



City of Perth

**Ordinary Council Meeting
Minutes**

**29 October 2019
6.00pm**

**Council Chamber
Level 9
Council House**

APPROVED FOR RELEASE

**MURRAY JORGENSEN
CHIEF EXECUTIVE OFFICER**



City of Perth

**Ordinary Council Meeting
Minutes**

**29 October 2019
6.00pm**

**Council Chamber
Level 9
Council House**

Present

Chair Commissioner Hammond
Commissioner Len Kosova

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, 29 October 2019.

Presiding: Chair Commissioner, Andrew Hammond

Commissioners in Attendance:

Commissioner Len Kosova

Officers in Attendance:

Mr Jorgensen	Chief Executive Officer
Mr Kopec	General Manager Infrastructure and Operations
Ms Banks-McAllister	General Manager Community Development
Mr Parker	General Manager Corporate Services
Mr Farley	Acting Director Planning and Development
Ms McMullan	Acting Director Economic Development and Activation
Mr Ridgwell	Alliance Manager Governance
Ms Smith	Alliance Manager Development Approvals
Ms Rutigliano	Governance Officer

Observers:

Six members of the public

Four members of staff

One member of the media

1. Prayer / Acknowledgment of Country

The Chief Executive Officer read the prayer.

The Chair Commissioner read the Acknowledgement of Country.

2. Declaration of Opening

6.01pm The Chair Commissioner declared the meeting open.

3. Apologies

Commissioner McMath (apology).

4. Question Time for the Public and Notification of Deputations

4.1 Question Time for the Public

4.1.1 Question received from Mr Tony Eales, 8/178 Bennett Street, East Perth WA 6004 in relation to Item 13.1 - 180 (Lot 2) Bennett Street, East Perth – Proposed 17 Level Hotel Development Comprising 110 Hotel Rooms and Associated Restaurant and Bar Uses (CM 281850/19).

<p>Question:</p>	<p>The report lists concerns raised in the public consultation phase.</p> <p>Many of the concerns listed have been addressed in the report, but the concern regarding the impacts on adjacent building during demolition and construction have not been specifically addressed.</p> <p>What steps will be taken to prevent adverse, negative impacts on adjacent properties during demolition and construction phases (including, but not limited to; noise, access, subsidence, physical building damage from demolition/construction activities, both structural and cosmetic)?</p>
<p>Response:</p>	<p>The Alliance Manager Development Approvals advised that Condition 14 of the officer recommendation, requires the submission of a Demolition and a Construction Management Plan, prepared in accordance with the City’s ‘Construction and Demolition Plan Pro Forma’, that is to be approved by the City prior to the developer applying for a demolition and/or building permit. The Construction and Demolition Plan Pro Forma requires the submission of a dilapidation report to record the current condition and identify any existing damage of all adjacent buildings and City infrastructure, prior to any building or demolition works being undertaken.</p> <p>Under the <i>Building Act 2011</i>, should the builder do work that is reasonably likely to affect adjoining land, the builder must notify and/or obtain the consent of the affected landowner before commencing the proposed work.</p> <p>There are two forms for giving notice and requesting consent:</p> <ul style="list-style-type: none"> • BA20 – to be used when building work will encroach or adversely affect an adjoining property. A completed form must be provided to the permit authority as part of a permit application. This form can also be used when a triggering event occurs after a permit is issued. • BA20A – to be used during the construction of protection structures, party walls, dividing fence and boundary retaining walls. Consent can be obtained during the course of the building process when relevant work is to be undertaken and is outside of the building permit process. <p>The City can enforce any non-compliance with these requirements, if consent is not obtained where it is required. A penalty of up to \$25,000 applies for non-compliance under the <i>Building Act 2011</i>.</p> <p>The Construction and Demolition Plan Prof Forma also requires the lodgement of a Traffic Management Plan to address traffic and pedestrian issues that could arise during work. The developer must provide proposed parking details to ensure adequate parking provisions for worksite personnel is arranged.</p> <p>In accordance with Regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i>, all construction work being undertaken must comply with the control of environmental noise practices ‘Guide to Noise Control on</p>

	Construction, Maintenance and Demolition sites' with permissible work hours from 7am to 7pm Monday to Saturday. A Complaints Management Plan is to be prepared as part of the Construction and Demolition Plan Pro Forma detailing how complaints will be actioned. All parking and noise complaints must be actioned within one hour with a Complaints Register accurately maintained and on request, made available to the City.
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4.2 Notification of Deputations

Item 13.2 – 1060 (Lot 100) Hay Street, West Perth – Proposed LED Roof Sign Displaying Variable Third Party Advertising Content and Plant Room Additions to the Existing Office Building

The Presiding Member approved a Deputation from Mr Paul Kotsoglo from Planning Solutions in relation to Item 13.1 (CM 281854/19).

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

Nil

6. Confirmation of Minutes

Moved Commissioner Hammond, seconded Commissioner Kosova

*That Council **CONFIRM** the minutes of the Ordinary Council Meeting held on 24 September 2019 and Special Council Meeting held on 3 October 2019 as a true and correct record.*

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

7. Announcements by the Chair Commissioner

Gift presented to the City of Perth from the City of Vasto

Today I received Dr David Balloni, Consul of Italy for Western Australia, to discuss the strength of our Sister City partnership with the City of Vasto, now celebrating its 30th Anniversary.

On behalf of the Lord Mayor of the City of Vasto, Consul Balloni presented the City of Perth with a commemorative scroll reaffirming the Sister City relationship between Perth and Vasto, which was originally signed in 1989.

On behalf of the City of Perth and our community, I would like to thank the City of Vasto for the scroll and also thank Consul Balloni for presenting it to the City.

We look forward to continuing our relationship and strong people links with Vasto for many years to come.

Welcome to Bill Parker

The Chair Commissioner Hammond welcomed Bill Parker, the General Manager Corporate Services to the City of Perth.

Acknowledgement of Robert Farley

The Chair Commissioner acknowledged Robert Farley who has been the Acting Director Planning and Development for the past 11 months. The General Manager Planning and Economic Development will be commencing at the City of Perth next week.

8. Disclosures of Members' Interests

A direct financial interest has been received from Mr Konrad Seidl in relation to Item 13.18 - Third Party Travel Contribution - Alliance Manager Community Safety and Amenity - SEAL 2020 (Securing Environments, Assets and Landmarks 2020).

Reporting Officer Disclosure of Interest	Item No. and Title	Nature/Extent of Interest
Mr Seidl – Alliance Manager Community Safety and Amenity	Item 13.18 – Third Party Travel Contribution - Alliance Manager Community Safety and Amenity - SEAL 2020 (Securing Environments, Assets and Landmarks 2020)	Nature: Direct Financial Interest – Mr Seidl – Alliance Manager Community Safety and Amenity would benefit from third party travel contribution. Extent: Significant - Removed from all matters related to the consideration of this item. (General Disclosure of Interest)

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

In accordance with clause 5.2(1) of the Standing Orders Local Law, it was recommended that the meeting be closed to the public prior to consideration of confidential attachments to Item **13.22** in accordance with section 5.23 of the *Local Government Act 1995*.

Item and Attachment No.	Item No. and Title	Reason
Confidential Attachments 13.22A, 13.22B and 13.22C	Item 13.22 - Tender 123-18/19 - Design and Supply of Illuminated Christmas Decorations	s5.23(2)(e)(ii)

13. Reports

En Bloc Motion

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

1. **ADOPTS the Officer Recommendations for items 13.1, 13.3, 13.4, 13.5, 13.7, 13.8, 13.9, 13.10, 13.11, 13.14, 13.15, 13.16, 13.17, 13.18, 13.19 and 13.20.**
2. **CONSIDERS items 13.2, 13.6, 13.12, 13.13, 13.21 and 13.22 separately.**

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.1 180 (Lot 2) Bennett Street, East Perth – Proposed 17 Level Hotel Development Comprising 110 Hotel Rooms and Associated Restaurant and Bar Uses

FILE REFERENCE:	2019/5257
REPORTING OFFICER:	Michaela Trlin, Senior Statutory Planner
REPORTING UNIT:	Development Approvals
RESPONSIBLE ALLIANCE:	Planning and Economic Development
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	8 October 2019
ATTACHMENT/S:	Attachment 13.1A – Location Map Attachment 13.1B – Coloured Perspectives Attachment 13.1C – Development Plans
LANDOWNER:	M Cube Charles Properties Pty Ltd
APPLICANT:	The Buchan Group Perth Pty Ltd
ZONING:	(MRS Zone) Central City Area Zone (City Planning Scheme Precinct) Goderich (P14) (City Planning Scheme Use Area) Residential/Commercial
APPROXIMATE COST:	\$13.8 million

Council Role:

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

Legislation / Strategic Plan / Policy:**Legislation**

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Perth Parking Management Act 1999
City Planning Scheme No. 2

Policy

Policy No and Name: State Planning Policy 7.0 - Design of the Built Environment
Perth Parking Policy 2014
3.9 Special Residential (Serviced and Short Term Accommodation) Policy
4.1 City Development Design Guidelines
4.5.1 Bonus Plot Ratio
4.5.2 Transfer Plot Ratio
5.1 Parking Policy
5.3 Bicycle Parking and End of Journey Facilities
6.3 Goderich Design Policy

Purpose and Background

The 506m² subject site is located on the eastern side of Bennet Street opposite Wellington Square in East Perth. The site adjoins a right of way to its eastern lot boundary and is currently occupied by a single storey commercial building.

At its meeting held on 21 November 2017, Council granted approval for the demolition of the existing building on the site and the construction of a 16 level hotel development containing 85 hotel rooms with ground floor dining and entertainment uses. The approved development has not proceeded and will expire on 21 November 2019).

Details:

The application proposes the demolition of the existing, vacant single storey commercial building and the construction of a seventeen-level hotel development consisting of 110 hotel rooms and associated restaurant and bar facilities on the subject site.

The development is seeking 20% bonus plot ratio for the provision of a new hotel ('Special Residential') use and includes 13% (200m²) transfer plot ratio from 76 Wittenoom Street, East Perth (former East Perth Primary School) which is a donor site listed on the City Planning Scheme (CPS) 2 Register 2 - Transferred Plot Ratio.

The proposed building consists of a basement, ground and 4 level podium, with an eleven-level tower above. The podium generally has a nil setback to Bennett Street with the glazed transparent ground level setback from the street, and protected from the weather by a glazed canopy and a feature bronze colour folded perforated screen to level one above. The glazing to levels 2 to 4 is screened by dark grey powdercoated slats (or composite timber). The upper levels to the front and rear, consist of light grey curtain wall glass. Perforated metal sun screening with a 'corten colour' powdercoat finish is provided to the western façade fronting Bennett Street. The northern and

southern elevations consist of fine ribbed precast concrete and include glazing and metal matching the front and rear.

Details of the proposed development are as follows:

Basement Level	This level includes plantrooms, change rooms and staff amenity spaces. The plantrooms contain two fire service water tanks and pump rooms, a stormwater retention tank, grease trap room, electrical substation and switch room.
Ground Level	This level includes the hotel reception and lobby, lounge area, cafe, staff office and back of house facilities, lift and stair access and an outdoor garden area. It also includes twelve bicycle parking bays, bin storage area and a paved service yard with restricted access from the adjoining right of way.
Level 1	This level includes a common dining room, hotel lounge, kitchen and outdoor deck, lift foyer, store rooms and lift and stair access.
Levels 2 to 4	These levels each have 10 one-bedroom hotel rooms with typical floor areas of 21m ² . Each floor also includes an accessible hotel room. Levels three and four also have one two-bedroom hotel room.
Level 5	This level contains six one-bedroom hotel rooms with typical floor areas of 21m ² . The hotel lounge bar is located on the northern side of this level with an open roof terrace.
Levels 6 and 7	This level contains nine one-bedroom hotel rooms with typical floor areas of 21m ² .
Levels 8 to 14	These levels each contain eight one-bedroom hotel rooms ranging in size from 21m ² to 23m ² .
Level 15	This level accommodates a penthouse hotel suite with a roof terrace overlooking Wellington Square. Building plant is also located on this level.

Land Use

The subject site is located within the ‘Residential/Commercial’ use area of the Goderich Precinct (P14) under the City Planning Scheme No. 2 (CPS2). This area will accommodate a greater portion of residential uses, strengthening the Precinct as a residential neighbourhood. Contemporary, innovative designs will be encouraged however, development is to be sympathetic to original inner city housing and commercial buildings. The protection and enhancement of the amenity of existing and future residential development in and around the Precinct is important.

A Hotel (‘Special Residential’) use, incorporating an ancillary restaurant and bar, is a preferred (‘P’) uses in the ‘Residential/Commercial’ use area. It is considered that the proposed hotel and associated uses are consistent with the intent of the Precinct and will be compatible with the surrounding land uses.

Development Requirements

Development within the Goderich Precinct shall comply with the Goderich Design Policy, particularly with the guidelines on built form, building design, impact on the surrounding environment, and

access and parking issues. Innovative, high quality building design that respects the existing streetscape will also be encouraged. Along Bennett Street development will have a nil street setback. Development will be of a low scale along the street frontage with additional building height setback from all lot boundaries.

The proposal’s compliance with the CPS2 and Goderich Design Policy development requirements is summarised below:

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:	4:1 (2,022m²) inclusive of 20% bonus plot ratio (304m²) for including Special Residential development and 13% transfer plot ratio (200m²)	Base Plot Ratio 3.0:1.0 (1,518m ²) Maximum 50% Bonus Plot Ratio consisting of a combination of any of the below: Special Residential Development (20% or 40% for high quality hotel) Residential Development (20% maximum) Heritage Conservation/Public Facilities (20% maximum) Transfer Plot Ratio (20% maximum)
Maximum Street Building Height:	13.4 metres	21 metres
Maximum Building Height:	50.6 metres	No prescribed limit
Setbacks:		
Front (Bennett Street)	Nil	Nil
Side (south) - Lower building levels	Nil to 3 metres with openings	Nil (no openings/balconies) 4 metres (with openings/balconies)
- Upper building levels	Nil (No openings) 3 metres with openings	3 metres (no openings/balconies) 4 metres (with openings/balconies)
Side (north) - Lower building levels	Nil (no openings)	Nil (no openings/balconies) 4 metres (with openings/balconies) 3 metres (no openings/balconies) 4 metres (with openings/balconies)

Development Standard	Proposed	Required / Permitted
<ul style="list-style-type: none"> - Upper building levels <p>Rear (east)</p> <ul style="list-style-type: none"> - Lower building levels <ul style="list-style-type: none"> - Upper building level 	<p>Nil (no openings)</p> <p>1 metre (no opening on first floor), 2.7 metres to lower building</p> <p>5 metres</p>	<p>Nil (no openings/balconies) 4 metres (with openings/balconies)</p> <p>3 metres (no openings/balconies) 4 metres (with openings/balconies)</p>
Landscaping:	Nil	25% of the site
Car Parking:		
<ul style="list-style-type: none"> - Tennant car parking - Service bays 	<p>Nil (service bays provided)</p>	<p>12 bays (maximum) No specific requirement</p>
Bicycle Parking	12 bays	36 bays (minimum)

Variations to the development standards applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 36 of the CPS2 and provided the Council is satisfied that:

'36(3)(c)(i) if approval were to be granted, the development would be consistent with:

- (A) the orderly and proper planning of the locality;*
- (B) the conservation of the amenities of the locality; and*
- (C) the statement of intent set out in the relevant precinct plan; and*

(ii) the non-compliance would not have any undue adverse effect on:

- (A) the occupiers or users of the development;*
- (B) the property in, or the inhabitants of, the locality; or*
- (C) the likely future development of the locality'.*

In accordance with Clause 28 of the CPS2 the Council may permit bonus plot ratio:

"(2)(c)(i) up to a maximum of 20% per lot where the development incorporates a new special residential use and the development is located within the area shown on the Special Residential Bonus Plot Ratio Plan as being eligible for a maximum of 20% or 40% special residential bonus plot ratio."

"(3) The local government may permit a combination of bonus plot ratio under clause 28 and transfer of transferrable plot ratio under clause 30 provided that the resulting increase in plot ratio does not exceed:

- (a) 20% above the maximum plot ratio specified for the lot or part of the lot due to a combination of bonus plot ratio under clause 28(2)(a) and transfer of transferrable plot ratio; and*

(b) the maximum plot ratio specified for the lot or part of the lot by more than the maximum bonus plot ratio for the lot or part of the lot, in all other cases.”

(4) Where bonus plot ratio is permitted for development which incorporates:

(b) a special residential use under subclause (2)(c)(i) or 2(c)(ii) the floor area of the building derived from the bonus plot ratio shall be used solely for the special residential use.

Comments:

Consultation

Due to the request for bonus plot ratio, transfer of plot ratio and proposed setback variations to City Planning Scheme No. 2, the application was advertised to all adjoining landowners for a period of 14 days, closing on 3 September 2019. A total of 22 submissions were received during the advertising process. The submissions raised the following concerns with the application:

- The proposed building height is excessive and double the height of adjacent buildings and all other buildings in the area;
- The building is not being consistent with the Goderich Design Policy objectives which requires development to have ‘a continuous edge of appropriately scaled peripheral buildings of relatively consistent height, abutting the front boundaries of the site’;
- The lack of on-site car parking and the potential issues this will cause for residents and clients of the hotel, their staff and delivery vehicles;
- The overshadowing impact on adjoining properties to the south of the subject site for extended periods of the day during both summer and winter months;
- The character and amenity of the proposed building on Bennett Street and its impact on existing surrounding properties;
- The reduced rear setback to the laneway;
- The use of the laneway for service vehicles and the potential issues with vehicles manoeuvring in the laneway given its narrowness;
- Potential noise created during the construction of the building and its potential impact on neighbouring properties as well as airborne debris as a result of the construction.

The concerns identified during the consultation period have been noted and will be addressed later in the report.

Design Advisory Committee

The application was considered by the Design Advisory Committee (DAC) at its meeting held on 8 August 2019 at which the Committee resolved to support the awarding of the 20% bonus plot ratio for the provision of a new Special Residential use in accordance with the City’s Bonus Plot Ratio Policy 4.5.1 and advised that it;

“1. supports the proposed side and rear setback variations but considers that additional articulation should be provided to the northern façade to add visual interest to this prominent element;

2. *notes that the proposed design presents a mix of materials and architectural languages and considers that the design and aesthetic quality of the development could be enhanced by ensuring the development presents as a more unified and simplified combination of materials as viewed 'in the round'.*
3. *seeks further details of the servicing of the development, noting the narrow width of the rear lane and the on-street parking restrictions;*
4. *requests that careful consideration be given to the design of the front canopy to minimise the impact on internal views to Wellington Square;*
5. *considers that the layout of the hotel rooms on the lower levels on the southern side of the building should be reviewed to maximise daylight to the bedrooms;*
6. *notes that the future redevelopment of the adjacent site to the north could impact on the amenity and access to day light of the decks and bridging spaces and that this aspect of the design should be reviewed to address these longer-term impacts."*

In response to item 1 of the DAC's comments, the applicant has advised that more detailed consideration has been given to the side elevations with a striated linear texture to be used for the surface of the concrete panels. The linear pattern on the concrete panels will be highlighted when the sun hits the northern façade of the building, creating greater visual interest to this exposed facade of the building. This approach to the treatment of the northern and southern elevations is considered a suitable response that will improve the visual appearance of the building from every aspect.

Further consideration has also been given to the façade treatments to present more unification and simplicity as sought by the DAC. The thin vertical battens to the Bennett Street podium have been replaced with thin 'bark-like' elements. This façade treatment, together with the striated concrete panels will improve the unification of the building's exterior.

The applicant has provided updated waste management details, with collection of bins to be off Wittenoom Street and not via the rear laneway, given its narrow width and problems with trucks servicing. The revised waste collection point is considered acceptable with further details regarding on-site waste management practices to be finalised as a condition of approval prior to the submission of a building permit application.

In response to item 4, the applicant has advised that the front canopy will be vertically mounted with undulating perforated aluminium and glass above the entry only. The level of transparency and openness will be monitored in the design development phase to ensure the outlook to Wellington Square is maintained.

In response to item 5, the applicant has advised that from an operational perspective, there are guests who request quiet rooms, with less bright day light and away from the street. Having six of these types of rooms is necessary to complement most of the rooms, which are well served by daylight.

In response to item 6, the applicant has advised that only one small terrace on level two of the proposed development may be impacted by the redevelopment of the adjacent site to the north.

The main impact of any future development will be on daylight within the hotel corridors, however all corridors have more than two sources of natural daylight, including one from the north and two windows from the south.

It is considered that the applicant has adequately addressed each of the DAC's recommendations through either further information regarding materials and design being provided and through written justification in support of the proposal.

Bonus Plot Ratio

Bonus plot ratio will only be granted where a development will deliver a high standard of architectural and design quality appropriate within the capital city. The applicant has revised the design of the hotel façade treatments to present a higher standard of design quality as sought by the DAC. This amended design is considered to be an appropriate response and will improve the unification of the building's exterior.

An objective of the Bonus Plot Ratio Policy 4.5.1 is to encourage the provision of residential and special residential accommodation within the city to address an identified need which is not being met by the market and which will assist in creating a vibrant capital city. The extent of bonus plot ratio awarded for a new special residential use will be fixed at 20%.

The application is seeking a total of 20% bonus plot ratio for a new Special Residential use. This is based on the application complying with the requirements specified under clause 28 of the CPS2 and the City's Bonus Plot Ratio Policy 4.5.1. In support of the request for 20% bonus plot ratio, the applicant has confirmed the provision of the following facilities and amenities in accordance with Section 7.1 - Design Criteria of the City's Bonus Plot Ratio Policy 4.5.1:

- a dedicated hotel lobby and reception desk at ground level;
- back of house facilities, office space, staff rooms and storage rooms to enable the efficient functioning of the hotel; and
- each room has been designed with a bathroom which incorporates a basin, shower and toilet facilities.

Noting the above, and the support from the City's DAC, it is considered that the proposal generally satisfies the Policy requirements to be awarded bonus plot ratio of 20% for the provision of a new 'Special Residential' use.

Where bonus plot ratio is granted for development that incorporates a special residential use, the special residential use must be maintained in its entirety for a minimum period of ten years in accordance with clause 35 of City Planning Scheme No. 2. This can be further addressed as a condition of any approval.

Transfer of Plot Ratio

The transfer of plot ratio is an incentive to conserve cultural heritage places by transferring a portion of unused plot ratio from a place (donor site) to a receiving site (recipient site) where the transfer will not adversely impact on the cultural heritage and general amenity of the city. Once a donor site is listed in the Register of Transfer of Plot Ratio, the Council may approve the use of its transferable plot ratio, in whole or part, at a recipient site(s).

In accordance with clause 30(5) of CPS2, the application is proposing a transfer of 200m² of transferable plot ratio (or 13%) from 76 Wittenoorn Street, East Perth (former East Perth Primary School) which is listed in the City's Register of Transferred Plot Ratio as a donor site, which indicates the availability of plot ratio for transfer.

The applicant has provided a written offer and acceptance for the purchase of the plot ratio from 76 Wittenoorn Street as required under Clause 30(7) of CPS2.

It is considered that the proposal satisfies the policy requirements for the transfer of plot ratio subject to a standard condition requiring evidence that the transaction has been completed.

Building Height

Objections have been raised regarding the proposed building height of 50.6 metres, which owners of adjacent properties consider is excessive as it is 'double the height' of other buildings in the area. It is acknowledged that the building will be substantially higher than adjacent and nearby buildings, however, it is important to note that the site has no prescribed maximum building height under the provisions of CPS2 and the Goderich Design Policy and that the building reflects contemporary expectations for the scale of development in this locality. A maximum street building height of 21 metres along Bennett Streets is prescribed. The subject development proposes a lower street building height of 13.4 metres to reflect the height of the adjacent five-storey residential development to achieve an objective of the Goderich Design Policy to provide a continuous edge to Wellington Square of appropriately scaled buildings of relatively consistent height, abutting the front boundaries of the site. Therefore, the proposed height of the podium and tower elements of the development are considered appropriate for the location, noting the respective plot ratio and building height control measures in the locality which encourage redevelopment of existing sites to provide for larger scale developments in contrast to the existing scale of development.

Setbacks

The application proposes variations to the rear setback requirements of CPS2 to the lower building levels and objections have been raised to the variations. Located to the rear is a four storey apartment building, with limited openings on the elevation facing this site, and with a solid brick fence along the right of way boundary. A reduced setback of 990mm is proposed to the lower building level to the rear (east) of the site, in lieu of the required 4 metre setback. The ground floor level has an open service yard, whilst the first-floor level has a balcony / deck to the common dining area for the hotel, with the main building setback four metres. The hotel rooms located on the third level of the hotel to the rear of the site are setback 2.7 metres from the rear property boundary. Given the rear of the subject site abuts a right-of-way, which is 2.6 metres wide, the impact of the setback variations to the lower building levels is reduced with the abutting laneway providing a permanent separation to the adjoining property. The result is a distance between the hotel rooms and the neighbouring property that exceeds the minimum setback requirement. It is therefore recommended that the setback variation to the rear of the building be supported in accordance with Clause 36 of CPS2.

The application also proposes setback variations to the southern side of both the lower and upper levels of the building, with a three-metre setback proposed to the lower levels of the building as well as the upper levels that have openings, in lieu of the required four metre setback. The three-metre setback provides a void to the hotel foyer below that will provide natural light to the internal

lobby space on the ground floor. A nil setback is proposed to a portion of the northern lot boundary on the lower and upper levels of the building. This has been designed to provide an increased setback to the southern lot boundary to provide greater separation between the proposed hotel and the existing adjacent residential development to the south. The nil setback to the northern lot boundary for both the lower and upper levels will also reduce the extent of overshadowing on adjacent lots.

The subject site is 13.6 metres wide therefore making a three-metre side setback difficult to achieve whilst still achieving a functional hotel layout. The adjoining residential property to the south is five storeys high with a parapet wall extending along most of the length of the common lot boundary. The proposed reduced setback of three metres, in lieu of four metres on the upper levels poses no overlooking or privacy issues between the proposed hotel and the existing residential building. It is recommended that the proposed side setback variations to the upper and lower building levels be supported in accordance with Clause 36 of CPS2.

Overshadowing

The Goderich Design Policy states that ‘all development should be designed to maximise sunlight penetration into streets, public spaces and buildings and provide for moderate to high levels of sunlight in to key public spaces in the middle of the day (10am to 2pm) from August through to April.’

Overshadowing diagrams show that the existing residential building at 178 Bennett Street, which is directly south of the subject site, will be affected by overshadowing in the morning from April to August and a portion of the building to the rear will also be affected in the afternoon. The overshadow diagrams show that 52 Wickham Street will also be affected by overshadowing from the proposed development however, only in the afternoons between April and August, with solar access maintained in the mornings.

There are no prescribed maximum building height limits under the Goderich Design Policy for buildings along Bennett Street. As previously stated, the proposed development proposes a lower street building height to the podium, which allows more sunlight penetration. While the building seeks rear and side setback variations, it is noted that a fully compliant development would significantly overshadow adjoining properties to the south for a part of the day, given its location, and that the proposed setback variations contribute to only minor additional overshadowing.

Landscaping

In the Goderich Precinct a general standard is applied requiring 25% of the site to be landscaped. This is generally encouraged to contribute to attractive and mature planting in the streets and to provide predominantly private open space for residents. This standard is however, only appropriate to the secondary streets in the precinct where buildings are required to be setback 4.5m from the streets. On the primary streets, which include Bennett Street, a nil setback is required to the street and furthermore nil side setbacks are encouraged to achieve a continuous lower building edge to maximise opportunities for interaction between private and public realms under the Goderich Design Policy. Noting that the development does not include any residential use, noting the locality where interaction of hotel visitors and occupants with Wellington Square is encouraged and compliance with the Policy provisions for the building to actively address the street, the variation to the landscaping standard is supported in accordance with Clause 36 of CPS2.

Car Parking

The State Government's Perth Parking Policy 2014 provides guidance to the State Government, responsible planning authorities, developers, owners and managers of parking in making and assessing applications for parking planning approvals and parking licences. This policy recognises that vehicular access to, from and within central Perth is a critical element in ensuring its continued economic and social viability. Under this policy, parking for hotel guests and staff is defined as tenant parking to which maximum, but no minimum, parking standards apply. The proposed develop does not propose any on-site car parking for guests, staff or the daily servicing of the hotel.

The absence of on-site parking complies with the Policy requirements and it is acknowledged that providing on-site parking would have detrimental impacts on the design of the building and particularly on the building's engagement with and activation of Bennett Street. The Special Residential (Serviced and Short Term Accommodation) Policy requires all applications for Special Residential use to submit a Management Plan, which includes a Parking Management Plan. The applicant has submitted a Parking Management Plan for the hotel which will direct hotel guests to paid parking facilities in the area.

The applicant is proposing to service the hotel by utilising existing on-street car parking bays on Bennett and Wittenoom Streets. The applicant will request, under separate application, that the City convert the existing loading bay on Bennett Street to an on-street car parking bay for drop-off and pick-up of hotel guests and converts the existing on-street car parking bay on Wittenoom Street to a loading bay for service vehicles.

The Hotel Management Plan states that all cleaning and laundering services will be contracted out to local companies, with soiled linen being stored in the basement level and collected twice weekly. All servicing of the hotel will be from the adjacent streets, with vehicles parking in the on-street loading bay proposed to be on Wittenoom Street and all deliveries entering and exiting the hotel via the rear of the building. Further details regarding times and frequency of deliveries will need to be carefully managed to ensure nearby residents are not unduly affected.

Further details relating to the parking management and servicing of the hotel will be required as a condition of any approval.

Bicycle Parking and End of Trip Facilities

A minimum total of 28 bicycle parking bays are required under the City's Bicycle Parking and End of Journey Facilities Policy 5.3, with 12 bicycle parking bays proposed. The minimum bicycle parking requirement is considered onerous for a hotel development given guests are unlikely to be arriving by bicycles or requiring these facilities. Given the anticipated low demand, a variation to the Policy can be supported in this case.

Amenity Impacts and Orderly and Proper Planning

It is evident from the submissions received that there is concern from the local community that the proposed development, due to its bulk and scale, will have a detrimental impact on the character and amenity of the locality.

It is acknowledged that much of the concern has arisen as the proposal will be among the first few major scale redevelopments within the immediate locality under the revised plot ratio and building height provisions of CPS2 which were introduced in 2013 and 2014. The provisions were introduced to ensure development and redevelopment within the City is undertaken in a sustainable and integrated manner. Relevant increases in plot ratio and building heights were also seen as integral to achieve the relevant activity, vitality and population targets of the City’s ‘Urban Design Framework’.

The previous hotel development approved for this site was of a similar bulk and scale to the proposed development with objections regarding the building height, setback, overshadowing and car parking all raised by adjoining landowner, however approval was granted.

Given the development’s bulk and scale is generally consistent with the provisions of CPS2 it is considered that impacts relating to parking and traffic management, overshadowing, access to natural sunlight and ventilation have been adequately addressed by the proposal.

State Planning Policy 7.0 - Design of the Built Environment

State Planning Policy 7.0 - Design of the Built Environment addresses design quality and built form outcomes seeking to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes. It sets out the objectives, measures, principles and processes which apply to the design and assessment of built environment proposals through the planning system.

The application has been assessed against the design principles of the Policy and has been summarised below:

Design Principle	Comments
<p>1. Context and character</p> <p>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</p>	<ul style="list-style-type: none"> • The site is close to public transport, retail and recreational activities; • The design provides an active pedestrian interface with the street, passive surveillance from a level one lounge area and level five bar area and the provision of a continuous pedestrian awning to improve the pedestrian amenity around the site.
<p>2. Landscape quality</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p>	<ul style="list-style-type: none"> • There is limited potential for landscaping within the site, however plantings within the interior hotel foyer and upper deck levels will be used to soften and define the area of communal spaces.
<p>3. Built form and scale</p> <p>Good design ensures that the massing and height of</p>	<ul style="list-style-type: none"> • The proposed scale of the building is considered to be appropriate to the setting. The building presents a slender profile reflective of the future character of

Design Principle	Comments
<p>development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</p>	<p>the street whilst the lower scale podium height aligns with the smaller scale buildings nearby.</p>
<p>4. Functionality and build quality</p> <p>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</p>	<ul style="list-style-type: none"> • The development has been designed to be highly functional and accessible, catering for a wide range of guests. • At grade movement between the building and the street and lift access to all rooms maximises the ease of movement between the street and rooms.
<p>5. Sustainability</p> <p>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes</p>	<ul style="list-style-type: none"> • The building has been designed with adequate natural daylight to all hotel corridors from numerous sources that will not be negatively impacted should the adjoining site be redeveloped.
<p>6. Amenity</p> <p>Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy</p>	<ul style="list-style-type: none"> • External amenity has been enhanced through the provision of a pedestrian awning, activated building frontage and passive surveillance of Wellington Square. • Internal amenity has been enhanced through the provision of a variety of hotel facilities dispersed throughout the building that provide a range of gathering places and facilities for guests to use.
<p>7. Legibility</p> <p>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around</p>	<ul style="list-style-type: none"> • The overall layout and configuration of the proposed development is extremely legible and easy to navigate. Building entrances are clearly visible. • Each floor is laid out with a similar floor plate that makes navigation of the building simple and intuitive. Hotel corridors have been designed with numerous daylight sources to enhance the internal experience.
<p>8. Safety</p> <p>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</p>	<ul style="list-style-type: none"> • The inclusion of a ground floor lobby, hotel lounge and bar areas overlooking Bennett Street will maximise passive surveillance of the front entrance and streetscape. The hotel will be staffed 24/7 to ensure passive surveillance.

Design Principle	Comments
	<ul style="list-style-type: none"> • Vehicle access arrangements are safe and supported by a Parking and Access Management Plan.
<p>9. Community</p> <p>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</p>	<ul style="list-style-type: none"> • The building is designed to support and enhance the experience of a range of users. Multiple opportunities for engagement and interaction are provided within the building including the hotel foyer, dining, lounge and bar areas. • A range of accessible rooms and room types of varying sizes and arrangements are capable of supporting a range of people, including singles and couples.
<p>10. Aesthetics</p> <p>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</p>	<ul style="list-style-type: none"> • The overall building aesthetic has been amended to ensure the building is viewed ‘in the round’ from various aspects. The podium level is designed to be slightly lower than the adjacent residential development which will provide a continuous streetscape along Bennett Street. The ground floor café and lobby area are accessible directly from the street and will provide activation and interest at street level.

Conclusion

The proposed hotel development will add to the short-stay accommodation offerings in East Perth, being conveniently located in close proximity to the CBD and attractions such as the new Optus stadium. The proposed setback variations can be supported in accordance with Clause 36 of CPS2 given that the development will be consistent with the orderly and proper planning of the locality; the statement of intent set out in the Goderich Precinct Plan; and that the non-compliance would not have any undue adverse effect on the property in, or the inhabitants of, the locality.

In response to the concerns of the Design Advisory Committee, the applicant has provided revised plans and elevations to improve the overall presentation and quality of the design. Noting the concerns of adjacent landowners, the revised plans aim to integrate the development more sympathetically with surrounding development and minimise any negative impacts on existing development within the vicinity.

Given the above, it is recommended that the proposed development be supported subject to relevant conditions.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council, in accordance with the provisions of the City Planning Scheme No. 2, the Metropolitan Region Scheme and the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for local planning schemes, APPROVES the application for the proposed demolition of the existing single-storey commercial building and for the construction of a seventeen-level hotel ('Special Residential') development containing 110 hotel rooms and associated dining and entertainment uses at 180 (Lot 2) Bennett Street, East Perth, as indicated on the Metropolitan Region Scheme Form One dated 24 June 2019, and as shown on the plans received on 17 July 2019 subject to:

- 1. the proposed development being restricted to a maximum plot ratio of 4:1 (2,022m² plot ratio floor area) inclusive of:
 - 1.1 20% bonus plot ratio (304m² plot ratio floor area) for incorporating a new special residential use in accordance with clause 28 of City Planning Scheme No. 2 and Bonus Plot Ratio Policy 4.5.1; and*
 - 1.2 the transfer of 200m² of transferable plot ratio from 76 (Lot 5) Wittenoom Street, East Perth, in accordance with clause 30(5) of City Planning Scheme No. 2 and the Transfer Plot Ratio Policy 4.5.2;**
- 2. the owner submitting evidence to the City that the transaction in respect to the transfer of plot ratio has been finalised between the owners of unused plot ratio at 76 (Lot 5) Wittenoom Street, East Perth and 180 (Lot 2) Bennett Street, East Perth, enabling the City to register the transfer of plot ratio prior to applying for a building permit;*
- 3. any subsequent change of use of the Special Residential portions of the development being prohibited within 10 years following the date on which those portions of the development are lawfully occupied, pursuant to clause 35(1)(b) of City Planning Scheme No. 2;*
- 4. the exterior of the hotel building being constructed from high quality and durable materials, colours and finishes with final details of the design and a sample board of the materials and finishes being submitted for approval by the City prior to applying for a building permit;*
- 5. any proposed external building plant, lift overruns, piping, ducting, water tanks, transformers, air condensers and fire booster cabinets shall be located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street, with details of the location and screening of such*

plant and services being submitted for approval by the City prior to the submission of an application for a building permit;

6. *a Vehicular, Service and Delivery Access Plan, outlining the management strategies to deal with the dropping off and picking up of hotel guests via taxi or other transport; strategies for advising guests upfront of limitations in parking in the locality; and frequency and method of servicing the hotel in the absence of any on-site parking or service/loading bays, being submitted for approval by the City prior to the occupation of the hotel building with the approved plan being implemented by the hotel proprietor/manager thereafter to the satisfaction of the City;*
7. *A Hotel Management Plan addressing the operation of the hotel in accordance with the provisions of the City's Special Residential (Serviced and Short Term Accommodation) Policy, including but not being limited to the following:*
 - 7.1 *Company name and relevant experience of management/operator;*
 - 7.2 *Cleaning and laundry services, where applicable;*
 - 7.3 *Opening hours for guest check-ins and check-out including the method of reservations/bookings;*
 - 7.4 *Security of the guests and their visitors;*
 - 7.5 *Control of noise and other disturbances; and*
 - 7.6 *A complaints management service;*

being submitted for approval by the City prior to the occupation of the hotel building, with the management plan being implemented by the proprietor/manager on an ongoing basis to the satisfaction of the City;
8. *a final Waste Management Plan, identifying a permanent storage and wash down facility for bins for both recyclables and general waste and including a waste disposal/collection strategy demonstrating how these facilities will be serviced by the City, being submitted for approval by the City prior to applying for a building permit;*
9. *details of on-site stormwater disposal/management being to the City's specifications and being submitted for approval by the City prior to applying for a building permit;*
10. *the proposed floor levels of the pedestrian entrances to the building being designed to match the current levels of the adjacent footpath on Bennett Street, to the City's satisfaction, with details being submitted for approval by the City prior to applying for a building permit;*
11. *any signage for the hotel being integrated into the design of the building with any signs that are not exempt from approval under the City's Signs Policy 4.6 requiring a separate application for approval;*

- 12. *in the event that the approved development has not been substantially commenced within six months of the demolition of the existing building on site, the site is to be aesthetically screened or landscaped and thereafter maintained, at the owner's cost, with details being submitted for approval by the City prior to installation, in order to preserve the amenity of the area and to prevent dust and sand being blown from the site and unauthorised on-site car parking, with the site being maintained in a clean and tidy state to the City's satisfaction;***
- 13. *the works referred to in Condition 12, being secured by a bond/deed of agreement between the owner and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant, prior to the demolition of the existing building on site; and***
- 14. *a demolition and a construction management plan for the proposal, prepared in accordance with the City's Construction Management Plan Proforma and requirements, being submitted for approval by the City prior to applying for a demolition and/ or a building permit.***

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.2 1060 (Lot 100) Hay Street, West Perth – Proposed LED Roof Sign Displaying Variable Third Party Advertising Content and Plant Room Additions to the Existing Office Building

FILE REFERENCE:	DA-2019/5248
REPORTING OFFICER:	Roberto Colalillo, Senior Statutory Planner
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	14 October 2019
ATTACHMENT/S:	Attachment 13.2A – Location Plan Attachment 13.2B – Perspective Attachment 13.2C – Development Plans Attachment 13.2D – Signs Policy Place Specific Requirement Areas Attachment 13.2E – Applicant’s response to City and MRWA
3D MODEL PRESENTATION:	N/A
LANDOWNER:	Primewest (1060 Hay Street) Pty Ltd
APPLICANT:	Planning Solutions
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) West Perth (P10) (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	\$250,000

Council Role:

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

Legislation / Strategic Plan / Policy:**Legislation**

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

City of Perth Act 2016**Objects of the City of Perth**

8(1)(j) - to strike an appropriate balance among civic, economic, social, cultural and environmental considerations

Integrated Planning and Reporting Framework Implications**Strategic Community Plan**

Strategic Priority - Built Environment

Policy

Policy No and Name: 4.6 - Signs

Purpose and Background:

The subject site is bounded by Murray Street to the north, George Street to the east, Hay Street to the south and one and two storey office buildings to the west and the south. The site has an area of 5797m² and is occupied by a five storey office building known as the 'IBM building'.

At its meeting held on **24 September 2019**, Council resolved to:

"DEFER consideration of the report titled 1060 (Lot 100) Hay Street, West Perth – Proposed LED Roof Sign Displaying Variable Third Party Advertising Content and Plant Room Additions to the Existing Office Building to allow a more comprehensive review of the additional information that has been submitted and a review of the precedent matters raised."

Reason: To allow a more comprehensive review of the additional information that has been submitted and a review of the precedent matters raised."

Details:

The application proposes the addition of a plant room and a LED sign panel on the roof of the existing five storey office building on the site to display third-party advertising. The applicant has provided the following details in relation to the proposed plant room and sign:

- the plant room will accommodate solar power infrastructure and future battery storage, as related to approved rooftop solar panels;
- the structure is to be located within the eastern portion of the building's roof, perpendicular to the building's eastern roofline;
- the roof plant will be entirely enclosed within the cladded structure, which will be setback approximately 9.6m from the site's eastern boundary (George Street), and approximately 18.2m from the northern boundary (Murray Street);
- the dimensions of the proposed plant room structure are 4.5 metres in width, 16 metres in length and 10.5 metres in height above the finished roof level;

- one digital sign is to be installed on the northern façade of the proposed the plant room. The sign will sleeve the northern side of the plant room and is intended for viewing by southbound Mitchell Freeway motorists. The signage panel is to be nine metres in height and 16 metres in length with an area of 144m²;
- treatments of the hoarding structure include louvered panels of various colours and sizes, to be designed and configured in a pattern consistent with the IBM building's existing facades;
- the sign is proposed to digitally display a range of third-party advertising material generally related to products and services offered by businesses within the Perth CBD, the broader metropolitan area and nationally;
- the digital advertisements will be static images, and will not display any animations, moving graphics or flashing lights. The sign will have an ambient light detector built into the screen which automatically adjusts the brightness and ensures best chrominance contrast to give crisp images during the day, and to prevent flaring or excessive luminance levels at night;
- the sign is proposed to operate 24 hours a day, seven days a week; and
- any complaints received in relation to the content of the sign, will be dealt with by the advertising content managers or at the executive level as quickly as possible and to the City's satisfaction. Any content subject to complaint will be removed immediately once the complaint is received, until the issue is resolved.

Compliance with Planning Scheme:

Development Requirements

The City Planning Scheme No. 2 (CPS2) Signs Policy 4.6 sets out the requirements for the erection and management of signs on or adjacent to buildings within the city, providing guidelines for their acceptable design and location. Under the Policy the proposed sign falls within the following definitions:

“Roof Sign means a sign fixed to the wall of a roof top plant room setback from the main elevation of the building or to an architectural feature at the top of a building and that may extend no more than 200mm above the roof top plant room or architectural feature that it is fixed to.

Third Party Advertising Content means sign content that advertises businesses, products, goods or services not located or available at the premises where the sign content is displayed.

Variable Content means static sign content that changes automatically by electronic or programmable methods on a specified time cycle. Where displaying variable content, a small sign is one that has a sign face with an area of 2m² or less and a large sign is one that has a sign face with an area of greater than 2m².”

Comments:

Consultation

As the subject site is in the vicinity of a Primary Regional Road Reserve identified under the Metropolitan Region Scheme (MRS), the proposal was referred Main Roads Western Australia (MRWA) for comment, noting the potential traffic safety implications on the Mitchell Freeway and adjacent roads.

In correspondence dated 28 August 2019, MRWA advised:

“An assessment has been made against the applicable criteria of the Main Roads Policy and Application Guidelines for Advertising Signs within and Beyond State Road Reserves (The Policy) resulting in a Main Roads refusal to support the application due to the following:

- 1. The location of the LFDS does not comply with the Policy for site selection criteria Section 5, part 5.3.2 and is within a Conflict Zone.*
- 2. Physical Characteristics - The sign exceeds Main Roads maximum permissible area by 59m².*
- 3. The crash assessment was not conducted in accordance to section 3.1.3 of the Policy.”*

In response to item 1 above, the applicant advised:

“the location of the signage is not within the road reserve, therefore it is subject to Local Government control and enforcement. It is unclear how it was concluded that the device is located within a conflict zone noting the Conflict Zone for Freeways and roads of Freeway standard is at merge and diverge points for free flowing ramps. While left turn on George Street provides further access to southbound lanes on Mitchell Freeway / Kwinana Freeway, these are fully controlled by signals. The sign is not generally visible from George Street for vehicles travelling northbound due to height of the building and direction of signage. The sign is also not visible for vehicles getting off George Street on to southbound on-ramp due to terrain and retaining walls obscuring the sign.”

The MRWA has not responded to the above advice at the time of this report however it should be noted that although the sign is not located within a road reserve, it is primarily directed to be viewed by southbound occupants of vehicles on the Mitchell Freeway. Furthermore, it is in close proximity to the Market Street on-ramp merging with the Mitchell Freeway which follows the busy Charles Street link on-ramp within the southbound Mitchell Freeway.

With regards to item 2, the applicant contends that whilst the current proposed sign area exceeds the maximum prescribed sign area of 85m², the final sign area is yet to be confirmed.

Noting the dimensions of the plant room structure and the sign panel as included in the application and plans, the plans before Council show a sign panel of 144m².

In relation to item 3 above, the applicant advised:

“the associated crash analysis was undertaken for 3 locations within 110m from the proposed sign location being:

- 1. Intersection of George and Murray Street*
- 2. Intersection of George Street, Hay Street and Mitchell Freeway off to Hay Street*
- 3. Mitchell Freeway SLK [1.29-1.42]*

None of the examined locations has Killed and Serious Injury (KSI) crashes within the last five years. Therefore, there was no need for calculation as per Appendix C of the Policy. Furthermore it is not reasonable to assess crash statistics for 500 metres on one side and 1 kilometre on the other side of the sign for following reasons:

- a) *Due to the direction of the sign positioning, vehicles south of the sign location cannot see the content.*
- b) *Due to general road geometry, vegetation and man made structures the sign simply isn't visible for the required in approach.*

The submitted road safety report used standard crash analysis to provide additional insight into the road safety in the vicinity of the proposed sign location looking into the area generally defined by clause 3.1.3 of the Policy."

The MRWA has not responded to the above in time for this report.

Signs Policy

The City's Signs Policy 4.6 acknowledges that signage plays an important role in way-finding, identifying and promoting businesses and buildings within the city whilst having a significant impact on the visual quality of the urban environment and on amenity and safety. The Policy seeks to enable signage which is well designed and positioned, innovative, responds to its setting and makes a positive contribution to the public realm and the visual appeal of the city without adversely affecting amenity and safety. Innovative signage that is appropriate to buildings and their setting are encouraged.

Large variable third party content signs are encouraged within specific locations within the city, being the entertainment area (Northbridge), retail core area (Hay, Murray and Wellington Streets) and St Georges and Adelaide Terrace areas, where it is considered that such signs will enhance and positively impact on the visual quality, amenity and vibrancy within the city. Refer to the Signs Policy areas map attachment to this report.

The Policy includes the following relevant provisions with regards to the assessment and approval of sky signs and large third-party variable content signs:

'5.0 General Principles

c) Signs should be compatible in scale and integrated with the architectural design of the building on which they are erected or adjacent to, having regard to the form, materials, finishes, colours and fenestration of the building/s. Architectural features of a building should not be obscured and daylight into and reasonable vision into and out of buildings should be maintained.

6.6 Sign Content

(c)(i) Third party advertising or on-premises advertising content shall only be considered for development approval on:

A) a sign facing or in a public space within the Entertainment Area, the Retail Core Area, a Town Centre Area or The Terraces Area (as identified in Figure 2) where the sign is oriented for viewing within the space and not from adjacent streets;

(ii) Third party advertising or on-premises advertising content shall only be considered for development approval on a sign facing or in a public space in accordance with (i)(A) above where the local government is satisfied that it:

A) is compatible with the desired character of the public space;

B) will enhance the visual quality of the public space; and

C) will increase the use and vibrancy of the public space, particularly at night.

6.8 *Animated or Variable Content*

(c) Variable content on a large sign (>2m² sign face) shall only be considered for development approval:

- i) facing or in a public space within the Entertainment Area, the Retail Core Area or The Terraces Area and where:
 - A) the viewing area is designed and intended for pedestrians to linger for an extended period of time; and*
 - B) the sign is oriented for viewing within the public space and not from adjacent streets and can only be viewed by road users if:
 - 1. it has content that is completely static without any motion, animation or special effects for the duration of its display;*
 - 2. it has a specified duration of display and a transition time between display that comply with standards specified by the State Government transport authority or another authority considered appropriate by the local government;*
 - 3. each display comprises no more than 20% of its area as text and the text is large scale so that it can be easily and quickly read by road users; and*
 - 4. it does not include any content that could be perceived to be providing public safety instructions to road users.***
- d) Animated or variable content on a large sign facing or in a public space shall only be considered for development approval where the local government is satisfied that it:*
- i) is compatible with the desired character of the public space;*
 - ii) will enhance the visual quality of the public space; and*
 - iii) will make a positive contribution to the public space and its activation, particularly at night.*

7.8 *Roof Signs*

a) A roof sign must achieve a high degree of integration and compatibility with the form of the building that it is attached to. A roof sign should appear as if it is part of the original building, or otherwise match or complement its architecture, and not appear as an afterthought.

b) A roof sign should have a maximum vertical dimension equal to one tenth of the building's height, but not more than the combined height of two typical floors of the building.

c) Only one roof sign or one wall sign at the top of the building shall be permitted per building elevation, except where the local government is satisfied that a further sign would be compatible with the design and scale of the building, would not lead to visual clutter and would make a positive contribution to the city skyline.

d) A roof sign shall not display third party advertising or on-premises advertising content.

e) The illumination of roof signs on buildings will be encouraged in locations where it will add interest and vibrancy to the city's night skyline and will not adversely affect the amenity of occupants of nearby buildings.'

The proposal does not comply with the above provisions, specifically clauses 6.6(c)(i)(A) and 6.8(c)(i), given that the sign is proposed to take advantage of the location's exposure to passing motorists on the freeway and surrounding streets and will be located within a private commercial property and not within or facing a 'public space' which has been designed for pedestrians to linger for an extended period of time.

Whilst the application could potentially be conditioned to comply with the requirements specified in subclauses 1. to 4. of clause 6.8(c)(i)(B) to control the content and duration of images displayed on the sign, it does not comply with this clause and it is considered that the proposed sign does not have sufficient planning merit to vary this policy requirement as the sign is not oriented for viewing within a public space and is orientated to be viewed by users of the adjacent streets, including the freeway.

In accordance with the provisions of clauses 6.6(c)(ii) and 6.8(d), approval of any large variable content sign is subject to Council being satisfied in regard to its potential to being compatible with, enhancing and making a positive contribution to a public space. Notwithstanding, the proposed sign is not appropriately located within or adjacent to a public space in the first instance, and the addition of the sign above the existing office building will not be compatible with the desired character of this locality and it does not meet the criteria specified in the clauses.

The proposed sign is also contrary to clauses 7.8(a) and 7.8(b) of the Policy which requires roof signs to be suitably integrated and limits the size and scale of such signs to ensure their compatibility with buildings to which they are attached. Whilst the side and rear elevations of the plant infrastructure which supports the sign are proposed to be treated and clad consistent with the existing building facades, the vertical design of the addition and its location means it still will present as an inconsistent addition to the roof level. The applicant has also advised that the plant room is likely to accommodate future battery storage associated with the solar panels however it is considered that these facilities could be accommodated elsewhere within the building or roof level. There is a lack of justification for the plant infrastructure to be designed with a vertical orientation noting there is scope for existing plant rooms on the roof to be extended to accommodate the solar power infrastructure additions.

The existing building has a height of approximately 18 to 20 metres, whereas the sign's vertical dimension is nine metres which is well in excess of the 'one tenth of the building's height' or 'two typical floors' recommended by the Policy. In this regard, it is noted that the sign will effectively sit above the main roof line and whilst the supporting structure is proposed to be finished and coloured to match the existing building, the scale and positioning of the sign is contrary to these relevant clauses of the policy.

The sign is also contrary to clause 7.8(d) of the policy which specifically precludes roof signs from displaying third party advertising content.

The policy's design, scaling and content restrictions on roof signs is partly linked to clause 5.0 c) which requires signs to be integrated into the design of buildings and not ad hoc additions which detract from the visual quality of existing buildings or from the outlook from surrounding properties or public realm. It is considered that the application offers insufficient planning merit to warrant varying the above requirements.

Traffic Impact

As previously outlined, the applicant submitted a road safety assessment in support of the application noting the location of the proposed sign in the vicinity of the Mitchell Freeway and its potential impact on traffic safety. Whilst the assessment addresses some of the criteria contained within the MRWA's 'Policy and Application Guidelines for Advertising Signs', MRWA advised of their objection to the proposed sign based on the proposal not satisfying the policy's site selection and sizing criteria. City officers concur with the advice of MRWA in terms of potential traffic safety impacts noting the proposal does not satisfy the provisions of clause 6 'Objectives and Intentions' of CPS2, specifically clause 6(3)(c) as follows:

'6(3)(c) to protect and enhance the health, safety and general welfare of the local government's inhabitants and the social, physical and cultural environment of the local government'

Consistent with the above, it is considered that the proposed variations to the signs policy do not warrant support in accordance with the provisions of clause 36 of CPS2.

Precedents

The applicant contends that signage of a similar nature, size and context has been approved by the City within proximity to the subject site. These being the rooftop plant room and LED third party variable content sign at 267 St Georges Terrace, Perth, and the LED third party variable content sign at 2 Elder Street, Perth. Consistent with the proposal, both approved signs are located on private land adjacent to, and oriented to, Mitchell Freeway. In addition, neither of the approved signs are located within or facing a public space which has been designed for pedestrians to linger for an extended period of time.

Whilst the above signs were approved by Council, it is noted that both were approved under the framework of the previous iteration of the City's Signs Policy. At the time of approvals, the Signs Policy did not contain specific requirements for the location of large 'variable content' and 'third party' signs to the level and detail of the current Policy. These provisions were specifically included in the current version of the Policy to address the suitability, design and safety concerns related to inappropriate location of large digital signs such as the above. Therefore, it is not considered appropriate in this case to align the proposed sign with any 'precedent' approvals noting the planning framework is not consistent and was modified to specifically address issues stemming from the approval of such signs.

Additional information

During a deputation to the Council, the applicant mentioned that their detailed response to issues raised by the City and MRWA had not been included in the report to Council. It was the applicant's view that access to this response in full would assist the Council to make a more informed decision about the proposed advertising sign. The Applicant's response is attached to this report (refer Attachment 13.2E).

Precedent matters

In regard to the matter of precedent, the applicant raised an additional example during a deputation to the Council to those applications discussed under the "Precedent" section of this report, being an approval for an advertising sign at 190 Aberdeen Street, Northbridge. Council considered this similar proposal to the subject application at its meeting held on **30 October 2018**, for an LED sky sign on the

roof of the existing four-storey mixed use building displaying variable third party advertising content. The sign was approximately 6.3 metres high and 19.1 metres in width, with a screen area of 120m². The Officer's report explained that the proposed sign did not meet the criteria for large 'variable content', 'third party' and 'sky signs' applicable under the Signs Policy. The sign was considered to be inappropriately located, being directed towards the Graham Farmer Freeway and not being in a public space where people gather or linger and where it might contribute to the vibrancy of a gathering space, as intended in the Policy. It was also noted that the Main Roads WA Network Operations Branch - Advertising Section did not support the proposed advertising sign due to noncompliance with criteria within the department's *'Policy and Application Guidelines for Advertising Signs within and beyond state road reserves'*. Council considered the relevant matters and formed the view that the *"LED sky sign will add vibrancy and amenity to the city and does not impact on the overall amenity of the area"*. Therefore, Council resolved to grant conditional approval to the application.

As outlined in this report, Council approved a similar advertising sign to the subject application at its meeting held on **30 October 2018**, at 190 Aberdeen Street, Northbridge. The similarities extend to this approval being for a large LED sign on a four-storey building displaying variable third-party advertising content, orientated towards a freeway. The size of the sign was slightly different, being 6.3 metres high and 19.1 metres in length, with a screen area of 120m² compared to the sign the subject of this application which is nine metres in height and 16 metres in length with an area of 144m². The approved sign was a 'sky sign', sitting up above the roof of the building, being a type of sign discouraged under the City's Signs Policy. The addition of the sky sign exceeded the building height requirements for the site. Notwithstanding, the Council considered that the sign was appropriately located and would add vibrancy and amenity to the locality and would not impact on the overall amenity of the area.

Conclusion

The City's Signs Policy 4.6 seeks to enable signage which is well designed and positioned, innovative, responds to its setting and makes a positive contribution to the public realm and the visual appeal of the city without adversely affecting amenity and safety. Large variable third party content signs are encouraged within specific locations within the city, being the entertainment area (Northbridge), retail core area (Hay, Murray and Wellington Streets) and St Georges and Adelaide Terrace areas, where it is considered that such signs will enhance and positively impact on the visual quality, amenity and vibrancy within the city.

The proposed sign does not meet the criteria for large 'variable content', 'third party' and 'roof signs' applicable under the Signs Policy. The sign is positioned with the significant Parliament House precinct as its backdrop and, therefore, is considered to be out of character with this part of West Perth and is inappropriately located, being directed towards the Mitchell Freeway and not being in a public space where people gather or linger and where it might contribute to the vibrancy of a gathering space, as intended in the Policy. Given that the revisions to the signs policy undertaken in April 2017 included specific requirements for the location of large 'variable content' and 'third party' signs, it would be contrary to orderly and proper planning to consider approving a format of sign which is non-compliant with respect to the general principles and siting requirements of the Policy.

Based on the above it is considered that the variations proposed to the relevant provisions of the signs policy would be inconsistent with the orderly and proper planning of the locality, the conservation of the amenities of the locality. In addition, the proposal lacks planning merit and therefore cannot be supported in accordance with the provisions of clause 36 of CPS2.

It is therefore recommended that the application be refused for the reasons as outlined in the sections above.

Officer Recommendation

That Council, in accordance with the provisions of the City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes and the Metropolitan Region Scheme, REFUSES the application for an LED roof sign displaying variable third party advertising content and plant room additions to the existing office building at 1060 (Lot 100) Hay Street, West Perth as indicated on the Local Planning Scheme Form and Metropolitan Region Scheme Form One dated 10 July 2019 and as shown on the plans and details received on 15 July 2019 and 2 September 2019 for the following reasons:

1. the proposed sign is considered to be contrary to the orderly and proper planning of the locality and will be inconsistent with conservation of the amenities of the locality given that:
 - 1.1 the roof sign is contrary to clause 5.0 (c) 'General Principles' of City Planning Scheme No. 2 Policy 4.6 Signs as it is not designed as an integral part of the building and will be excessive in scale;
 - 1.2 the third party advertising content is contrary to clause 5.0 (h) 'General Principles' of City Planning Scheme No. 2 Policy 4.6 Signs as it will impact on the visual quality, amenity and safety within the area;
 - 1.3 the sign is contrary to clause 5.0 (j) 'General Principles' and clause 6.3 (e) 'Safety' of City Planning Scheme No. 2 Policy 4.6 Signs as the sign is likely to cause a distraction to road users as it is intended to be viewed by passing motorists entering and exiting various intersections and freeway lane changes and interchanges, creating potential traffic safety hazards;
 - 1.4 the sign is contrary to clause 6.6 (c) (i) (A) 'Sign Content' and 6.8 (c) (i) 'Variable Content' of City Planning Scheme No. 2 Policy 4.6 Signs as the sign is not facing or in a public space as intended in the Policy where the viewing area is designed and intended for pedestrians to linger for an extended period of time and are oriented for viewing within the space and not from adjacent streets;
 - 1.5 the sign is contrary to clauses 7.8 (a), (b) and (d) 'Roof signs' of City Planning Scheme No. 2 Policy 4.6 Signs as the sign as it is not designed as an integral part of the building, has a vertical dimension greater than the maximum provision which is one tenth of the building's height and/or the combined height of two typical floors of the building and contains third-party content; and
2. the proposed sign is not considered to meet the objectives and intentions of the City Planning Scheme No. 2 in regard to health, safety and general welfare under clause 6(3)(c) as the sign is expected to have an adverse impact on traffic safety given that it does not satisfy the 'site selection' and 'physical characteristics' (size and shape) criteria of Main Roads Western Australia's 'Policy and Application Guidelines for Advertising Signs'.

COUNCIL RESOLUTION

ALTERNATE MOTION

Council resolved to adopt an alternate motion as follows:

Moved Commissioner Kosova, seconded Commissioner Hammond

That Council, in accordance with the provisions of the City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes and the Metropolitan Region Scheme, APPROVE BY ABSOLUTE MAJORITY the application for for an LED roof sign displaying variable third party advertising content and plant room additions to the existing office building at 1060 (Lot 100) Hay Street, West Perth as indicated on the Local Planning Scheme Form and Metropolitan Region Scheme Form One dated 10 July 2019 and as shown on the plans and details received on 15 July 2019 and 2 September 2019 subject to:

- 1. the LED advertising sign only being installed after, or as part of the installation of the approved plant room addition, in order for the sign to comply as a roof sign in accordance with the provisions of the City's Signs Policy 4.6;*
- 2. the plant room and all supporting structures being designed and finished to complement the exterior of the existing building and to have minimal visual impact on surrounding properties with all wiring and ducting being concealed from view, with final details of these elements being submitted to and approved by the City prior to applying for a building permit;*
- 3. a comprehensive advertising strategy for the sign detailing the control of content, illumination levels, management and maintenance of the sign being submitted to and approved by the City prior to applying for a building permit;*
- 4. the advertisements being restricted to static displays that contain only single, 'self-contained' messages that have a 'dwell' duration of not less than 45 seconds, with the duration of transition between the full display of one message and the full display of the next message not exceeding 0.1 seconds. Transitional effects such as fly-in, fade-out and scrolling shall not be permitted;*
- 5. the sign content excluding symbols, graphics or text that could be mistaken for an instruction to road users and pedestrians or any colours, shapes or lighting that could be mistaken for a traffic sign or traffic control signal, or a format normally used for traffic control or warning, incident or traffic management, or road safety or driver information messages, except where required by a public authority;*
- 6. the letter size and legibility of text generally conforming to the guidelines set out in Austroads' Guide to Traffic Management Part 10 – Traffic Control and*

Communication Devices and shall not include website and social media email addresses or text messaging instructions;

- 7. the sign being in accordance with the relevant requirements of the Australian Standards: Control of the Obtrusive Effects of Outdoor Lighting (AZ4282-1997) with details of the proposed maximum luminance levels of the sign being submitted to the City for approval prior to the sign being installed;*
- 8. the sign having a default setting that will display an entirely black screen when no content is being displayed or a malfunction occurs; and*
- 9. the applicant/owner of the sign exempting the City from any liability resulting from claims due to road user or pedestrian distraction caused by the sign, with the applicant/owner accepting all responsibility for any such claims.*

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Reason: The LED sign will add vibrancy to the city and does not impact on the overall amenity of the area.

Item 13.3 First Nations Cultural Sharing Program Sponsorship

FILE REFERENCE: P1033763
 REPORTING OFFICER: Virginia Withers, Sponsorship Officer
 REPORTING UNIT: Activation and Cultural Experience
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 7 October 2019
 ATTACHMENT/S: Attachment 13.3A – 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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation Section 8 of the *City of Perth Act 2016*

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(g) - to strengthen Perth's reputation as an innovative, sustainable and vibrant city that attracts and welcomes all

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:**San Diego Sister City Agreement**

The City of Perth shares relationships with eleven cities across the world, through a series of Sister City Agreements and Charters of Mutual Friendship.

The City of Perth and the City of San Diego signed a Sister City Agreement in 1987. The agreement is centred around developing an understanding of each City's respective community life, customs and traditions. Among other attributes, Perth and San Diego share a strong First Nations heritage and living culture.

First Nations Cultural Sharing Program

The City of Perth and City of San Diego, have initiated discussions with the Whadjuk Nyoongar Elders and the Sycuan Band of the Kumeyaay Nation respectively, to progress a First Nations Cultural Sharing Program that engages First Nations communities (Whadjuk Nyoongar and Kumeyaay Nation) from both cities. The Kumeyaay Nation are the original Indigenous people of the land that is now called San Diego.

Guided by the objectives of the City's recently adopted Cultural Development Plan, the First Nations Cultural Sharing Program has the objectives to:

- promote knowledge sharing, strengthen Aboriginal cultural industries and support Aboriginal/First Nations cultural development;
- increase economic diversity for both cities, through strengthening Aboriginal/First Nations cultural industries;
- increase the capacity of an Aboriginal/First Nations organisation or business and provide Aboriginal organisations with opportunities to develop new relationships and international partnerships; and
- promote Perth as important cultural tourism destination.

Sponsorship Invitation

The City of Perth has invited sponsorship applications from Aboriginal creative and cultural organisations, and/or Aboriginal businesses with a cultural heritage focus, to develop and deliver a First Nations Cultural Sharing Program. Applicants were required to demonstrate a strong connection to Whadjuk Nyoongar country.

The Cultural Sharing Program will enable the successful organisation to:

- travel to San Diego and engage in cultural activity and develop their creative practice with The Sycuan Band of the Kumeyaay Nation; and
- reciprocate the experience by hosting the visiting guests from the Sycuan Tribe of the Kumeyaay Nation in Perth, facilitating a tailored program of cultural activity.

During their stay in the host city it is envisioned that First Nations representatives from both cities will have the opportunity to:

- meet with Aboriginal/First Nations elders to learn about and share the cultural heritage and history of the city, undertake research, visit cultural organisations and local cultural workers;
- meet with local First Nations cultural practitioners to discuss contemporary culture and actively promote West Australian and San Diego cultural workers during the visit;
- give cultural talks to the public and students at various educational facilities;
- act as ambassadors for their own cities; and
- visit regional areas to explore and understand the region’s culture in more detail.

It is expected a public facing outcome will be presented during the Cultural Sharing Program (this could be in the form of an exhibition, screening, performance, cultural tours (virtual and/or real world), or any other format that will convey the outcomes of the cultural sharing in a broadly accessible way).

Sponsorship Funding Available

The successful applicant will receive sponsorship funding of up to \$20,000 to assist with costs associated with delivery of the program.

Anticipated Timeline

It is expected that both the San Diego and Perth components of the Cultural Sharing Program will be delivered during the 2020 calendar year.

Details:

The City of Perth conducted a call-out and three applications were received for consideration:

APPLICANT	SPONSORSHIP REQUEST	ASSESSMENT SCORE	RECOMMENDATION	FUNDING
WAITOC	\$20,000	70.5 out of 100 (70%)	Approval	\$20,000
Karda Designs (Barbara Matters)	\$78,204	67.25 out of 100 (67%)	Decline	\$0
Goolamwiin	\$20,000	37.25 out of 100 (37%)	Decline	\$0

The sponsorship applications received were assessed by a four-person assessment panel, against the following criteria:

1. Quality of Proposal (40%)

To what extent does the applicant demonstrate:

- An understanding and appreciation of the project aims
- Provision of high-quality cultural and community engagement activities which represent Perth’s unique Whadjuk Nyoongar cultural identity

- That the project fosters meaningful collaborations across the local cultural industries and/or communities?
- That the project raises the profile and reputation of the City of Perth as a premier Capital City and cultural leader
- That the project provides professional development opportunities for the participants from both cities
- That the project contributes to a unique cultural tourism offering for the local, national and international audiences

2. Capability of Delivery (30%)

To what extent does the applicant demonstrate:

- capacity to manage all aspects of the project?
- suitably experienced personnel?
- experience in working with and providing creative/cultural development opportunities for Aboriginal creative and cultural practitioners?

3. Budget (30%)

- To what extent are the project plan and budget realistic and value for money?

A detailed assessment of each application is included at Attachment 13.3A.

Financial Implications:

ACCOUNT NO:	PJ 1430 80270 0000
BUDGET ITEM:	Grants & Sponsorships
BUDGETED AMOUNT:	\$25,000
AMOUNT SPENT TO DATE:	\$2,736
PROPOSED COST:	\$20,000
BALANCE REMAINING:	\$2,264
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

Alignment to Strategic Community Plan

The First Nations Cultural Sharing Program supports the objectives of the City of Perth's Strategic Community Plan to:

- S2.1 Strengthen the city's thriving cultural diversity; and
- S2.1.1 Nurture and celebrate Aboriginal culture.

Alignment to Cultural Development Plan

The initiative supports Action 3.8 of the City's Cultural Development Plan:

- 3.8 Leverage Sister City relationships by connecting local cultural institutions with international counterparts, to develop cultural exchange and local capacity of cultural workers.
- 4.1 Celebrate and make visible Aboriginal and Torres Strait Islander cultures through community-led initiatives.

Alignment to the Reconciliation Action Plan (RAP)

The First Nations Cultural Sharing Plan also supports the following deliverables of the RAP:

- 16 Evaluate the existing sponsorship of Aboriginal Tourism and investigate opportunities for further involvement.
- 17.5. Through the City's Arts Sponsorship programs, continue to support and fund Aboriginal and Torres Strait Islander arts projects, and investigate opportunities to build on the level of funding available for organisations in the 2019/2020 financial year.

The project will assist the City in fostering new relationships and enhancing cultural networks between Perth and San Diego and enhancing the visibility of Perth's Whadjuk Nyoongar arts and culture on an international platform.

Participation in the Cultural Sharing Program will provide professional development and networking benefits to WAITOC, which will assist them in their mission to assist in the creation of a vibrant and authentic Aboriginal tourism industry as a key component of the West Australian tourism industry and positioning Perth as a leading destination for authentic Aboriginal experiences.

Having worked with representatives with WAITOC previously, City officers are confident that the organisation will be able to successfully manage the initiative.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

1. ***APPROVES*** sponsorship of \$20,000 (excluding GST) to the Western Australian Indigenous Tourism Operators Council for a First Nations Cultural Sharing Program; and
2. ***DECLINES*** sponsorship of the following applicants:
 - 2.1 ***Karda Designs (Barbara Matters); and***
 - 2.2 ***Goolamwiin.***

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.4 Strategic Event Sponsorship - Resources Technology Showcase

FILE REFERENCE: P1037825#02#01
 REPORTING OFFICER: Virginia Withers, Sponsorship Officer
 REPORTING UNIT: Activation and Cultural Experience
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 9 October 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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation Section 8 of the *City of Perth Act 2016*

City of Perth Act 2016**Objects of the City of Perth**

8(1)(g) - to strengthen Perth's reputation as an innovative, sustainable and vibrant city that attracts and welcomes all

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	Seven West Media Limited
ABN	91 053 480 845
Entity Type	Australian Public Company
ABN Status	Active
ATO Endorsed Charity Type	Not endorsed

Seven West Media is an Australian integrated media company, with a market presence in broadcast television, magazine and newspaper publishing and online.

Details:

Sponsorship Category	Strategic Event Sponsorship
Project Title	2019 Resources Technology Showcase
Project Dates	26 - 28 November 2019
Venue	Perth Convention and Exhibition Centre Elizabeth Quay (Lot 4 and The Landing)
Estimated attendance	15,700
Total Project Cost	\$1,800,000
Total Amount Requested	\$55,000 (3% of the total project budget)
Recommendation	Approval
Recommended amount	\$30,000 (1.5% of the total project budget)
Assessment Score	28 out of 35 (80%)

Seven West Media will host the inaugural Resources Technology Showcase in 2019, supported by Austrade, the Government of Western Australia and mining, oil and gas companies. The event aims to be a public-facing celebration of the technological breakthroughs which have made Australia's resources industry the most innovative and competitive in the world.

Seven West Media will promote the events through an integrated marketing campaign.

Resources Technology Showcase 2019 Public Exhibition

Date:	26 - 28 November 2019
Venue:	Perth Convention and Exhibition Centre
Anticipated attendance:	15,000 attendees (including the Elizabeth Quay activations)
Ticket price:	Free to the public

A free public exhibition of the technology that is transforming the resources industry will be held over two days. Showcase partners include Woodside Energy, BHP, Caterpillar, Curtin University, INPEX, Shell, Chevron, Fortescue Metals Group, Rio Tinto, Risk Management Technologies and IBM. The exhibition halls at Perth Convention and Exhibition Centre (PCEC) will be transformed by real-life demonstrations of robotics, augmented reality, remote operations and autonomous transport.

The exhibition is designed to reshape public perceptions of the resources industry. Large interactive displays of the technology driving the sector will aim to challenge the perception that the industry

is about “*red dust, hi-vis and FIFO*”. The showcase of robotics programs, augmented reality and autonomous haulage initiatives will transform the venue into a technology hub.

Education and career opportunities are key themes of the public exhibition. Seven West Media is subsidising the 2019 WA Department of Education Innovation Summit, allowing 80 schools and 540 educators to be collocated at PCEC for the duration of the event, giving schools a wide audience to demonstrate STEM-based activities. An organised school excursion program will further increase student attendance.

Elizabeth Quay Activations

Date: 23 – 30 November 2019
Venue: Lot 4, Elizabeth Quay
Anticipated attendance: 15,000 attendees (including the Public Exhibition)
Ticket price: Free-to-the-public

A ten day activation of mining technology will occur at Elizabeth Quay. The precinct will be activated with mining equipment, demonstrations and displays which will put the focus on the city as a centre of excellence in resources technology.

The assembly of a Caterpillar 785 Haulpac truck will be billed as the world's biggest Mechano set and the public will be encouraged to see it and other impressive mining kit. The truck will be constructed onsite so that the public can see its progress. Lot 4 will be transformed into "the Pilbara in the CBD" and organisers will aim to bring to life the scale of mining operations to Perth residents and visitors.

Scitech will create and administer an interactive, education-based program to the estimated 5,000 school children who are expected to attend.

Resources Technology Showcase 2019 Conference

Date: 27 – 28 November 2019
Venue: Perth Convention and Exhibition Centre
Anticipated attendance: 700 attendees
Ticket price: \$1,500 (Adult); \$1,200 (Concession)

A two-day conference comprising keynote speeches and panel discussions from leading national and international resource executives. The aim of the event is to position Perth as a centre of excellence for the resources industry and showcase how technology is rapidly reshaping the sector.

The conference will focus on how artificial intelligence, augmented reality, robotics and automation is being applied and how industry leaders are adapting to these advancements.

Previous five years City of Perth Support and Acquittals

While the City of Perth has not previously sponsored this event, the City is a long-term sponsor of the Christmas Pageant which is produced by the same applicant.

Year	Amount	Project
2015	\$140,000	Christmas Pageant
2016	\$150,000	Christmas Pageant
2017	\$120,000	Christmas Pageant
2018	\$120,000	Christmas Pageant
2019	\$120,000	Christmas Pageant
TOTAL	\$650,000.00	

Sponsorship Benefits

Organisers will provide the following benefits for the requested sponsorship:

The City of Perth would be recognised as a Conference Partner and would receive logo recognition in all communications and collateral related to the Elizabeth Quay activation.

Strategic Event Sponsorship 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?	2.17
Social Outcomes	
To what extent does the event strengthen social cohesion and provide opportunities to connect?	2.33
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?	4.17
Economic Outcomes	
Does the event stimulate the local economy and provide opportunities for engagement with local business?	3.83
Organisational Competency	
Does the applicant have a demonstrated capacity to manage all aspects of the event?	4.33
Does the event demonstrate financial viability through evidence of support from other government agencies, business or community organisations?	4.33
Benefits	
Does the event offer adequate benefits/ recognition for the City?	3.00
Subtotal 24.17 out of 35	
Optional Assessment Criteria	
<i>The below are non-essential criteria (optional) based on goals identified in the 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?	1.50
To what extent does the event create a sense of community in the city or one of its precincts?	
To what extent does the event activate the riverfront or underutilised locations with vibrant activity?	2.33
TOTAL ASSESSMENT SCORE 28 out of 35 (80%)	

Financial Implications:

ACCOUNT NO:	PJ 13958098000007901
BUDGET ITEM:	Resources & Energy
BUDGETED AMOUNT:	\$80,000
AMOUNT SPENT TO DATE:	\$50,000
PROPOSED COST:	\$30,000
BALANCE REMAINING:	\$0
ANNUAL MAINTENANCE:	\$0
ESTIMATED WHOLE LIFE COST:	\$0

All figures quoted in this report are exclusive of GST.

Comments:

The event supports the Economic Strategic Priorities of the City's Strategic Community Plan, including:

Outcome 1: Strategic economic growth

E.1.1 Position the city for continued business, employment and economic growth

E.1.2 Position the city as a thriving centre of business

- The resource industry continues to be a key pillar of Western Australia's economy and the event will promote Perth as a centre of excellence for the international resources industry;
- The sponsorship aligns with the City's objective to support large scale events such as this which will strengthen and promote the local industry, increase visitors to the City and promote Perth as a capital city leader;
- The conference speakers are of a very high calibre and the application demonstrates considerable support and investment from the business community;
- The assessment panel noted that local bricks and mortar businesses should be prioritised for any pop-up opportunities; and
- The applicant had originally proposed complimentary ticketing to the value of \$15,000 as part of the Sponsorship Benefits (10 delegate passes to the conference and one table of 10 at conference dinner). As the City of Perth does not accept ticketing as part of sponsorship agreements these have been removed and deducted when considering the funding recommendation. A more suitable benefit to be negotiated would include an exhibition space, which allows the City to represent and promote itself to delegates.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

1. ***APPROVES a Strategic Event Sponsorship of \$30,000 (excluding GST) to Seven West Media for the 2019 Resources Technology Showcase; 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 Kosova

Against: Nil

Item 13.5 Strategic Arts Sponsorship - West Australian Ballet

FILE REFERENCE: P1037135#06
 REPORTING OFFICER: Virginia Withers, Sponsorship Officer
 REPORTING UNIT: Activation and Cultural Experience
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 3 October 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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation Section 8 of the *City of Perth Act 2016*

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(j) - to strike an appropriate balance among civic, economic, social, cultural and environmental considerations

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:**Applicant Details**

Entity Name	West Australian Ballet Company Inc
ABN	55 023 843 043
Entity Type	Other Incorporated Entity
ABN Status	Active
ATO Endorsed Charity Type	Charity

West Australian Ballet is the state ballet company of Western Australia. The company was founded in 1952 and is one of the oldest ballet companies in Australia.

Details:

Sponsorship Category	Strategic Arts Sponsorship
Applicant	West Australian Ballet Company
Project Title	Community Dress Rehearsals
Project Dates	6 May 2020 – 30 September 2020
Venue	His Majesty's Theatre and State Theatre Centre
Estimated attendance	2,550 (1,750 free-to-the-public and 800 ticketed)
Total Project Cost	\$232,340
Total Amount Requested	\$30,000
Recommendation	Approval
Recommended amount	\$25,000
Assessment Score	43.67 out of 70 (62%)

Project Description

West Australian Ballet (WAB)'s mission is to enrich people's lives through dance. WAB run an annual Access Program, a portfolio of transformational programs for disadvantaged community groups as well as an educational outreach program with individuals, schools and ballet schools in metropolitan and regional areas. Key initiatives in the Access Program which bring people into the City of Perth include the Community Dress Rehearsal and School Matinee programs.

Community Dress Rehearsals

Date:	6 May 2020 – 30 September 2020
Venue:	His Majesty's Theatre, Hay Street and the State Theatre Centre
Anticipated attendance:	1,750 attendees
Ticket price:	Complimentary

The Community Dress Rehearsal program offers complimentary tickets for community organisations to attend the final dress rehearsal before the opening night of each main-stage WAB production.

The program aims to provide opportunities for people experiencing hardship, disadvantage, illness, bereavement, domestic violence and community isolation or disconnection, as well as other difficulties or personal challenges, to participate in the arts, to connect with people in need and provide inspiration, happiness and respite.

Participants will be selected through an application process, managed by WAB, to ensure tickets go to those who are most in need, and allow WAB to track the impact of the program. Dates for the 2020 Community Dress Rehearsals are: 6 May, 2 June and 10 September 2020.

School Matinees

Date: 6 May – 30 September 2020
 Venue: His Majesty's Theatre, Hay Street and the State Theatre Centre
 Anticipated attendance: 800 attendees
 Ticket price: Adult \$35; Concession \$22

Each year approximately 2,000 school students attend a WAB program through the provision of heavily subsidised tickets. WAB data demonstrates the majority of students will not have previously visited His Majesty’s Theatre or the State Theatre Centre or experienced professional live theatre. Resources are provided free of charge to schools to enable teachers to connect the performance to the curriculum within their classrooms.

Complimentary tickets will be provided children from schools identified as disadvantaged (16% of the total audience). In 2020, WAB will also introduce a bus subsidy for schools with a high number of students experiencing disadvantage.

Previous five years City of Perth Support and Acquittals

Year	Amount	Project
2015	\$57,253	Season 2015
2016	\$55,000	Season 2016
2017	\$55,000	Great Leaps Program
2018	\$0	
2019	\$20,000	2019 Community Dress Rehearsals
TOTAL	<u>\$187,253.00</u>	

Sponsorship Benefits

- The City of Perth will be recognised as an Access Partner, and receive recognition on WAB's season programs for three seasons of 2020, Annual Season brochure on the 'Applause' page, Access Program brochure and on the WAB website;
- The City of Perth will be acknowledged via WAB's social media channels and in WAB's digital newsletter ('Straight to the Pointe'); and
- WAB will work with City Officers on content creation opportunities to the City of Perth, such as PR opportunities, Instagram and Facebook posts, blog content and giveaway promos.

Strategic Arts Sponsorship Assessment Score Card

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

<u>ESSENTIAL ASSESSMENT CRITERIA</u>	<u>SCORE out of 5</u>
Does the project reflect or add value to the City of Perth's strategic objectives, as outlined in the Strategic Community Plan?	2.33
Does the project demonstrate arts and cultural activity of a high calibre, with suitably experienced personnel?	4.50
Does the project deliver arts activity that represents Perth's unique cultural identity?	2.50
Does the project increase opportunities for the community to participate in cultural life and/or identify strategies to widen audience engagement?	4.50
Does the project foster meaningful collaborations across the local arts industry and/or community?	2.67
Does the project contribute to a positive sense of place within the city?	2.33
Does the project raise the profile and reputation of the City of Perth as a premier Capital City and arts industry leader?	2.67
Does the project provide professional development opportunities for local artists and/or cultural workers?	3.00
Does the project attract a broad audience, stimulate the local economy and provide opportunities for engagement with local businesses?	3.17
Does the project support the ongoing development, viability and sustainability of the organisation and the local arts industry?	3.67
Has the applicant demonstrated capacity to manage all aspects of the project?	4.50
Does the project contribute to a unique cultural tourism offering for local, national and international audiences?	1.50
Are the project plan and budget realistic and value for money?	3.50
Does the project demonstrate financial viability through evidence of support from other government agencies, businesses or community organisations?	2.83
<u>Sub total 43.67 out of 70</u>	
<u>OPTIONAL ASSESSMENT CRITERIA</u>	
<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>	
Does the project activate underutilised locations or locations prioritised for activation by the City in interesting and engaging ways?	0
Does the project celebrate Indigenous culture?	0
Does the project activate places along the riverfront?	0
<u>TOTAL ASSESSMENT SCORE 43.67 out of 70 (62%)</u>	

Financial Implications:

ACCOUNT NO:	13958005000007901
BUDGET ITEM:	Arts Annual Sponsorship
BUDGETED AMOUNT:	\$680,500
AMOUNT SPENT TO DATE:	\$643,000
PROPOSED COST:	\$25,000
BALANCE REMAINING:	\$12,500
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

The programs support the strategic priorities of the City's Strategic Community Plan, including:

- S1.1.1 Improve active community participation and connection;
- S 1.1.3 Support and provide opportunities for educational learning; and
- S 3.1.1 Provide support and promote wellbeing of the community.

WA Ballet should be commended for engaging with a considerable number of community organisations. Providing access to arts experiences for people who may not be able to attend otherwise will increase community wellbeing and further promote the value of arts within the community.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

1. ***APPROVES a Strategic Arts Sponsorship of \$25,000 (excluding GST) to the West Australian Ballet Company for the Community Dress Rehearsal program; 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 Kosova

Against: Nil

Item 13.6 Signing of Memorandum of Understanding with Denpasar City, Indonesia

FILE REFERENCE: P1038698
 REPORTING OFFICER: Erin Sanders, International Engagement Officer
 REPORTING UNIT: Economic Development
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 7 October 2019
 ATTACHMENT/S: Attachment 13.6A – Memorandum of Understanding between Denpasar City and City of Perth
 Attachment 13.6B – Plan of Action between Denpasar City and the City of Perth
 Attachment 13.6C – Letter of Intent between Denpasar City and City of Perth

Council Role:

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

Legislation / Strategic Plan / Policy:

Legislation N/A

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(g) - to strengthen Perth’s reputation as an innovative, sustainable and vibrant city that attracts and welcomes all

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

Policy
 Policy No and Name: N/A

Purpose and Background:

In April 2017, the Australian Consul General in Bali, Dr Helena Studdert, met with representatives from the City of Perth to discuss the Consulate's role in Bali and to identify opportunities for possible collaborations between Perth and Indonesia.

Following initial discussions, Dr Studdert advised of an opportunity to progress a cooperative arrangement with Denpasar City around digital start-ups, and creative and digital ecosystems.

Following these discussions, a six-person delegation from Denpasar City, including the Mayor, visited Perth from 22-26 November 2018 to sign a Letter of Intent (Attachment 13.6C). As part of this visit, City Officers also coordinated a visit program that showcased the City's co-working spaces, business incubators, universities and digital ecosystem, as well as tourism and liveability aspects of Perth.

The Memorandum of Understanding (MoU) (Attachment 13.6A) is the next step in solidifying a collaborative working relationship with the respective cities to focus on opportunities that will strengthen the exchange of skills, knowledge, business to business trade opportunities and resources.

Details:

Building on the text of the Letter of Intent, the MoU outlines the agreement between the cities regarding collaboration and partnership for:

- Development of the Creative Economy;
- Build Capacity of Human Resources; and
- Development Science and Technology sectors.

To achieve these outcomes, the cities will establish a Joint Working Group to plan, prepare and recommend programs pertaining to this MoU.

This MoU would be in force for an initial period of five years.

Stakeholder Engagement

The City has liaised with various stakeholders involved in the local startup and innovation ecosystem regarding the collaboration opportunities with Denpasar including:

- Startup WA;
- Spacecubed;
- Curtin University;
- Australia Indonesia Business Council;
- Office of the Minister for Asian Engagement;
- Department of Jobs, Tourism, Science and Innovation

All have expressed support for the City's relationship with Denpasar and are positive about the opportunities this collaboration may create.

Financial Implications:

ACCOUNT NO:	1370805700000
BUDGET ITEM:	Travel Expenses
BUDGETED AMOUNT:	\$15,000
AMOUNT SPENT TO DATE:	\$358
PROPOSED COST:	\$2,000
BALANCE REMAINING:	\$12,642
ANNUAL MAINTENANCE:	\$2,000
ESTIMATED WHOLE LIFE COST:	\$10,000

The costing outline above includes a conservative estimate of expenses for City of Perth representatives to travel to Denpasar twice for the annual Joint Working Group meetings as well as the potential MoU signing ceremony.

It is intended that where possible/appropriate, ongoing communications and discussions will be conducted via relevant technology.

Any specific programs or initiatives arising from the MoU would be subject to their own business case and subsequent relevant approvals.

Comments

Australia is working towards strengthening the vast potential of the bilateral economic partnership by building on the ASEAN-Australia-New Zealand Free Trade Agreement and creating the Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA).

In line with the IA-CEPA, this MoU would increase the level of collaboration and knowledge exchange related to start-ups and innovation between Perth and Denpasar which will benefit the stakeholders and residents of each of the respective cities. The City's role as a facilitator in helping to foster and encourage this collaboration will also strengthen connections and relationships between the City and local stakeholders.

Progressing this MoU between Perth and Denpasar is in strong alignment with the City's economic development objectives, which prioritise increased engagement and economic activities with cities within the Indian Ocean Rim region.

Similarly, the Western Australian Government has just released their Asian Engagement Strategy 2019-2030 which commits the State Government to deepening connections with "the world's most exciting region." As per the market snapshots outlined in this strategy, Indonesia consistently ranks in the top 10 export markets, international visitors and migrant source countries.

Initiatives such as this will help to position Perth as a key destination for future Indonesian investment.

Finally, execution of the MoU in 2019 would also capitalize on the 70th Anniversary of diplomatic relations between Australia and Indonesia as an example of partnership and collaboration between the two nations and their citizens.

It is recommended the City progress and sign the Memorandum of Understanding in collaboration with the Denpasar City Government.

Officer Recommendation

That Council APPROVES the City, by way of the Chair Commissioner (or representative), becoming a signatory to a Memorandum of Understanding with Denpasar City, Indonesia, regarding cooperation on creative and digital economy ecosystems.

COUNCIL RESOLUTION

ALTERNATE MOTION

Council resolved to adopt an alternate motion as follows:

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council ENDORSES a Memorandum of Understanding between the City of Perth and Denpasar City serving to initiate the development of more formal relationships based upon creative a digital ecosystems.

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Reason: To emphasise the importance of creative digital ecosystems.

Item 13.7 New Lease – “Amisa Café” Shop 1, Pier Street Car Park, 88 – 96 Murray Street, Perth

FILE REFERENCE: P1037542-2
 REPORTING OFFICER: Paul Warren, Senior Property Assets Officer
 REPORTING UNIT: Properties
 RESPONSIBLE DIRECTORATE: Infrastructure and Operations Alliance
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 6 September 2019
 ATTACHMENT/S: Attachment 13.7A – Schedule to Lease, Shop 1 Pier Street, Perth
 Attachment 13.7B – Survey Plan, Shop 1 Pier Street Perth

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 3.58 of *Local Government Act 1995*
Commercial Tenancy (Retail Shops) Agreement Act 1985
Land Administration Act (WA) 1997

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(i) - to develop and maintain collaborative inter-governmental relationships with a view to improve the City of Perth

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

Policy

Policy No and Name: 9.10 - Management of Leases

Purpose and Background:

The proponent, Behroozali Abdolkarimi Trading as “Amisa Café”, has conditionally entered into a new 5 + 5 year Retail Lease Agreement with the City of Perth for the Premises known as Shop 1, Pier Street Car Park, 88 – 96 Murray Street, Perth WA.

Details:

Following a successful marketing campaign, the City of Perth was approached by the proponent to potentially lease the currently vacant retail tenancy.

The proponent is an experienced local café operator and their application is considered sound and a low financial risk after completion of the City’s independent financial risk assessment process.

Following an independent current market rental valuation of the subject premises and a period of negotiations with the proponent, the City has agreed the commercial terms of the lease transaction subject to formal Council approval.

The City holds a valuation dated 12 August 2019 undertaken on comparable similar uses and determining that the current market rent for the subject premises is \$25,380 per annum (\$450 per square meter per annum).

It is proposed that the new lease will be formalised by a net lease using the City’s standard Retail Lease Agreement with the rent agreed at \$24,252 per annum (\$430 per square meter per annum), and the estimated Variable Outgoings agreed at \$6,127.30 per annum (\$108.64 per square meter per annum).

A copy of the schedule to the lease for this transaction are attached to this report as Attachment 13.7A along with a copy of the new Brook & Marsh Survey Plan for the subject premises as Attachment 13.7B.

All figures quoted in this report are exclusive of GST.

Financial Implications:

Council approval of the transaction will result in Rental income to the City of Perth of \$24,252 per annum (\$430 per square meter per annum) Variable Outgoings income is currently estimated at \$6,127.30 per annum (\$108.64 per square meter per annum).

Note that this income stream is currently within the 2019/20 budget.

Comments:

The proposal is supported as a very good commercial outcome in a challenging retail environment and will enhance the commercial vibrancy of this area of the Perth CBD.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

1. ***APPROVES and agrees to a lease between the City of Perth and Behroozali Abdolkarimi Trading as “Amisa Café” over Shop 1, Pier Street Car Park, 88 – 96 Murray Street, Perth in accordance with the commercial terms and conditions detailed in Attachment 13.7A;***
2. ***APPROVES the advertising of the new lease under the commercial terms and conditions detailed in Attachment 13.7A, in accordance with Section 3.58 of the Local Government Act 1995, to be advertised in the West Australian public notices, the public notice boards at Council House and the City of Perth library;***
3. ***AUTHORISES the Chief Executive Officer to finalise the Lease Agreement without further reference to Council, in the event that no submissions are received.***

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.8 New Lease – “The Lucky Charm Express” Shop 7, City Station Concourse, 378 Wellington Street, Perth

FILE REFERENCE: P1026031
 REPORTING OFFICER: Paul Warren, Senior Property Assets Officer
 REPORTING UNIT: Properties
 RESPONSIBLE DIRECTORATE: Infrastructure and Operations Alliance
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 26 September 2019
 ATTACHMENT/S: Attachment 13.8A – Schedule to Lease – Shop 7, City Station Concourse
 Attachment 13.8B – Survey Plan – Shop 7, City Station Concourse

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 3.58 of *Local Government Act 1995*
Commercial Tenancy (Retail Shops) Agreement Act 1985

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(i) - to develop and maintain collaborative inter-governmental relationships with a view to improve the City of Perth

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

Policy

Policy No and Name: 9.10 - Management of Leases

Purpose and Background:

The proponent, The Lucky Charm Express, a current Tenant of the City of Perth, has conditionally entered into a new 5 + 5 year Retail Lease Agreement with the City of Perth for the premises known as Shop 7, City Station Concourse, 378 Wellington Street, Perth.

Details:

The City was approached by the in-situ tenant of the premises with a formal request to consider renewing their lease agreement for a further term as their lease agreement is currently holding over upon a month to month basis.

Following a market rental valuation of the subject premises and a period of negotiations with the proponent, the City has agreed the commercial terms of the lease subject to formal Council approval. This market valuation dated 1 August 2019 was undertaken on comparable similar uses and determined that the current market rent for the subject premises is \$54,100 per annum (\$1,000 per square meter per annum). This falls within concourse property values ranging between \$699 and \$2,681 per square meter per annum.

The first proposed offer to the tenant is that the new lease will be a net lease using the City's standard Retail Lease Agreement with the rent at a market rate of \$54,100 per annum (\$1,000 per square meter per annum), the storage rent is agreed at \$1,900 per annum (\$200.00 per square meter per annum) and the estimated Variable Outgoings agreed at \$3,859.49 per annum (\$71.34 per square meter per annum).

A copy of the schedule to the lease is attached to this report as Attachment 13.8A along with a copy of the new Brook & Marsh Survey Plan for the subject premises as Attachment 13.8B.

All figures quoted in this report are exclusive of GST.

Financial Implications:

Council approval of the transaction will result in:

- Rental income to the City of Perth of \$54,100 per annum (\$1,000 per square meter per annum)
- Storage rental income of \$1,900 per annum (\$200 per square meter per annum); and
- Variable Outgoings income is currently estimated at \$3,859.49 per annum (\$71.34 per square meter per annum).

Note that this income stream is currently within the 2019/20 budget.

Comments:

The proposal is supported as a very good commercial outcome in a challenging retail environment and will enhance the commercial vibrancy of this area of the Perth CBD.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

- 1. **APPROVES** and agrees to a lease between the City of Perth and The Lucky Charm Express over Shop 7, City Station Concourse, 378 Wellington Street, Perth in accordance with the commercial terms and conditions detailed in Attachment 13.8A;*
- 2. **APPROVES** the advertising of the new lease under the commercial terms and conditions detailed in Attachment 13.8A, in accordance with Section 3.58 of the Local Government Act 1995, to be advertised in the West Australian public notices, the public notice boards at Council House and the City of Perth library;*
- 3. **AUTHORISES** the Chief Executive Officer to finalise the Lease Agreement without further reference to Council, in the event that no submissions are received.*

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.9 New Lease – “Mad Kitchen” Shop 4, City Station Concourse, 378 Wellington Street, Perth

FILE REFERENCE: P1026030
 REPORTING OFFICER: Paul Warren, Senior Property Assets Officer
 REPORTING UNIT: Properties
 RESPONSIBLE DIRECTORATE: Infrastructure and Operations Alliance
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 5 September 2019
 ATTACHMENT/S: Attachment 13.9A – Schedule to Lease – Shop 4, City Station Concourse
 Attachment 13.9B – Survey Plan – Shop 4, City Station Concourse

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 3.58 of *Local Government Act 1995*
Commercial Tenancy (Retail Shops) Agreement Act 1985

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(i) - to develop and maintain collaborative inter-governmental relationships with a view to improve the City of Perth

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

Policy
 Policy No and Name: 9.10 - Management of Leases

Purpose and Background:

The proponent, Ha-Lu Tapas Pty Ltd ATF YAZ Trust Trading as “Mad Kitchen”, a current Tenant of the City of Perth, has conditionally entered into a new 5 + 5 year Retail Lease Agreement with the City of Perth for the premises known as Shop 4, City Station Concourse, 378 Wellington Street, Perth.

Details:

The City was approached by the in-situ tenant of the premises with a formal request to consider renewing their lease agreement for a further term as their lease agreement is currently holding over upon a month to month basis.

Following a market rental valuation of the subject premises and a period of negotiations with the proponent, the City has agreed the commercial terms of the lease subject to formal Council approval. This market valuation dated 1 August 2019 was undertaken on comparable similar uses and determining that the current market rent for the subject premises is \$35,400 per annum (\$800.00 per square meter per annum). This falls within concourse property values ranging between \$699 and \$2,681 per square meter per annum.

The City was able to negotiate a rent starting at \$800 per square meter and settling at \$750 per square meter in order to secure the tenant. This is considered a favourable commercial outcome in the current challenging Perth retail leasing market.

It is proposed that the new lease will be a net lease using the City’s standard Retail Lease Agreement with the rent agreed at \$33,225 per annum (\$750 per square meter per annum), the storage rent is agreed at \$700 per annum (\$200 per square meter per annum) and the estimated Variable Outgoings agreed at \$3,160.36 per annum (\$71.34 per square meter per annum).

A copy of the schedule to the lease is attached to this report as Attachment 13.9A along with a copy of the new Brook & Marsh Survey Plan for the subject premises as Attachment 13.9B.

All figures quoted in this report are exclusive of GST.

Financial Implications:

Council approval of the transaction will result in:

- Rental income to the City of Perth of \$33,225.00 per annum (\$750.00 per square meter per annum) Storage rental income of \$700 per annum (\$200 per square meter per annum); and
- Variable Outgoings income is currently estimated at \$3,160.36 per annum (\$71.34 per square meter per annum).

Note that this income stream is currently within the 2019/20 budget.

Comments:

The proposal is supported as a very good commercial outcome in a challenging retail environment and will enhance the commercial vibrancy of this area of the Perth CBD.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

1. ***APPROVES and agrees to a lease between the City of Perth and Ha-Lu Tapas Pty Ltd ATF YAZ Trust Trading as Mad Kitchen over Shop 4, City Station Concourse, 378 wellington Street, Perth in accordance with the commercial terms and conditions detailed in Attachment 13.9A;***
2. ***APPROVES the advertising of the new lease under the commercial terms and conditions detailed in Attachment 13.9A, in accordance with Section 3.58 of the Local Government Act 1995, to be advertised in the West Australian public notices, the public notice boards at Council House and the City of Perth library;***
3. ***AUTHORISES the Chief Executive Officer to finalise the Lease Agreement without further reference to Council, in the event that no submissions are received.***

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.10 New Lease – “Visage Hair Salon” Shop 3, City Station Concourse, 378 Wellington Street, Perth

FILE REFERENCE: P1025127
 REPORTING OFFICER: Paul Warren, Senior Property Assets Officer
 REPORTING UNIT: Properties
 RESPONSIBLE DIRECTORATE: Infrastructure and Operations Alliance
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 2 October 2019
 ATTACHMENT/S: Attachment 13.10A – Schedule to Lease – Shop 3, City Station Concourse
 Attachment 13.10B – Survey Plan – Shop 3, City Station Concourse

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 3.58 of *Local Government Act 1995*
Commercial Tenancy (Retail Shops) Agreement Act 1985

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(i) - to develop and maintain collaborative inter-governmental relationships with a view to improve the City of Perth

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

Policy

Policy No and Name: 9.10 - Management of Leases

Purpose and Background:

The proponent, Visage Hair Salon, a current Tenant of the City of Perth, has conditionally entered into a new 5 + 5 year Retail Lease Agreement with the City of Perth for the premises known as Shop 3, City Station Concourse, 378 Wellington Street, Perth.

Details:

The City was approached by the in-situ tenant of the premises with a formal request to consider renewing their lease agreement for a further term as their lease agreement is currently holding over upon a month to month basis.

Following a market rental valuation of the subject premises and a period of negotiations with the proponent, the City has agreed the commercial terms of the lease subject to formal Council approval. This market valuation dated 1 August 2019 was undertaken on comparable similar uses and determining that the current market rent for the subject premises is \$23,100.00 per annum (\$950.00 per square meter per annum) in a range of \$699.00 to \$2,681.00 per square meter per annum.

The first proposed offer to the tenant is that the new lease will be a net lease using the City's standard Retail Lease Agreement with the rent at a market rate of \$23,100.00 per annum (\$950.00 per square meter per annum) and the estimated Variable Outgoings agreed at \$1,733.56 per annum (\$71.34 per square meter per annum). This is considered a favourable commercial outcome in the current challenging Perth retail leasing market.

A copy of the schedule to the lease is attached to this report as Attachment 13.10A along with a copy of the new Brook & Marsh Survey Plan for the subject premises as Attachment 13.10B.

All figures quoted in this report are exclusive of GST.

Financial Implications:

Council approval of the transaction will result in:

- Rental income to the City of Perth of \$23,100.00 per annum (\$950.00 per square meter per annum); and
- Variable Outgoings income is currently estimated at \$1,733.56 per annum (\$71.34 per square meter per annum).

Note that this income stream is currently within the 2019/20 budget.

Comments:

The proposal is supported as a very good commercial outcome in a challenging retail environment and will enhance the commercial vibrancy of this area of the Perth CBD.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

1. ***APPROVES and agrees to a lease between the City of Perth and Visage Hair Salon over Shop 3, City Station Concourse, 378 Wellington Street, Perth in accordance with the commercial terms and conditions detailed in Attachment 13.10A;***
2. ***APPROVES the advertising of the new lease under the commercial terms and conditions detailed in Attachment 13.10A, in accordance with Section 3.58 of the Local Government Act 1995, to be advertised in the West Australian public notices, the public notice boards at Council House and the City of Perth library;***
3. ***AUTHORISES the Chief Executive Officer to finalise the Lease Agreement without further reference to Council, in the event that no submissions are received.***

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.11 New Lease – “Silver Sponge Hand Car Wash” Perth Convention and Exhibition Centre, 21 Mounts Bay Road, Perth

FILE REFERENCE: P1022440
 REPORTING OFFICER: Paul Warren, Senior Property Assets Officer
 REPORTING UNIT: Properties
 RESPONSIBLE DIRECTORATE: Infrastructure and Operations Alliance
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 8 October 2019
 ATTACHMENT/S: Attachment 13.11A – Schedule to Lease – Perth Convention and Exhibition Centre

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 3.58 of *Local Government Act 1995*
Commercial Tenancy (Retail Shops) Agreement Act 1985

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(i) - to develop and maintain collaborative inter-governmental relationships with a view to improve the City of Perth

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

Policy
 Policy No and Name: 9.10 - Management of Leases

Purpose and Background:

The proponent, Sleaford Pty Ltd and Melbec Nominees Pty Ltd T/As Silver Sponge Hand Car Wash, a current Tenant of the City of Perth, has conditionally entered into a new 5 + 5 year Retail Lease Agreement with the City of Perth for the premises known as Perth Convention and Exhibition Centre, 21 Mounts Bay Road, Perth.

Details:

The City was approached by the in-situ tenant of the premises with a formal request to consider renewing their lease agreement for a further term as their lease agreement is currently holding over upon a month to month basis.

Following a market rental valuation of the subject premises and a period of negotiations with the proponent, the City has agreed the commercial terms of the lease subject to formal Council approval. This market valuation dated 1 August 2019 was undertaken on comparable similar uses and determining that the current market rent for the subject premises is \$8,550 per annum (\$95 per square meter per annum).

The first proposed offer to the tenant is that the new lease will be a gross lease using the City's standard Retail Lease Agreement with the rent at a market rate of \$8,550 per annum (\$95 per square meter per annum). This is considered a favourable commercial outcome in the current challenging Perth retail leasing market.

A copy of the schedule to the lease is attached to this report as Attachment 13.11A.

All figures quoted in this report are exclusive of GST.

Financial Implications:

Council approval of the transaction will result in a net gain to the City for the amount of \$508.80 per annum and rental income to the City of Perth of \$8,550 per annum (\$95 per square meter per annum).

Note that this income stream is currently within the 2019/20 budget.

Comments:

The proposal is supported as a very good commercial outcome in a challenging retail environment and will enhance the commercial vibrancy of this area of the Perth CBD.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

1. ***APPROVES and agrees to a lease between the City of Perth and Sleaford Pty Ltd and Melbec Nominees Pty Ltd T/As Silver Sponge Hand Car Wash over Perth Convention and Exhibition Centre, 21 Mounts Bay Road, Perth in accordance with the commercial terms and conditions detailed in Attachment 13.11A;***
2. ***APPROVES the advertising of the new lease under the commercial terms and conditions detailed in Attachment 13.11A, in accordance with Section 3.58 of the Local Government Act 1995, to be advertised in the West Australian public notices, the public notice boards at Council House and the City of Perth library;***
3. ***AUTHORISES the Chief Executive Officer to finalise the Lease Agreement without further reference to Council, in the event that no submissions are received.***

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.12 Submission on the Draft Perth Water Buneenboro Precinct Plan

FILE REFERENCE: P1036857
 REPORTING OFFICER: Gillian El-Hoss, Senior Urban Research Officer
 REPORTING UNIT: City Planning
 RESPONSIBLE DIRECTORATE: Planning and Development
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 10 October 2019
 ATTACHMENT/S: Attachment 13.12A – Draft Perth Water Buneenboro Precinct Plan
 Attachment 13.12B – City of Perth’s submission on the Department of Biodiversity, Conservation and Attraction’s draft Perth Water Buneenboro Precinct Plan

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 State Planning Policy 2.10 Swan-Canning River System
 City of Perth City Planning Scheme No. 2

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

Policy
 Policy No and Name: N/A

Purpose and Background:

The purpose of this report is to seek Council endorsement of a submission to the Department of Biodiversity, Conservation and Attractions (DBCA) on its draft Perth Water Precinct Plan, which is currently out for public comment.

The draft Perth Water Precinct Plan establishes a vision for Perth Water *Buneenboro* and provides development policy, direction and actions to achieve the vision. The Precinct Plan area extends from the Narrows Bridge in the west to the Windan Bridge in the east, and includes the foreshore adjacent to the Swan River.

The City has confirmed with the DBCA that its submission will be lodged after the Council meeting on 29 October 2019, and that this late submission will be accepted. The submission will help inform the finalisation of the draft Perth Water Precinct Plan.

Details:

Background

State Planning Policy SPP 2.10 'Swan-Canning River System' sets out a vision statement for the future of the Swan-Canning river system; policies based on the guiding principles for future land use and development in the precincts along the river system; and performance criteria and objectives for specific precincts. To assist in implementation, the SPP 2.10 states that - "*precinct plans will be prepared collaboratively between the local governments, the Swan River Trust and the WAPC*".

The objectives of this policy are to:

- provide a regional framework for the preparation of precinct plans based on the precincts identified in the Swan River System Landscape Description;
- provide a context for consistent and integrated planning and decision making in relation to the river; and
- ensure that activities, land use and development maintain and enhance the health, amenity and landscape values of the river, including its recreational and scenic values.

City Involvement

In 2018, the DBCA approached the City of Perth to be a member of a Vision Group in the preparation of a Precinct Plan for Perth Water. In June 2018, the City entered into a Memorandum of Understanding (MoU) with the Department of Biodiversity, Conservation and Attractions (DBCA) with the stated purpose:

"Facilitate development of a Precinct Plan which guides the future use and management of Perth Water, its foreshores and the development interface with the Parks and Recreation reserve, in accordance with State Planning Policy 2.10 Swan-Canning River System. The Precinct Plan is to be a publicly available document, co-endorsed and implemented by the involve parties".

Other members of the Perth Water Vision Group include the City of South Perth; Town of Victoria Park; Department of Planning, Lands and Heritage; Department of Transport; Metropolitan Redevelopment Authority; and Tourism Western Australia. All Vision Group members made

financial contributions to the project: as part of its MoU, the City provided a cash contribution of \$10,000.

The City's nominated representatives to the Vision Group were the Director, Planning and Development, with joint deputies being Manager City Planning and Manager Coordination and Design. In addition to representation on the Vision Group, City staff attended workshops held by DBCA in April and May 2018 to inform the development of the plan.

The City's Administration has since provided two sets of comments to DBCA on iterations of the draft Precinct Plan, released in March 2019 and July 2019. Many, though not all, of these comments resulted in changes to the draft documentation.

Document Structure

The draft Perth Water Precinct Plan focuses on respecting the cultural and environmental value of Perth Water, and addresses key development considerations such as tourism and recreation opportunities, commercial use and transport improvements around and across the river.

The Precinct Plan comprises two parts:

Part 1: Development Policy and Requirements – intended to direct and inform all types of development (including use of the land and water) within the precinct, supported by a series of development requirements that are to be addressed and satisfied as part of any development proposal.

Part 2: Action Plan – identifies a list of actions that members of the Perth Water Vision Group (PWVG) aim to implement to achieve the Precinct Plan vision.

Financial Implications:

There are no direct financial implications associated with this report.

Part 2 of the Draft Perth Water Precinct Plan includes a number of actions for the City. Some of these can be carried out using current operating budgets. Some will have additional cost implications. The budgetary status of these actions has been indicated within the Submission (Attachment 13.12B).

The MoU requires that the City takes "all reasonable steps to implement the Precinct Plan, subject to specific actions aligning to the City's approach to designing and managing the Capital City, and subject to Council approval of funding". It is anticipated that funding for individual actions contained within the Precinct Plan (once finalised) would be sought individually through the City's usual budgeting processes.

The City of Perth, will further discuss the commitments described in the draft Plan, prior to finalisation by the DBCA to ensure alignment with the emerging corporate business planning process.

Comments:

The City's Administration has prepared a response to the State Government's draft Perth Water *Buneenboro* Precinct Plan which is attached in Attachment 13.12A for the Council's consideration and endorsement. This submission has considered alignment between the draft Precinct Plan and the City's current initiatives and strategic direction.

The aim of DBCA to create a shared vision for Perth Water is strongly supported. In particular, the City applauds DBCA's collaborative approach towards establishing alignment between State and Local Government. The large number of administrative authorities involved in the area makes a shared vision for Perth Water challenging to establish, and important to pursue.

DBCA's approach to developing the draft Perth Water Precinct Plan aligns with the City's strategic priority 'Joint City and State Strategy', and paves the way for future City-State collaboration on major projects in the area (for example; the future redevelopment of the Perth Concert Hall Precinct and PCEC areas).

The majority of the document, including the actions identified for local government authorities and the City of Perth specifically, are supported. Many of these actions are already planned by the City, or are considered 'business as usual'.

Nonetheless, there are some areas of concern for the City, as outlined in the Submission. These relate to:

- **Document structure and statutory weight.** Further clarity is required as to the intended statutory weight of Part A of the document. This issue is explored further below.
- **Governance and implementation.** There is no information provided regarding the proposed approach for governance and implementation, including monitoring and review. For many actions, multiple lead agencies are identified. This could create confusion regarding ultimate responsibility for funding and implementation of these actions.
- **Activation of the waterfront.** There are aspects of the Plan that may inhibit the expansion of on-water activities. In particular, the proposition of restricting lease periods to 'short-term (eg. five year)' is likely to reduce the viability of many commercial projects.
- **Land-based helipads.** The Plan outlines locations for possible land-based helipads, including at Point Fraser and Nelson Avenue, with CoP listed as the lead agency to "investigate options for land-based helipads". While a technical assessment has not been undertaken, the suitability of these locations is questioned, or at least it is considered premature to suggest these sites as suitable. In general, the safety area required around helipads, and the noise they generate, does not align with objectives around preventing privatisation of the river and protecting amenity and public enjoyment.

Statutory Weight

The future statutory weight of the document, from a planning perspective, is unclear. SPP 2.10 states that such Precinct Plans should be prepared "generally following the procedures for the preparation of a local planning policy set out in the Model Scheme Text, and be endorsed by all parties". SPP2.10 is currently being reviewed by the Department of Planning, Lands and Heritage.

The majority of land within the Precinct Plan that is within the City of Perth boundary is reserved under the Metropolitan Region Scheme (MRS) (with the exception of a small amount of parkland at

Claisebrook Cove, which falls within the City's Local Planning Scheme No. 26 - Normalised Redevelopment Area). Typically, the City would not adopt a local planning policy over land where it is not the determining authority (though the *Planning & Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) do not necessarily preclude this). The Planning Regulations and the Metropolitan Region Scheme are silent on the role and process for the adoption and implementation of any such 'precinct plan' by Local Government.

Should Part A be adopted by State Government through appropriate processes, the City of Perth may be required to give 'due regard' to the Perth Water *Buneeboro* Precinct Plan when providing comment on development undertaken on MRS land within the Precinct Plan area.

The submission (Attachment 13.12B) has been prepared under the assumption that Part 1 of the draft Perth Water Precinct Plan will carry this level of statutory weight.

Given that the documentation is still in draft, there are further opportunities during the finalisation of the Perth Water Precinct Plan for the City to work with the DBCA and Vision Group to clarify the Plan's statutory weight and role under the State and local planning framework.

Future Endorsement by City

While processes for endorsement of the draft Perth Water Precinct Plan, and its future statutory weight, still need to be clarified, it is in the City's interests to continue to collaborate towards its finalisation. As outlined earlier, the Precinct Plan is well aligned with the City's strategic priority 'Joint City and State Strategy'.

The MoU signed by the City places a non-binding obligation on the City to proceed to endorsement and implementation of the Precinct Plan. It includes the following responsibilities for the City:

- 3.1.6: To undertake all reasonable steps to progress co-endorsement and final adoption of the Precinct Plan as policy under SPP2.10, subject to the final Precinct Plan aligning with the strategic intent of the City of Perth; and
- 3.1.7: To undertake all reasonable steps to implement the Precinct Plan, subject to specific actions aligning to the City's approach to designing and managing the Capital City, and subject to Council approval of funding.

The MoU also states that – "modifications to the final Precinct Plan and any final supporting documents will void endorsement of the document/s by the other parties".

Prior to finalisation of the Precinct Plan and Action Plan by the DBCA, further discussion between the City and DBCA is needed to determine the most appropriate approach for inclusion of any agreed actions into the City's Integrated Planning Model.

Officer Recommendation

That Council:

1. ENDORSES the submission to the Department of Biodiversity, Conservation and Attractions on the draft 'Perth Water Buneenboro Precinct Plan' as detailed in Attachment 13.12B; and
2. NOTES that discussions with State Government will need to occur to determine how plans, strategies and policies, such as the Perth Water Buneenboro Precinct Plan, are reflected in the City's Integrated Planning Model.

COUNCIL RESOLUTION***MOVED WITH AMENDMENT***

That Council amend the Officer Recommendation as follows:

That Council:

1. ***ENDORSES the submission to the Department of Biodiversity, Conservation and Attractions (DBCA) on the draft 'Perth Water Buneenboro Precinct Plan' as detailed in Attachment 13.12B, subject to the following recommended modifications being included in the submission:***
 - (a) ***The Plan being restructured to more clearly differentiate between its three primary functions, as follows:***
 - (i) ***To guide the Swan River Trust and DBCA's responses to future plans and proposals that could impact on or be impacted by the Perth Water Buneenboro Precinct Plan;***
 - (ii) ***To inform (but not dictate) the plans and proposals of local governments and private sector stakeholders in the area affected by the Perth Water Buneenboro Precinct Plan;***
 - (iii) ***To present a consolidated State Government position on the planning for, use, management and development of Crown and government owned/managed areas covered by the Perth Water Buneenboro Precinct Plan.***
 - (b) ***Delete reference to the Precinct Plan "Policy Area" and replace it with reference to the Precinct Plan Area, in recognition of the fact that the Plan is not a Policy and the area covered by the Plan should therefore not be referenced as such.***
 - (c) ***Delete reference to "Development Requirements" and substitute it with more appropriate terminology, recognising it is not within the statutory reach of this Plan to prescribe requirements for development to comply with. As a suggestion, the "Development Requirements" could be better described as "Desired Outcomes" that flow from the "Objectives" listed in the Plan.***

- (d) Require “View corridors and strategic landmarks” to also include the area from (and including) the Perth Convention and Exhibition Centre to Mount Eliza; the South Perth Peninsula from the Narrows Bridge to Mends Street Jetty; and the eastern edge of the City of Perth, generally between the Causeway and Claisebrook Cove.

Where any inconsistency arises between the recommended modifications listed above and the City’s submission contained in Attachment 13.12B, the modifications above shall prevail to the extent of that inconsistency.

2. ~~NOTES~~ ADVISES the DBCA and Swan River Trust that, whilst the City supports the Draft Perth Water Buneenboro Precinct Plan, its submission on the Plan does not constitute acceptance of the accountabilities and actions allocated to the City of Perth under that Plan, as those matters will be the subject of future discussions and agreement with relevant State Government agencies to determine whether, how, when and to what extent the aspirations of the Precinct Plan are incorporated into and actioned under the City’s Integrated Planning and Reporting Framework. ~~that discussions with State Government will need to occur to determine how plans, strategies and policies, such as the Perth Water Buneenboro Precinct Plan, are reflected in the City’s Integrated Planning Model.~~

PRIMARY MOTION AS AMENDED

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

1. **ENDORSES** the submission to the Department of Biodiversity, Conservation and Attractions (DBCA) on the draft ‘Perth Water Buneenboro Precinct Plan’ as detailed in Attachment 13.12B, subject to the following recommended modifications being included in the submission:
 - (a) *The Plan being restructured to more clearly differentiate between its three primary functions, as follows:*
 - (i) *To guide the Swan River Trust and DBCA’s responses to future plans and proposals that could impact on or be impacted by the Perth Water Buneenboro Precinct Plan;*
 - (ii) *To inform (but not dictate) the plans and proposals of local governments and private sector stakeholders in the area affected by the Perth Water Buneenboro Precinct Plan;*
 - (iii) *To present a consolidated State Government position on the planning for, use, management and development of Crown and government owned/managed areas covered by the Perth Water Buneenboro Precinct Plan.*

- (b) Delete reference to the Precinct Plan “Policy Area” and replace it with reference to the Precinct Plan Area, in recognition of the fact that the Plan is not a Policy and the area covered by the Plan should therefore not be referenced as such.**
- (c) Delete reference to “Development Requirements” and substitute it with more appropriate terminology, recognising it is not within the statutory reach of this Plan to prescribe requirements for development to comply with. As a suggestion, the “Development Requirements” could be better described as “Desired Outcomes” that flow from the “Objectives” listed in the Plan.**
- (d) Require “View corridors and strategic landmarks” to also include the area from (and including) the Perth Convention and Exhibition Centre to Mount Eliza; the South Perth Peninsula from the Narrows Bridge to Mends Street Jetty; and the eastern edge of the City of Perth, generally between the Causeway and Claisebrook Cove.**

Where any inconsistency arises between the recommended modifications listed above and the City’s submission contained in Attachment 13.12B, the modifications above shall prevail to the extent of that inconsistency.

- 2. ADVISES the DBCA and Swan River Trust that, whilst the City supports the Draft Perth Water Buneenboro Precinct Plan, its submission on the Plan does not constitute acceptance of the accountabilities and actions allocated to the City of Perth under that Plan, as those matters will be the subject of future discussions and agreement with relevant State Government agencies to determine whether, how, when and to what extent the aspirations of the Precinct Plan are incorporated into and actioned under the City’s Integrated Planning and Reporting Framework.**

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Reason: To qualify the City’s submission in four key areas.

Item 13.13 Initiation of Amendment No. 41 to City Planning Scheme No.2 to Introduce a Northbridge Special Entertainment Precinct

FILE REFERENCE: P1034633#02
 REPORTING OFFICER: Siobhan Linehan, Senior Urban Planner
 REPORTING UNIT: City Planning
 RESPONSIBLE DIRECTORATE: Planning and Development
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 11 October 2019
 ATTACHMENT/S: Attachment 13.13A – Map of the Special Control Area
 Attachment 13.13B – Proposed Scheme Amendment
 Attachment 13.13C – MRA Northbridge Entertainment Precinct
 Attachment 13.13D – Australian State and Local Government Low Frequency Noise Criteria
 Attachment 13.13E – Table of Current Maximum Ambient Noise Levels – Northbridge Special

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**

Environmental Protection Act 1986
Environmental Protection (Noise) Regulations 1997
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
 City of Perth City Planning Scheme No. 2
 City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas)
 Metropolitan Redevelopment Scheme Central Perth Redevelopment Scheme 2012

City of Perth Act 2016**Objects of the City of Perth**

8(1)(f) - to promote environmentally sustainable development, while ensuring Perth's role as a thriving business, cultural and entertainment centre, considering the flow-on impact to the Perth metropolitan area

Integrated Planning and Reporting Framework Implications**Strategic Community Plan**

Strategic Priority - Built Environment

Policy

Policy No and Name:

City of Perth:

Precinct Plan No. 1 – Northbridge
 Precinct Plan No. 3 – Stirling
 William Street Heritage Area Design Guidelines
 Northbridge Area 36 – Lake Street Design Guidelines
 Northbridge Area 35 – Russell Square Design Guidelines

Metropolitan Redevelopment Authority:

Central Perth Development Policy 3 – Sound and Vibration Attenuation

Purpose and Background:

The purpose of the proposed amendment to the City of Perth's City Planning Scheme No. 2 (CPS2) is to introduce a Special Control Area (SCA) to establish a Northbridge Entertainment Precinct.

The proposed Scheme Amendment forms part of a broader package of noise management reforms which the City has been working on with the Department of Planning, Lands and Heritage (DPLH) and the Department of Water and Environmental Regulations (DWER). It is intended that this package of reforms will be released for public comment in November 2019.

Background

Northbridge is one of the State's premier entertainment districts servicing the Perth metropolitan region and is characterised by a concentration of entertainment venues including night clubs and

bars, in addition to cafés and restaurants. It is also a hub for cultural facilities such as the State Theatre Centre, WA Museum and Art Gallery WA. It is a vibrant mixed-use locality that contributes significantly to Perth's social and cultural scene, as well as its economic development.

Entertainment venues which play live and/or amplified music in Northbridge have historically operated relatively unfettered at higher noise levels than those prescribed under the State Government's *'Environmental (Noise) Regulations 1997'* (Noise Regulations), given the low number of noise sensitive premises such as residential and short stay accommodation situated within the area. However, over the last decade Northbridge has undergone significant change as a consequence of urban renewal. The growth of noise sensitive premises in Northbridge has resulted in uncertainty for entertainment venue operators, due to the potential impact of noise complaints.

Issues with *Environmental Protection (Noise) Regulations 1997*

The primary instruments for noise regulation in the State are the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations).

The Noise Regulations set legally enforceable assigned (or allowable) levels for noise emitted from a premises or venue at the point of a sensitive receiver. The assigned levels (which are defined as outdoor levels) vary according to the type of premises receiving the noise and the time of day the noise is received. Higher levels of protection are afforded to the most sensitive premises, classed as 'noise-sensitive'. Premises classified as noise-sensitive include residential accommodation, small hospitals, schools, aged care facilities and short-term accommodation.

The City along with other local governments across the state is responsible for administering the Noise Regulations. It has however become increasingly difficult to administer some aspects of the Noise Regulations.

The current Noise Regulations requires noise-emitting venues to comply with the assigned outdoor and indoor noise levels for noise-sensitive developments. It is however often difficult for noise-emitting venues to comply with the outdoor noise levels which apply at the noise-sensitive development (i.e. balconies, patios or alfresco areas or inside when the windows and doors open) within entertainment areas. This is due to the high concentration of noise emitting venues and the ambient noise levels being higher, particularly at night.

The issue is predominantly the result of the Noise Regulations applying one set of noise standards across the whole State, with a presumption of separation between land uses. This separation is not present in Northbridge where there is a concentration of entertainment venues that play live and/or amplified music co existing with residential developments or in other mixed-use areas of the city.

Noise emissions in Northbridge have only become an issue since noise sensitive premises being developed. This is due to the Noise Regulations only being enforced when a noise complaint is received.

Accordingly, amendments are required to the State Government's noise management legislation are required to address this issue.

State Government's – Discussion Paper 'Planning for Entertainment Noise in the Northbridge Area'

Ensuring that Northbridge remains one of the State's premier entertainment areas is a shared priority of the State Government and City. Over the last decade the City has advocated for noise management reform including changes to the Noise Regulations to provide for a higher degree of certainty for entertainment venues within Northbridge and provide for cultural diversity and economic growth.

In September 2018, the Department of Planning, Lands and Heritage (DPLH) and the Department of Water and Environmental Regulation (DWER) released a Discussion Paper 'Planning for Entertainment Noise in the Northbridge Area' to consult on the establishment of an entertainment precinct in Northbridge. The Discussion Paper proposed a package of planning and environmental reforms, including possible changes to the Noise Regulations, to achieve the State Government's commitment to supporting the performing arts sector and night time economy in Western Australia. This included the application of the 'agent of change' principle, whereby any new entertainment venues or residential developments would be responsible for the protection of noise sensitive receivers from excessive noise. The Discussion Paper also identified a potential boundary for the entertainment precinct.

The Discussion Paper was considered by Council at its meeting held on **27 November 2018**, where it resolved:

"That Council:

1. *COMMENDS the State Government for progressing reforms to address noise related land use conflicts and protect existing live music and entertainment venues in the Northbridge Entertainment Area and advises that it is generally supportive of the key reform proposals outlined in the 'Planning for Entertainment Noise in the Northbridge Area' public consultation paper. These include the application of the following to the Northbridge Entertainment Area:*
 - 1.1 *the 'agent of change' principle;*
 - 1.2 *the removal of outdoor assigned levels for noise sensitive developments and to instead focus only on protection of health and amenity indoors;*
 - 1.3 *higher building and construction standards for both new noise emitting and noise sensitive development;*
 - 1.4 *notifications on titles being required for all new developments alerting prospective purchasers to the non-typical noise environment; and*
 - 1.5 *noise assessments being provided as part of the applications for all new development to demonstrate that it they can be appropriately designed and constructed.*

2. *ADVISES that there is a need to consider:*
 - 2.1 *further reforms to the Environmental Protection (Noise) Regulations 1997 to improve noise monitoring criteria that better addresses low frequency noise, including 'bass' associated with amplified music;*
 - 2.2 *the setting of maximum outdoor noise levels at the property boundaries of noise-emitting developments, as an additional criteria within the entertainment area;*
 - 2.3 *the need for consistency across the City of Perth's and the Metropolitan Redevelopment Authority's planning scheme and policy framework as the proposed Northbridge Entertainment Area boundaries includes land within the Metropolitan Redevelopment Authority's Perth City Link Project Area; and*
 - 2.4 *the need to apply the reforms more broadly to other areas within the City of Perth, via a head of power and without the requirement for substantial legislative changes, including the central and west-end areas of Perth which also contain high concentrations of liquor licensed venues and allow for a mixture of entertainment and residential (permanent and short-stay accommodation) land uses under City Planning Scheme No. 2."*

It is understood that a number of submissions received during public consultation period suggested that the proposed 'agent of change' approach may not provide the level of certainty being sought by entertainment venue operators and that it may be difficult to implement and ensure compliance.

In response, the State Government in consultation with the City is now proposing an alternative approach to noise management in Northbridge as documented in this report.

Details:

Co-ordinated State Government and City Approach

The creation of a Special Entertainment Precinct in Northbridge requires both the State Government and the City to pursue planning and environmental reforms. Key deliverables include the following:

1. Western Australian Planning Commission Position Statement

A WAPC Position Statement proposed to provide guidance to local government on the establishment of designated special entertainment precincts.

A draft Position Statement was prepared and endorsed by the WAPC on 24 July 2019 for targeted stakeholder engagement. Representatives from the DPLH along with DWER and the City met with a range of key stakeholders and provided a high level overview of the proposed new noise management approach. This appeared to be generally well received.

2. Amendment to Environmental Protection (Noise) Regulations 1997

The Amendment has yet to be drafted however it understood that it will enable:

- local governments to define special entertainment precinct/s for the purposes of noise management in their local planning schemes; and
- entertainment venues situated within a designated special entertainment precinct to have an option to apply to the local government for a special Venue Approval to emit noise levels beyond the current assigned levels under regulation 7 of the Noise Regulations for its day to day operations. The issuing of a Venue Approval will be guided by nominal or strategic noise levels established for the special entertainment precinct under the local government's local planning scheme;
- the Venue Approval would specify a maximum allowable noise level at the venue boundary, or a defined point, for compliance purposes and may have other conditions attached, such as requiring an Acoustic Report.

DWER has prepared preliminary drafting instructions for the proposed Amendment to the Noise Regulations and a Regulatory Impact Statement (RIS) which is a prerequisite to amending the Noise Regulations.

3. Amendment to City Planning Scheme No. 2

The City proposes to amend City Planning Scheme No. 2 to establish a Northbridge Special Entertainment Precinct through the creation of a Special Control Area (SCA), the details of which are the subject of this report.

As outlined above it is intended that the proposed WAPC Position Statement, Regulatory Impact Statement (RIS) and proposed Scheme Amendment will be advertised concurrently for public comment in November 2019.

Proposed Scheme Amendment – Northbridge Special Entertainment Precinct

The intent of establishing a Special Entertainment Precinct/SCA is to ensure that Northbridge remains one of the State's premier entertainment areas through the application of higher sound attenuation standards to development to ensure acceptable levels of acoustic amenity for noise sensitive premises.

The Special Entertainment Precinct/SCA extends over the land bounded primarily by Newcastle, Stirling, Fitzgerald and Wellington Streets, and comprises a Core Entertainment Area and Frame Entertainment Area as shown in Attachment 13.13A. It should be noted that it will not apply to those areas under the planning control of the Metropolitan Redevelopment Authority.

Key Objectives and Components

The key objectives of the proposed Northbridge Special Entertainment Precinct/SCA are to:

- (a) Ensure the Northbridge Entertainment Precinct continues to be a primary entertainment area in the city, and evolves as a vibrant culture and arts scene with a variety and a high concentration of entertainment venues;

- (b) Reduce potential land use conflicts between noise sensitive uses and entertainment venues through the careful consideration of the location of such uses, and ensuring the design and construction of buildings incorporate appropriate sound attenuation measures;
- (c) Acknowledge and support a higher concentration of entertainment venues in the Core Entertainment Area by ensuring development incorporates noise attenuation measures which respond to external amplified music noise levels which may be permitted under the *Environmental Protection (Noise) Regulations 1997* (as amended), including levels that may not comply with the standard prescribed under regulation 7.
- (d) Provide a Frame Entertainment Area, which acts as a transitional area, by ensuring development incorporates noise attenuation measures which respond to external amplified music noise levels which may be permitted under the *Environmental Protection (Noise) Regulations 1997* (as amended), including levels that may not comply with the standard prescribed under Regulation 7.

The Scheme Amendment will:

- Establish the boundary of the Special Entertainment Precinct/SCA (which will have application under both the Scheme and Noise Regulations);
- Identify higher external (i.e. strategic) amplified noise levels for the Core and Frame Entertainment Areas for the purposes of setting appropriate noise attenuation standards (which will also guide the issuing of Venue Approvals under the Regulations);
- Set the requirements for new noise sensitive and noise emitting uses/development including:
 - building attenuation requirements;
 - information to be submitted as part of development applications e.g. Acoustic Report and/or a Transmission Loss Report; and
 - conditions of approval eg. - Notification on title.

For the purposes of the Special Entertainment Precinct/SCA, noise sensitive premises include those uses within the Residential and Special Residential (i.e. short stay accommodation) use groups.

Noise Attenuation Levels

The purpose of the proposed Special Entertainment Precinct/SCA is not to set assigned external amplified music levels for the Core and Frame Entertainment Areas (as this is beyond the remit of a local planning scheme) but rather to establish nominal or strategic external amplified music sound levels upon which noise attenuation standards for new development will be based. Notwithstanding this, it is understood that some reference will be made to these nominal or strategic levels in the proposed Amendment to the Noise Regulations to guide the issuing of Venue Approvals within the area.

The Scheme Amendment proposes a nominal external amplified music noise level of:

- L_{Leq} , 95dB in the 63 Hz octave band and L_{Leq} , 86 dB in the 125 Hz octave band within the Core Entertainment Area; and
- L_{Leq} , 79 dB in the 63 Hz octave band and L_{Leq} , 70 dB in the 125 Hz octave band within the Frame Entertainment Area.

Accordingly, new entertainment venues located in the Core Entertainment Area shall be designed and constructed to incorporate noise attenuation measures to ensure that a level of L_{Leq} 95 dB in the 63 Hz octave band and L_{Leq} 86 dB in the 125 Hz octave band is not exceeded outside the entertainment venue. Within the Frame Entertainment Area new entertainment venues shall be designed and constructed to incorporate noise attenuation measures to ensure that a level of L_{Leq} 79 dB in the 63 Hz octave band and L_{Leq} 70 dB in the 125 Hz octave band is not exceeded outside the entertainment venue.

The noise attenuation standards for new noise sensitive premises have been designed to achieve a maximum internal level of 47 dB in the 63 Hz octave band and L_{Leq} , 41 dB in the 125 Hz octave band. Accordingly, new noise sensitive premises located in the Core Entertainment Area shall be located, designed and constructed so that the Transmission Loss (noise level reduction due to building attenuation) is at minimum L_{Leq} 48 dB in the 63 Hz octave band and L_{Leq} 45 dB in the 125 Hz octave band. Within the Frame Entertainment Area, new noise sensitive premises shall be located, designed and constructed to achieve sufficient Transmission Loss (noise level reduction due to building attenuation) to achieve an internal level of 47 dB in the 63 Hz octave band and L_{Leq} , 41 dB in the 125 Hz octave band. In determining the appropriate noise attenuation standards within the Frame Entertainment Area consideration will need to be given to not only the nominal external amplified music noise level identified for the area but also any higher noise levels experienced in the area due to entertainment venues in the adjoining Core Entertainment Area being able to operate at higher noise levels.

The Scheme Amendment proposes to modify the Scheme definitions of ‘plot ratio’ and the ‘floor area of a building’ for the Special Entertainment Precinct/SCA to exclude enclosed balconies (where the glazing is openable above the balustrade level) which are required to assist in mitigating noise intrusion.

Land Use Permissibilities

The Scheme Amendment proposes to reclassify Special Residential uses (i.e. short stay accommodation) from ‘Preferred Uses’ to ‘Contemplated Uses’ within the Core Entertainment Area and the part of the Frame Entertainment Area situated between Beaufort and Stirling Streets.

This will result in the following land use permissibilities across the Special Entertainment Precinct/SCA:

CPS2 Provisions	Entertainment Use	Residential Use	Special Residential Use
Core	Preferred	Contemplated	Contemplated
Frame:			
Between Beaufort St and Stirling St	Contemplated	Contemplated	Contemplated
Remainder	Contemplated	Preferred	Preferred

It should be noted that no changes are currently proposed to the land use permissibilities under the City’s LPS26 which apply to the land on the northern side of Aberdeen Street. Land use permissibilities will remain as follows:

- Precinct NB1: Russell Square - Permanent Residential and Transient Residential are ‘Preferred’ uses, whereas Dining and Entertainment are ‘Contemplated’ uses.
- Precinct NB2: Lake Street - Dining and Entertainment and Transient Residential are ‘Preferred’ uses, whereas Permanent Residential is a ‘Contemplated’ uses.

Residential and Special Residential Bonus Plot Ratio

The Scheme Amendment proposes the removal of bonus plot ratio eligibility for Residential and Special Residential uses (i.e. short stay accommodation) within the Core Entertainment Area and within the portion of the Frame Entertainment Area between Beaufort and Stirling Street. This will result in the following application of Residential and Special Residential bonus plot ratio across the Special Entertainment Precinct/SCA:

CPS2 Provisions	Residential Bonus PR	Special Residential Bonus PR
Core	Not Applicable	Not Applicable
Frame:		
Between Beaufort St and Stirling St	Not Applicable	Not Applicable
Remainder	Applicable	Applicable

No. 2-6 (Lot 40) Parker Street Special Control Area

The Scheme Amendment proposes the deletion of the Special Control Area relating to No. 2 -6 (Lot 40) Parker Street which enables the City to grant bonus plot ratio where development incorporates a new Special Residential use.

Refer to Attachment 13.13B to view the Scheme Amendment in detail.

Future Supporting Documents

Separate to the Scheme Amendment, the City will prepare a number of supporting documents including:

- A Local Planning Policy - Noise Attenuation – which will cover the whole of the city and aim to clarify and consolidate current provisions, as well as incorporating additional provisions for the Special Entertainment Precinct/SCA. This will be prepared subsequent to the initiation of the proposed Scheme Amendment.
- A Council Policy – to address the compliance and enforcement matters associated with noise management within the city and to provide guidance around the issuing of Venue Approvals within the Special Entertainment Precinct/SCA. This will be prepared once the City has visibility of the proposed Amendment to the Noise Regulations.

Stakeholder Engagement

In late August 2019, the City sent a letter to landowners situated within the proposed Special Entertainment Precinct/SCA to inform them of the work the City and the State Government had been undertaking on the proposed planning and environmental regulatory reforms within

Northbridge. No action was requested from landowners and only one landowner contacted the City with a query.

Financial Implications:

ACCOUNT NO:	106070150
BUDGET ITEM:	Planning Schemes and Policies
BUDGETED AMOUNT:	\$463,200
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$9,500
BALANCE REMAINING:	\$453,700
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

As outlined above, the primary purpose of the Scheme Amendment is to ensure that Northbridge remains one of the State's premier entertainment areas through the application of higher sound attenuation standards to development.

The key components of the Scheme Amendment are discussed below.

Core and Frame Entertainment Areas

The external boundary of the City's proposed Special Entertainment Precinct/SCA is the same as that identified in the State Government's Discussion Paper 'Planning for Entertainment Noise in the Northbridge Area'.

The Metropolitan Redevelopment Authority's (MRA) Central Perth Redevelopment Scheme also incorporates a 'Northbridge Entertainment Precinct' with both Core and Frame Areas. Refer to Attachment 13.13B. The external boundary of the City's proposed Special Entertainment Precinct/SCA is similar to that of MRA's however the MRA's Northbridge Entertainment Precinct excludes an area of predominately noise sensitive uses on the western side of Russell Square bound by Fitzgerald, Aberdeen, James and Shenton Streets. This area is included in the City's proposed Special Entertainment Precinct/SCA to ensure a higher level of noise attenuation is required for any new noise sensitive developments.

The City's proposed Core Entertainment Area has been identified to correspond to:

- The areas with the greatest concentration of high external amplified music noise levels as identified in the 'Northbridge Entertainment Precinct Noise Study' (2012) and the 'Northbridge Noise Monitoring Report' (2019);
- The location of a large number (approximately 40) of the Northbridge entertainment venues which play live/amplified music;
- Fewer noise sensitive premises (accommodating approximately 149 residential premises, which are predominately strata titled and several short-term accommodation premises) than the proposed Frame Entertainment Area (which accommodates approximately 609 residential

- premises which are predominantly strata titled and 12 short stay accommodation premises); and
- The Scheme land use area where 'Entertainment' uses are preferred and 'Residential' uses are contemplated.

The City's proposed Core Entertainment Area is similar to that of the MRA except the MRA's Core Area also includes properties situated on the northern side of Aberdeen Street (between Lake and William Streets) and on the eastern side of William Street (between Francis and Roe Streets). Refer to Attachment 13.13C.

The properties on the northern side of Aberdeen Street (which fall under the City's planning control) have not been included in the City's proposed Core Entertainment Area as they are intended to form part of a transition area. This is consistent with the Statement of Intent for this area under the City's Local Planning Scheme No. 26: to 'become a mixed land use Precinct that will create a careful transition from the existing core Northbridge entertainment precinct south of Aberdeen Street to the predominantly residential areas north of Newcastle Street'.

Similarly, those properties situated on the eastern side of William Street (which currently fall under the MRA's planning control) have not been included in the City's Core Entertainment Area as they are intended to provide an area of transition for mixed use development. It should be noted that this area of land is anticipated to be 'normalised' with the planning control to be handed back to the City around mid 2020.

Noise Attenuation Levels

In determining appropriate nominal external amplified music noise levels for the Core and Frame Entertainment Areas consideration has been given to the following:

- Ensuring that Northbridge remains one of the State's premier entertainment areas, whilst providing an acceptable level of acoustic amenity for noise sensitive premises;
- existing external amplified music noise levels outside of existing entertainment venues and noise sensitive premises;
- likely levels of building attenuation and associated transmission loss of existing noise sensitive premises; and
- levels of building attenuation and associated transmission loss that are possible in new noise sensitive premises and the associated cost implications.

Impact of Noise

The current Noise Regulations provide for the regulation of noise to protect the health and amenity of noise sensitive premises. For this reason, assigned levels are currently set by the State Government from the point of the receiver rather than the emitter (this will change in however under the proposed Amendment to the Noise Regulations).

The World Health Organisation has carried out research which concluded that exposure to noise, including low frequency noise, can have negative impacts on a person's health and well-being, particularly when they are exposed over a long-time period.

The current assigned levels in the Noise Regulations are A-weighted. These levels attempt to reflect human hearing, but are not as sensitive to low frequency noises, such as that emitted by amplified music.

There is currently no guidance within Australia in relation to what levels of low frequency noise are acceptable. Some States or local governments have however prescribed internal low frequency noise levels as outlined in Attachment 13.13D.

The UK's Department of Environment, Food and Rural Affairs (DEFRA) prescribes a maximum internal low frequency noise level for noise sensitive premises of **L_{Leq} 47 dB** at the 63 Hz octave band. Whilst this level was not developed specifically for music, DWER has advised that the nature of the noise (i.e. fluctuating/modulating) upon which this was based has characteristics in common with music. Whilst some other Australian States and local governments have prescribed slightly higher internal low frequency noise levels, DWER has advised that the DEFRA criteria presents the most up to date and appropriate basis to establish criteria for entertainment noise where significant low frequency noise is a feature. Accordingly, the proposed nominal external amplified music noise levels for the Special Entertainment Precinct/SCA are based on a desired maximum internal low frequency noise level for noise sensitive premises of **L_{Leq} 47 dB** at 63 Hz octave band.

Existing External Amplified Noise Levels

A 2012 Noise Study undertaken by Lloyd George Acoustics and commissioned by the City found that the ambient noise levels outside residential premises within the Northbridge Entertainment Precinct exceeded the Noise Regulations most of the time, particularly between 10pm and 1am on Thursday, Friday and Saturday nights.

In 2019, DWER engaged consultants Lloyd George Acoustics to undertake ambient noise measurements over 4 nights primarily within the proposed Core Entertainment Area.

Ambient noise levels were measured outside of:

- 27 (out of a total of 40) entertainment venues and 6 noise sensitive premises within the Core Entertainment Area; and
- 3 (out of a total of 20) entertainment venues and 6 noise sensitive premises within the Frame Entertainment Area.

In the Core Entertainment Area, the ambient noise levels outside of entertainment venues ranged from **L_{Leq} 75.2 – 104.2 dB** in the 63Hz octave band whilst the ambient noise levels outside of residential buildings ranged from **L_{Leq} 74.2 – 89.6** in the 63Hz octave band.

In the Frame Entertainment Area, the ambient noise levels outside of entertainment venues ranged from **L_{Leq} 74.2 – 107.9 dB** in the 63Hz octave band whilst the ambient noise levels outside residential buildings ranged from **L_{Leq} 72.5 – 92.4** in the 63 Hz octave band.

Details of these measurements are provided in Attachment 13.13E.

Building Attenuation Levels

In 2019, DWER engaged consultants Gabriel’s Hearne Farrell to examine residential building attenuation.

The actual building attenuation standards of existing residential buildings within the Core and Frame Entertainment Areas have not been able to be fully quantified however based on typical apartment construction within the Core Entertainment Area, the study indicated that existing building attenuation would be such that a transmission loss of **L_{Leq} 20 dB** in the 63Hz octave band would likely be achieved.

The study identified that low frequency noise intrusion into residential buildings in the Special Entertainment Precinct/SCA can be controlled to meet a maximum internal low frequency noise level for noise sensitive premises of **L_{Leq} 47 dB** at the 63 Hz octave band where external noise levels are up to **L_{Leq} 79 dB** in the 63Hz octave band (at an estimated additional cost of approximately 8% to the development). Where the external low frequency noise level exceeds **L_{Leq} 79 dB** in the 63Hz octave band, the required building attenuation to achieve a maximum internal low frequency noise level for noise sensitive premises of **L_{Leq} 47 dB** at the 63 Hz octave band is unlikely to be viable.

The study also identified that a very large cavity (minimum 1 metre) is required in the double-glazing format to provide good sound reduction performance in the 63 Hz octave band. This would however be achievable by fully glazing the balcony perimeter (i.e. constructing a normal balcony and installing an openable window above the normal balustrade height).

Core Entertainment Area

Three nominal external amplified music noise level scenarios were considered for the Core Entertainment Area, these being **L_{Leq} 85 dB, 90dB and 95dB** at the 63 Hz octave band.

The following table (Table 1) shows the impact of these scenarios on new and existing noise sensitive premises as well as existing venues within the Core Entertainment Area.

Table 1 – Core Entertainment Area – External Amplified Music Noise Level Scenarios

Core Entertainment Area	Scenario 1	Scenario 2	Scenario 3
63 Hz octave band dB L _{Lin eq}	85 dB	90 dB	95 dB
New Noise Sensitive Premises	Minimum L _{Leq} , 38 dB in the 63 Hz octave band	Minimum L _{Leq} , 43 dB in the 63 Hz octave band	Minimum L _{Leq} , 48 dB in the 63 Hz octave band
Transmission Loss Requirements to achieve a maximum internal low frequency noise level of L _{Leq}	Based on the study findings (DWER July 2019), anything above 79 dB in the 63Hz octave band (to achieve a maximum internal noise level of 47 dB in the 63Hz octave band) is likely to be impractical and cost prohibitive for new noise sensitive development.		

47 dB at the 63 Hz octave band			
Existing Noise Sensitive Premises Estimated indoor noise level based on an assumed transmission loss of L_{Leq} , 20 dB in the 63 Hz octave band	L_{Leq} , 65 dB @ 63 Hz octave band	L_{Leq} , 70 dB @ 63 Hz octave band	L_{Leq} , 75 dB @ 63 Hz octave band
Existing Venues Number and % of Venues in Compliance based on 2019 Measurements	5/27 18%	11/27 40%	17/27 62%

Attachment 13.13E provides further details of the current noise levels of existing venues within both the Core and Frame Entertainment Areas.

One of the key drivers of establishing the Northbridge Special Entertainment Precinct is to protect the entertainment precinct. There is also a need however to consider what would be an acceptable level of acoustic amenity for noise sensitive premises, particularly those which are existing.

Whilst the building attenuation levels of existing noise sensitive premises have not been able to be fully quantified to determine the impacts of the various scenarios on these premises with a high degree of certainty, the building attenuation standards of recent apartment developments provide a guide as to the possible impacts. Based on these and the associated transmission loss, it is likely that the desired maximum internal amplified music noise level for noise sensitive premises of L_{Leq} **47 dB** at the 63 Hz octave band would be exceeded under each of the scenarios, with the degree of impact increasing from Scenario 1 to Scenario 3. However, it should be noted that the City has received very few complaints about external amplified music noise levels over the last financial year.

Based on the potential impacts on noise sensitive premises alone, Scenario 1 would be the preferred scenario. However, only 18% or 5 out of the 27 entertainment venues surveyed could currently comply with this level and as such proceeding with such a level would potentially undermine the primary purpose for establishing the Special Entertainment Precinct.

Scenario 2 with a proposed nominal external amplified music noise level of L_{Leq} **90dB** at the 63 Hz octave band level, is reflective of the maximum amplified music noise levels (ranging between L_{Leq} **74.2 dB** to L_{Leq} **89.6 dB** within the 63Hz octave band) recently measured outside of existing noise sensitive premises. However only 40% or 11 out of the 27 entertainment venues surveyed could currently comply with this level.

If the primary purpose of establishing a Special Entertainment Precinct is to ensure that Northbridge remains one of the State’s premier entertainment areas then Scenario 3 which proposes a nominal external amplified music noise level of L_{Leq} **95dB** at the 63 Hz octave band would be preferable. 62%

or 17 out of the 27 entertainment venues surveyed currently operate at this level or below. It is acknowledged that 38% of the existing entertainment venues surveyed would need to either reduce their operating levels, or invest in further noise attenuation measures to accord with this proposed nominal level should they choose to apply for a Venue Approval. However, a greater level of certainty would be provided against complaints from noise sensitive premises than what is currently provided for under the Noise Regulations.

Scenario 3 would have the least impact on existing venue operations, however setting such a high level across the whole of the Core Entertainment Area may in some areas exacerbate the current external amplified music noise levels experienced by existing noise sensitive premises should all the existing entertainment venues (appropriately 40) situated within the proposed Core Entertainment Area choose to 'opt in' to seek a Venue Approval. Although the likelihood of every entertainment venue situated within the Core Entertainment Area choosing to opt in to obtain a Venue Approval to operate at the maximum level is questioned.

It is acknowledged that setting such a high level within the Core Entertainment Area is also likely to have greater flow on impacts to the Frame Entertainment Area. The higher the proposed nominal external amplified music noise level in the Core Entertainment Area, the less likely new noise sensitive development will be able to occur within certain areas of the Frame Entertainment Area due to the higher costs associated with attenuating to achieve acceptable internal noise levels. Similarly, the higher the proposed nominal external amplified music noise level in the Core Entertainment Area, the more difficult it may be for some entertainment venues within the Frame Entertainment Area to comply with the proposed nominal external amplified music noise level for that area.

Under each of the scenarios it is unlikely that new noise sensitive premises would be viable or acceptable given the high levels of noise attenuation that would be required to ensure acceptable internal noise levels for these uses.

Considering the primary purpose of establishing the Northbridge Special Entertainment Precinct, Scenario 3 which proposes a nominal external music noise level of L_{Leq} **95dB** at the 63 Hz octave band is considered appropriate. However, it is recommended this be on the basis that the overall external amplified noise level steps down to a level of L_{Leq} **90dB** at the 63 Hz octave band after a certain period of time (e.g. 1am) and possibly also on particular days of the week (e.g. some week days) to provide an acceptable level of acoustic amenity for existing noise sensitive premises. This approach is similar to that adopted in the Fortitude Valley entertainment area in Brisbane (albeit that their maximum external amplified music level is 90dB(C)). This could be incorporated into the Council Policy which the City will need to prepare should the proposed Amendment to the Noise Regulations allow for this.

Additionally, there is considered to be merit for discretion to be provided under the proposed Amendment to the Noise Regulations to enable the City to also issue Venue Approvals in excess of or slightly below the proposed nominal external amplified music noise level of L_{Leq} **95dB** at the 63 Hz octave band for the Core Entertainment Area under the Scheme Amendment taking into consideration any potential adverse impacts on existing noise sensitive uses. For example, recent measurements have indicated that there are venues emitting external music noise levels in excess of L_{Leq} **95dB** at the 63 Hz octave band but given the current separation of land uses, this is not necessarily translating to external music noise levels outside of noise sensitive premises in excess of

L_{Leq} 90dB at the 63 Hz octave band. In cases, however where the separation of land uses is minimal, a slightly lower external noise level may be needed.

Frame Entertainment Area

The Frame Entertainment Area is intended to act as a transitional area between the Core Entertainment Area and the area outside of the Special Entertainment Precinct/SCA (including land within the City of Vincent) and provide for a greater mix of land uses, including noise sensitive premises.

In view of this intent, as well as advice from consultant's Gabriel's Hearne Farrell that noise attenuation is only likely to be feasible up to an external amplified music noise levels of **L_{Leq}79 dB** in the 63 Hz octave band to meet acceptable internal levels for noise sensitive premises, the noise attenuation standards within the Frame Entertainment Area have been based on a nominal external amplified music noise level of **L_{Leq}79 dB** in the 63 Hz octave band. It is also intended under the future local planning policy to be prepared that new noise sensitive developments situated outside of the Special Entertainment Precinct/SCA but adjacent to the Frame Entertainment Area also be required to attenuate to this same level.

The proposed external nominal amplified music noise level will have potential implications for those entertainment venues operating above this level. Whilst a limited number of measurements were taken outside of entertainment venues in the Frame Entertainment Area, Attachment 13.13E indicates that there are some entertainment venues which are emitting higher amplified music levels than some of the entertainment venues within the Core Entertainment Area. Should these entertainment venues choose to apply for a Venue Approval, they would either need to reduce their operating levels or invest further in noise attenuation measures to accord with the new assigned levels. However, a greater level of certainty would be provided against complaints from noise sensitive premises, than what is currently provided for under the Noise Regulations.

Under the proposed external amplified music noise level of **L_{Leq}79 dB** in the 63 Hz octave band for the Frame Entertainment Area, existing noise sensitive premises in the Frame Entertainment Area could potentially receive an internal amplified music noise level of **L_{Leq}59 dB** in the 63 Hz octave band which is above the desired internal amplified music noise level for noise sensitive premises of **L_{Leq}47 dB** in the 63 Hz octave band.

There are limited recent measurements of external amplified music noise levels within the Frame Entertainment Area. Those which exist indicate that the external amplified music noise levels outside some of the existing venues ranged from **L_{Leq} 74.2– 107.9dB** within the 63Hz octave band and outside some of the existing noise sensitive premises ranged from **L_{Leq} 72.5 to L_{Leq} 92.4dB** within the 63Hz octave band. Should these existing venues choose to apply for a Venue Approval they will need to reduce their noise levels which will be of benefit to existing residents.

As discussed above there is also considered to be merit for discretion to be provided under the proposed Amendment to the Noise Regulations to enable the City to issue Venue Approvals in excess of and slightly below the proposed nominal external music noise level of **L_{Leq} 79dB** at the 63 Hz octave band taking into consideration any potential impacts on existing noise sensitive uses.

Land Use Permissibilities

As outlined above, the Scheme Amendment proposes to reclassify Special Residential uses (i.e. short stay accommodation) from 'Preferred Uses' to 'Contemplated Uses' within the Core Entertainment Area and part of the Frame Entertainment Area situated between Beaufort and Stirling Streets.

The rationale for this as follows:

- Special Residential uses are proposed to be treated similarly to Residential uses within the Special Entertainment Precinct/SCA as both are regarded as noise sensitive uses under the Noise Regulations (albeit a higher regard is given to permanent residential uses). Consideration has also been given to future proofing any proposed changes of use between Residential and Special Residential uses.
- Residential use is currently a 'Contemplated' use within the proposed Core Entertainment Area.
- A 'Preferred Use' cannot be refused on the basis of its use whilst a 'Contemplated Use' can be approved or refused taking into consideration the provisions of the Scheme and its planning policies.
- The proposal will assist to ensure that only appropriately located, designed and constructed Special Residential development with high building attenuation standards will be approved within the Special Entertainment Precinct/SCA. This will assist to minimise any further land use conflicts and amenity impacts between entertainment venues and short stay accommodation.

Residential and Special Residential Bonus Plot Ratio

CPS2 was amended in 2013 to introduce plot ratio bonuses to areas of the city where Residential and Special Residential development was to be encouraged. This included parts of the Core and Frame Entertainment Areas.

As outlined above, the Scheme Amendment proposes the removal of bonus plot ratio eligibility for Residential and Special Residential uses within the Core Entertainment Area and within the portion of the Frame Entertainment Area between Beaufort and Stirling Street. Further development of these uses in these areas would undermine the role of the precinct as a premier entertainment area.

2-6 No. (Lot 40) Parker Street Special Control Area

As outlined above, the Scheme Amendment proposes the deletion of the Special Control Area relating to No. 2-6 (Lot 40) Parker Street which enables the City to permit bonus plot ratio where development incorporates a new Special Residential use.

This SCA was initiated by the landowner and gazetted in 2015. It was considered at the time that a Special Residential plot ratio bonus could be applied without compromising public amenity and built form objectives and would also provide for the revitalisation of a unique site within Northbridge.

To ensure a consistent approach to the application of Residential and Special Residential plot ratio bonuses within the Core Entertainment Area it is no longer considered appropriate to retain the SCA. The City has yet to receive a development application for the site and arguably the need to facilitate Special Residential (e.g. hotel) development has diminished with the upsurge of such development occurring in various areas of the city in recent years.

Removal of the Proposed Growth Area - Draft City Planning Strategy

The draft City Planning Strategy (draft Strategy) identifies the area between Beaufort and Stirling Streets within the Frame Entertainment Area as a potential residential growth area. To minimise potential land use conflicts within this well-established mixed-use area, it is recommended that this area be removed as a growth area in the draft Strategy.

It should be noted that, no changes are proposed to the bonus plot ratio provisions applicable to the predominantly residential area situated on the western side of Russell Square. This area has a plot ratio of 3.0:1.0 and the potential for a maximum bonus plot ratio of 50%. Residential development can potentially achieve a maximum 20 per cent bonus and Special Residential can achieve up to a 40% bonus plot ratio for a high quality hotel in certain locations. Additionally, the MRA's Perth City Link is anticipated to feature 1,650 apartments, providing living space for 3,000 residents.

Accordingly, it is considered that the proposed SCA and amendments to the CPS2 will assist to manage potential land use conflict within the proposed SCA without compromising the City's ability to achieve its housing infill targets outlined in the State Government's '*Central Sub-Regional Planning Framework*'.

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* include three categories for amending Local Planning Schemes which are; Basic, Standard and Complex. It is considered that the proposed amendment would be a Complex amendment as it will have an impact that is significant relative to development in the locality.

Conclusion

The Scheme Amendment forms part of a broader package of noise management reforms which the City has been working on with the State Government for entertainment precincts.

The Scheme Amendment seeks to ensure that the Northbridge Special Entertainment Precinct continues to thrive as one of the State's primary entertainment areas whilst providing provide an acceptable level of acoustic amenity for noise sensitive premises.

Potential land use conflicts between noise sensitive uses and entertainment venues are intended to be minimized through the careful consideration of the location of such uses, and ensuring the design and construction of buildings incorporate appropriate sound attenuation measures.

Having regard to the objectives of the proposed Special Entertainment Precinct/SCA and the findings of the various acoustic studies, it is recommended that the proposed noise attenuation standards shall be based on the following nominal external amplified music sound levels of:

- L_{Leq} , **95dB** in the 63 Hz octave band and L_{Leq} , 86 dB in the 125 Hz octave band within the Core Entertainment Area (on the basis that the overall external amplified noise level steps down to a level of L_{Leq} **90dB** at the 63 Hz octave band and L_{Leq} , 81 dB in the 125 Hz octave band after a certain period of time (e.g. 1am), and possibly also on particular days during the week to provide an acceptable level of acoustic amenity for existing noise sensitive premises – discretion would need to be provided for this under the changes to the Noise Regulations); and
- L_{Leq} , 79 dB in the 63 Hz octave band and L_{Leq} , 70 dB in the 125 Hz octave band within the Frame Entertainment Area.

Accordingly, it is recommended that the Amendment to the Noise Regulations provide a head of power to provide the CEO of a local government with the discretion to assign, through the Venue Approval, a higher or lower external amplified music noise level than the above nominal external amplified music noise levels for the Core and Frame Entertainment Areas taking into consideration any potential adverse impacts on any existing noise sensitive.

In view of the above, it is recommended that Council Initiates Amendment No 41 to CPS2 and forwards a copy of the document to the WAPC and the EPA for their consideration, prior to advertising in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Officer Recommendation

That Council:

1. pursuant to section 75 of the Planning and Development Act 2005, resolves to initiate Amendment No. 41 to the City Planning Scheme No. 2, as detailed in Attachment 13.13B – Proposed Scheme Amendment No. 41;
2. pursuant to regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves that Amendment No. 41 to the City Planning Scheme No. 2 is a Complex amendment pursuant to regulation 34 of the Regulations for the following reason:
 - 2.1 the amendment will have an impact that is significant relative to development in the locality.
3. pursuant to section 81 of the Act, resolves to refer Amendment No. 41 to the City Planning Scheme No. 2 to the Environmental Protection Authority;
4. pursuant to regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to refer Amendment No. 41 to the City Planning Scheme No. 2 to the Western Australian Planning Commission;
5. pursuant to section 84 of the Act, resolves to advertise Amendment No. 41 to the City Planning Scheme No.2 for public inspection in accordance with regulation 38 of the Regulations;
6. recommends to the Department of Water and Environmental Regulation to incorporate in its drafting instructions for the proposed amendments to the Environmental Protection (Noise) Regulations 1997 (as amended), the provision for a head of power to provide the CEO of the Local Government with the discretion to assign, through the Venue Approval, a higher or lower

external amplified music noise level than the nominal external amplified music noise level established for a Special Entertainment Precinct taking into consideration any potential adverse impacts on any existing noise sensitive premises. The latter being required to be demonstrated through an Acoustic Report submitted with the application for Venue Approval.

COUNCIL RESOLUTION***MOTION TO DEFER***

Moved Commissioner Kosova, seconded Commissioner Hammond

That Council DEFERS consideration of Amendment No. 41 to City Planning Scheme No. 2 for further information to be provided to Commissioners to address:

- i. Commissioner feedback on the drafting, structure and application of the proposed Special Control Area provisions;***
- ii. The impacts on and risks for existing entertainment venues within the Scheme Amendment area;***
- iii. The impacts on and risks for future noise sensitive premises within the Scheme Amendment area, particularly future residential and mixed use developments; and***
- iv. The reasons for including the Perth Cultural Precinct and nearby existing entertainment venues in the Frame rather than the Core area, and the options, consequences, benefits and dis-benefits of revising that approach.***

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Reason: To enable Commissioners to receive further information on the proposed amendment.

Item 13.14 Achievers Club – Transfer of Funds from Trust T00039

FILE REFERENCE: P1037704
 REPORTING OFFICER: Sally Savage, Operations Coordinator – Community Services
 REPORTING UNIT: Community Services
 RESPONSIBLE DIRECTORATE: Community and Commercial Services
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 2 October 2019
 ATTACHMENT/S: Attachment 13.14A – Letter from Achiever’s Club

Council Role:

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

Legislation / Strategic Plan / Policy:

Legislation *Local Government Financial Management Regulations 1996 Clause 12(1)(b)*

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(d) - to continuously improve the services and facilities provided to the community, visitors and tourists

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

Policy
 Policy No and Name: NA

Purpose and Background:

The Achievers Club is fundraising group that was established in 2000 by a small group of Volunteers from the Citiplace Community Centre. The groups purpose was to raise funds through the Centre and spend the funds on the purchase of equipment and capital works projects at the Centre.

Over the 19 years of operation, the Group has raised over \$500,000 through activities such as raffles, book sales, running a craft stall at the Centre, and operation of the Centres Op Shop. The current unspent balance of the funds raised by the Achievers Club is \$95,755.92. These funds are currently held in the City's Trust, however the Club has agreed for the funds to be moved to the City's municipal account so that the sum of funds can be expended for the benefit of the Centre.

Previous purchases made for the Centre with Achievers Club raised funds have included various assets and capital works, refurbishment of the Op Shop, purchase of an interactive screen for the conference room, and purchase of a bain-marie and pie warmer for the kitchen.

Membership of the Achievers' Club has dwindled, with only three volunteers remaining in 2019. With a smaller membership, the capacity to carry out fundraising initiatives declined significantly. The City has worked with the three remaining members of the Achievers Club over the past 12 months to agree on close out of the Achievers Club (and associated fundraising activities).

Following closure of the Group, the Achievers Club will no longer be involved in fundraising activities. Instead, all funds raised by sales from the Op Shop, craft stall, book sales, bus trips and raffles will be directed back into the operating costs of the Citiplace Community Centre.

Details:

In October 2018, the Operations Coordinator commenced discussions with the Achiever's Club to review governance of the Club. At the initial meeting, the Operations Coordinator discussed the City's intention to realign income activities at the Centre to a more appropriate financial and governance model. The Coordinator outlined the need to change the model to an Advisory Group for the Centre which would no longer have full control over finances however would be able to put forward suggestions for purchases and works to benefit the Centre and the community. Following the initial meeting, the Coordinator met with the Group on another 10 occasions to work collaboratively with the group to change the existing Achievers Club model to be advisory in nature a reflect a more appropriate financial and governance model.

Throughout the consultation with the Group, a number of actions were completed:

- Achievers Club closed the separate bank account that was set up in the name of the Achievers Club and was fully controlled by two of the three remaining members of the Group – the balance of this account (over \$70,000) was transferred to the City's Trust Account;
- All funds collected through activities that had historically been seen as 'raised' by the Achievers Club (Op Shop, book stalls, raffles and bus trips and craft stall) was then receipted and banked into the Trust account by the Centre Supervisor through the Centre's weekly reconciliation process;

- The Achievers Club agreed that as of the commencement of the 2019/20 financial year, the funds raised through the activities that had historically been seen as being ‘raised’ by the Achievers Club (Op Shop, book stalls, raffles, bus trips and craft stall) would be directed into the Centre’s income account, to contribute towards the operating costs of the Centre;
- The Achievers Club submitted a list of operational and capital projects for the balance of the Trust to be expended on; and
- It was agreed that once the sum of the Trust was expended, the Group would be wound up, and the new model of the Advisory Group would be launched.

It is important to note that the Achievers Club is a non-incorporated Club, therefore there is no legislative narrative (constitution) to explain how to deal with the remainder of funds on the closure of the Club. Due to the Club being non-incorporated, the City have requested Achievers Club to provide written agreement that the funds be moved from the City’s Trust and reimbursed to the City, which the City will then deploy towards purchasing the items listed below. The attached letter outlines the agreement between the Achievers Club and the City to facilitate that outcome.

The below table outlines the purchases to be made with the Achievers Club funds and the associated budget amendment.

Table 1 – Proposed Budget Amendment

Details	Current Budget	Amendment	Revised Budget
Complete repaint of the Centre	\$32,455.50	\$0.00	\$32,455.50
Interactive TV Screen for large conference room	\$0.00	\$15,903.00	\$15,903.00
New chairs for the dining room (140 chairs)	\$0.00	\$20,944.00	\$20,944.00
Artificial plants to go throughout the Centre	\$0.00	\$3,599.42	\$3,599.42
Remainder of funds to be allocated towards the construction of a storeroom off the Centre	\$0.00	\$22,854.00	\$22,854.00
Total Expenditure			\$95,755.92
Funds Transferred from Trust	\$0.00	\$95,755.92	\$95,755.92
Net Impact on Municipal Surplus			\$0

Financial Implications:

ACCOUNT NO:	PJ 1205 60130 0000
BUDGET ITEM:	N/A
BUDGETED AMOUNT:	N/A
AMOUNT SPENT TO DATE:	N/A
PROPOSED COST:	\$95,755.92
BALANCE REMAINING:	N/A
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

Comments:

Current membership of the group comprises of three long standing volunteers of the Centre.

The City has consulted with the three remaining members of the Achievers Club on 10 occasions in the last 12 months to reach agreement of a forward plan for the Club, and associated expenditure of funds.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

- 1. APPROVES the transfer of \$95,755.92 from Trust T00039 in accordance with the request from the Achievers Club; and***
- 2. APPROVES the budget amendment to accommodate all expenditure as outlined in Table 1.***

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.15 Financial Statements and Financial Activity Statement for the Period Ended 31 August 2019

FILE REFERENCE: P1014149-25
 REPORTING OFFICER: Neil Jackson, Senior Management Accountant
 REPORTING UNIT: Finance
 RESPONSIBLE DIRECTORATE: Corporate Services
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 14 October 2019
 ATTACHMENT/S: Attachment 13.15A - Financial Statements and Financial Activity Statement for the period ended 31 August 2019

Council Role:

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

Legislation / Strategic Plan / Policy:

Legislation Section 6.4(1) and (2) of the *Local Government Act 1995*
 Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(d) - to continuously improve the services and facilities provided to the community, visitors and tourists

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

Policy
 Policy No and Name: N/A

Comments:

The Financial Activity Statement commentary compares the actual results for the two months to 31 August 2019 with the budget approved by Council at its meeting Special Meeting held on **23 July 2019**.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council RECEIVES the Financial Statements and the Financial Activity Statement for the period ended 31 August 2019 as detailed in Attachment 13.15A of this report.

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.16 Payments from Municipal Funds – September 2019

FILE REFERENCE:	P1036562-9
REPORTING OFFICER:	Reshma Jahmeerbacus, Acting Manager Finance
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	8 October 2019
ATTACHMENT/S:	A detailed list of payments made under delegated authority for the month ended 30 September 2019 can be accessed by the Commissioners via the Council Hub. Members of the public can access the list of payments on request.

Council Role:

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

Legislation / Strategic Plan / Policy:

Legislation	Section 6.4(1) and (2) of the <i>Local Government Act 1995</i> Regulation 34(1) of the <i>Local Government (Financial Management) Regulations 1996</i>
City of Perth Act 2016	Objects of the City of Perth 8(1)(d) - to continuously improve the services and facilities provided to the community, visitors and tourists
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 7 - An open and engaged city

Policy

Policy No and Name: N/A

Comments:

Payments for the month of September 2019 included the following significant items, but exclude payroll and payroll taxation payments to the Deputy Commissioner of Taxation:

\$7,842,866.57 to The Department of Fire and Emergency Services comprising of:

- \$7,841,025.64 for the emergency service levy 1st quarter contributions;
- \$1,842 for annual monitoring for His Majesty’s carpark number 5-844 Hay Street, Perth;

\$369,249.39 paid from the Sundry Creditor account for payment voucher payments comprising of:

- \$212,813.81 to Hanssen Pty Ltd for refund of work bond for 63 Adelaide Terrace East Perth;
- \$37,903.56 to Lee & Bill Investment Group for refund workbond-17 Wickham ST East Perth;
- \$30,540.79 to RD Events Pty Ltd for \$20,013.64 for Bond refund RAC Christmas pageant and \$10,527.15 bond refund for City to Surf 2019;
- \$14,280.00 to Knight Frank Australia Ltd for rates refund due to change in usage;
- \$6003.62 to Fernihough Pty Ltd T/A Brick & Morter Restoration for refund workbond-48-58 Pier St Perth;
- \$6,000.00 to Woodbridge Painting & Maintenance Pty Ltd for refund of work bond-Peak Apartments Uni 1/55/229 Adelaide Terrace Perth;
- Various work bond refunds, bond refunds and staff reimbursement for healthy lifestyle, optical, safety shoes and reimbursement of staff expenses;

\$287,019.75 to Technology One Ltd comprising of:

- \$261,460.03 for annual support and maintenance fee for the period 1/7/2019 to 30/6/2020;
- \$25,559.72 for Post go live support for new HRIS system; and

\$209,625.20 to Electricity Generation and Retail Pty Ltd for electricity.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council, in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, RECEIVES the list of payments made under delegated authority for the month ended 30 September 2019 and recorded in the Minutes of the Council, the summary of which is as follows:

FUND	PAID
Municipal Fund	\$ 21,310,125.15
TOTAL:	\$ 21,310,125.15

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.17 Power of Attorney for Tamala Park Regional Council Matters

FILE REFERENCE: P1025381-2
 REPORTING OFFICER: Kathleen O’Brien, Paralegal
 REPORTING UNIT: Governance
 RESPONSIBLE DIRECTORATE: Corporate Services
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 16 September 2019
 ATTACHMENT/S: Attachment 13.17A – Letter from Tamala Park Regional Council
 Attachment 13.17B – Letter from McLeod’s enclosing Draft Power of Attorney and associated documents

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 Sections 143 and 144 of the *Transfer of Land Act 1893*

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(a) - to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors

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

Policy
 Policy No and Name: N/A

Purpose and Background:

The City is one of the seven member-councils of Tamala Park Regional Council (TPRC). Each member council owns a share of the Tamala Park land, with the City holding a one-twelfth share. TPRC is seeking a revised Power of Attorney from each council member to enable TPRC to develop and sell land within Tamala Park.

At its meeting held on **11 October 2011**, Council approved the granting of Power of Attorney to the TPRC as follows:

“That the Council appoints the Tamala Park Regional Council as the attorney for the City to exercise the powers granted by the Power of Attorney as detailed in Schedule 6 with the intention of enabling the Tamala Park Regional Council to develop and sell land within Tamala Park.”

Following further legal advice and clarification of the intent of certain clauses in the original Tamala Park Establishment Agreement, the TPRC found that a revision to the Power of Attorney document was needed to allow the Chief Executive Officer of the TPRC to act on behalf of the member councils to develop and sell the land at Tamala Park.

A revised Power of Attorney document was executed on 14 February 2012 and revoked any previous powers of attorney which may have been granted by the City to the TPRC. The revision gave the Chief Executive Officer of the TPRC a personal Power of Attorney but limited his powers to prevent him from signing any documentation to be lodged at Landgate to affect the subdivision or final transfer of land to purchasers.

Subsequently it became apparent that the limitations in the Power of Attorney granted in February 2012 created an administrative burden as the signature of each of the seven landowners was still required to finalise each subdivision and transfer of land to purchasers.

As a result, a further revision to the Power of Attorney was sought, which removed the limitations on powers of the TPRC’s Chief Executive Officer allowing him to sign all documentation required to affect the subdivision, sale and transfer of land to third parties on behalf of the owners. This revision meant that the signatures of all seven landowning councils were no longer required on these documents, removing the administrative burden and allowing the timely subdivision, sale and transfer of land within Tamala Park. At its ordinary council meeting held **7 August 2012**, Council approved the revised Power of Attorney.

Following this, in 2013 the TPRC member local governments granted to the TPRC Chief Executive Officer and the Chief Executive Officer of the member local governments Power of Attorney to enable the efficient subdivision and sale of the TPRC land without the subdivision or sale documentation requiring approval and signatures of each of the member local governments. This Power of Attorney has been in place since 2013.

The 2013 Power of Attorney has been recently reviewed by TPRC’s legal representative McLeod’s Barristers & Solicitors. McLeod’s Barristers & Solicitors recommended that the Powers of Attorney be updated to refer to the Chief Executive Officers’ position titles, including those acting as Chief Executive Officer, rather than individually naming persons. This would alleviate the need to change the instrument due to personnel changes. All other aspects of the Power of Attorney are to remain unchanged.

Details:

The Power of Attorney enables the TPRC CEO (or the CEOs of the member local governments) to carry out land dealings within the land which is the subject of the Tamala Park Regional Council Establishment Agreement, including the following:

- Contracts of sale (which includes without limitation the decision to sell, the selling price and the terms and conditions of sale);
- Transfer of land;
- Easements;
- Deeds of surrender of easement;
- Applications for surrender or extinguishment of easement;
- Caveat; and
- Withdrawals of caveat.

The full list of authorised dealings is detailed at Schedule 2 of the Draft Power of Attorney contained in Attachment 13.17B.

The land that the Power of Attorney is granted for is:

- a) Lot 9001 on Deposited Plan 73462 and being the whole of the land comprised in Certificate of Title Volume 2790 Folio 174;
- b) Lot 9510 on Deposited Plan 73462 and being the whole of the land comprised in Certificate of Title Volume 2790 Folio 175; and
- c) Lot 9511 on Deposited Plan 73462 and being the whole of the land comprised in Certificate of Title Volume 2790 Folio 176.

The Power of Attorney is to be granted to the employees of the:

- a) Tamala Park Regional Council;
- b) Town of Cambridge;
- c) City of Joondalup;
- d) City of Perth;
- e) City of Stirling;
- f) Town of Victoria Park;
- g) City of Wanneroo; and
- h) City of Vincent,

who from time to time occupy a position which includes the words “chief executive officer” or “acting chief executive officer” within the titled position.

The Power of Attorney is on the same terms as the previously authorised Power of Attorney but for the changes from individually named persons to position titles for administrative efficiency and an updated description of the land following title changes.

Financial Implications:

There are no financial implications related to this report.

Comments:

The revised power of attorney is believed to be appropriate to enable the previously authorised Power of Attorney to operate effectively despite personnel changes over time.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

- 1. GRANTS a Power of Attorney (as detailed in Attachment 13.17B) for the land which is the subject of the Tamala Park Regional Council Establishment Agreement, to the position titles listed at Schedule 1 of the Draft Power of Attorney, to enable the nominated positions to carry out the land dealings listed in the Draft Power of Attorney;***
- 2. Subject to paragraph 1, REVOKES the previous Powers of Attorney dated 13 September 2013 and 7 August 2012; and***
- 3. AUTHORISES the execution of the Power of Attorney and revocation of the previous Powers of Attorney by common seal.***

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.18 Third Party Travel Contribution - Alliance Manager Community Safety and Amenity - SEAL 2020 (Securing Environments, Assets and Landmarks 2020)

FILE REFERENCE: P1029480-2
 REPORTING OFFICER: Konrad Seidl, Alliance Manager Community Safety and Amenity
 REPORTING UNIT: Community Safety and Amenity
 RESPONSIBLE DIRECTORATE: Community Development Alliance
 REPORT AUTHOR DISCLOSURE OF INTEREST: Direct Financial Interest
 DATE: 1 October 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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation N/A

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(c) - to provide a safe, clean and aesthetic environment for the community, city workers, visitors and tourists

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

Policy 12.7 – Staff Conference Attendance and Expenses
 Policy No and Name: 10.1 – Code of Conduct

Purpose and Background:

The “SEAL 2020 (Securing Environments, Assets and Landmarks 2020)” Conference is to be held at Pullman Melbourne Albert Park from the 19 March and 20 March 2020.

The Alliance Manager of Community Safety and Amenity has been invited by event company Akolade Pty Limited to present insights on developing and implementing a community safety strategy. The Conference provider has offered to support travel and accommodation arrangements.

Details:

At its meeting held on **17 May 2016**, Council resolved that;

“That Travel being paid for by a Third Party comes to Council for Approval”.

The contribution to Travel as determined in the *Local Government Act 1995* includes airfares and accommodation incidental to a journey. It is estimated that travel and accommodation related to this invitation will be approximately \$1,200.

The City of Perth SafeCity Strategy 2017 – 2020 is the focus of the presentation along with other community safety projects that have been realised by the City of Perth. This is excellent recognition of the progress the City has made in the Community Safety space.

Financial Implications:

There are no financial implications related to this report.

Comments:

The conference provides an excellent opportunity for the City of Perth to be recognised for its progress toward a safer city. The lessons learnt from the City identifying its gaps, developing strategy and subsequently implementing projects can be imparted to conference attendees which will assist communities across Australia to enhance safety. The conference will further expose the City to safety projects trialled elsewhere which may be adapted to be introduced locally.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

*That Council **APPROVES** Third Party Travel to the Alliance Manager Community Safety and Amenity by Akolade Pty Limited to attend and present at SEAL 2020 (Securing Environments, Assets and Landmarks 2020) Conference.*

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.19 Contract for the Provision of Dog Impounding Facilities with City of South Perth

FILE REFERENCE: P1001762-3
 REPORTING OFFICER: Vivian Browne, Coordinator Ranger and Security Services
 REPORTING UNIT: Community Safety and Amenity
 RESPONSIBLE DIRECTORATE: Community Development Alliance
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 14 October 2019
 ATTACHMENT/S: Attachment 13.19A – Management Agreement for Animal Care Facility Between City of South Perth and City of Perth

Council Role:

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

Legislation / Strategic Plan / Policy:

Legislation S3.68 of the *Local Government Act 1995*
 S11(2) of the *Dog Act 1976*

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(d) - to continuously improve the services and facilities provided to the community, visitors and tourists

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

Policy
 Policy No and Name: N/A

Purpose and Background:

To have an agreement in place between the City of Perth and the City of South Perth for the use of the City of South Perth's Animal Care Facility (ACF) for impounding of dogs from the City of Perth's jurisdiction. Until June 2019 the City of Perth had an agreement in place with Shenton Park Dogs Refuge. It was decided not to renew this agreement as the City of South Perth's pricing was more competitive due to their lower annual fee and lower cost per day for impounding. The City of South Perth has similar agreements in place with Town of Victoria Park, City of Gosnells, City of Canning and the Town of Bassendean and is currently finalising an agreement with another local government body.

Details:

This agreement is necessary because City of Perth is required to have an ACF for any dog impounded within the jurisdiction of the City of Perth. The City of Perth currently has a temporary arrangement in place with the City of Vincent to house impounded dogs. The City of South Perth has the necessary facilities and skills to manage the facility suitably. The South Perth ACF was opened in 2014 and has the capacity and suitable requirements of the City of Perth to impound dogs.

Key Terms

The details of the agreement are included in Attachment 13.19A. The key terms are as follows:

- The term of the agreement is until 30 June 2021 with the option to request to extend the agreement;
- The cost to the City is detailed in clause 9 of the agreement and will vary based on the number of dogs impounded in a year and their circumstances. In the last 5 years the City of Perth has on average impounded 10 dogs per annum. The primary costs are the annual fee of \$1,500, and a daily fee of \$30.00 per day, per dog that is impounded. Veterinary costs may be incurred where needed; and
- The City of South Perth will ensure legislated requirements such as registration and microchipping occur prior to releasing the animal to the owner (where applicable).

The ACF may also be used for other small animals except cats, as the City of Perth has an agreement with the Cat Haven WA for impounding or trapping cats.

Euthanising of a dog will be a last resort as the ACF will attempt to re-home rather than euthanise a dog. This will also be assessed on a case by case basis as a dog may be considered too dangerous to be successfully re-homed. Any re-homing or euthanasia is determined through communication between the ACF and the City of Perth.

Financial Implications:

ACCOUNT NO	1100-8003-00000-7251
BUDGET ITEM:	Other professional fees and animal registration control
BUDGETED AMOUNT:	\$7,500
AMOUNT SPENT TO DATE:	\$630.33
PROPOSED COST:	\$2220
BALANCE REMAINING:	\$4649.67
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

It is recommended that the agreement is entered into as the City requires an Animal Care Facility for the impounding of dogs.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council:

- 1. APPROVES the City entering into a Management Agreement for Animal Care Facilities (as attached as a draft in Attachment 13.19A) to receive services from the City of South Perth related to the use of dog impound facilities pursuant to s. 3.68 of the Local Government Act 1995 and s. 11(2) of the Dog Act 1976; and***
- 2. AUTHORISES the Chief Executive Officer (or appointed delegate) to negotiate and execute the agreement and negotiate variations, extensions and amendments to the agreement.***

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.20 City of Perth to Take on the Council of Capital Cities Lord Mayor Deputy Chair Role in 2020

FILE REFERENCE: P1008337
 REPORTING OFFICER: Lisa Cooke, Principal Policy Liaison Officer
 REPORTING UNIT: Strategy and Partnership
 RESPONSIBLE DIRECTORATE: CEO Alliance
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 15 October 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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation 8(1)(i) of the *City of Perth Act 2016*

City of Perth Act 2016

Objects of the City of Perth

8(1)(i) - to develop and maintain collaborative inter-governmental relationships with a view to improve the City of Perth

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Strategic Priority - Leadership

Policy

Policy No and Name: Nil

Purpose and Background:

The purpose of this report is to outline the opportunity for the City of Perth to be the Council of Capital Cities Lord Mayor (CCCLM) Deputy Chair in 2020.

Under the Governance, Policy and Procedures of the CCCLM, the role of CCCLM Chair / host city rotates through the Lord Mayors of the member cities on an annual basis. The City of Perth was scheduled to be the CCCLM Chair / host city in 2020, however in July this year the City deferred the opportunity until 2021. This decision was made on the basis that the City of Perth Council elections are planned to occur in 2020, therefore the City would have a new Lord Mayor. If the City had accepted the position of CCCLM Chair / host city in 2020, the person taking up the position of CCCLM Chair would have changed.

Further, in 2019 the City of Perth did not take on the role of CCCLM Deputy Chair, nor had the opportunity been presented to Council for consideration.

The recommendation of this report, for Council to support the City of Perth taking up the opportunity of CCCLM Deputy Chair in 2020, is consistent with all Objects of the City of Perth, as outlined in the *City of Perth Act 2016*. Of most significant alignment however, is with 8(1)(i) - *to develop and maintain collaborative inter-governmental relationships with a view to improve the City of Perth*. This is evidenced in both the purpose and objectives of the CCCLM.

CCCLM Purpose

The purpose of the CCCLM is to provide effective coordination, advocacy and representation of the capital cities. The CCCLM facilitates the sharing of knowledge and information between members and with other levels of government to advance the value cities contribute to the nation.

CCCLM Objectives

The objectives of the CCCLM are:

- To achieve recognition of the roles and status of capital cities as integral and vital parts of the Australian system of government;
- To develop effective advocacy and leadership to influence policy on issues affecting capital cities and their wider metropolitan regions; and
- To establish direct relationships and partners at all levels of Australian government to effectively implement programs

Details:**Role of CCCLM Deputy Chair**

The CCCLM Deputy Chair is held by the Lord Mayor of the next host city on the CCCLM roster. The Deputy Chair supports the role of Chair, and may act in the place of CCCLM Chair when requested by the Chair to do so, or when the Chair is absent, incapable or refuses to act.

Role of CCCLM Chair

The role of the CCCLM Chair is held by the Lord Mayor of the host city for 12 months, and is responsible for the following duties:

- Ensuring the continuity of leadership always - the CCCLM Chair, Secretary and Executive Director will communicate on issues and work as a team;
- Chair the Lord Mayors' meetings;
- Be the principal spokesperson for CCCLM;
- Promote the CCCLM and capital cities;
- Facilitate communication and cohesion between Lord Mayors and the CCCLM;
- Act as signatory for CCCLM communication to other elected officials;
- Maintain relationships with Federal Government Ministers and all political parties;
- Maintain relationships with key stakeholder groups; and
- Act as the conduit for feedback and input from Lord Mayors.

Chair / Host Schedule

The CCCLM rotational schedule for the next five years, as amended in July 2019 is:

- Hobart 2019;
- Adelaide 2020;
- Perth 2021;
- Brisbane 2022;
- Melbourne 2023; and
- Darwin 2024.

Financial Implications:

As a result of committing to Deputy Chair in 2020, there would be an increase in interstate travel. In previous years, the City of Perth has not attended all interstate Lord Mayor and Chief Executive Officer meetings, however, to adequately take up the role of Deputy Chair, it would be anticipated that the relevant City of Perth representatives would attend most, if not all, CCCLM meetings in 2020. This is calculated to be a minimum of four meetings.

Comments:

In taking up the role of Deputy Chair in 2020, the City would be well placed to take on the role of Chair and host city in 2021.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council SUPPORTS the City of Perth to take up the Council of Capital Cities Lord Mayor role of Deputy Chair in 2020.

The motion was put and carried en bloc

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Item 13.21 Consideration of National Competition Policy and Principles – 12 Month Free Parking Trial – CBD Retail Support

FILE REFERENCE: P1038314
 REPORTING OFFICER: Daniel High, Acting Director Economic Development Activation
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 23 October 2019
 ATTACHMENTS: Attachment 13.21A – Local Government Clause 7 Competition Policy Statement Part C – Application of Competitive Neutrality, Structural Reform and Legislative Review principles to local government activities and functions in Western Australia
 Attachment 13.21B – Map of 3 Hour Parking Trial program area
 Attachment 13.21C – Consideration of National Competition and Policy Principals

Council Role:

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

Legislation / Strategic Plan / Policy:

Legislation Section 1.3(3) of the *Local Government Act 1995*

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(j) - to strike an appropriate balance among civic, economic, social, cultural and environmental considerations

Strategic Community Plan

Integrated Planning and Reporting Framework Implications

Strategic Priority - Economic

Policy

Policy No and Name: Nil

Purpose and Background:

At its meeting on **30 July 2019**, Council approved implementation of a 12-month trial of up to 3-hour free hour parking on weekends and public holidays in strategically located, City-controlled parking facilities (both on and off-street) that service patrons of the core CBD retail precinct.

In response to this instruction from Council, the Administration has considered the City's obligations under the National Competition Policy in designing the parking trial and choosing relevant parking sites and locations that will be subject to the trial.

The City has previously considered the implications of the National Competition Policy and related principles on its car parking operations. At its meeting of **10 June 1997**, Council acknowledged that the City's commercial parking activities would be subject to the competitive neutrality principles related to the national competition policy and resolved to undertake a review of the off-street parking operations in relation to the principles¹. Following this subsequent review of CPP's parking operations, Council endorsed a position that sought to balance the needs of the community against the full implementation and application of competitive neutrality principles in 1998, with the report to Council at the time recognising the importance the City's parking business plays in the wider economic life of the city, arguing that:

*"The Council is not required to adopt full or even partial cost pricing as a consequence of this review but must be able to justify its decision not to on the basis of public benefit. In the case of the off-street car parking service, it is clear that adopting the application of competitive neutrality principles in full would have serious ramifications for the economic health of the City."*²

The Public Interest Test

When considering laws or decisions relating to competition issues, Governments are required to apply a 'public interest test', taking into account a number of factors including, but not limited to:

- Economic and regional development, including employment and investment growth;
- The interests of consumers generally or of a class of consumers; and
- The efficient allocation of resources.

Details:

A range of factors have contributed to the current hardships faced by the retail sector, including the increasing prevalence of online shopping, ongoing wage stagnation and high levels of mortgage stress. This combined with restricted retail trading hours and the loss of the city's primacy as a retail

¹ Council Minutes, City of Perth Council Meeting, 10/06/97

² Council Minutes, City of Perth Council Meeting, 12/05/98

destination have resulted in some of the most difficult trading conditions in more than a decade. Additionally, the city is increasingly competing with suburban shopping centres for patronage, many of which 3 hour free parking is typically provided. As a result, customers are tending to favour destinations that are regarded as being easy and comfortable to access as well as affordable.

As the cost of parking has often been cited as a barrier to more people visiting and shopping in the city on a regular basis, the Administration considers a free parking trial to be one of the few methods within direct control of the City that can be enacted to support the CBD retail core in a challenging time. It will encourage more people to experience the CBD retail offering and hopefully ameliorate the concerns of both retailers and customers, showing that the City is proactive in protecting and promoting the unique role retail plays in the city.

In developing the 3-hour free parking trial and paying particular attention to the wording of the Council resolution, the Administration has identified car parks within easy walking distance to the retail core area and selected three off-street car parks that are considered the most appropriate for city shoppers. The proposed car parks for the parking trial (Attachment 13.21B) are:

- His Majesty's – 648 bays – 22.5% of all bays within 500m;
- Pier Street – 711 bays – 30% of all bays within 500m; and
- Cultural Centre – 315 bays – 14.5% of all bays within 500m.

These off-street locations will also be bolstered by the inclusion of three-hour free 'on street' parking on Hay and Murray streets within the city as part of the trial.

The proposed start of the free parking trial is timed to coincide with the launch of the City's Christmas lights trail and will be promoted and supported through campaigns and activities as part of the wider Christmas and New Year activations recently approved by Council.

Legislation:

Section 1.3(3) of the *Local Government Act 1995* specifies that in carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Section 4 of the *City of Perth Act 2016* stipulates that the objects of this Act are —

- “(a) to recognise, promote and enhance —
- (i) the special social, economic, cultural, environmental and civic role that the City of Perth plays because Perth is the capital of Western Australia; and
 - (ii) the important role that the City of Perth plays in representing the broader Perth area and the State of Western Australia on both a national and international level”

Stakeholder Engagement

Feedback from property owners and retailers during a series of forums hosted by the City indicated that parking was deemed as a barrier to the revitalisation of CBD retail. Subsequent discussions with the stakeholders indicate a widespread belief that the proposed free parking initiative would help promote the accessibility and convenience of the CBD retail offering and provide them with support through a generally challenging period for retail.

Financial Implications:

Costs associated with the proposed free parking trial in off-street locations are difficult to estimate in advance and are based on a minimum and maximum (threshold) estimated revenue forgone figure, however information supplied relating to current car parking occupancy and revenue highlight the maximum financial exposure of revenue foregone being within the range of \$600,000 to \$2,505,263.

This cost excludes associated marketing and campaign costs approved at the Special Council Meeting held on **3 October 2019** to further support retail.

As the success and takeup of the parking trial is subject to consumer behaviour, awareness of the trials and other patterns of future usage which are difficult to predict in advance, the full costs will only be known at the conclusion of the trial.

Comments:

The third principle regarding competitive neutrality (Attachment 13.21A) specifically states that *“Local Government should determine its own priorities and policies for the implementation of the competitive neutrality principles subject to principles”*. In the application of this principle, it is left to local governments to determine how they can most appropriately implement their obligations regarding competitive neutrality. As such, the City believes that the proposed free parking trial is consistent with the intent of subject competitive neutrality principles.

The Administration believes that the free parking trial will assist in levelling the playing field for the CBD retail core and provide an opportunity for more people to experience the benefits of the CBD retail offering. This is particularly important in reaching a reluctant demographic that may have been influenced by negative press in relation to the retail environment within the CBD.

The cost of the off-street parking trial is commensurate with other techniques employed by the City to support the retail and local businesses sector but has the opportunity to reach a demographic that would not traditionally come into the City due to convenience factors such as free parking in suburban shopping centres or lack of convenience in the use of public transport due to service timetables, parking and travel card requirements or other factors such as travelling with children.

The selection of car parks has been undertaken to ensure that it supports the CBD core retail precincts. If successful this could have flow on benefits of attracting more people to the CBD on weekends outside of non-work crowds that will be to the benefit of all providers of services within the CBD.

The administrations consideration of National Competition Policy Principals is included in Attachment 13.21C.

Officer Recommendation

That Council **SUPPORTS** that the 12-month trial of 3-hour free parking on weekends and public holidays in selected on-street and off-street parking locations in proximity to the CBD retail core, commencing from 15 November 2019 is consistent with the City of Perth’s obligations under the National Competition Policy with regards to competitive neutrality and public interest benefits.

COUNCIL RESOLUTION

ALTERNATE MOTION

Council resolved to adopt an alternate motion as follows:

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council APPROVES the 12-month trial of 3-hour free parking on weekends and public holidays in His Majesty's, Pier Street and Perth Cultural Centre Car Parks and on-street bays in Hay and Murray Streets in proximity to the CBD retail core, commencing from 15 November 2019, and notes the 3-hour free parking trial is consistent with the City of Perth's obligations under the National Competition Policy with regards to competitive neutrality and public interest benefit.

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

Reason: To clearly identify the car parks and on-street parking bays where the trial will be in effect.

Meeting Note: The Chair Commissioner acknowledged the efforts of staff in relation to this matter.

MOTION TO CLOSE THE MEETING TO THE PUBLIC

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council RESOLVES to close the meeting to the public to consider Confidential Attachments to Item 13.22 in accordance with section 5.23(2)(e)(ii) of the Local Government Act 1995.

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

6.23pm The meeting was closed to the public.

Item 13.22 Tender 123-18/19 - Design and Supply of Illuminated Christmas Decorations

FILE REFERENCE: P1038184
 REPORTING OFFICER: Mel Wilson, Project Officer
 REPORTING UNIT: Infrastructure and Assets
 RESPONSIBLE DIRECTORATE: Infrastructure and Operations
 REPORT AUTHOR DISCLOSURE OF INTEREST: Nil
 DATE: 10 October 2019
 ATTACHMENT/S: Confidential Attachment 13.22A – Schedule of Rates
 Confidential Attachment 13.22B – Evaluation Matrix
 Confidential Attachment 13.22C – Option Breakdown

Council Role:

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

Legislation / Strategic Plan / Policy:

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

City of Perth Act 2016 **Objects of the City of Perth**
 8(1)(c) - to provide a safe, clean and aesthetic environment for the community, city workers, visitors and tourists

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

Policy

Policy No and Name: 9.7 – Purchasing Policy

Purpose and Background:

Tender 123-18/19 – Design and Supply of Illuminated Christmas Decorations was advertised in the West Australian on Wednesday, 26 June 2019. The Tender closed at 2pm on Tuesday, 27 August 2019 with the following tenders received:

- Visual Inspirations Australia Pty Ltd;
- St Lucia Holdings Pty Ltd t/a Artform Signs and Displays;
- Mark One Visual Promotions Pty Ltd;
- Christmas Concepts Australia Pty Ltd t/a Commercial Christmas Services; and
- Shine Rise Pty Ltd t/a Alltech Electrical and Data Services and RGB Illumination.

The City installs Christmas decorations throughout the Central Business District (CBD), Northbridge, West Perth and East Perth each year utilising both leased and City owned decoration suites. A number of City suites are approaching or have reached end of useful life while the lease agreement concludes following Christmas 2019. The City plans on replacing these decorations over two financial years, 2019/20 and 2020/21. Initial use of all suites is scheduled for Christmas 2020.

The City sought to engage up to three suitably qualified contractors to conceptualise, design, fabricate and supply new bespoke illuminated decorations to be installed at specific locations within the city. Tenderers were able to submit concepts/designs and costings for all or some decoration suites with up to three different concepts for each suite. Each decoration is required to be of a high quality befitting a capital city and should capture the spirit, magic and joy of Christmas in order to provide a spectacular attraction enthralling, exciting and delighting the public. The City expects each decoration suite to be in use for a minimum of seven years before either replacement or major refurbishment.

Existing Decorations**Leased**

The City is currently in the last year of a three-year leasing arrangement for decorations at six locations at an overall cost of \$1,474,079. This arrangement includes installation, dismantling, maintenance and storage of decorations and concludes following Christmas 2019. To ensure continuity of displays for Christmases beyond 2019 the City now needs to purchase decorations for the following locations:

- Hay Street, West Perth between Colin and Outram Streets
- Royal Street, East Perth between Plain Street and Leahy Walk
- St Georges Terrace between Victoria Avenue and Pier Street
- St Georges Terrace between William and Milligan Streets
- Hay Street Mall
- Wellington Street between Barrack and Milligan Streets

Owned

City owned decorations are installed, dismantled and maintained under a separate Contract. All decoration assets are stored at the City owned building located at 337 Wellington Street, Perth and commonly known as the Gasworks. Inspection, testing and consequential maintenance of decorations is undertaken between August and September each year and ensures each decoration is safe and functional prior to installation in October or November.

Several decoration suites are now reaching or exceeded end of useful life and therefore require a greater degree of maintenance and care than those purchased more recently. Later model decorations use state of the art materials and LED lighting generally providing more spectacular displays and electrical longevity. Decoration suites requiring replacement under this tender are:

Hay Street, West Perth, corners of Outram Street and Colin Street

In use since 2011, it is now difficult to source maintenance parts. Existing light poles will be replaced with multi-function poles in the short to medium term and existing decorations cannot be adjusted to suit. New decorations will compliment or match those between Colin and Outram Streets and have the ability to be fitted to either existing or future poles.

Murray Street Mall

Illuminated cages currently used around 43 tree trunks have been in continuous use since 2008. The City has spent \$12,847 over the last year maintaining the lighting.

Decorations installed on the Commonwealth Bank building façade have been in use since 1995 and despite refurbishment in 2011 are now reaching end of useful life.

Forrest Place

Two Angels utilised on the top of the granite lighting pillars have been in use since 2003. Maintenance has not been excessive, but the decorations are now outdated and have little visual impact when illuminated. Six adjacent banner poles have not previously been decorated and it is proposed to now utilise these to further enhance the area.

The City has decorated the front of the GPO building for a number of years and the three wreaths utilised are now reaching end of life having originally been installed in 1995 and refurbished in 2011.

Hay and Murray Streets, "Goosenecks" between William and King Streets

"Gooseneck" poles and support beams are located onto permanent bases in three locations on each street. Current decorations have been in use since 2003 and require regular maintenance. Existing lighting can longer be sourced, and aesthetic appearance has declined. The City has expended \$6,528 over the last year on general maintenance of the decorations. New decorations will utilise permanent bases and existing support structures.

Multi-function light poles have been installed on Murray Street between William and King Streets and it is proposed new decorations be installed on these to compliment those being installed on the "Goosenecks".

Barrack Street between Wellington Street and St Georges Terrace

Existing decorations are difficult and time consuming to install and, as materials deteriorate, will require substantial refurbishment following Christmas 2019. Decorations do not have a high aesthetic appeal with minimal lighting and plain design elements.

King Street between Wellington Street and St Georges Terrace

Light poles in this location are currently not utilised for motifs with existing decorations requiring support infrastructure to be installed and removed each year. New overhead decorations were purchased and installed for Christmas 2018 and, under this tender, it was proposed to compliment these with matching decorations utilising the street light poles.

Details:**Compliance Assessment Summary:**

Four of the five tenderers complied with the tender conditions and requirements. Shine Rise Pty Ltd t/a Alltech Electrical and Data Services and RGB Illumination failed to provide the required information and did not complete the necessary checklists. The company was evaluated as non-compliant and was not considered further.

Qualitative Assessment against Selection Criteria:

Tenderers were required to address the selection criteria in the specification in detail to demonstrate both their experience and ability to provide the required services.

The criteria were:

Demonstrated Capacity and Experience

The Tenderer must demonstrate that their company have the capacity and capability to provide the required services. The Tenderer must, as a minimum, address the following information:

- a) Provide details of their management and coordination capacity to provide the service, – including, but not limited to, all specialist sub-contractors and suppliers.
- b) Provide details of recent experience of similar size and scope completed by your organisation including works description, project value and your role.
- c) Tenderers shall explain how the examples provided relate to the works under this project.

Methodology

- a) Provide methodology on how you will coordinate and manage the delivery of the service.
- b) Provide detail of trim, lighting, drivers and transformers where applicable and including, but not limited to, availability of replacement items, supplier, model number, colour, country of origin, serviceability and any specialised maintenance requirements.
- c) Provide details on:
 - Storage methodology.
 - Installation and dismantle methodology.

- Warranties

Concept Designs

Provide illustrations and details on each of the concept design options offered for each suite. Up to three options for each suite may be submitted.

The four remaining submissions were assessed and ranked according to the criteria with emphasis on capacity, experience and methodologies. Each submission was assessed individually and ranked in order of merit against the qualitative criteria.

1. Visual Inspirations Australia Pty Ltd

This company provided an outstanding and high-quality response to all criteria clearly demonstrating their understanding and ability to provide the City with the required services. Visual Inspirations offered 5% discount on prices offered if the City purchased 11 or more suites.

Demonstrated Capacity and Experience

Based in Western Australia, Visual Inspirations provided an extensive background of key staff involved in Christmas projects along with relevant sub-contractors including electricians and lighting suppliers. The company has substantial experience in providing similar services both to local government and private enterprise. Visual Inspirations are currently providing supply and install services to the City of Sydney over five years and have previously supplied the City of Perth with Christmas items including the Council House kangaroos.

Methodology

The submission provided a very thorough time line detailing each stage for the two financial years and including expected delivery dates to the City. Visual Inspirations included where each decoration would be manufactured, and details of electrical componentry and trims utilised. The company provides sound warranties for all items used including three years for electrical items such as lighting and transformers. Storage, installation and dismantle methodologies were vague but depend largely on which suites are selected. This information will be provided when purchases are finalised.

Concept Designs

Visual Inspirations provided a very professional and well rendered catalogue of bespoke designs mostly meeting the City's requirements. Each suite was well considered and designed taking into account scale and location, day and night appeal and allowing for different sized poles or available support space in specific locations. Design concepts are varied in styling but follow similar themes designed to complement each other while allowing each location to be unique without being disjointed.

2. Mark One Visual Promotions Pty Ltd

This company provided an adequate to very good submission demonstrating their ability to undertake the required services.

Demonstrated Capacity and Experience

Mark One have substantial experience in the industry providing similar services to various Perth metropolitan local governments, including the City of Perth, and private businesses. The submission provided an organisational chart, concise staff curricula vitae and a list of staff nominated to be directly involved in this project. Sub-contractor information was considered basic other than for the actual fabrication of the decorations. Mark One are based in Western Australia.

Methodology

The submission provided basic information including construction detail and source locations. Construction of decorations would be undertaken either locally or at one of two, named, European specialist manufacturers. Warranty detail for electrical and materials, including construction, were provided and stock of spare, European sourced items would be maintained locally.

Concept Designs

Mark One provided a number of options, some with options within options. Some designs were considered appropriate while the Angels for St Georges Terrace met the brief exactly. Concept renderings were reasonable and sufficient enough to evaluate how the decorations may look in the chosen location. Some decorations offered appeared to be off the shelf designs from one or both European suppliers.

3. St Lucia Holdings Pty Ltd t/a Artform Signs and Displays*Demonstrated Capacity and Experience*

Based in Western Australia, Artform provided only a marginal response to the criteria. Although supplying the City with Christmas decorations some time ago, including the St Georges Terrace Angels, the company has very limited relevant experience and would be outsourcing a number of the processes.

Methodology

Artform provided timelines for the suites clearly indicating milestones and contractors. The submission provided some storage solutions and details on trim, lighting and warranties along with a video on the manufacturing process undertaken to produce the proposed acrylic decorative items.

Concept Designs

The concepts from Artform were well rendered and clearly demonstrated their appearance in-situ. While some designs failed to effectively reflect Christmas or were not in accordance with the Specification others were imaginative and provided very creative solutions, particularly those for installation in trees. The company indicated a prototype of each selected design would be required prior to full production.

4. Christmas Concepts Australia Pty Ltd t/a Commercial Christmas Services

Demonstrated Capacity and Experience

Christmas Concepts have provided similar services to four local governments in NSW with the largest declared contract being for \$250,000. The submission failed to provide information in relation to organisational structure or key staff and did not provide any information on sub-contractors.

Methodology

The submission failed to provide any schedules or timelines and did not address how the company would manage and coordinate service provision from interstate. Basic material information was provided as was warranty period. Source materials would be from Europe, but no supplier details were provided.

Concept Designs

The submission provided a reasonable rendering of the designs in some locations while the design concepts were quite basic, lacked excitement and appeared to be generally off the shelf. Many did not meet the specifications and appeared to be undersized for some locations.

Financial Implications:

Approved Capital Budget 2019/20

ACCOUNT NO:	PJ 14150
BUDGET ITEM:	Lighting – Christmas Decorations
BUDGETED AMOUNT:	\$988,047
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$989,825.76
BALANCE REMAINING:	-\$1,778.76
ANNUAL MAINTENANCE:	\$30,000
ESTIMATED WHOLE LIFE COST:	\$1,109,826

Proposed Capital Budget 2020/21 (Subject to Council approval)

ACCOUNT NO:	TBA
BUDGET ITEM:	Lighting – Christmas Decorations
BUDGETED AMOUNT:	\$1,045,000
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$944,768.48
BALANCE REMAINING:	\$100,231.52
ANNUAL MAINTENANCE:	\$30,000
ESTIMATED WHOLE LIFE COST:	\$1,064,768

Estimated Whole of Life Cost is calculated on the first three years of maintenance being subject to warranty and then 3% of purchase price for each of the following four years.

All figures quoted in this report are exclusive of GST.

Comments:

As the city retail and hospitality industries come under increasing and consistent pressure from similar businesses in the suburbs it is imperative the City provide a point of difference to attract visitors, particularly during the peak shopping period of Christmas. The City's Christmas Light Trail has proven very successful, activating various areas of the city and creating a magical festive spirit. The City's street decorations are an integral part of the Trail and have provided the public with much pleasure and enjoyment since being introduced over 40 years ago.

Tender Specifications requested that decorations "*must be of a high quality befitting a capital city. Decorations should capture the spirit, magic and joy of Christmas and be such as to provide a spectacular attraction to enthral, excite and delight the public*". It is important, therefore, that when selecting new suites, the aesthetic value of each is well considered together with its place in the built environment, value for money, on-going maintenance and storage requirements, back-up service and installation methodology.

Visual Inspirations Australia Pty Ltd provided an outstanding submission with designs that clearly meet the City's requirements and public expectations while both Mark One Visual Promotions Pty Ltd and St Lucia Holdings Pty Ltd T/A Artform Signs and Displays offered designs that either met with requirements or provided unique design solutions that would ultimately deliver the City substantial savings.

It is therefore recommended the City purchase the following suites for the locations stated and from the suppliers noted:

Financial Year 2019/20

Visual Inspirations Australia Pty Ltd¹

- Hay Street, Colin Street to Outram Street – Option 1 - \$55,178
- Hay Street, corners Colin and Outram Streets – Option 2 - \$79,796.56
- Wellington Street, Barrack Street to Milligan Street – Option 1 - \$153,429.85
- Hay Street Mall Poles– Option 2 (including entry statements) - \$157,896
- Forrest Place Flag Poles – Option 2 - \$71,664.80
- Murray Street Multi-Function Poles - Option 2 - \$119,219.80

St Lucia Holdings Pty Ltd t/a Artform Signs and Displays

- Royal Street, East Perth – Option 1 - \$7,920 – Prototype

Mark One Visual Promotions Pty Ltd

- St Georges Terrace, Victoria Avenue to Milligan Street – Option 2 - \$501,200²
- Forrest Place Pillars – Option 1 – Deer - \$32,900

¹ In their submission, Visual Inspirations Australia Pty Ltd advised that the City would receive a discount of 5% off tendered prices should 11 to 15 sites be selected. As such, 5% discount has been applied to the prices above and are indicated in the recommendation.

² The City has now reduced the scope of this suite and will reuse the existing 12 pair of Angels. New Angels to be installed between Victoria Avenue and Pier Street and William Street and Milligan Street will match existing in design and lighting capability. Cost will therefore be reduced to \$343,680.

Financial Year 2020/21 (subject to Council approval)*Visual Inspirations Australia Pty Ltd¹*

- Murray Street Mall Poles – Option 1 - \$200,097.30
- Murray Street “Goosenecks” – Hay Street Option 2 with red highlights - \$126,850³
- Hay Street “Goosenecks” – Option 2 - \$108,306.30
- William Street, Wellington Street to The Esplanade/Mounts Bay Road – Option 1 - \$208,646.90
- Barrack Street, Wellington Street to St Georges Terrace – Option 1 - \$69,902.45

³Design is the same as Hay Street “Goosenecks” therefore price is as per Hay Street and engineering costs will not apply. Cost reduced to \$104,634.90 less 5%.

St Lucia Holdings Pty Ltd t/a Artform Signs and Displays

- Murray Street Mall Trees – Option 1 - \$184,800
- Royal Street, East Perth – Option 1 – \$102,960

The following locations have not been awarded as no submission met the City’s requirements:

- Forrest Place – GPO Façade
- Murray Street Mall – Commonwealth Bank Façade

The following locations have not been awarded due to budget constraints and change of scope:

- King Street
- Hay Street Mall trees
- Forrest Place trees.

COUNCIL RESOLUTION

Moved Commissioner Hammond, seconded Commissioner Kosova

That Council ACCEPTS the most suitable tenders, being those submitted by the following, to supply the illuminated Christmas decorations stated, in the financial year specified and in accordance with the rates indicated:

1. Financial Year 2019/20:

1.1 Visual Inspirations Australia Pty Ltd (inclusive of 5% discount)

- a. Hay Street, Colin Street to Outram Street – Option 1 - \$52,419.10**
- b. Hay Street, corners Colin and Outram Streets – Option 2 - \$75,806.73**
- c. Wellington Street, Barrack Street to Milligan Street – Option 1 - \$145,758.36**
- d. Hay Street Mall Poles – Option 2 - \$150,001.20**
- e. Forrest Place Flag Poles – Option 2 - \$68,081.56**
- f. Murray Street Multi-Function Poles – Option 2 - \$113,258.81**

1.2 St Lucia Holdings Pty Ltd t/a Artform Signs and Displays

- a. Royal Street, East Perth – Option 1 – Prototype Only - \$7,920**

1.3 Mark One Visual Promotions Pty Ltd

1.4 St Georges Terrace, Victoria Avenue to Milligan Street – Option 2 - \$343,680

1.5 Forrest Place Pillars – Option 1 - \$32,900

2. Financial Year 2020/21 and subject to Council Approval of the 2020/21 Capital Budget:

2.1 Visual Inspirations Australia Pty Ltd (inclusive of 5% discount)

- a. Murray Street Mall Poles – Option 1 - \$190,092.44**
- b. Murray Street “Goosenecks” – Hay Street “Goosenecks” Option 2 - \$99,403.16**
- c. Hay Street “Goosenecks” – Option 2 - \$102,890.99**
- d. William Street, Wellington Street to The Esplanade/Mounts Bay Road – Option 1 - \$198,214.56**
- e. Barrack Street, Wellington Street to St Georges Terrace – Option 1 - \$66,407.33**

2.2 St Lucia Holdings Pty Ltd t/a Artform Signs and Displays

- a. Royal Street, East Perth – Option 1 - \$102,960**
- b. Murray Street Mall Trees – Option 1 - \$184,800**

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

MOTION TO REOPEN THE MEETING TO THE PUBLIC.

Moved Commissioner Kosova, seconded Commissioner Hammond

That Council REOPEN the meeting to members of the public.

The motion was put and carried

The votes were recorded as follows:

For: Commissioners Hammond and Kosova

Against: Nil

6.26pm The meeting was re-opened to the public and staff. The Chair Commissioner advised the public gallery of the resolution made on Item 13.22 which was the same as the officer recommendation as detailed above.

14. Motions of which Previous Notice has been given

Nil

15. Urgent Business

Nil

16. Closure

6.28pm The Chair Commissioner declared the meeting closed.