiative, across individual traders and businesses, residents and landowners within the relevant precinct area.

Details:

The program was publicly promoted on the City's website for a period of two months and via direct communication to local neighbourhood groups.

The City received four applications in this round.

RANK	APPLICANT	SCORE	REQUEST	RECOMMENDATION
1	East Perth Community Group	75%	\$20,000	\$20,000
2	West Perth Local	68%	\$20,000	\$20,000
3	Northbridge Common	62%	\$15,111	\$15,111
4	Activate Perth	62%	\$8,800	\$7,500
			\$63,911 Requested	\$62,611 Recommended

The four applications requested support totalling \$63,911 with an available budget of \$100,000.

Assessment

All applications were assessed by a four-person assessment panel consisting of members from the City of Perth Administration and the scoring has been averaged for each outcome. Representatives

from the Business Support and Sponsorship, Economic Development, Marketing and Activation and Community Services Business Units were on the panel.

A detailed Officer Assessment of all applications is included in Attachment 13.4A.

The Assessment Criteria for the Neighbourhood Enhancement Grants are:

1. Activation and Enhancement of the Precinct (30%)
 - The potential of the project to activate and enhance a specific precinct area in the City of Perth, through improvements, publicity or marketing, that would lead to increased awareness, media profile or visitation.
2. Community Benefit (25%)
 - The extent to which the project provides a benefit to the wider community of residents, visitors and tourists, business owners, traders and/or landowners within the precinct; and
 - The extent to which the project assists in the development of a strong and resilient precinct area and increases participation in community life.
3. Quality (15%)
 - The quality of the proposed project, as indicated through the quality of the proposal participants plans and/or creativity of idea.
4. Community Support (15%)
 - The extent to which the proposed project has demonstrated support from local traders and businesses, landowners and residents.
5. Organisational Capacity and Project Feasibility (15%)
 - The extent to which the applicant demonstrates feasibility to carry out the project including clear and realistic objectives, timeframe and budget, financial viability and funding from other public and private sources; and
 - The demonstrated evidence of the applicant's capacity to deliver the proposed project including a list of key personnel and their relevant experience.

Inclusion of events

Originally the Program Guidelines noted that one-off events were not eligible in this program. Working with the groups this proved problematic as many of their activities could be defined as "one-off events", even if they are part of the group's annual calendar of activities. As this is the first year of the Program, all organisations have been allowed to include one-off events in the application, and this has been applied consistently across all applicants.

As part of the annual review of the program a change to this item will be considered, on the basis that the objectives of the Neighbourhood Grant events are different to those that rate highly in the established Event Grants program.

Approvals

Many of the projects or initiatives included in the applications will require approvals or permits from the City of Perth for events, activations or improvements to the public realm. As part of their application, each applicant had to demonstrate an awareness of the approval process that will be required, and engagement with the relevant departments at the City of Perth (noting that provision of a grant does not replace the requirements and process for approval).

All applicants had to agree as part of the application process that they must have all appropriate insurances, and be able to gain all development approvals, permits and licenses, noting all liability for the proposed project or initiative is to be borne by the applicant.

Financial Implications:**2019/20 Budget**

ACCOUNT NO:	PJ 1395-82080-0000-7901
BUDGET ITEM:	Precinct Development Grants
BUDGETED AMOUNT:	\$280,000
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$62,611
BALANCE REMAINING:	\$217,389
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

*The 2019/20 financial year budget is currently being finalised.

Comments:

The first round of Neighbourhood Enhancement Grants has provided an opportunity for the City of Perth to commence strategic discussions with city-based neighbourhood groups on ways the City can support their grassroots initiatives and work together to build the capacity of each organisation.

The enthusiasm and commitment that each of the groups exhibit for their local areas is admirable. The groups however are run by volunteers and the City recognises they require ongoing support and capacity building. City Officers will continue to work with groups directly, and other organisations such as Town Team Movement, to support the ongoing growth and development of each of the groups.

As a new program, following the conclusion of this round City officers will conduct a full review of the program to ensure continuous improvement.

Moved Commissioner Hammond, seconded Commissioner McMath

That Council:

- 1. APPROVES Neighbourhood Enhancement Grants totaling \$62,611 (excluding GST) to the following applicants:***

(Cont'd)

- 1.1 East Perth Community Group Inc. for Renew Royal Street (\$20,000);**
- 1.2 West Perth Local Incorporated for the West Perth Local Neighbourhood Enhancement projects (\$20,000);**
- 1.3 Northbridge Common Incorporated for the Northbridge 'Creating Community' projects (\$15,111); and**
- 1.4 Activate Perth for the Strategic Branding Review and Website Redesign (\$7,500).**

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.5 Key Sector Development Sponsorship – StudyPerth

FILE REFERENCE: P1037825#02#03
 REPORTING UNIT: Business Support and Sponsorship
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 24 April 2019
 ATTACHMENT/S: Nil

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 (e.g. 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 Section 8 of the *City of Perth Act 2016*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Strategic Priority - Economic

Policy

Policy No and Name: 18.13 – Sponsorship and Grants

Purpose and Background:**Applicant Details**

Entity Name	Perth Education City Inc
ABN	76842611690
Entity Type	Other Unincorporated Entity
ABN Status	Active
ATO Endorsed Charity Type	Not endorsed

StudyPerth is a not-for-profit organisation providing a leading role in building the profile of Perth's international education brand. The objectives of StudyPerth are to coordinate the marketing of Perth's international education brand in priority and emerging markets, promote collaboration and cooperation between international education providers, government, business and other stakeholders in Perth, and implement initiatives focused on enhancing the experience of international students in Perth.

StudyPerth supports a membership base comprising all major universities and a majority of the public and private education providers in vocational training, schools, intensive English language and pathway colleges. Of the 56,000 international student enrolments in Western Australia, 92% are through one of StudyPerth's member institutions.

Details:

Sponsorship Category	Key Sector Development Sponsorship
Applicant	Perth Education City (T/A Study Perth)
Project Title	Implementing StudyPerth's International Education Plan 2019-2025
Project Start Date	01/07/2019
Project End Date	30/06/2020
Total Project Cost	\$1,587,873
Total Amount Requested	\$200,000 (12.6% of total project cost)
Recommendation	Approve
Recommended amount	\$175,000 (11% of total project cost)
Assessment Score	40.68 out of 60 (67.80%)

Project Description

StudyPerth have submitted a one-year key sector development sponsorship application to support the implementation of seven initiatives from their recently launched International Education Action Plan 2019-2025. The Action Plan is designed to deliver the State Government's International Education Strategy 2018-2025.

The International Education Action Plan aims to increase Perth's current national market share of 6% of international student enrolments to approximately 11%, injecting a further \$1.8 billion into the economy and creating an additional 8,000 full time equivalent jobs.

Seven initiatives will be delivered:

Initiative 1 - Continue to deliver a "Destination Perth" digital marketing campaign into priority markets during 2019-2020

StudyPerth have highlighted research that shows prospective students know little about Perth as a destination and there exists a perception that the Perth study experience is suburban in character. To address these barriers which impact on the attractiveness of Perth as a first-choice study destination, StudyPerth will increase awareness in key international markets including China, India and Indonesia by creating a compelling narrative on Perth's unique benefits. Digital Crew, an international multilingual digital marketing agency, will be engaged to undertake the campaign.

An increase in international students will generate additional tourism, with each student attracting an average 1.5 visits from family and friends during their study in Perth. StudyPerth states this will add \$173 million into Perth's economy and generate 75,000 international visitors. Positive experiences by students will generate 'soft diplomacy' where they return home with an enduring relationship to Perth. Recommendations from friends and family will influence other students or travellers to visit Perth.

Initiative 2 - Create an International Student Ambassador Program

StudyPerth is committed to promoting a sense of community and social support for international students. The International Student Ambassador program will develop leadership among the international student community and utilise their experiences to promote Perth and communicate the social and economic benefits of international education.

The City's support for this program will provide professional development experiences and workshops to 12 student ambassadors in social media marketing, public speaking and leadership skills. The ambassadors will become the face of international education and promote Perth by highlighting their experiences through social media.

The ambassadors will offer their support through:

- One-on-one or group sessions with other international students to share their experiences;
- Providing content for social media channels and blogs that can be utilised by StudyPerth;
- Attendance at social and business events to advocate and represent the concerns of international students; and
- Providing StudyPerth with insight and recommendations for initiatives that align to the WA Government's International Education strategy and/or the StudyPerth Action Plan.

Initiative 3 - Create an International Education Event Series

Study Perth aims to increase the attractiveness of Perth as a study destination by providing international students with access to opportunities designed to increase their employability attributes and enhance employment outcomes.

The International Education Event Series will engage student, business, education and government stakeholders to generate discussion about international education and increase community awareness about the social and economic benefits of international education. Businesses are encouraged to engage international students through internships, work experience and graduate programs.

StudyPerth will deliver topical forums and where appropriate, engaging with the Chamber of Commerce and Industry WA, Asian Business Councils and the Council of International Students. Proposed events include:

- Introducing International Students to the Business Community;
- How technology and disruption are changing how we work;
- Engaging International Student Alumni (United Nations Day);
- Work Rights for International Students;

- Student Stories (Harmony Week);
- Global Mobility creating Global Citizens;
- Volunteering and Charity Work (Volunteer Week);
- Picture me in Perth (Celebrate WA); and
- Recognising Indigenous Culture (NAIDOC Week).

Initiative 4 - Expand the Perth Airport Welcome Desk

The Perth Airport Welcome Desk provides an informed welcome to international students by trained volunteers, providing them valuable information and support, as well as delivering a positive first impression. The volunteers include international students who receive professional development and training.

The Perth Airport Welcome Desk currently reaches 7,000 students with operation over 16 weeks at Terminal 1 and 2. StudyPerth will expand the service into Terminals 3 and 4 and increase the opening period from 16 to 20 weeks, providing 25% more exposure. The expansion will address a current gap in reaching international students who fly to Perth on connecting domestic flights, via other Australian cities.

StudyPerth will also explore ways to improve visibility of the Welcome Desk and promote Perth on targeted print and digital channels.

Initiative 5 - Undertake a study into the feasibility of a CBD-based International Student Hub

The purpose of an International Student Hub within the CBD would offer support and advice to international students and facilitate social, cultural and professional engagement programs.

StudyPerth is currently negotiating with consultancy firms to undertake a feasibility study, determining the services required, a proposed operating model and evaluation of the economic benefit. The chosen consultant will submit their report to StudyPerth in October 2019.

Initiative 6 - Create a uniquely Western Australian welcome for an international student conference

StudyPerth will celebrate and acknowledge international students through regular official events, receptions and awards in conjunction with other stakeholders.

A unique experience will be created for delegates attending the welcome reception for the Council of International Students Australia (CISA) AGM and Conference. The welcome reception will be held at Kings Park, highlighting Western Australian produce, engaging with Aboriginal culture and creating photo opportunities featuring the city skyline and Swan River. The evening will encourage the students to become 'honouree ambassadors' for Western Australia and to promote Perth as a destination through their networks.

Initiative 7 - Creation of a smartphone application for international students

StudyPerth will work with AppsPeople to develop a 'Passport to Perth' smartphone application. The application will encourage and engage students to explore City landmarks, engage local businesses, take part in City-based activities and improve their English.

The application will reduce the risk of isolation experienced by international students in suburban locations by encouraging them to visit the Perth CBD and Northbridge. Outcomes include increased familiarity with services available outside their area and visitation to City businesses.

StudyPerth will work with partners such as Vodafone, Uber, Peterpans Travel, TravelX, Perth Airport, Campus Perth, Student Housing Company, Insider Guides and RewardsCorp to identify opportunities to leverage existing agreements. They will also consider how the application may integrate with other International Education Action Plan initiatives.

Previous City of Perth Support and Acquittals

At its meeting held on **21 July 2015**, Council resolved to authorise the Chief Executive Officer to negotiate and execute a three-year funding agreement with StudyPerth to assist in the promotion of Perth as a leading destination for international education. This agreement was subsequently finalised and signed in April 2016.

Year	Amount	Project
2016/17	\$143,000	StudyPerth (Year 1 of 3 sponsorship)
2017/18	\$198,000	StudyPerth (Year 2 of 3 sponsorship)
2018/19	\$183,000	StudyPerth (Year 3 of 3 sponsorship)
TOTAL	\$524,000	

An acquittal has not yet been received for the final year of the previous 3-year sponsorship agreement. City officers will work with StudyPerth to ensure all previous funding has been satisfactorily acquitted.

State Government Funding

StudyPerth receives a core funding grant from the State Government. The organisation has recently received two additional funding boosts to implement the State Government's International Education Strategy. Strategic funding of \$2 million over five years was announced in 2018 and an additional \$4.5 million over three years was included in the 2019/20 State Budget.

Sponsorship Benefits

The following sponsorship benefits will be provided for the requested amount:

- City of Perth recognised as a Major Sponsor with significant recognition on the website, promotional material and publications;

Destination Perth

- Where aspects of the project are released through a media or formal event, City of Perth may display a free-standing banner as well as their logo on presentations, invitations, tickets and event programs.

Ambassador Program

- When representing the program at events, Ambassadors would acknowledge the contribution City of Perth has made to their role as an ambassador and the promotion of international education in Perth; and
- Where ambassadors make presentations, the City of Perth Logo will be included in slide presentations and on any materials distributed.

International Education Event Series

- Title Sponsor role in the form as City of Perth International Education Event Series;
- City of Perth will be invited to provide a speaker at one of the 10 events in the series; and
- During each event, the event host will acknowledge the city's involvement, will display a free-standing banner and include the City of Perth logo on presentations, invitations, event pages, tickets and event programs.

Airport Welcome Desk Expansion

- City of Perth will receive logo recognition on the Airport Welcome Desk and Volunteer Uniform; and
- City of Perth may supply a free-standing banner and logo on the event program for the volunteer reception and recognition event.

International Student Hub

- Where a printed or electronic version of the feasibility report is made public it will include the City of Perth Logo and an acknowledgement on the front cover; and
- Where the report is released through a media or formal event, City of Perth can display a free-standing banner as well as their logo on presentations, invitations, tickets and event programs.

Conference Welcome Reception

- Verbal acknowledgment of the City's involvement;
- City of Perth can display a free-standing banner as well as their logo on presentations, invitations, tickets and event programs.

Passport to Perth Smartphone Application

- City of Perth will receive recognition in the credits for the smartphone application and the application will only feature venues, attractions and activities available within City of Perth boundaries; and
- Where the smartphone application is released through a media or formal event, City of Perth can display a free-standing banner as well as their logo on presentations, invitations, tickets and event programs.

Assessment Score Card

The application was assessed by a three-person assessment panel and the scoring has been averaged for each outcome.

Essential Project Criteria	Score (5)
<i>All applications are assessed on the following criteria:</i>	
Alignment with a Key Sector	
To what extent does the project support the growth and development of an established or emerging key sector that represents importance to the City of Perth's economy?	4.17
To what extent does the project assist the City of Perth in developing a compelling narrative on our unique selling points and raise the profile and reputation of the City of Perth as a premier Capital City to do business within the relevant sector?	3.33
Prestige and Significance	
To what extent does the applicant demonstrate prestige and significance?	2.83
Project Plan and Other Funding Sources	
Has the applicant provided evidence of a robust project plan?	3.67
Has the applicant included a budget detailing investment through a variety of funding sources?	4.00
Has the applicant demonstrated what specific elements the City of Perth funding is supporting and what extra capacity the funding will enable	4.00
Sponsorship Benefits	
Please rate the level of benefits and recognition provided to the City	2.50
Subtotal 24.50 out of 35	
Additional Project Outcomes	
<i>Applicants must address at least two of the following six outcome areas. Applicants can address as many outcome areas as are relevant to the project or initiative.</i>	
Outcome 1. Investment Attraction	N/A
Outcome 2. International Business Development	2.67
Outcome 3. Short term Direct Economic Benefits	3.50
Outcome 4. Long term Economic Development	3.67
Outcome 5. Professional Development, Training and Skill Development	3.17
Outcome 6. Linkages and Knowledge Exchange	3.17
Project Outcomes addressed: 5	
Sub Total 16.18 out 25	
<u>TOTAL ASSESSMENT SCORE 40.68 out of 60 (67.80%)</u>	

Financial Implications:

ACCOUNT NO:	PJ 13958039000007901
BUDGET ITEM:	Education and Vocational Training
BUDGETED AMOUNT:	\$216,000*
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$175,000
BALANCE REMAINING:	\$41,000
ANNUAL MAINTENANCE:	\$N/A
ESTIMATED WHOLE LIFE COST:	\$N/A

All figures quoted in this report are exclusive of GST.

*The financial year 2019/20 budget is currently being finalised.

Comments:

Education and International Student Services remains an economic sector of strategic importance for the City of Perth. Several of the initiatives proposed will support the City's aims to increase inbound international student numbers, increase student expenditure and increase WA's market share of international students.

The City's ability to service increased student numbers is reflected in the rise of purpose built student accommodation within the City's boundaries. This accommodation provides the inner-city lifestyle currently missing in international student experiences and compliments the work done by StudyPerth to increase the attractiveness of Perth as a study destination. An increase of students within the City will generate economic impact for local businesses and increase the vibrancy of the City's neighbourhoods.

A Key Sector Development sponsorship of \$175,000 is recommended by the assessment panel. A one-year sponsorship allows the City of Perth and StudyPerth to reassess priorities and adjust to potential future changes within the sector. The assessment panel's funding recommendation is \$25,000 less than the \$200,000 requested, which is reflective of the panels' decision not to support the mobile application project. This is considered to largely be a duplication of existing City services and information on Visit Perth and other similar industry websites.

In addition to the sponsorship, the City's Economic Development Unit provides in-kind support to StudyPerth throughout the year in the form of hosting functions and providing meeting spaces at cost to the City.

The panel was supportive of the remaining six initiatives proposed in the application. In addition to the recommended sponsorship contribution, the City will continue to work closely with StudyPerth to deliver the recommended initiatives and leverage the sponsorship benefits. The City will explore opportunities for collaboration and investigate the role VisitPerth could play in promoting the City to current international students.

Support of StudyPerth will contribute to the City's continued leadership role and presence in the international education sector.

Moved Commissioner Hammond, seconded Commissioner McMath

That Council, subject to approval of the 2019/20 budget:

1. ***APPROVES a one-year Key Sector Development Sponsorship of \$175,000 (excluding GST) to Perth Education City (T/A StudyPerth) to support the implementation of StudyPerth's International Education Plan; and***
2. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount.***

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.6 Annual Arts Sponsorship (2019/20)

FILE REFERENCE:	P1037135#05
REPORTING UNIT:	Business Support and Sponsorship
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	22 May 2019
ATTACHMENT/S:	Attachment 13.6A - Detailed Officer Assessment

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 type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	Section 8 of the <i>City of Perth Act 2016</i>
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Integrated Planning and Reporting Framework Implications	Strategic Community Plan Strategic Priority - Social
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Policy

Policy No and Name:	18.13 – Sponsorship and Grants
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Purpose and Background:

Arts Sponsorship is available to organisations that identify the arts as their primary purpose and deliver significant economic, social and cultural outcomes in the City of Perth. Sponsorship of upwards of \$20,000 is available for applicants in this category. The maximum contribution of the sponsorship provided by the City of Perth cannot exceed 30% of the total project budget.

Arts Sponsorship Agreements can have a negotiated term of between one to two years, at the discretion of the City of Perth and dependent on the quality of the application, the assessment score and the strategic outcomes likely to be achieved.

The City of Perth conduct one competitive round of Arts Sponsorship each year. This round is applicable for projects occurring between 1 October 2019 and 31 December 2020.

Details:

RANK	APPLICANT	SCORE	REQUEST	RECOMMENDATION Per Year	PREVIOUS FUNDING (2018/19 FY)
1	AWESOME Arts Australia	72%	\$100,000	\$100,000 (2 years)	\$90,000
2	West Australian Opera	66%	\$200,000	\$145,000 (2 years)	\$120,000
3	Perth Institute of Contemporary Arts	66%	\$70,000	\$60,000 (2 years)	\$49,000
4	Co3	64%	\$40,000	\$40,000 (1 year)	\$40,000
5	WA Music Industry Association	56%	\$80,000	\$20,000 (1 year)	\$40,000
			\$490,000 Requested	\$365,000 Recommended	\$339,000 Previous

The City received six applications in this round. An application from the West Australian Symphony Orchestra has been deferred for further consultation with the applicant.

The five applications requested support totalling \$490,000 with an available budget of \$365,000.

All applications were assessed by a four-person assessment panel consisting of members from the City of Perth Administration and the scoring has been averaged for each outcome. The application was assessed using criteria based on the measurable outcomes for cultural engagement, developed by the Cultural Development Network.

A detailed Officer Assessment of all applications is included in Attachment 13.6A.

The Assessment Criteria for the Arts Sponsorship are:

Essential Assessment Criteria

1. Does the project demonstrate arts and cultural activity of a high calibre, with suitably experienced personnel? (5 points)
2. Does the project deliver arts activity that represents Perth's unique cultural identity? (5 points)
3. Does the project increase opportunities for the community to participate in cultural life and/or identify strategies to widen audience engagement? (5 points)
4. Does the project foster meaningful collaborations across the local arts industry and/or community? (5 points)
5. Does the project contribute to a positive sense of place within the city? (5 points)
6. Does the project raise the profile and reputation of the City of Perth as a premier Capital City and arts industry leader? (5 points)

7. Does the project provide professional development opportunities for local artists and/or cultural workers? (5 points)
8. Does the project attract a broad audience, stimulate the local economy and provide opportunities for engagement with local businesses? (5 points)
9. Does the project support the ongoing development, viability and sustainability of the organisation and the local arts industry? (5 points)
10. Does the project contribute to a unique cultural tourism offering for local, national and international audiences? (5 points)
11. Does the individual or organisation have a demonstrated capacity to manage all aspects of the project? (5 points)
12. To what extent are the project plan and budget realistic and value for money? (5 points)
13. Does the project demonstrate financial viability through evidence of support from other government agencies, business or community organisations? (5 points)

Optional Assessment Criteria

All applications were also assessed against the below non-essential criteria (optional) based on strategic priorities identified in the City of Perth Strategic Community Plan. Applicants who can demonstrate their project achieves any of these outcomes can receive additional assessment points for each of these criteria.

14. Does the project activate public spaces and underutilised locations, in interesting and engaging ways? (5 points)
15. Does the project celebrate Indigenous culture? (5 points)
16. Does the project activate places along the riverfront? (5 points)

Financial Implications:

2019/20 Financial Year

ACCOUNT NO:	PJ 1395-80050-0000-7901
BUDGET ITEM:	Arts Annual Sponsorship
BUDGETED AMOUNT:	\$690,500
AMOUNT SPENT TO DATE:	\$403,000
PROPOSED COST:	\$287,500
BALANCE REMAINING:	\$0
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

2020/21 Financial Year

ACCOUNT NO:	PJ 1395-80050-0000-7901
BUDGET ITEM:	Arts Annual Sponsorship
BUDGETED AMOUNT:	TBC
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$305,000
BALANCE REMAINING:	TBC
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

2021/22 Financial Year

ACCOUNT NO:	PJ 1395-80050-0000-7901
BUDGET ITEM:	Arts Annual Sponsorship
BUDGETED AMOUNT:	TBC
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$100,000
BALANCE REMAINING:	\$0
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

The City received a strong response for the 2019/20 Arts Sponsorship round. Due to an oversubscription of funding requests compared to the budget available, the assessment process was highly competitive.

The Assessment Panel is confident the projects recommended for support will diversify and complement the existing offering within the city and enhance and support the local arts industry within Perth.

The panel has recommended three of the five applicants to receive multiyear funding which will ensure that there is an even spread of off contract sponsorship recipients in future years. Multiyear funding will provide longer term certainty around planning and provide for stronger outcomes for the community.

Moved Commissioner Hammond, seconded Commissioner McMath

That Council:

- 1. APPROVES two-year Arts Sponsorships totaling \$610,000 (excluding GST) to the following applicants:***
 - 1.1 \$200,000 (\$100,000 p.a) to AWESOME Arts Australia Ltd for the 2020 and 2021 AWESOME International Arts Festival for Bright Young Things in the 2020-21 and 2021-22 Financial Years;***
 - 1.2 \$290,000 (\$145,000 p.a) to WA Opera Company for the 2020 and 2021 Opera in the Park in the 2019-20 and 2020-21 Financial Years;***
 - 1.3 \$120,000 (\$60,000 p.a) to Perth Institute of Contemporary Arts for the 2020 and 2021 Community Engagement and Artist Development Program in the 2019-20 and 2020-21 Financial Years;***

(Cont'd)

2. ***APPROVES one-year Arts Sponsorships totaling \$60,000 (excluding GST) to the following applicants:***
 - 2.1 ***\$40,000 to the Contemporary Dance Company of Western Australia T/A Co3 for the 2020 Dance Sector Development Initiatives;***
 - 2.2 ***\$20,000 to the WA Music Industry Association for WAMFest 2019; and***
3. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicants the final list of sponsorship benefits for inclusion in the agreement, according to the Council-approved funding amount.***

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.7 City of Perth to Sign Memorandum of Understanding with the City of Taipei in Recognition of 20th Anniversary of Friendship City Relationship

FILE REFERENCE: P1014753-3
 REPORTING UNIT: Economic Development
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 23 May 2019
 ATTACHMENT/S: Attachment 13.7A – Draft Memorandum of between City of Perth and City of Taipei

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 (e.g. 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 N/A

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Strategic Priority - Leadership

Policy
Policy No and Name: 11.3 – Sister City Relationships

Purpose and Background:

2019 marks the 20th anniversary of the Friendship City relationship between Perth and Taipei.

At its meeting held on **28 May 2019**, Council approved sponsorship of the 2019 Perth-Taipei Art Exchange Program coordinated by the Perth Institute of Contemporary Arts (PICA) and the Taipei

Fine Art Museum, beginning in October 2019. The 2019 Art Exchange is a one-off expansion of an existing Art Exchange Program that has been running consistently over the past 13 years.

In preparation of this program, representatives from the Department of Cultural Affairs within the City of Taipei Government are visiting Perth from 23 - 27 July, to meet with local representatives of Perth's art and cultural community.

The City of Taipei have proposed as part of this visit the signing of a Memorandum of Understanding (MOU) at a small ceremony to recognise the milestone anniversary and to further develop shared interactions within the arts and cultural industry.

Details:

Background to the Artist Exchange

The City of Perth has supported a reciprocal artist exchange program with the City of Taipei since 2006, with artists from Perth and Taipei undertaking residency arrangements in each other's cities in alternate years.

In 2016, City of Perth funding enabled Northbridge-based Turner Galleries to be represented at Art Taipei and undertake various other Friendship City networking projects in Taipei. Subsequently, the prestigious Kuandu Fine Art Museum (KdMoFA) invited Turner Galleries to take part in an arts exchange program in 2017 and 2018.

The development of this program in recent years has provided opportunity to incorporate activities, including: community initiatives and local artist projects, workshops, forums, exhibitions, artist talks, symposiums, an international video project and collaborations between art institutions in Perth and Taipei.

As the program has grown in scope to include a large number of associated community activities, it now sits outside the capacity and purpose of a commercial art gallery and PICA will take over management of the exchange in 2019.

Visit by representatives of the Department of Cultural Affairs, Taipei City Government

Delegates of the City of Taipei, including the Commissioner of the Department of Cultural Affairs and the Director of the Taipei Artist Village, will be visiting Perth across 23 July – 27 July specifically to meet with representatives of the City of Perth, organisations involved in the scheduled 2019 Art Exchange Program and members of Perth's wider arts and cultural industry.

The Department of Cultural Affairs have proposed that in recognition of this year's 20-year Friendship Anniversary and to accompany the 2019 Art Exchange program, that the City of Taipei and the City of Perth sign a MOU aimed at exploring other collaborative opportunities within the arts and cultural industry sector.

The draft wording for the MOU is attached as Attachment 13.7A. Note that whilst the wording has been agreed upon by both Cities, the final formatting of the document may differ to the version provided in order to incorporate translation.

It is proposed that, should Council agree, the MOU be signed by the Chair Commissioner of the City of Perth and the Commissioner of the Department of Cultural Affairs (City of Taipei), at a small reception in front of visiting delegates, current and past participants of the Perth-Taipei Art Exchange program and representatives of key art and cultural organisations within Perth. These arrangements will be coordinated, in due course, by the International Engagement Team of the Economic Development Unit, in consultation with the City of Taipei.

Financial Implications:

There are no financial implications related to this report.

Comments:

Progressing this MOU with the City of Taipei is in strong alignment with the City's International Engagement Strategy, which recommends the City increase engagement with cities within our region.

Given the recent success and growth of the Art Exchange program, the signing of the MOU provides further opportunity to continue our successful engagement and promote Perth's capability within the arts and cultural sectors.

The exchange program includes involvement with a diverse range of both local and international offices and institutions such as the Kuandu Fine Art Museum, Taipei Fine Arts Museum, Turner Galleries, PICA, the Taiwan Ministry of Culture and the Taipei Economic and Culture Office in Australia. Expanded interactions with Taipei within MOU activities will strengthen these relationships and look to provide increased opportunities for Perth-based artists, businesses and institutions on a global scale.

Additionally, on the occasion of the 20th Friendship Anniversary of Perth and Taipei, the MOU is a significant and tangible demonstration of the City's continue support towards this relationship. This activity is in alignment with other Friendship/Sister City Anniversary activities and is a cost-effective means of recognising and furthering our relationship with Taipei.

It is recommended that the City progress and sign the Memorandum of Understanding in collaboration with the City of Taipei.

Moved Commissioner Hammond, seconded Commissioner McMath

That Council:

APPROVES the signing of a Memorandum of Understanding regarding the continued artistic collaboration and exchange between Perth and Taipei.

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.8 Heritage Perth Incorporated Transition Plan

FILE REFERENCE: P1033446
 REPORTING UNIT: Arts, Culture and Heritage
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 10 June 2019
 ATTACHMENT/S: Confidential Attachment 13.8A - Transition Plan for Heritage Perth Inc
 Confidential Attachment 13.8B - Legal Advice Heritage Perth Inc. Transition
Confidential Attachments are distributed to Commissioners under separate cover

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 (e.g. 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 Part 2 Division 1 Section 8 of the *City of Perth Act 2016*
 Part 1 Section 3 of the *Heritage Act 2018*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Strategic Priority - Leadership

Policy
 Policy No and Name: 4.10 – Heritage Policy
 18.1 – Arts and Culture Policy

Purpose and Background:

In the absence of an alternative or additional significant funder or principal sponsor, the City of Perth is unable to continue to support Heritage Perth Inc. beyond June 2019. The Heritage Perth Inc. Board

resolved, at its meeting held 8 May 2019, to seek voluntary cancellation for the independent organisation to allow services and initiatives to be delivered by the City.

A Transition Plan has been prepared by Heritage Perth Inc. in collaboration with City officers, detailing hand over of assets, programming and information to the City as part of a voluntary cancellation process.

The purpose of this report is to seek approval to implement the Transition Plan, which would need to be activated through an amendment to, and short extension of, the current funding agreement, as per attached legal advice (Confidential Attachment 13.8B).

There is undisputed cultural, social and economic value in Heritage Perth Inc.'s activities, particularly the Heritage Perth Weekend, the brand, and the engagement and communication activities that the organisation deliver.

It is important to ensure that the value of Heritage Perth Inc.'s activities be recognised, celebrated and nurtured. Notwithstanding this important acknowledgement, the Board of Heritage Perth Inc. and City officers have recognised that the partnership arrangement currently in place to deliver heritage activities is unsustainable, due to several factors:

- Financial constraints for the City, including competing demands on resources;
- Duplication of services across Heritage Perth Inc. and City of Perth business units;
- Increased capacity and focus within the Economic Development and Activation Directorate on Heritage promotion and community engagement in Heritage matters; and
- Limited evidence of Heritage Perth Inc.'s ability to raise funds or matched funding beyond the Principal Partnership with the City.

Heritage Perth Inc. has been very successful at raising the profile and interest in heritage buildings in Perth over the last decade through advocacy activity and the Board and staff are to be congratulated and recognised for this achievement. However, with limited budgets and a requirement to demonstrate benefit to ratepayers, cost effective outcomes and avoid duplication of resources, the need to re-evaluate the funding agreement was necessary.

Details:

To facilitate an arms-length re-evaluation of the partnership, City officers engaged GHD Advisory to conduct an independent assessment of the City's entire Heritage Program, including the Principle Partnership with Heritage Perth Inc. GHD's report has informed the draft Heritage Strategy and will inform continuous improvement of the Heritage Program into the future.

The full report includes an addendum submitted by Heritage Perth Inc. in response to the GHD report with corrections and additional information. The report detailed many recommendations, including that, *"the City of Perth cease funding Heritage Perth at the expiry of the current Funding Agreement on 30th June 2019, and redeploy the funding allocation previously allocated to Heritage Perth."* Note that any redeployment of returned funding must be allocated to delivering cultural heritage services (see Attachment 13.8B).

City officers support GHD's overall assessment that the original intent and purpose of the partnership (tax deductible donations for heritage restoration) was not achieved and that the

purpose has since evolved and changed. While there have been many positive outcomes and achievements by Heritage Perth Inc. (notably changing the conversation around heritage conservation in the city) the cost of the partnership in the current environment is not recommended.

Should the City wish to consider a partnership or funding arrangement to deliver heritage related outcomes in the future, this should be undertaken within a strong governance environment including a transparent, competitive funding structure that sets clear partnership key performance indicators. Note that the City is currently working to develop draft guidelines for joint project agreements for consideration by Council.

Heritage Perth Inc.'s key asset, for which the City is the major funding source, is the Heritage Perth Weekend event. As outlined in the Transition Plan, and pending confirmation of other funding sources transferring to the City, this event can be delivered directly by the City at what is estimated to be a reduced cost.

Heritage Perth Inc.'s funding agreement expires on 30 June 2019 and in the absence of an alternative or additional significant funder or principal sponsor, the Board has resolved not to continue and to work with the City to transition its key assets prior to voluntary cancellation.

The Board of Heritage Perth Inc. has provided a Transition Plan that outlines the key components of the organisation and how these will be transitioned to the City or other entities prior to voluntary cancellation. There is also a detailed Stakeholder Engagement Plan and Communications Plan that have been developed in collaboration between Heritage Perth Inc. and City of Perth, these documents consider matters affecting volunteers, Friends of Heritage Perth and associated organisations and stakeholders.

The Board is responsible for ensuring the organisation concludes in accordance with the *WA Associations Incorporation Act 2015*. The City is working closely with the Executive Director and Board to ensure key components of the transition plan can be implemented efficiently and that the City can support the organisation during this time.

Financial Implications:

ACCOUNT NO:	Various (see below)
BUDGET ITEM:	Various (see below)
BUDGETED AMOUNT:	\$92,000
AMOUNT SPENT TO DATE: (since 2008, excluding in-kind)	\$3,990,435
PROPOSED COST:	\$92,000
BALANCE REMAINING:	\$0
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Note that all figures fall within the draft 2019/20 budget and are subject to Council approval.

The transition plan and ongoing heritage services can be implemented using existing human, financial and physical resources across City business units. This will save the City approximately \$180,000 per annum in wages and administrative overheads.

Proposed Cost above is detailed as follows:

PJ 1435-80520	\$20,000	2-month extension of Heritage Perth Executive Director contract to finalise transition and voluntary cancellation
PJ 1430-80600	\$2,000	Celebratory Event "Barracks Arch" Hidden Perth Event
PJ 1430-80600	\$10,000	ongoing delivery of cultural heritage community engagement projects
PJ 1390-80430	\$60,000	Heritage Perth Weekend
TOTAL:	\$92,000*	*Within current ongoing business as usual Arts, Culture and Heritage and Business Support and Sponsorship and Marketing Units budget allocation, representation with a saving of approximately \$180,000 over the financial year.

Comments:

The Board and staff of Heritage Perth Inc. have worked diligently and with integrity in the interests of Heritage Perth Inc., its members, stakeholders, Friends and volunteers. They have passionately advocated for the promotion and conservation of heritage in Perth. The proposed Transition Plan is an indication of their faith in the City's ability to continue the good work of Heritage Perth Inc. and to conduct heritage management and engagement in Perth with quality and excellence.

Moved Commissioner Hammond, seconded Commissioner McMath

That Council:

- 1. APPROVES the Transition Plan for Heritage Perth Incorporated, including the receipt of assets as per Appendix Two of the Transition Plan (Confidential Attachment 13.8A);***
- 2. APPROVES an extension of the Funding Agreement between the City of Perth and Heritage Perth Inc. for a period of two months, at a value of \$20,000 in-kind, to facilitate the implementation of the Transition Plan and voluntary cancellation of Heritage Perth Inc., noting that the existing Funding Agreement expires on 30 June 2019; and***

(Cont'd)

3. AUTHORISES the Chief Executive Officer to:

- 3.1 amend the details of the current Funding Agreement as at Recommendation Point 2 above and in accordance with legal advice (Confidential Attachment 13.8B); and**
- 3.2 in accordance with Section 9.49A of the Local Government Act 1995, sign the revised Funding Agreement with Heritage Perth Inc. on behalf of the City of Perth.**

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.9 Further Term Licence Agreement Rooftop Movies

FILE REFERENCE: P1028024
 REPORTING UNIT: Commercial Parking
 RESPONSIBLE DIRECTORATE: Commercial and Community Services
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 30 May 2019
 ATTACHMENT/S: Confidential Attachment 13.9A – Rooftop Movies
 2018-2019 Licence Agreement
 Attachment 13.9B – 2019 FRINGE WORLD Festival
 Impact Report
*Confidential Attachments are distributed to
 Commissioners under separate cover*

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 (e.g. 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 Section 8 of the *City of Perth Act 2016*.

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Strategic Priority - Social

Policy

Policy No and Name: 18.13 - Sponsorship and Grants

Purpose and Background:

City of Perth Parking (CPP) has received a request from Artrage Inc. (Artrage) to exercise their option to renew their licence for a further term for the 2019/20 Rooftop Movies at the Roe Street Car Park Rooftop from October 2019 to April 2020.

The Rooftop Movies has been held in the city for the past seven years and is the only Rooftop cinema operating in Western Australia. The event held 128 film screenings during the 2018/19 season and sold over 36,032 tickets. In total, 36,608 people attended the Rooftop Movies.

Details:

Artrage Inc. submitted a request on 30 April 2019 for a further term of the 2018/19 Rooftop Movies Licence Agreement for 166 days commencing on 21 October 2019 and expiring on 3 April 2020 (including bump-in and bump-out days).

The option to grant a licence renewal for the further term at the Licence Fee and on the same terms and conditions (excluding Clause 30) is provisioned in Clause 30 of the 2018/19 Rooftop Movies Licence Agreement (Confidential Attachment 13.9A).

Artrage Inc. is required to ensure all consents and approvals required by the terms of the licence or at law have been obtained before commencement of the further term. In the renewal of the Licence Agreement it will be specified that, should the applicant require any section 39 *Liquor Licensing Act 1997* certificates, a written application is also required to be made to the City with the prescribed fee GST inclusive (as determined by the City per application). A copy of the approval is required to be provided to the City prior to the commencement of the further term.

The Rooftop Movies will activate Northbridge bringing thousands of people into the precinct who visit bars, restaurants, and various venues before and after the movie. The event is a key element of the Fringe World Festival and the revenue from Rooftop Movies assists Artrage Inc. in funding the overall festival.

Evaluation of First Term Rooftop Movies

CPP and Artrage Inc. evaluated the 2018/19 Rooftop Movies season on 16 April 2019. Both parties have found the collaboration to be mutually beneficial and the event was considered highly successful with most screenings being sold out.

The 2019 FRINGE WORLD Festival Impact Report (including Rooftop Movies) (Attachment 13.9B) was launched on 6 June 2019. The results from the Rooftop Movies Partnership are mentioned in the report.

A final post-event maintenance report of the Roe Street Rooftop has been completed and the stated minor repairs have been paid for and completed by Artrage Inc.

The activation in January 2019 was considered successful and an appropriate 2019/20 activation strategy will be discussed on commencement of the further term.

CPP will investigate the option to offer prepaid parking to Rooftop Movies visitors. Prepaid tickets will assist by combating congestion upon entering the car park and at the pay stations when customers leave at the end of the screening.

Rooftop Movies will consider capturing postcode data at the ticket box office, which can be used to analyse demographic information and develop future business and activation strategies.

Financial Implications:

ACCOUNT NO:	1035-50080-0000
BUDGET ITEM:	CPP – Undercover Car Park Operations
BUDGETED AMOUNT:	Nil
AMOUNT SPENT TO DATE:	N/A
PROPOSED COST:	\$74,176
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:

CPP has reviewed operational and financial implications and the information from the previous season of the Rooftop Movies at Roe Street Car Park. The use of the Roe Street Car Park Rooftop for Rooftop Movies will utilise all available rooftop parking bays for the staging of the event.

Total costs of the 66 parking bays for the rooftop at Roe Street Car Park for the duration of the 2019/2020 Rooftop Movies season (including bump-in and bump-out) is estimated to be \$103,670. This is offset by the recovery of the parking levy of \$29,493 for the 66 parking bays as it is not chargeable over the term of the event. This results in a net in-kind sponsorship for Artrage Inc. of \$74,176.

In 2018/2019, the City received an additional income of \$32,420 (inc GST) from Artrage Inc. for the licence fee. It is estimated that the City will receive the same additional income from the license fee in 2019/20.

CPP will offer a special parking night rate of \$10 for the 2019/20 Rooftop Movies visitors between Friday, 1 November 2019 to Tuesday, 31 March 2020 (inclusive). This offer will be applied for patrons arriving and leaving between 6pm and 1am and is only applicable to those who park at Roe Street Car Park. Normal car park rates apply out of these hours.

During the 2018/19 Rooftop Movies season, 12,073 more patrons than usual parked at Roe Street Car Park. The estimated loss of revenue of the proposed parking special is \$24,146 (\$12 - \$10 x 12,073 patrons, inc GST) based on 2018/19 patronage and not on the forecast for 2019/20. Based on the ticket sales of Rooftop Movies in 2018/19 it is deemed feasible that at least an additional 2,414 Rooftop Movies visitors on top of the budgeted 12,073 visitors will park at Roe Street Car Park. This estimate seems realistic with 36,032 Rooftop Movies tickets sold overall. The special parking night rate of \$10 will than result in no projected loss of revenue for CPP. The overall estimated loss of income for this city activation in 2019/20 is \$66,655, excluding GST.

Total estimated cost - 66 bays	(\$103,670)
Estimated Parking Bay Levy Saved - credit	\$29,493
Estimated Licence Fee Paid by Artrage – credit (\$32,420 inc GST)	\$29,473
Estimated Revenue Loss – \$10 Parking Night Rate (\$24,146) inc GST)*	(\$21,951)
Overall estimated loss of income partnership Rooftop Movies	(\$66,655)

*The estimated revenue loss for the special parking night rate of \$ 10 is based on season 2018/19 patronage and not on the forecast for 2019/20, which may further reduce the estimated loss of income for CPP in 2019/20.

Review Licence Fee

The City received a licence fee per ticket sold from Artrage Inc. in 2018/19.

Under clause 5 of the 2018/19 Rooftop Movies Licence Agreement, the licence fee can be reviewed on the commencement of the further term by agreement between the parties (acting reasonably). CPP recommends no change in the licence fee for the further term. A change in the licence fee can be considered in a new partnership agreement.

As stated in Clause 30 of the 2018/19 Rooftop Movies Licence Agreement, both parties will continue to work with the same partnership package in the further term. City staff will continue to work closely with Artrage Inc. to ensure the success of the Rooftop Movies season for 2019/20.

Moved Commissioner Hammond, seconded Commissioner McMath

That Council:

- 1. APPROVES to grant Artrage Inc. the licence renewal option (clause 30 2018/19 agreement) for a further term for Roe Street Rooftop Movies for 166 days commencing on 21 October 2019 and expiring on 3 April 2020;***
- 2. APPROVES an in-kind sponsorship of \$74,176 (excluding GST) for 66 car bays at the Roe Street Car Park to present the 2019/20 Rooftop Movies;***
- 3. APPROVES the provision of a special parking night rate of \$10 between 1 November 2019 to 31 March 2020 (inclusive) for Rooftop Movies visitors. The discounted parking will be applicable to the CPP Roe Street car park; and***
- 4. AUTHORISES the Chief Executive Officer (or an appointed delegate) to review the Licence Fee on the commencement of the further term by agreement between the parties (Clause 5, 2018/19 Rooftop Movies Licence Agreement).***

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.10 Re-allocation of Capital Funds - The Esplanade Sherwood Court Intersection Civil Modifications

FILE REFERENCE: P1035040
 REPORTING UNIT: Construction
 RESPONSIBLE DIRECTORATE: Construction and Maintenance
 REPORT AUTHOR DISCLOSURE OF INTEREST: None
 DATE: 6 June 2019
 ATTACHMENT/S: Nil

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 (e.g. 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 Part 4 of the *Local Government (Functions and General) Regulations 1996* – Provision of Goods and Services

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Strategic Priority - Built Environment

Policy
 Policy No and Name: 9.6 – Budget Variation

Purpose and Background:

The City of Perth (City) undertook civil modification at The Esplanade/Sherwood Court Intersection in year 2018. This project involved traffic signalisation, the extension of footpaths and the provision of a marked crosswalk for pedestrians to cross The Esplanade safely. Besides re-connecting the rest of the central business district with Swan River through Elizabeth Quay, these works provided orderly flow of traffic and pedestrians through the intersection.

Details:

As part of the intersection modification, Main Roads Western Australia (MRWA) had committed to undertake electrical services for the traffic signals at a pre-estimated cost of \$135,500 (excluding GST). As these works could encounter complications associated with underground services, the exact cost could not be pre-determined before implementation. As such, it is MRWA policy to invoice for actual costs incurred after completion of works.

After the commissioning of the traffic signals at the intersection on 3 June 2018, the City received invoice #8008030 for \$112,679.21 (excl GST) on 19 June 2018. The City paid the invoiced amount in financial year 17/18 and thereafter the related purchase orders (218178 & 223067) were closed.

On 28 March 2019, the City received final invoice #8008593 for \$15,512.32 (excluding GST) for the balance of the cost related to the electrical services rendered. The City was unable to make payment against invoice #8008593 as the project has no budget allocation for financial year 2018/19.

In view of the above, this report seeks the Council's approval, to re-allocate funds from PJ12311 to PJ12159, to enable payment to MRWA.

Financial Implications:

Financial Year 2018/19 – Design and Procurement

ACCOUNT NO:	PJ12159
BUDGET ITEM:	The Esplanade Sherwood Court Intersection Civil Modifications
BUDGETED AMOUNT:	\$0
AMOUNT SPENT TO DATE:	\$0
FORCASTED COMMITMENTS:	\$0
PROPOSED COST:	\$15,512.32
BALANCE REMAINING:	\$0
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

Financial Year 2018/19 – Design and Procurement

ACCOUNT NO:	PJ12311
BUDGET ITEM:	Council House Lighting Upgrade
BUDGETED AMOUNT:	\$1,559,446.42
AMOUNT SPENT TO DATE:	\$389,332.06
COMMITMENTS:	\$660,081.36
FORCASTED COMMITMENTS:	\$303,677.53
PROPOSED COST:	\$15,512.32
BALANCE REMAINING:	\$190,843.15
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures in this report are exclusive of GST.

Comments:

The payment of the outstanding amount due to MRWA would facilitate the close out of the project.

Moved Commissioner Hammond, seconded Commissioner McMath

That Council:

APPROVES the re-allocation of \$15,512.32 (excluding GST) from capital works project 'PJ12311 - Council House Lighting Upgrade' to capital works project 'PJ12159 - The Esplanade Sherwood Court Intersection Civil Modifications'.

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.11 Financial Statements and Financial Activity Statement for the Period Ended 30 April 2019

FILE REFERENCE:	P1014149-25
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	4 June 2019
ATTACHMENT/S:	Attachment 13.11A – Financial Statements and Financial Activity Statement for the period ended 30 April 2019

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 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>
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Integrated Planning and Reporting Framework Implications	Strategic Community Plan Strategic Priority - Leadership
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Policy

Policy No and Name:	N/A
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Details:

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

Comments:

The Financial Activity Statement commentary compares the actual results for the 10 months to 30 April 2019 with the original budget approved by Council on **3 July 2018**, and amended on **28 August 2018**, **27 November 2018** and **26 February 2019**.

Moved Commissioner Hammond, seconded Commissioner McMath

That Council RECEIVES the Financial Statements and the Financial Activity Statement for the period ended 30 April 2019 as detailed in Attachment 13.11A of this report.

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.12 Preliminary Budget 2019/20 and Differential Rate Setting of the Annual Rates Levy for 2019/20

FILE REFERENCE: P1037120
 REPORTING UNIT: Finance
 RESPONSIBLE DIRECTORATE: Corporate Services
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 6 June 2019
 ATTACHMENT/S: Attachment 13.12A – Draft Operating Budget 2019/20 by Nature and Type
 Attachment 13.12B – Draft Capital Budget 2019/20
 Attachment 13.12C – Draft Rate Setting Statement to June 2020
 Attachment 13.12D – Draft Fees and Charges 2019/20

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 (e.g. 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 6.2 of the *Local Government Act 1995*
 Part 3 and 5 of the *Local Government (Financial Management) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Strategic Priority - Leadership

Policy
 Policy No and Name: 9.1 – Budget policy

Purpose and Background:

The purpose of this report is to consider the Draft 2019/20 Budget and approve the advertising of the differential rates for 2019/20.

Details:

The Draft 2019/20 Budget has been prepared to include information required by the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*. The main features of the draft budget include:

- Total rates revenue of \$96.4m, representing a 2.47% yield increase from 2018/19;
- Total CPP parking revenue of \$73.2m;
- Net Gain resulting from operations \$2.4m;
- Capital budget \$56.7m; and
- Fees and Charges revenue of \$94m (including City of Perth Parking (CPP)).

Under the *Local Government Act 1995*, the City is required to advertise the Differential Rates for twenty-one days prior to the adoption of the annual budget.

Section 1 - Draft Operating Budget 2019/2020

The Draft Operating Statement shows an operating surplus of \$2.4m, with net income and expenditure (after Grants, Subsidies and Contributions) of \$3.1m.

The following commentary compares the 2019/20 Draft Budget to the 2018/19 Revised Budget:

Revenue

- Operating Revenue is expected to grow by 2% to \$207.7m compared to the 2018/19 Revised Budget;
- The rates revenue for 2019/2020, as set out in Section 4 of this report, allows for an increase of \$5.4m represented by 1.3% increase for the rate in the dollar for the Commercial, Hotel and Retail categories and 2.85% increase for the rate in the dollar for the Office, Residential and Vacant rating categories, resulting in total rates revenue of \$96.4m;
- Grants and Subsidies are expected to decrease by \$198,000 compared to the 2018/19 Revised Budget. The 2019/20 budget is based on approved funding arrangements on selected capital works projects;
- Rubbish Collection Fees are expected to increase by 7% or \$657,000 compared to the 2018/19 Revised Budget. An increase in fees by 1.3% has been projected for 2019/20 to enable full cost recovery, as set out in Section 5 of this report;
- Parking revenue is expected to increase marginally by 1% to \$73.2m compared to the 2018/19 Revised Budget. The pricing structures have remained the same except for changes made to On-Street Precincts and a few minor changes to offer greater flexibility to the customer. Section 5 of this report details the parking revenue for 2019/20;
- Fines and Costs are expected to decrease by \$690,000 to \$9.1m compared to the 2018/19 Revised Budget based on greater compliance anticipated as a result of increased inspections;
- Community Service Fees are expected to reduce marginally by \$7,000;

- Interest earnings are expected to increase by \$218,000 based on the relative performance of the Market listed investments; and
- Other Revenue is expected to be lower than the 2019/20 Revised Budget by \$75,000 mostly due to the waving of outdoor eating area licences.

Expenditure

- Operating expenditure is expected to increase by 4% to \$205.3m for the 2019/20 Budget;
- Employee costs are expected to increase by 8% or \$5.9m compared to the 2019/20 Revised Budget and includes:
 - A reduction in the capitalisation of employee costs of \$2.3m;
 - Changes due to the Enterprise Bargaining Agreement and increases for staff within the City's band accounted for \$1.5m of the increase;
 - The 2018/19 Revised Budget included planned vacancies which are now expected to be filled in 2019/20;
- Material costs are expected to decrease by \$60,000, and include the following:
 - Property maintenance of \$2.0m;
 - Infrastructure maintenance of \$5.3m;
 - Tipping fees of \$3.1m – The State Government has advised that the Western Australia State Government Waste Levy will not increase for 2019/20;
- Depreciation is expected to increase by 3% or \$926,000, mainly due to asset revaluations, which impact on fair values and remaining useful life of assets;
- Interest expense is expected to reduce by 41% or \$397,000 due to no new loans being financed in the last three years and the PCEC Car Park loan maturing in July 2019;
- Other Expenditure is expected to increase by 4% or \$1.1m, mostly driven by increased donations and sponsorships. This category of expenditure also includes parking bay levy of \$17.8m. The Department of Transport has advised that the parking bay levy will not increase for 2019/20.

Section 2 - Draft Capital Budget 2019/2020

The draft Capital Budget for 2019/20 is \$56.7m, including \$12.5m estimated as being carry forward from 2018/19.

This section of the report should be read in conjunction with Attachment 13.12B - Draft Capital Budget 2019/20.

The draft Capital Budget for 2019/20 includes:

	Carry Forward \$m	2019/2020 Budget Request \$m	Total Budget 2019/2020 \$m
Renewals	-	17.6	17.6
Major Projects	6.7	16.7	23.4
Other Projects	5.8	9.9	15.7

Total	12.5	44.2	56.7
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It is expected that \$2.7m of the Draft Capital Budget of \$56.7m would be transferred to the Provisional Capital Works Program Reserve, and would include the following:

Provisional Capital Program 2019/20	
	\$m
CCTV Implementation	0.13
Library Self Check Stations	0.06
CPP Website / App Upgrade	0.04
Concert Hall Ticket Booth Expansion	0.70
Provision of New Public Toilets	0.06
Digital Workplace Enhancements	0.40
Service Desk Replacement	0.20
Juniper Windows Replacement	0.20
Bus Shelters	0.50
Minor Urban Interventions	0.15
Kerbside Review Implementations	0.08
Projects from Lighting Masterplan	0.13
Blackspot Project	0.01
Roe St (Fitzgerald - Beaufort)	0.05
	2.71

The provisional capital program will be finalised and approved at budget adoption at a Special Council Meeting.

Section 3 - Draft Rate Setting Statement to June 2020

Pursuant to the *Local Government (Financial Management) Regulations 1996* Section 22(d), a Rate Setting Statement (RSS) to June 2020 has been prepared, as shown in Attachment 13.12C, and details:

- The revenue and expenditure that have been taken into account to determine the net deficit from operations of \$56.7m;
- The amount attributable to Investing Activities which relates to the Capital program including capital grants and proceeds from disposal of assets totaling \$54.6m;
- The amount attributable to Financing Activities which relates to borrowings and cash backed reserves of \$16.3m; and
- The total amount of general rates to be imposed of \$96.4m.

A surplus of \$5.3m, or 5.8% of the budget deficiency, remains after the imposition of the general rates and after taking into account opening funds of \$36.5m.

It is anticipated that further transfers to reserves on finalisation of the 2019/20 budget will reduce the surplus for 2019/20.

Section 4 - Differential Rate Setting 2019/20

Pursuant to the provisions of Section 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, the City proposes to impose the following differential rates and minimum payments on Gross Rental Values.

Rating Information				2019/20	2019/20	2019/20	2019/20
		Number	Rateable	Budgeted	Budgeted	Budgeted	Budgeted
RATE TYPE	Rate in	of	value	rate	interim	back	total
	\$	properties		revenue	rates	rates	revenue
Differential general rate or general rate				\$	\$	\$	\$
Gross rental valuations							
Commercial	0.05635760	653	115,059,383	6,484,471	630	0	6,485,101
Hotel	0.05635760	878	122,909,646	6,926,893	272,329	111,047	7,310,269
Retail	0.05635760	523	171,643,297	9,673,404	1,127,041	0	10,800,445
Office	0.04680960	2,199	1,089,985,245	51,021,773	0	0	51,025,307
Residential	0.05903930	13,629	307,854,156	18,175,494	0	148,953	18,328,561
Vacant	0.06437020	79	25,721,860	1,655,721	0	0	1,655,721
Sub-Totals		17,961	1,833,173,587	93,937,756	1,400,000	260,000	95,605,404
	Minimum						
Minimum payment				\$			
Gross rental valuations							
Commercial	726	36	160,396	26,136	0	0	26,136
Hotel	726	489	4,630,102	355,014	0	0	355,014
Retail	726	19	173,394	13,794	0	0	13,794
Office	726	186	2,315,485	135,036	0	0	135,036
Residential	726	767	8,454,079	556,842	0	0	556,842
Vacant	726	2	3,125	1,452	0	0	1,452
Sub-Totals		1,499	15,736,581	1,088,274	0	0	1,088,274
		19,460	1,848,910,168	95,026,030	1,400,000	260,000	96,693,678
Discounts/concessions (Refer note 1(c))							(274,050)
Total amount raised from general rates							96,419,628
Specified area rates (Refer note 1(b))							0
Total rates							96,419,628

Landgate Valuation Services provides the City with Gross Rental Values (GRV) on a triennial basis. The current triennial valuation has been applied since 1 July 2017 and may be adjusted with interim valuations from the same source.

An increase of 2.85% in the Rate in the Dollar for the Office, Residential and Vacant rating categories has been applied for 2019/20. An increase of 1.3% in the Rate in the Dollar has been applied for Commercial, Hotel and Retail rating categories.

Residential

The residential category covers properties that are used for singular and multi-dwellings. The proposed residential rate is 5.90393 cents per dollar of GRV. The residential rate is set at a relatively low level when compared to other metropolitan authorities to support the City's aim of encouraging people to reside in the City.

Commercial

The Hotel and Retail classifications have been consolidated with the Commercial classification into one ratepayer class. The category includes wholesalers, warehouses, industrial, entertainment and

sporting facilities, hotels, short-stay serviced apartments, hostels, board and lodging accommodation and shops. All these assets have a common factor in being commercial operations with the object of attracting visitors and tourists to the City to contribute to city vitality. The City supports this ratepayer category to a material extent with marketing and promotional programmes. The City has set a rate for this sector at 5.63576 cents per dollar of GRV.

Office

Most of properties within the City are used for office accommodation. The GRV of the office sector represents a large percentage of the total rateable values. The proposed rate for this sector is 4.68096 cents per dollar of GRV.

Vacant Land

The rate of 6.43702 cents per dollar of GRV applies to all vacant lands within the district.

Minimum Rate

The City imposes one general minimum rate payment that applies to all rateable properties within the City. The proposed minimum payment will be \$726. The minimum payment which impacts mainly in the residential category has been maintained at a relatively low level within the metropolitan area to support the City's strategy of encouraging living in the city.

Recommendation – Differential Rate Setting 2019/2020

It is recommended that the Differential Rates for 19/20 be approved as follow:

- 2.85% increase in the rate in the dollar for the Office, Residential and Vacant rating categories;
- 1.3% increase in the rate in the dollar for the Commercial, Hotel and Retail rating categories; and
- General minimum rate of \$726 to be applied for all categories.

Section 5 - Draft Fees and Charges Budget 2019/20

This section of the report should be read in conjunction with Attachment 13.12D.

Commercial Parking Fees

The 2019/20 Commercial Parking fee schedule has not changed significantly from 2018/19. The Department of Transport has advised that the parking levy will not increase for 2019/20. Therefore, changes in pricing have only been implemented to align with on-street parking precinct classifications and to introduce greater flexibility in offering competitive prices as detailed below:

1. The new parking fee of \$12 for 3 - 4 hours introduced for testing purpose at Citiplace Car Park. It is proposed to implement the new fee on a permanent basis, if the test generates additional income during the testing period.
2. Night rate and Weekend Block Fee has increased by 20 cents at Convention Centre Car Park. This initiative will help to reduce coin handling and improve the customer experience.

3. There are no fee changes to Point Fraser Car Park, as such the special parking fee introduced in January 2019 remains in place.
4. Student Monthly Parking Permit introduced with a range of \$250 to \$400. The purpose of this new fee is to increase patronage and grow the monthly guaranteed permit income. Also, the new permit fee will encourage students to study and stay in the City of Perth, which will result in more people in the city that attend events, activations and visit food and beverage business and retailers.
5. As proposed by the DCC Directorate, On-Street Parking has been split into six precincts compared to five zones. Therefore, the existing parking fee based on zones has been changed to precincts. Due to these changes parking fees may have either increased, decreased for 224 ticket machines.
6. Introduced Administration Work Zone Fee of \$85 (processing time 5 days or more), Service Bay Permit Fee of \$4.40 per day/per bay for City's contractors, Lost Key Fee of \$40 and Administration Fee for Sub-Contracted Costs – range 5% to 20% on cost for greater flexibility.
7. Introduced Business Parking Agreements – 1-24 hours with a range of \$8 to \$30 for attracting long term business arrangements.
8. Introduced Community and Commercial Special with discount from normal parking fee for 1-24 hours. The discount range applies 5% to 100% for greater flexibility to attract patrons during festive and holiday seasons.
9. Introduced Facility Management Labour Rate with a range of \$100 to \$150 to charge internal and external works.
10. Long term permit contract (Range 3 months to 3 years) introduced with a range of discount 5% to 50% from the normal permit fee. The purpose of this new fee is to increase patronage and grow the monthly guaranteed permit income.

Commercial Parking Fees

It is recommended that the Commercial Parking fees for 2019/20 be noted for adoption at a Special Council Meeting. The full fees and charges schedule is included as Attachment 13.12D.

Waste Management Service Fees

Waste management service fees are calculated on a full cost recovery. The report considers emerging waste issues, service growth and the various costs involved in waste collection, transportation and disposal. Fees are imposed on properties utilising the City's waste services under Section 67 of the *Waste Avoidance and Resource Recovery (WARR) Act 2007*.

The demand for the City's waste collection services has a direct impact upon the cost of the service. Maintaining an acceptable level of service is directly dependent upon the number of staff and collection vehicles available, whilst maximising run efficiency with the maximum number of bins collected within the run route.

Under the WARR Act the City is responsible for residential (domestic) collection of Municipal Solid Waste (MSW). They receive both landfill/general waste (red lid) and comingled recycling (yellow lid). A garden organics waste service (lime green lid) was introduced in the 2016/17 financial year when a number of residents from the City of Subiaco joined the City of Perth as a result of boundary changes included in the *City of Perth Act 2016*. This service has been slowly extended into all areas of the municipality in 2017/18. In the 2018/19 financial year, the Waste and Cleansing Unit also introduced a trial food organics waste service to 4 properties with the intent to identify residential response and barriers to further waste segregation efforts, particularly in multi-unit dwellings (apartment buildings). The service frequency of these 4 services vary due to the number of apartments in each dwelling, from one to three times a week. All residential waste services are provided in the one residential fee per annum.

Commercial businesses can go to the market and select the operator that matches their requirements. The City's waste and recycling services encourage a more competitive market, resulting in increased benefits for City stakeholders. In July 2015, the city commenced a range of new services to support the requests and needs of our ratepayers. The City now delivers seven waste and recycling services; landfill waste, comingled recycling, glass recycling, food organics recycling, garden organics recycling, paper recycling and cardboard recycling.

Labour Costs

Labour to provide waste services to the community accounts for approximately 52% of the service cost provision and includes all related costs. Indirect labour costs such as those originating in the city's workshop for the servicing, repair and maintenance of the waste fleet and plant are also included.

Landfill Disposal Costs

The City of Perth is a member of Mindarie Regional Council. This membership requires the City to deliver all landfill/general waste to Tamala Park Landfill in Mindarie. Disposal costs of landfill waste accounts for over one third of the overall expenses of providing waste services. Landfill waste accounts for approximately 75% of all waste collected. The City currently pays a \$205.00 per tonne gate fee for waste delivered to the Tamala Park landfill site (GST exclusive). \$70 per tonne (or 35%) of this gate fee is attributable to the Western Australia State Government Waste Levy (WA SGWL).

Recycling Disposal Costs

Costs are generally payable for the processing of recycling streams; however, these costs do not incur the WA SGWL.

Comingled recycling and glass recycling are processed through the SUEZ Material Recovery Facility in Bibra Lake. The fee for processing is fixed at \$57.71 per tonne under a 15-month contract which ends in November 2019. It is expected that when this contract is renewed, there should be no significant increase, due to the Container Deposit Scheme being introduced in early 2020.

Cardboard and paper recycling are processed through the SUEZ Paper Recycling Facility in Lansdale. This recycling stream supplies an income to the City, of which the price per tonne varies. The current

rebate price is \$80.00 per tonne. This varied considerably to other facilities which offered \$20 - \$50 per tonne, indicating a highly variable market where this income cannot be relied upon.

Food organic waste recycling was introduced in 2017, enabling the City to emerge as an industry leader, ensuring that businesses such as restaurants and hotels, can divert large amounts of waste from landfill. This waste is processed through RichGro's anaerobic digester in Jandakot at a cost of \$60 per tonne. RichGro have indicated this rate would remain unchanged for the 2019/20 financial year.

Garden organics recycling is taken to the Western Metropolitan Regional Council transfer station in Shenton Park. The fee for processing is fixed at \$44 per tonne under contract. This rate was confirmed for 2019/20 in April 2019.

Residential properties received two bulk verge collections for the third time in the 2018/19 rates period and this will continue in 2019/20. This service was absorbed within the residential waste fee and delivered at a cost of \$6.17 per household (14 052 households).

Other Cost Factors

Other associated costs can be attributed to the provision and maintenance of Mobile Garbage Bins (MGBs), which are provided to properties at no charge, and to the internal hire of plant and equipment.

Event service fees are included in the 2019/20 fees and charges. An income of \$97,822 has been earned for the first 9 months of 2018/19. This revenue stream is highly variable each year and therefore no income has been budgeted for 2019/20.

Waste Strategy

At its meeting held on **22 April 2014**, Council adopted the City of Perth Waste Strategy 2014–2024+ which included 19 prioritised actions required to meet the demands of a growing city and the pressures resulting from competition for street space. Costs associated with implementing those actions are to be funded from both annual revenue and the 'Refuse Disposal and Treatment Reserve Fund' (the Reserve) which, as at 5 April 2019, had a balance of \$3,825,271.

The Reserve was built up in previous years in anticipation of the introduction of the SGWL. The Reserve assisted in subsidising waste fees by softening the financial impact.

Fees and Charges – Assumptions for Budget Projections

Assumptions for 2019/20 centre on maintaining an income that eliminates reliance on the Reserve, is robust to absorb changes in disposal costs, recovers the cost of the SGWL and adds value to City ratepayers.

The major cost impact for 2019/20 is the Perth all Groups CPI indicator, which for the year ending 31 March 2019 is 1.3%. A 1.5% increase has also been allocated in the workforce plan, in line with the upcoming December 2019 wages increase negotiated in the current Enterprise Bargaining Agreement. With no confirmed disposal increases, these should be the only increases in operating expenses for 2018/19.

Therefore a 1.3% increase has been applied to all residential, commercial and event service charges. This increase will recover operating costs and ensure no reliance on the Reserve.

Waste Management Service Fees

It is recommended that the waste management fees for 2019/20 be increased by 1.3% in line with CPI for residential and businesses in accordance with the fees set out in Attachment 13.12D.

Comments:

The draft budget will be finalised once the period for advertising the rate in the dollar has expired. The final budget will be presented to Council at a Special Council Meeting.

Officer Recommendation

That Council:

1. APPROVES the advertising of the differential rates based on the predominant purpose for which the land is held in accordance with Section 6.36(3)(b) of the Local Government Act 1995 as follows:
 - 1.1 Commercial – 5.63576 cents in the dollar;
 - 1.2 Hotel – 5.63576 cents in the dollar;
 - 1.3 Office – 4.68096 cents in the dollar;
 - 1.4 Residential – 5.90393 cents in the dollar;
 - 1.5 Retail – 5.63576 cents in the dollar;
 - 1.6 Vacant Land – 6.43702 cents in the dollar;
 - 1.7 Minimum rates - \$726; and
2. RECEIVES this progress report on the preparation of the operating budget, capital budget and fees and charges for 2019/20.

MOVED WITH AMENDMENT

Moved Commissioner Hammond, seconded Commissioner McMath

That Council amend the Officer Recommendation as follows:

1. ***That Council APPROVES the advertising of the differential rates based on the predominant purpose for which the land is held in accordance with Section 6.36(3)(b) of the Local Government Act 1995 as follows:***
 - 1.1 Commercial – 5.63576 cents in the dollar;***
 - 1.2 Hotel – 5.63576 cents in the dollar;***
 - 1.3 Office – 4.68096 cents in the dollar;***
 - 1.4 Residential – 5.90393 cents in the dollar;***

(Cont'd)

- 1.5 *Retail – 5.63576 cents in the dollar;*
- 1.6 *Vacant Land – 6.43702 cents in the dollar;*
- 1.7 *Minimum rates - \$726.*
2. *That Council RECEIVES this progress report on the preparation of the operating budget, capital budget and fees and charges for 2019/20.*
3. *That the 2019/2020 draft budget be modified in order to accommodate the provision of trials for one-hour free parking zones in designated areas within the City of Perth as follows:*
 - 3.1 *The budget is to be modified by way of a reduction in budgeted income for on street parking based upon the estimated foregone ticket machine revenue and infringement income, to be offset by;*
 - 3.2 *Adjustment to discretionary operational expenditure budgets and recognition of operational efficiency dividends to be generated throughout the 2019/2020 financial year.*
4. *The trials are to be conducted in the 'high street' precincts of Claisebrook, East Perth and West Perth with trial priority being guided by demonstrated evidence of negative movement in commercial vacancy rates.*
5. *The trials are to be conducted for periods of up to 12 months.*
6. *A trial is to be instituted immediately in Royal Street, East Perth.*
7. *Designation of other areas and trials is to follow immediately.*
8. *The outcomes of the trials are to be measured utilising the following target outcomes:*
 - 8.1 *Increased foot fall and high street patronage*
 - 8.2 *Reduction in vacancy rates*
 - 8.3 *Improvements in street hygiene and general amenity*
 - 8.4 *Reduction in economic leakage from precinct*
 - 8.5 *Increased retail activity / turnover*
 - 8.6 *Increased land use / retail diversity*
 - 8.7 *Improved community activation*
 - 8.8 *Improved community safety perceptions*

PRIMARY MOTION AS AMENDED

That Council:

1. ***That Council APPROVES the advertising of the differential rates based on the predominant purpose for which the land is held in accordance with Section 6.36(3)(b) of the Local Government Act 1995 as follows:***
 - 1.1 ***Commercial – 5.63576 cents in the dollar;***
 - 1.2 ***Hotel – 5.63576 cents in the dollar;***
 - 1.3 ***Office – 4.68096 cents in the dollar;***
 - 1.4 ***Residential – 5.90393 cents in the dollar;***
 - 1.5 ***Retail – 5.63576 cents in the dollar;***
 - 1.6 ***Vacant Land – 6.43702 cents in the dollar;***
 - 1.7 ***Minimum rates - \$726; and***
2. ***That Council RECEIVES this progress report on the preparation of the operating budget, capital budget and fees and charges for 2019/20.***
3. ***That the 2019/2020 draft budget be modified in order to accommodate the provision of trials for one-hour free parking zones in designated areas within the City of Perth as follows:***
 - 3.1 ***The budget is to be modified by way of a reduction in budgeted income for on street parking based upon the estimated foregone ticket machine revenue and infringement income, to be offset by;***
 - 3.2 ***Adjustment to discretionary operational expenditure budgets and recognition of operational efficiency dividends to be generated throughout the 2019/2020 financial year.***
4. ***The trials are to be conducted in the “high street” precincts of Claisebrook, East Perth and West Perth with trial priority being guided by demonstrated evidence of negative movement in commercial vacancy rates***
5. ***The trials are to be conducted for periods of up to 12 months***
6. ***A trial is to be instituted immediately in Royal Street East Perth.***
7. ***Designation of other areas and trials is to follow immediately.***
8. ***The outcomes of the trials are to be measured utilising the following target outcomes:***

(Cont’d)

- 8.1** *Increased foot fall and high street patronage*
- 8.2** *Reduction in vacancy rates*
- 8.3** *Improvements in street hygiene and general amenity*
- 8.4** *Reduction in economic leakage from precinct*
- 8.5** *Increased retail activity / turnover*
- 8.6** *Increased land use / retail diversity*
- 8.7** *Improved community activation*
- 8.8** *Improved community safety perceptions*

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Reason: The City's reliance on parking revenue has created an activation problem in some on the 'high street' areas of the City where the revenue the City requires for the City's operating activates comes at the expense of detrimental parking regimes. The City's reliance on parking revenue needs to stop. Parking revenue should be important but not critical.

Item 13.13 Nomination of Commissioners to the Mindarie Regional Council

FILE REFERENCE: P1030366
 REPORTING UNIT: Governance
 RESPONSIBLE DIRECTORATE: Corporate Services
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 6 June 2019
 ATTACHMENT/S: N/A

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 (e.g. 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 Section 708 of the *Local Government Act 1960*
 Schedule 9.3. Clause 10 of the *Local Government Act 1995*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Strategic Priority - Leadership

Policy

Policy No and Name: 10.2 – Delegates on Boards, Authorities and Committees

Purpose and Background:

At its meeting held on **15 June 2018**, Council nominated Commissioner Lumsden as the City's representative to the Mindarie Regional Council (MRC). Commissioner Hammond was appointed as the City's deputy.

The MRC constitution was made under the *Local Government Act 1960*, under which all regional councillor appointments expire on 30 June each year. The *Local Government Act 1960* does not allow for the appointment of an ongoing deputy member, however, Council has previously appointed a deputy to reduce ongoing communication regarding deputy membership. If Council

nominates a deputy representative, the Commissioner will need to be appointed by Council each time they are required to attend a MRC meeting.

Details:

The MRC was formed in 1981 and formally constituted in 1987. The purpose of the MRC is to provide effective and cost-efficient waste disposal consistent with safeguarding all environmental elements for the benefit of the constituent local governments and their residents. The constituent local governments are the Cities of Joondalup, Wanneroo, Perth, Stirling and Vincent and the Towns of Victoria Park and Cambridge.

The MRC meets bi-monthly, on a Thursday at 6pm, with the venue rotated between the member Local Governments.

MRC members receive \$10,300 per annum, deputy representatives receive \$140 per meeting.

Financial Implications:

There are no financial implications related to this report.

Comments:

To ensure the City is appropriately represented on the MRC, it is recommended that Commissioners be nominated as delegates to the MRC from 1 July 2019.

The next MRC meeting is scheduled for Thursday, 4 July 2019. Commissioner Lumsden has advised he is unable to attend the meeting. Should Council appoint Commissioner Lumsden as the City's representative to the MRC for the period 1 July 2019 to 30 June 2020, Council will need to resolve to appoint a deputy to represent the City at the Thursday, 4 July 2019 MRC meeting.

Officer Recommendation

1. **NOMINATES** one Commissioner as the City of Perth's representative to the Mindarie Regional Council for the period 1 July 2019 to 30 June 2020; and
2. **NOMINATES** one Commissioner as the City of Perth's deputy representative to the Mindarie Regional Council for the period 1 July 2019 to 30 June 2020.

MOVED WITH AMENDMENT

Moved Commissioner Hammond, seconded Commissioner McMath

That Council amend the Officer Recommendation as follows:

That Council:

1. **NOMINATES** ~~one Commissioner~~ **Chair Commissioner Eric Lumsden** as the City of Perth's representative to the Mindarie Regional Council for the period 1 July 2019 to 30 June 2020.; ~~and~~
2. ~~**NOMINATES** one Commissioner as the City of Perth's deputy representative to the Mindarie Regional Council for the period 1 July 2019 to 30 June 2020.~~

PRIMARY MOTION AS AMENDED

*That Council **NOMINATES** Chair Commissioner Eric Lumsden as the City of Perth's representative to the Mindarie Regional Council for the period 1 July 2019 to 30 June 2020.*

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.14 Nomination of Voting Delegates – Western Australian Local Government Association Annual General Meeting

FILE REFERENCE: P1015091
 REPORTING UNIT: Governance
 RESPONSIBLE DIRECTORATE: Corporate Services
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 11 June 2019
 ATTACHMENT/S: N/A

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 (e.g. 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 Nil

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Strategic Priority - Leadership

Policy

Policy No and Name: 10.2 – Delegates on Boards, Authorities and Committees

Purpose and Background:

The next Annual General Meeting (AGM) of the Western Australia Local Government Association (WALGA) is scheduled for Wednesday, 7 August 2019, at the Perth Convention and Exhibition Centre.

All member Councils are entitled to be represented by two voting delegates at the AGM. Only registered delegates are permitted to exercise voting entitlements on behalf of a Member Council.

Details:

WALGA is an industry body that advocates on behalf of 138 WA Local Governments and negotiates service agreements for the sector. Its mission is to provide value to members by:

- *Enhancing the capacity of Local Governments to deliver services;*
- *Building a positive profile for Local Government;*
- *Providing effective leadership on behalf of the sector; and*
- *Ensuring representation for Local Government.*

The City is a WALGA member with Commissioners Lumsden and Hammond the City's voting delegates at the WALGA Central Metropolitan Zone Meeting.

Financial Implications:

There are no financial implications related to this report.

Comments:

As Commissioners Lumsden and Hammond are the City's nominated voting delegates to the WALGA Central Metropolitan Zone, it is recommended that Council appoint Commissioners Lumsden and Hammond as its voting delegates at the WALGA AGM. It is also recommended that Council appoint Commissioner McMath as a proxy, should Commissioners Lumsden and Hammond be unable to attend the meeting.

Moved Commissioner Hammond, seconded Commissioner McMath***That Council:***

1. ***APPOINT Commissioner Lumsden and Commissioner Hammond as its voting delegates at the Western Australia Local Government Association Annual General Meeting 2019; and***
2. ***APPOINT Commissioner McMath as its proxy voting delegate at the Western Australia Local Government Association Annual General Meeting 2019.***

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

Item 13.15 Delegated Authority Review 2019/20

FILE REFERENCE: P1023849
 REPORTING UNIT: Governance
 RESPONSIBLE DIRECTORATE: Corporate Services
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 6 June 2019
 ATTACHMENT/S: Attachment 13.15A – Delegated Authority Register 2019/20
 Attachment 13.15B – City of Perth Common Seal and Document Signing Authority Policy
 Attachment 13.15C – 14.4 Extended Trading Permits

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 (e.g. 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 Section 5.16, 5.17, 5.18, 5.43 and 5.46(2) of the *Local Government Act 1995* (and subsidiary legislation)
Bush Fires Act 1954 (and subsidiary legislation)
Building Act 2011 (and subsidiary legislation)
Cat Act 2011 (and subsidiary legislation)
Dog Act 1976 (and subsidiary legislation)
Food Act 2008 (and subsidiary legislation)
Health (Miscellaneous Provisions) Act 1911 (specifically the *Health (Asbestos Regulations) 1992*)
Planning and Development Act 2005 (and subsidiary legislation)
Public Health Act 2016

**Integrated Planning and
Reporting Framework
Implications**

Strategic Community Plan
Strategic Priority - Leadership

Policy

Policy No and Name: Various policy implications form part of this report and are separately identified according to each instrument of delegation.

Purpose and Background:

Sections 5.16 and 5.42 of the *Local Government Act 1995* (Act), prescribe that Council may delegate its powers or duties to a Committee of Council or the Chief Executive Officer (CEO). Sections 5.17 and 5.43 respectively, outline the limitations on such delegations.

The Governance Unit has undertaken a review of the City's existing delegations in consultation with all City of Perth Business Units, to ensure all proposals for amendments have been collated and presented in line with the below principles:

- Operational requirements and efficiencies; and
- Compliance and statutory decision-making requirements.

The outcome of this review is presented for Council to fulfil its obligation to review delegations at least once per financial year in accordance with sections 5.18 and 5.42 of the Act.

The proposals for new and amended delegations are within the proposed Delegated Authority Register 2019/20 (Attachment 13.15A) with deletions shown by a ~~striketrough~~ and new text show with **yellow highlight**.

Details:

A summary of proposed amendments is listed below:

Revoked Delegations

Delegation	Reason
<i>Local Government Act 1995</i>	
Additional powers when notice is given to the owner or occupier of Land Under Section 3.25	<p>Section 3.24 of the Act states:</p> <p><i>Authorising persons under this Subdivision</i></p> <p><i>The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.</i></p> <p>Following a review of this delegation it is proposed that this power should be exercised via a statutory authorisation.</p>

Particular Things Local Governments Can Do on Land that is Not Local Government Property	<p>Section 3.24 of the Act states:</p> <p><i>Authorising persons under this Subdivision</i></p> <p><i>The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.</i></p> <p>Following a review of this delegation it is proposed that this power should be exercised via a statutory authorisation.</p>
Bush Fires Act 1954	
<i>Bush Fires Act 1954 – Power Duties and Function of a Local Government</i>	The Bush Fires Act contains some powers that can only be delegated to the CEO and some powers that can only be delegated by the local government to designated officers. It is recommended that the current delegation ‘Bush Fires Act 1954 – Power Duties and Function of a local government’ which delegates ‘All power, duties and functions of the local government under the Bush Fire Act 1954’ to the CEO, be revoked and replaced with the delegations detailed below in attachment 13.15A.
Liquor Control Act 1998	
Liquor Control Act – Extended Trading Permits	Following the introduction of the <i>Liquor Control Amendment Act 2018</i> the City no longer has the power to provide comment on and approve applications for extended trading permits.

Amended and New Delegations

Delegation	Details
<i>Local Government Act 1995</i>	
Powers of Entry	<p>Proposed Amendment:</p> <p>Addition of ‘Section 3.28 When this subdivision applies’ to Express power or duty delegated.</p> <p>Explanation:</p> <p>The function under 3.28 of the Act has been delegated to the CEO, however, this section of the Act was omitted from the list of powers or duties delegated in the register.</p>
Disposal of Confiscated or Uncollected Goods	<p>Proposed Amendment:</p> <p>Express Power of duty delegated:</p> <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 3.46 Goods may be withheld until costs paid Section 3.47 Confiscated or uncollected goods, disposal of Section 3.48 Impounding expenses, recovery of

Delegation	Details
	<p>Function:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. Refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [s.3.46]. 2. Sell or otherwise dispose of confiscated or uncollected goods in accordance with Section 3.58 of the Local Government Act 1995 [s.3.47]. 3. recover expenses incurred for removing and impounding and in disposing of confiscated or uncollected goods [s.3.48]. <p>Explanation:</p> <p>To improve operational efficiency.</p>
Disposal of Sick or Injured Animals	<p>Proposed Amendment:</p> <p>Express Power of duty delegated:</p> <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 3.47A(1) Sick or injured animals, disposal of • Section 3.48 Impounding expenses, recovery of <p>Function:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. destroy and dispose of an animal that is determined to be too sick or injured to treat [s.3.47A(1)]. 2. recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [3.48]. <p>Explanation:</p> <p>To improve operational efficiency.</p>
Close Thoroughfares to Vehicles	<p>Function:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. Close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles [s.3.50(1), (1a) and (2)].

Delegation	Details
	<p>2. Give public notice, and provide to the Commissioner of Main Roads and consider submissions relevant to road closures for proposed closures of thoroughfares for a period exceeding 4 weeks [s.3.50(4)].</p> <p>3. Revoke an order to close a thoroughfare [s.3.50(6)].</p> <p>4. Partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where is it unlikely to have a significant adverse effect on users of the thoroughfare [s.3.50A].</p> <p>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private [s.3.51].</p> <p>Explanation:</p> <p>To improve operational efficiency.</p>
Expressions of Interest and Tenders	<p>Function:</p> <p>Authority to determine:</p> <p>1. to call tenders [F&G Reg 11] or tender exemption [F&G Reg 11(2)] in accordance with the City's Purchasing Policy requirements, where the total consideration under any resulting contract is in accordance with the Council Conditions on Delegation and the expense is included in the adopted Annual Budget. [F&G Reg 11 (1)].</p> <p>2. a tender exemption in accordance with the City's Purchasing Policy and the expense is included in the adopted Annual Budget. [F&G Reg 11 (2)].</p> <p>3. to call tenders for the disposal of impounded goods in accordance with section 3.58 [s.3.47].</p> <p>4. to invite tenders though not required to do so [F&G Reg 13].</p> <p>5. in writing, before tenders are called, the criteria, for deciding which tender/s should be accepted [F&G Reg 14(2a)].</p> <p>6. to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided with notice of the variation [F&G Reg 14(5)].</p>

Delegation	Details
	<p>7. seek clarification from tenderers in relation to information contained in their tender submission [F&G Reg 18(4a)].</p> <p>8. to accept or reject tenders [F&G Reg 18(1), (2) and (4) and (4a)].</p> <p>9. to decline any tender [F&G Reg 18(5)].</p> <p>10. that a variation proposed is minor in context of the total goods and services sought through the invitation, and to make minor variations before entering into a contract, in accordance with the City's Purchasing Policy and Contract Variations – Authority Policy to incur a liability [F&G Reg 20].</p> <p>11. execution of extension options and variations to contract for the supply of goods or service that does not materially change the scope of the original contract beyond a variation [F&G Reg 21a].</p> <p>11. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not materially change the scope of the original contract [F&G Reg 21a].</p> <p>12. Exercise an extension option that was included in the original tender specification and contract in accordance with Reg 11(2)(j) [F&G Reg 21a].</p> <p>13. to accept another tender where within 6 months of either accepting a tender a contract has not been entered into or the successful tenderer agrees to terminate the contract [F&G Reg 18(6) and (7)].</p> <p>14. when to seek Expressions of Interest and to invite Expressions of Interest to supply goods or services [F&G Reg 21].</p> <p>15. consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G Reg 23].</p> <p>16. the information that is to be disclosed to those interested in submitting a tender [F&G Reg 14(4)(a)].</p> <p>Council conditions on this delegation:</p> <p>May only call tenders or expressions of interest where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new Annual Budget where the proposed procurement is required to fulfil a contract of the City, with an imminent expiry date or work that must commence within three months of the proposed adoption date of the new Annual budget and the value of the proposed contract has been included in the draft Annual Budget papers.</p> <p>Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the</p>

Delegation	Details
	<p>period immediately prior to the adoption of a new Annual Budget where the:</p> <ul style="list-style-type: none"> • Current supply contract expiry is imminent or work must commence within three months of the proposed adoption date of the new Annual Budget; • Value of the proposed tender has been included in the draft Annual Budget proposed for adoption; and • Tender specification includes a provision that the tender will only be awarded subject to the budget adoption by Council. <p>May only accept a tender where the consideration under the proposed resulting contract is \$1,000,000 (excl. GST) per annum or less and is covered in the annual budget.</p> <p>In accordance with s.5.43, tenders may only be accepted and panel of pre-qualified suppliers established, where the total consideration under the proposed resulting contract is \$1,000,000 (excl. GST) per annum or less and the expense is included in the Annual Budget.</p> <p>Guidance Note: Any tender exempt procurement must be in accordance with Council Policy 9.7 Purchasing and Procedure and PR0957 Authorisation of Purchase Orders and Invoices.</p> <p>Accept any Tender exempt procurement process under Council Policy 9.7 to the value where there is an adopted budget for the proposed procurement.</p> <p>May only agree to variations of a contract in accordance with Policy 9.8 – Contract Variations – Authority to Incur a Liability.</p> <p>Explanation:</p> <p>Functions and conditions have been redrafted to clarify the delegation. There are no proposed changes to the powers delegated to the CEO.</p>
Disposing of property	<p>Proposed Amendment</p> <p>Council conditions on this delegation:</p> <ol style="list-style-type: none"> 1. This delegation may only be used where the disposal complies with the requirements of: <ol style="list-style-type: none"> a) Section 3.58 of the <i>Local Government Act 1995</i>; and b) Regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i>.

Delegation	Details
	<ol style="list-style-type: none"> <li data-bbox="584 221 1474 371">2. Authority for the Disposal of land and / or building assets is limited to matters specified in the Annual Budget or Corporate Business Plan and in any other case, requires a specific resolution of Council. <li data-bbox="584 394 1474 544">3. The Chief Executive Officer is limited to determining disposals of property (written down assets) for any single project, or where not part of a project a single event, to an aggregated maximum value of \$1,500,000. <li data-bbox="584 566 1474 875">4. The Chief Executive Officer is limited to determining disposals of property (freehold land asset), by lease to an aggregated maximum value of \$50,000 per annum subject to no more than a variation of valuation of 10% to market rates. In addition, The Chief Executive Officer may also assign leases and enter into an option to extend if this option was provided for in the original terms of a lease approved by Council and does not vary any material terms. <li data-bbox="584 898 1474 965">5. The Chief Executive Officer is limited to determining disposal of art to the value of \$500. <li data-bbox="584 987 1474 1055">6. The Chief Executive Officer may not dispose of land by sale or absolute transfer. <li data-bbox="584 1077 1474 1962">7. Authority to determine the method of disposal: <ol style="list-style-type: none"> <li data-bbox="632 1122 1474 1424">a. Where a public auction is determined as the method of disposal: <ol style="list-style-type: none"> <li data-bbox="679 1200 1474 1267">i. a reserve price has been set through independent valuation; <li data-bbox="679 1279 1474 1424">ii. where the reserve price is not achieved at auction negotiation may be undertaken to achieve the sale of the property at up to a 10% variation on the set reserve price. <li data-bbox="632 1447 1474 1671">b. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. <li data-bbox="632 1693 1474 1962">c. Where a direct negotiation is determined [s.3.58(3)] as the method of disposal, authority to: <ol style="list-style-type: none"> <li data-bbox="679 1771 1474 1839">i. negotiate the sale of the property up to a 10% variance on the valuation; and <li data-bbox="679 1850 1474 1962">ii. consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a determination are recorded. <li data-bbox="584 1984 1474 2094">8. Where the material market value of the property is determined as being less than \$20,000 (Reg 30(3) excluded disposal of property) may be undertaken:

Delegation	Details
	<ul style="list-style-type: none"> i. without reference to Council resolution; and ii. in any case be undertaken to ensure that best value return is achieved for the City however, where the property is determined as having a Nil material market value, then the disposal must ensure the City achieves an environmentally responsible disposal. <p>Explanation:</p> <p>To improve operational efficiency.</p>
<p>Actions Against Land Where Rates or Service Charges Unpaid</p>	<p>Proposed Amendment:</p> <p>Function:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. Take possession of land and hold the land as against a person having an estate or interest in the land where any rates or service charges in respect of the rateable land have been unpaid for at least three years [s.6.64(1)] except where s. 6.68(3A) applies. 2. Lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. <p>Explanation:</p> <p>To clarify the extent of the delegation.</p>
Bush Fire Act 1954 – New Delegations	
<p>The Bush Fires Act contains some powers that can only be delegated to the CEO and some powers that can only be delegated by the local government to designated officers.</p> <p>It is recommended that the current delegation ‘Bush Fires Act 1954 – Power Duties and Function of a local government’ which delegates ‘All power, duties and functions of the local government under the Bush Fire Act 1954’ to the CEO, be revoked and replaced with the delegations detailed in attachment 13.15A.</p>	
Food Act 2008	
<p>Determine Compensation</p>	<p>Proposed Amendment:</p> <p>Express power to delegate:</p>

Delegation	Details
	<p><i>Food Act 2008:</i> Section 56(2) compensation to be paid in certain circumstances Section 70 (2) and (3) Compensation</p> <p>Function:</p> <ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [56(2)]. 2. Determine to refuse or pay on an application for compensation from a person on whom a prohibition notice has been served, who has suffered loss as a result of the making of the order; and considers that there were insufficient grounds for making the order [s.70(2) and (3)]. <p>Explanation:</p> <p>To improve operational efficiency.</p>
Appoint Officers Authorised	<p>Proposed Amendment:</p> <p>Express power or duty delegated:</p> <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> • Section 122(1) Appointment of authorised officers • Section 126(6), (7) and (13) Infringement Notices <p>Function:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. Appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(1)]. 2. Appoint a person to be a designated officer for the purposes of the <i>Food Act 2008</i> [s126(13)]. 3. Appoint an authorised officer to be a designated officer (who is prohibited by s126(13) from also being a designated officer for the purpose of issuing infringements), for the purpose of extending the time for payment modified penalties [s.126(6)] and determining withdrawal on an infringement notice [s126(7)]. <p>Explanation:</p> <p>To improve operational efficiency.</p>
Prosecutions and Debt Recovery	<p>Proposed Amendment:</p>

Delegation	Details
	<p>Function:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. Recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s54(1)] and the costs of any subsequent proceedings in a court competent jurisdiction [s54(3)]. 2. Institute proceedings for an offence under the <i>Food Act 2008</i> [s.125]. <p>Explanation:</p> <p>To improve operational efficiency.</p>
Building Act 2011	
Grant a building permit	<p>Proposed Amendment:</p> <p>Express power or duty delegated:</p> <p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> • s18 Further Information • s20 Grant of building permit • s22 Further grounds for not granting an application • s27(1) and (3) Impose Conditions on Permit <p><i>Building Regulations 2012:</i></p> <ul style="list-style-type: none"> • Regulation 23 Application to extend time during which permit has effect (s.32) • Regulation 24 Extension of time during which permit has effect (s.32(3)) • Regulation 26 Approval of new responsible person (s.35(c)) • Regulation 55 (Smoke Alarms) Terms used • Regulation 61 Local Government approval of battery powered smoke alarms <p>Function:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. require an applicant to provide any documentation or information required to determine a building permit application [s18(1)]. 2. grant or refuse to grant a building permit [s20(1) & (2) and s22]. 3. impose, vary or revoke conditions on a building permit [s27(1) and (3)].

Delegation	Details
	<p>4. determine an application to extend time during which a building permit has effect [regulation 23].</p> <p>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [regulation 24(1)].</p> <p>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [regulation 24(2)].</p> <p>5. approve, or refuse to approve, an application for a new responsible person for a building permit [regulation 26].</p> <p>6. determine approved alternative building solution to meet performance requirement in the Building Code relating to fire detection and early warning [Reg.55].</p> <p>7. determine approval / refusal of battery powered smoke alarm and determine application form [Reg.61].</p> <p>8. determine approved alternative building solution to meet performance requirement in the Building Code relating to pool barrier requirements [Reg.51].</p> <p>Explanation:</p> <p>To improve operational efficiency.</p>
Grant of Demolition Permit	<p>Proposed Amendment:</p> <p>Function:</p> <p>Authority to:</p> <p>1. require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</p> <p>2. grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) s.21 and s.22].</p> <p>3. impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)].</p> <p>4. determine an application to extend time during which a demolition permit has effect [r.23].</p> <p>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</p>

Delegation	Details
	<p>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</p> <p>5. approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</p> <p>Explanation:</p> <p>To improve operational efficiency.</p>
<p>Designate Authorised Persons</p>	<p>Proposed Amendment:</p> <p>Express power or duty delegated:</p> <p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> • Section 96(3) Authorised Persons • Section 99(3) Limitations on powers of authorise person <p>Function:</p> <p>Authority:</p> <ol style="list-style-type: none"> 1. to designate an employee as an authorised person [s.96(3)]. 2. to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. <p>Explanation:</p> <p>To improve operational efficiency.</p>
<p>Approved and Authorised Officers</p>	<p>Proposed Amendment:</p> <p>Function:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. appoint a specified employee to be an approved officer for the purposes of the Criminal Procedure Act 2004 section 6(a) [r. 70(1)]. <p>Guidance Note: Specified employee means a local government employee who has delegated authority to perform a function under section 9.19 or 9.20 of the <i>Local Government Act 1995</i> (please refer to relevant delegation).</p> <ol style="list-style-type: none"> 2. appoint an <i>authorised officer</i> for the purposes of the Criminal Procedure Act 2004 section 6(b) [r. 70(2)].

Delegation	Details
	<p>Reason:</p> <p>To reflect amendments to the <i>Building Regulations 2012</i>.</p>
City Planning Scheme	
<p>City Planning Scheme No.2 – Planning Approval</p>	<p>Proposed Amendment:</p> <p>Function:</p> <p>Authority to:</p> <ol style="list-style-type: none"> determine development applications for the commencement or continuation of any development or use of any land or building and apply discretion where provided. require or waive the requirement for an applicant to advertise a proposal. Authority to comment on applications referred to the Council by other authorities. determine the advertising content of a proposed sign at: <ol style="list-style-type: none"> 267 (Lot 10) St Georges Terrace, Perth (OCM 01/04/14). 81 (Lot 81) St Georges Terrace, Perth (OCM 01/04/14). determine, in accordance with clause 77 of the Deemed Provisions, whether to approve, refuse, or approve with conditions an application by an owner to: <ol style="list-style-type: none"> amend an approval so as to extend the period within which any development approved must be substantially commenced; amend or delete any condition to which an approval is subject; amend an aspect of the development approved which, if amended, would not substantially change the development approved; or cancel an approval. <p>Council's Conditions on this Delegation:</p> <p>In relation to Delegated Authority 1 above:</p> <ol style="list-style-type: none"> The delegation of power may not be exercised where: <ol style="list-style-type: none"> the application is a non-complying application for the purposes of clause 36 of the Scheme and clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes, where the non-compliance is considered major or involves a request for bonus plot

Delegation	Details
	<p>ratio other than in accordance with clause 28(6) of the Scheme; or</p> <p>b. the application is for development that may have a detrimental impact on a place that is:</p> <ol style="list-style-type: none"> i. entered on the Heritage List or is located within a Heritage Area prepared in accordance with clauses 8 and 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes; or ii. entered in the Register of Heritage Places under the <i>Heritage of Western Australia Act 1990</i>, or is the subject of an order under Part 6 of the <i>Heritage of Western Australia Act 1990</i>; <p>2. Where an objection(s) to an application has been received from a landowner/ occupier as a result of public consultation, approval or conditional approval shall only be issued where, in the opinion of the Delegated Officer, the issue(s) raised in the submission(s):</p> <ol style="list-style-type: none"> a. can be resolved through the placement of reasonable conditions on the approval; or b. does not relate to valid planning and development considerations associated with the proposal; <p>In relation to Delegated Authority 3 above, comment may only be made on proposals that are considered minor in nature.</p> <p>Authority may not be exercised where any elected member has requested that the application be referred to the Council for determination.</p> <p>Details of approvals issued under delegated authority are to be made available to elected members on a weekly basis.</p> <p>Explanation:</p> <p>Authority to comment on applications referred to the Council by other authorities is now provided via Council Policy 6.20 'Comment and Recommendations on Development Proposals Referred to the City by Statutory Authorities'.</p>
Cat Act 2011	
Cat Registrations	<p>Proposed Amendment:</p> <p>Express power or duty delegated:</p> <p><i>Cat Act 2011</i></p> <ul style="list-style-type: none"> • Section 9 Registration • Section 10 Cancellation of registration • Section 11 Registration numbers, certificates and tags

Delegation	Details
	<p>Function:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. Grant or refuse to grant the registration of the cat [s.9(1)(a)]. 2. Renew or refuse to renew the registration of the cat [s9(1)(b)]. 3. Require an applicant to provide any additional document or information required to determine the application [s9(5)]. 4. Refuse to consider an application, where the applicant has not complied with a request for information [s9(6)]. 5. Cancel the registration of a cat [s10]. 6. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s11(2)]. <p>Explanation:</p> <p>To improve operational efficiency.</p>
Cat Control Notices	<p>Proposed delegation:</p> <p>Function:</p> <p>Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the City's district [s26].</p> <p>Explanation:</p> <p>To improve operational efficiency.</p>
Approval to Breed Cats	<p>Proposed Amendment:</p> <p>Express power or duty delegated:</p> <p><i>Cat Act 2011</i></p> <ul style="list-style-type: none"> • Section 37 Approval to breed cats • Section 38 Cancellation of approval to breed cats • Section 39 Certificate to be given to approved cat breeder <p>Function:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. Grant or refuse to grant an approval for the person to breed cats [s37(1)(a)]. 2. Renew or refuse to renew an approval for the person to breed cats [s37(1)(b)]. 3. Require an applicant to provide any document or information required to determine the application [s37(3)].

Delegation	Details
	<p>4. Refuse to consider an application, where the applicant has not complied with a request for information [s37(4)].</p> <p>5. Cancel an approval to breed cats [s38].</p> <p>6. Give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s39(2)].</p> <p>Explanation:</p> <p>To improve operational efficiency.</p>
Applications to keep additional cats	<p>Proposed delegation:</p> <p>Function:</p> <p>Authority to:</p> <p>1. Authority to require any document or additional information required to determine an application [r.8(3)]</p> <p>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].</p> <p>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].</p> <p>Explanation:</p> <p>To improve operational efficiency.</p>
Infringement Notices – Extensions and Withdrawals	<p>Proposed delegation:</p> <p>Function:</p> <p>Authority to:</p> <p>1. Extend the period of 28 days within which the modified penalty may be paid and to the extension may be allowed whether or not the period of 28 days has elapsed [s64].</p> <p>2. Within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].</p> <p>Explanation:</p>

Delegation	Details
	To improve operational efficiency.

Policy Implications

As part of the review officers considered other measures to improve operational efficiency and have proposed amending policy 10.9 'City of Perth Common Deal and Document Signing Authority'. The proposed amendments, detailed in Attachment 13.15B are as follows:

3.2.2 Limitation on Specific Authorities

(1) The specific authorities established in clause 3.2.3 are limited by the following conditions:

(a) Chief Executive Officer

- (i) Unlimited \$value;
- (ii) Commitment period is specifically resolved by Council or in any other case, no greater than a 10 5-year period; and
- (iii) Moderate or lesser level of financial risk, legal complexity or political sensitivity, unless specifically resolved by Council.

(b) Director¹

- (i) \$250,000 p/a \$500,000;
- (ii) Commitment is no greater than 5 3-year period; and
- (iii) Moderate or lesser level of financial risk, legal complexity or political sensitivity.

In addition, it is proposed that the Manager Properties, in relation to development, building, occupancy, subdivision and strata-title approvals for City land, be given authority to sign documents as the owner for applications related to fit outs for leased properties (up to the value of \$100,000).

Following the introduction of the *Liquor Control Amendment Act 2018* it is recommended that Council revoke CP14.4 Extended Trading Permits (Attachment 13.15C) as the City no longer has the power to provide comment on and approve applications for extended trading permits.

Financial Implications:

There are no financial implications related to this report.

Comments:

Following Council's statutory review and adoption of the 2019/20 Delegated Authority Register, Governance will finalise review of the CEO sub-delegations.

¹ All references to Directors will apply to General Managers upon their commencement.

Moved Commissioner Hammond, seconded Commissioner McMath

That Council:

1. **ADOPTS BY ABSOLUTE MAJORITY the Delegated Authority Register 2019/20 (Attachment 13.15A);**
2. **ADOPTS the revised CP10.9 City of Perth Common Seal and Document Signing Authority policy listed as Attachment 13.15B; and**
3. **REVOKES policy CP14.4 Extended Trading Permits.**

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and McMath

Against: Nil

14. Motions of which Previous Notice has been given

Nil

15. Urgent Business

Nil

16. Closure

6.33pm The Deputy Chair Commissioner declared the meeting closed.