



City of Perth

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# Minutes

Ordinary Council Meeting

25 May 2021

Approved for release

Michelle Reynolds

Chief Executive Officer

28 May 2021

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby certified as confirmed.

Presiding member's signature \_\_\_\_\_

Date \_\_\_\_\_

## Information

This information is provided on matters which may affect members of the public. If you have any queries on procedural matters, please contact a member of the City's Governance team via [governance@cityofperth.wa.gov.au](mailto:governance@cityofperth.wa.gov.au)

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## 1. Declaration of Opening

The Presiding Member declared the Ordinary Council Meeting for the City of Perth open at 12.01pm.

## 2. Acknowledgement of Country/Prayer

The Lord Mayor gave an Acknowledgement of Country:

*I respectfully acknowledge the Traditional Owners of the land on which we meet, the Whadjuk Nyoongar people of Western Australia, and pay my respects to Elders past and present. It is a privilege to be standing on Whadjuk Nyoongar country.*

The Chief Executive Officer recited a prayer:

*Almighty God, under whose providence we hold responsibility for this City grant us wisdom to understand its present needs, foresight to anticipate its future growth, and grace to serve our fellow citizens with integrity and selfless devotion. And to Thee, be all blessing and glory forever. Amen.*

## 3. Attendance

Elected members in attendance

Lord Mayor	Basil Zempilas (Presiding Member)
Deputy Lord Mayor	Sandy Anghie
Councillors	Di Bain
	Clyde Bevan
	Brent Fleeton
	Liam Gobbert
	Rebecca Gordon
	Viktor Ko
	Catherine Lezer

Officers in attendance

Chief Executive Officer	Michelle Reynolds
General Manager Corporate Services	Bill Parker
General Manager Infrastructure and Operations	Allan Mason
Acting General Manager Planning and Economic Development	Megan Adair
Acting General Manager Community Development	Kylie Johnson
Alliance Manager Executive Services	Danielle Uniza
Acting Alliance Manager Governance	Siobhan Rippington
Governance Officer	Ashlee Rutigliano

Public gallery

There were approximately 25 members of the public in the gallery.

### 3.1 Apologies

Nil.

### 3.2 Leave of Absence

Nil.

### 3.3 Applications for Leave of Absence

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## Council Resolution (OCM-21/05-105)

**Mover** Councillor Fleeton

**Seconder** Councillor Gordon

That Council APPROVES Councillor Gobbert's application for a leave of absence for 12 July 2021.

**CARRIED UNOPPOSED (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## 4. Announcements by the Lord Mayor

### 4.1 Ordinary Council Meeting time change

*The Lord Mayor thanked the Councillors, staff and the public gallery for being available to attend this meeting. The alternative meeting start time form part of a trial in the months of May and August so that members of the community have an opportunity to attend meetings held during the day, rather than only in the evening.*

### 4.2 Lord Mayor's Distress Relief Fund update

*The Lord Mayor advised he travelled to the mid-west along with the Minister for Emergency Services, Reece Whitby, on behalf of the Lord Mayor's Distress Relief Fund. The Lord Mayor advised that \$7.3 million has been raised to date for the Tropical Cyclone Seroja Appeal. Added to the amount raised for the Wooroloo and Hills Bushfire 2021 Appeal, almost \$25 million has been raised for the Lord Mayor's Distress Relief Fund.*

*The Lord Mayor thanked everyone for their generosity and announced that a \$25,000 payment will be made to those affected by Tropical Cyclone Seroja who lost their homes and a \$10,000 payment will be made for those who have suffered substantial damage.*

### 4.3 Soft opening of Safe Night Spaces for women and children

*The Lord Mayor advised that towards the end of the week, there will be a soft opening of the Safe Night Spaces for women and children.*

### 4.4 WA Apartment Advocacy Awards night

*The Lord Mayor congratulated Councillor Lezer who was a winner in the category of 'refurbished apartment' for her apartment in East Perth.*

### 4.5 Volunteer's Week thank you

*The Lord Mayor advised a thank you morning and afternoon tea was hosted by the City for its 170 volunteers in celebration of Volunteers Week. The Lord Mayor thanked the volunteers for the amazing work for our community.*

## 5. Public Participation

### 5.1 Public Questions

*The Chief Executive Officer advised that a public question was received prior to the meeting and read the question aloud in the questioner's absence.*

**Questioner (name and address withheld at request of questioner.)\***

**Q** *How can a City of Perth resident obtain copies, or alternatively view, copies of the contracts for public events that the City of Perth signs with the contractors of those public events?*

**A** *The Chief Executive Officer responded: The City's contracts are commercial-in-confidence with suppliers and therefore not generally available for public inspection. The Freedom of Information Act 1992 gives the public a right to make an application to access the City's documents.*

*A question was taken from the floor.*

**Melissa Northcott, address on file, in relation to Item 11.1 - Proposed Nine-level, Multiple Dwelling Residential Development at No. 20 (Lot 3) 20 Mounts Bay Road, Crawley and Item 12.5 – New Events Strategy and 2021/22 Plan**

**Q1** *The report makes no reference to ACROD disabled parking bays for visitors or residents. Is there an opportunity in the advice notes, for one of the apartments to be universally accessible?*

**A** *The General Manager Planning and Economic Development responded: The issue of ACROD parking and the design for universal access is unfortunately not a requirement of the residential design for this type of development.*

- Q2** *Why was there no inclusion or access inclusion mentioned in the event strategy document?*
- A** *The General Manager Community Development responded: We do have a Disability and Access and Inclusion Plan that is the overarching framework for all of our services and provision of activities. We are also developing an Equity, Diversity and Inclusion Framework that is re-visiting a new leadership in that area.*

The Chief Executive Officer advised the following question was taken on notice at the Ordinary Council Meeting held on 27 April 2021 and was responded to as follows:

**Questioner (name and address withheld at request of questioner.)\***

- Q1** *Does the Council conduct due diligence on its subcontractors to ensure they operate by the same standards as the City of Perth with regards to obligations under the Fair Work Act 2009?*
- Q2** *If allegations are made against a subcontractor for engaging its workers in the form of 'sham contracting', will the Council investigate the subcontractor?*
- Q3** *If the allegations made tend toward being true on the basis of the evidence provided to the Council/City of Perth, will the Council cease doing business with that subcontractor until the issues are remedied?*
- A** *Contractors engaged by the City of Perth are required to comply with the City's Statement of Business Ethics. Amongst other things, this statement requires business dealings with the City to be open, transparent and comply with relevant legislation and the City's policies, procedures and practices. Non-compliance with the City's ethical requirements can lead to negative consequences. This can include, but is not limited to, termination of contracts, exclusion from procurement and business activities, or loss of future work with the City as determined by the Chief Executive Officer to be appropriate.*

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12.07pm *The Project Director Strategic Finance departed the meeting and returned at 12.10pm.*

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## 5.2 Deputations

- 5.2.1 Jennifer Edinger representing Crawley House in relation to Item 11.1
- 5.2.2 Michelle Mrzyglocki from the East Perth Community Group in relation to Item 17.2

## 6. Disclosures of Interests

Name	Councillor Brent Fleeton
Item number and title	11.1 – Proposed Nine-level, Multiple Dwelling Residential Development at No. 20 (Lot 3) 20 Mounts Bay Road, Crawley
Nature of interest	Indirect Financial
Interest description	<i>‘Momentum Wealth has previously engaged my employer in the last 12 months.’</i>

Name	Deputy Lord Mayor Sandy Anghie
Item number and title	11.1 – Proposed Nine-level, Multiple Dwelling Residential Development at No. 20 (Lot 3) 20 Mounts Bay Road, Crawley
Nature of interest	Impartiality
Interest description	<i>‘Being an architect, the Architects (MJA Studio), and the planner (element), are known to me and I have met the developer (Damian Collins) at an event hosted by REIWA.’</i>

Name	Lord Mayor Basil Zempilas
Item number and title	11.1 – Proposed Nine-level, Multiple Dwelling Residential Development at No. 20 (Lot 3) 20 Mounts Bay Road, Crawley
Nature of interest	Impartiality
Interest description	<i>‘Mr Collins’ (Momentum Wealth) daughter is in the same class as mine at school. Mr Collins is the REIWA President and I have interviewed him on radio from time to time.’</i>

Name	Councillor Rebecca Gordon
Item number and title	16.4 – Review of Policy 9.2 Heritage Rate Concession
Nature of interest	Direct Financial
Interest description	<i>‘As the owner of a heritage property that meets the criteria, I am eligible for the rate concession.’</i>

Name	Councillor Rebecca Gordon
Item number and title	16.10 – Review of Council Policies 10.5, 10.6, 10.10, 10.16 and 13.16A – Council Member Allowances, Fees and Entitlements
Nature of interest	Indirect financial

Interest description	<i>'As I declared an electoral gift for appearing on the Lord Mayor's 'how to vote' card, this results in me having to declare an indirect financial interest for matters that pertain to him.'</i>
Name	Councillor Rebecca Gordon
Item number and title	17.1 – Notice of Motion – Councillor Fleeton – Strengthening Perth's Value Proposition
Nature of interest	Direct Financial
Interest description	<i>'There are commercial properties contained within my strata which may benefit from this initiative. There may be reduce their reliance on strata fees or improve the value of this property.'</i>

## 7. Confirmation of Minutes

### Council Resolution (OCM-21/05-106)

**Mover** Councillor Bevan  
**Seconder** Councillor Gordon

That Council CONFIRMS the minutes of the [Ordinary Council Meeting](#) held on 27 April 2021 as a true and correct record.

**CARRIED UNOPPOSED (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

## 8. Questions by Members which due notice has been given

Nil.

## 9. Correspondence

Nil.

## 10. Petitions

Nil.

## Council Resolution (OCM-21/05-107)

**Mover** Lord Mayor Zempilas

**Secunder** Councillor Fleeton

That the officer recommendation for Items 12.1,12.2, 12.3, 14.1, 14.2, 16.1, 16.2, 16.5, 16.6, 16.8, 16.11, 18.1 and 18.2 be adopted en bloc, and the remaining items be dealt with separately.

**CARRIED UNOPPOSED (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## Summary of Items

Item 11.1	Considered and resolved separately as absolute majority decision required and due to several interest disclosures
Items 12.1 – 12.3	Carried by en bloc resolution
Item 12.4	Considered and resolved separately as an item of public interest
Item 12.5	Considered and resolved separately as an item of public interest
Item 12.6	Considered separately as not considered at Agenda Briefing Session
Items 14.1 – 14.2	Carried by en bloc resolution
Items 16.1 – 16.2	Carried by en bloc resolution
Item 16.3	Considered and resolved separately due to revised officer recommendation
Item 16.4	Considered and resolved separately due to an interest disclosure
Items 16.5 – 16.6	Carried by en bloc resolution
Item 16.7	Considered and resolved separately as an item of public interest
Item 16.8	Carried by en bloc resolution
Item 16.9	Considered and resolved separately as absolute majority decision required
Item 16.10	Considered and resolved separately as absolute majority decision required
Item 16.11	Carried by en bloc resolution
Item 16.12	Considered and resolved separately due to revised officer recommendation
Item 16.13	Considered and resolved separately as absolute majority decision required
Items 18.1 – 18.2	Carried by en bloc resolution
Item 18.3	Considered and resolved separately as absolute majority decision required

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12.36pm Councillor Fleeton disclosed an indirect financial interest in Item 11.1 and departed the meeting.

12.47pm The General Manager Community Development departed the meeting and returned at 12.49pm.

## 11. Planning and Economic Development Alliance Reports

### 11.1 Proposed Nine-level, Multiple Dwelling Residential Development at No. 20 (Lot 3) Mounts Bay Road, Crawley

Responsible Officer	Megan Adair – Acting General Manager Planning and Economic Development
Voting Requirement	Absolute Majority
Attachments	Attachment 11.1A – Site Location Plan Attachment 11.1B – Perspectives Attachment 11.1C – Development Plans Attachment 11.1D – Neighbour Submissions Attachment 11.1E – Address of State Planning Policy 7.0

#### Purpose

For Council to determine a development application for the demolition of the existing residential building and the construction a nine-level multiple dwelling residential development at 20 Mounts Bay Road, Crawley.

#### Recommendation

That Council, in accordance with the provisions of 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 residential multiple dwelling building and the construction of a nine-level residential development comprising of eight multiple dwellings and 24 car parking bays as indicated on the Metropolitan Region Scheme Form One dated 11 February 2021 and as shown on the plans and details received on 11 February 2021 and 19 April 2021 subject to:

#### Conditions

1. the owner submitting evidence and final confirmation to the City that the transaction in respect of transfer of plot ratio has been finalised between the owners of No. 360 (Lot 123) Murray Street, Perth and No. 20 (Lot 3) Mounts Bay Road, Crawley prior to applying for a building permit, noting the final transaction of transferred plot ratio will then be registered in the City Planning Scheme No. 2 Transferred Plot Ratio Register
2. the development being constructed with high quality and durable materials and finishes and a level of detailing that is consistent with the elevations and perspectives received on 11 February 2021 and 19

- April 2021, with final details of the design and a sample board of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit
3. the balconies and winter gardens being designed as predominately transparent, naturally ventilated spaces that are non-habitable and cannot be fully enclosed, with no window treatments or furnishings being permitted that could diminish the transparency of the balcony or obstruct views to and from the street, with final details being submitted for approval by the City prior to applying for the relevant building permit
  4. any proposed air-conditioning condensers, external building plant, lift overruns, piping, ducting, water tanks and fire control rooms being located or screened so that they cannot be viewed from any location external to the site and to minimise any visual and noise impact on the adjacent properties, including any such plant or services located within the vehicle entrances of the development and with fire boosters being integrated into the design of the building or landscaping, with details of the location and screening of such plant and services being submitted for approval by the City prior to applying for the relevant building permit
  5. the proposed residential development being designed and constructed in such a manner that existing and future noise levels occurring between dwellings, and from external noise sources and mechanical plant and equipment that could potentially affect future occupiers, can be successfully attenuated in accordance with the City Planning Scheme No. 2 - Residential Design Policy and State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and be submitted for approval by the City prior to applying for a building permit
  6. a Section 70A notification pursuant to the *Transfer of Land Act 1893*, prepared to the City's satisfaction at the cost of the owner/applicant, being placed on the strata title of each residential dwelling prior to occupation, advising prospective purchasers that the property is located in the vicinity of a transport corridor and may be affected by traffic noise
  7. any signage for the development being integrated into the design of the building with details of any signage that is not exempt from approval under the City's Planning Policy 4.6 – Signs, being subject to a separate application for approval
  8. on-site stormwater disposal/management being to the City and Main Roads WA specifications with details being submitted for approval by the City prior to applying for a building permit
  9. the pedestrian entrance/forecourt and vehicle entrance into the site being designed to match the current levels of the adjacent footpath, to the City's satisfactions with details being submitted for approval by the City prior to applying for a building permit
  10. the redundant crossover onto Mounts Bay Road being removed and the verge and footpath reinstated in accordance with the City's specifications and satisfaction and at the expense of the developer/landowner prior to occupation of the building
  11. the proposed new crossover on Mounts Bay Road being designed to the specifications of the City and Main Roads WA, with final details being submitted for approval by the City, in consultation with Main Roads WA, prior to applying for a building permit
  12. a minimum of 16 residential tenant car bays, 8 visitor car parking bays and one service/delivery bay being provided on site, for the exclusive use of residents within the development and their guests and not being leased or otherwise reserved for the use of tenants or occupants of other buildings or sites

13. the dimensions of all car parking bays, vehicle entrances, aisle widths and circulation areas complying with the Australian Standard AS2890.1, with a certificate of compliance by an architect or engineer being submitted for approval by the City prior to applying for a building permit
14. the development being designed and the waste storage and collection occurring in accordance with the recommendations of the Waste Management Plan prepared by Momentum Wealth dated 11 February 2021, with any proposed modifications to this Plan being submitted for approval by the City prior to applying for a building permit, with the Plan being implemented by the owners and/or future strata managers of the development on an ongoing basis
15. demolition and/or construction management plans for the proposal prepared in accordance with the City's pro-forma and requirements being submitted for approval by the City prior to applying for a demolition permit and/or a building permit
16. the existing gum tree located adjacent to the existing driveways of 20 Mounts Bay Road and 22 Mounts Bay Road, being retained and protected from damage throughout any demolition and/or construction works with tree protection zones being established and maintained during the demolition and/or construction periods in accordance with the Australian Standard S4970-2009 - Protection of Trees on Development Sites, to the satisfaction of the City, with the owner/applicant being liable for any damage or removal of the trees
17. a final landscaping and reticulation plan with additional soft landscaping elements including small and medium trees being incorporated into the rear roof terrace area, and being submitted for approval by the City prior to applying for a building permit, with the landscaping being installed and thereafter maintained to a high standard
18. in the event of the development not proceeding within six months of the demolition of the existing buildings on the site, the site is to be aesthetically fenced and/or landscaped to the satisfaction of the City in order to preserve the amenity of the area, prevent unauthorised car parking and reduce dust and sand being blown from the site and shall be maintained in a clean and tidy state
19. the works referred to in the above condition, being secured by a bond or a deed of agreement between the landowner/applicant and the City, to the value of the proposed works as determined by the City, with the cost of the deed to be borne by the applicant and the bond/deed being finalised to the City's satisfaction prior to any demolition works being undertaken

#### Advice

20. the proposed development is approved with a maximum plot ratio of 1.2: 1 (1,846m<sup>2</sup>) including 20% transfer plot ratio (307.8m<sup>2</sup> plot ratio floor area) transferred to the site from 360 (Lot 123) Murray Street, Perth, in accordance with Clause 30 of City Planning Scheme No. 2 and Transfer of Plot Ratio Policy 4.5.2.
-

## Background

1. The purpose of this report is to assess and provide recommendations on an application for the demolition of an existing four level residential building comprising of six multiple dwellings and the construction of a nine level residential development comprising of eight multiple dwellings and 24 resident and visitor car parking bays at 20 (Lot 3) Mounts Bay Road, Crawley.
2. The subject site has a total area of 1,539m<sup>2</sup> and is located on the northern side of Mounts Bay Road. The property sits adjacent to a 12 storey residential development to the south-west (22 Mounts Bay Road), a 9 storey residential development to the north-east (1 Wingfield Avenue) and a 12 storey residential development directly behind the development to the north (4 Crawley Avenue).
3. The development application, requires approval by an absolute majority of the Council, in accordance with Clauses 36 and 38 of City Planning Scheme No. 2. In addition, Clause 75 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the application to be determined within 90 days of lodgement.

## Details

<b>Landowner</b>	Nitchingham Investment Pty Ltd; Grahame Duff; Paul John Rodoreda; Andrew Ian Gardner; Tee Tong Chiam and Teng Chay Gan
<b>Applicant</b>	Element Advisory Pty Ltd
<b>Zoning</b>	(MRS Zone) Urban  (City Planning Scheme Precinct) Precinct 9 - Matilda Bay  (City Planning Scheme Use Area) Residential - R60
<b>Approximate Cost</b>	\$12 million

4. Specific details of the proposed residential development are as follows:

<b>Ground Floor</b>	This level contains the main entrance and lounge to the residential development. The bin storage room, car park and bicycle storage area is also located at this level.
<b>Level 1</b>	This level contains the residential amenity area including a pool and landscaped pool deck, gymnasium, morning terrace, yoga area and change rooms.
<b>Level 2</b>	This level contains two 3-bedroom/2-bathroom apartments (131m <sup>2</sup> each).
<b>Levels 3-8</b>	These levels each contains a 3-bedroom/3-bathroom apartment (250m <sup>2</sup> ) with a study/media room, extensive living

	area, powder room, laundry, winter garden (24m <sup>2</sup> ) and balcony (94m <sup>2</sup> ).
Roof Level	This level consists of an enclosed roof plant, lift overrun and potential solar roof panels.

5. The applicant advises that:

*“the form of development has been designed to be consistent with developments on the surrounding sites in Crawley, comprising of a singular tower with no defined podium, with setbacks to all lot boundaries and high-quality landscaping within the front and side setback areas. In addition, the applicant advises that the building has been designed with a sculptural form that provides articulation and visual interest to all sides, and utilises a range of high quality materials commensurate with the luxury standard proposed. The adopted massing approach has been informed by the immediate site context, to ensure appropriate building to building separation which minimises overlooking of habitable rooms and outdoor living areas on the adjoining sites, whilst capitalising on the prominent views over the Swan River.”*

## Compliance with Planning Scheme

### Land Use

6. The subject site is located within the Residential - R60 Use Area of the Matilda Bay Precinct 9 under City Planning Scheme No. 2 (CPS2). The Matilda Bay Precinct will continue to accommodate a variety of land uses located within a defined area. In the Crawley Residential Area, the development of spacious, high quality dwellings appropriate to the area is encouraged. Multiple units, set within spacious, planted gardens will continue to be the predominant form of housing, although all forms of housing are permitted.
7. The proposed use of the building for multiple dwellings ('Residential') is a preferred 'P' use in the Residential - R60 Use Area of the Matilda Bay Precinct 9 under CPS2 and therefore is supported in this location.

### Development Requirements

8. In the Crawley Residential Area, new developments must complement existing structures, the escarpment, Kings Park, and the river foreshore, by way of design, materials used and landscaped setting. All uses are to be adequately catered for by covered on-site parking, in addition to visitor parking. The maximum height of buildings in the area is restricted in order to limit the impact of development on Kings Park, the escarpment, the Mounts Bay Road frontage and river foreshore.
9. The proposal's compliance with the CPS2 and Residential Design Codes Volume 2 - Apartments development requirements is summarised below:

Development Standard	Proposed	Permitted/Required
Maximum Plot Ratio:	1.2:1 (1,846.8m <sup>2</sup> )	Base Plot Ratio 1:1 (1,539m <sup>2</sup> )

	Inclusive of a 20% (307.8m <sup>2</sup> ) transfer of plot ratio from 360 Murray Street, Perth	Maximum Transfer of Plot Ratio of 20%
<b>Maximum Building Height</b>	35.5 metres	39 metres (maximum)
<b>Setbacks:</b>		
Front	4 metres	4 metres (minimum)
Rear	16.5 metres	3 metres (minimum)
Side – North-East	3 metres – 9.5 metres	3 metres (minimum)
Side – South- West	3 metres -13 metres	3 metres (minimum)
<b>Visual Privacy Setbacks:</b>		
Rear – North-West	24 metres	6 metres (minimum) unenclosed private outdoor spaces
Side – North-East	<b>3 metres</b> – 9.5 metres	
Side – South-West	7 metres – 13 metres	
<b>Car Parking:</b>		
Residential	16 bays	16 bays (minimum)
Visitor	8 bays	8 bays (minimum)
<b>Bicycle Parking:</b>	8 bays	4 bays (minimum)

10. A variation to the visual privacy setbacks of the development to the north-east can be granted by an absolute majority decision of the Council, in accordance with Clause 36 of 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.”

11. In accordance with clause 30(5) of CPS2, the application is also proposing a transfer of plot ratio of 307.8m<sup>2</sup> (or 20%) from 360 (Lot 123) Murray Street, Perth, which is listed in the City’s Register of Transferred Plot Ratio as a donor site.

## Stakeholder Engagement

### Public Consultation

12. The proposal was advertised to the surrounding landowners and residents within a 200 metre radius of the subject site for a period of 28 days, in accordance with Clause 64 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. An extension of seven days was granted to residents who advised of a delay in receiving the advertising notice.
13. A total of 27 submissions were received during the advertising period raising various concerns with the proposed development (refer Attachment 11.1D – Neighbour Submissions). A summary of the main concerns raised is outlined below:
  - a. *The obstruction of views to the Swan River and to the city as a result of the proposed height and scale of the development for the properties adjacent and behind at 3 Wingfield Avenue, 4 Crawley Avenue and 22 Mounts Bay Road*
  - b. *The overall height, bulk and scale of the development which is considered excessive and out of keeping with the area*
  - c. *The insufficient front setback of the development from Mounts Bay Road which is out of keeping with the front setbacks of other properties*
  - d. *A lack of in ground landscaping and consideration of the Noongar culture/heritage and other environment aspects of the place*
  - e. *A loss of breeze and excessive reflection from the afternoon sun into the adjacent property at 22 Mounts Bay Road and 4 Crawley Avenue*
  - f. *A loss of privacy and overlooking to the surrounding developments associated with the winter gardens, balconies and habitable room windows*
  - g. *A loss of light and unreasonable overshadowing impacts to the buildings and pool area at 22 Mounts Bay Road and 4 Crawley Avenue*
  - h. *The traffic and road safety implications of the development during the construction phase and once occupied*
  - i. *The proposed transfer of plot ratio from a donor heritage site which is located within a different area of the City*
  - j. *The inaccessibility of the visitor car parking bays and its impact on the use of visitor bays of the adjacent development at 22 Mounts Bay Road*
  - k. *The need to protect and ensure the viability of the existing lemon scented gum tree located within the front setback area*
  - l. *The footpaths on the southern side of Mounts Bay Road being unsafe and not fit for purpose for the use of bicycles, pedestrians and tourists*
  - m. *Lack of dwelling diversity in terms of number of bedrooms, dwelling size, price point and the provision of student accommodation*
  - n. *The application not being assessed against the Western Australian Planning Commission's draft Low and Medium Residential Design Codes*

- o. Insufficient technical information provided in support of the application*
  - p. Proposed suggested modifications to the design of the building at each of the floor levels'.*
14. With respect to the concerns raised regarding a loss of views, it is understandable that this will impact on some resident's views to the Swan River and city, particularly for the property directly behind the proposed development at 4 Crawley Avenue. Whilst this matter is of high importance to individual landowners, it is noted that it is not directly relevant in any assessment of the planning merit of the proposed development and cannot be specifically addressed within the relevant planning framework. In addition, the proposed development has been designed below the maximum height limit and exceeds the required setbacks for buildings, thereby having less impact on views to surrounding residents compared to a compliant building envelope.
  15. In relation to the concerns raised regarding the impact of construction works on Mounts Bay Road, this is not a material planning consideration under CPS2. This matter is addressed as part of a traffic management plan which will require approval from the City and Main Roads WA prior to the issue of the demolition and building permits. This will ensure that the works are carried out in a coordinated and safe way, minimising any impacts on the surrounding residents and other road users including pedestrians and cyclists.
  16. With regards to concerns raised regarding the quality and functionality of the surrounding footpaths, this affects the public realm which falls outside the scope of what can be considered as part of the development application. These matters will be considered separately as part of the City's asset management and community infrastructure planning
  17. In terms of the quality of the information provided in support of the application it is confirmed that the development and landscaping plans, 3D model and associated technical reports (Statement of Planning Compliance, Acoustic Report, Transport Impact Statement, Waste Management Plan, Sustainability Report) submitted with the application complies with the level of detail required under City's Applications Policy 2.1 of CPS2 and the assessment template of State Planning Policy 7.3 - Residential Design Codes Volume 2 - Apartments.
  18. With respect to the suggested modifications to the building design it is noted that the application has been through a rigorous design review process involving pre-application meetings with City officers, review by the City's internal Design Review Group and review by the City's Design Advisory Committee. This will be discussed in further detail in the building design and presentation to the street, building heights and setbacks and landscaping sections of this report.
  19. In relation to the building being assessed against the Western Australian Planning Commission's (WAPC) draft Low and Medium Density Residential Design Codes which is currently being publicly advertised, this is not considered relevant as it is intended to apply to single, semi-detached, row and terrace house, grouped dwellings and multiple dwellings up to four storeys in height. The height and intensity controls specified under CPS2 in terms of height and plot ratio allows for developments of up to 39 metres in height (approximately 12 storeys) in this area and therefore SPP 7.3 – Volume 2 Apartments is the appropriate framework for assessing developments of this scale.

## Consultation with other Agencies

### City of Perth Design Advisory Committee

20. The proposed development was considered by the City of Perth Design Advisory Committee (DAC) at its meeting held on 11 March 2021, where the DAC resolved to advise that it:
- “1. is supportive of the design and use of materials considering the proposed development to be of a high architectural standard;
  2. is supportive of the transfer of plot ratio noting the development is under the height provision and generally setback further than the minimum setback provisions;
  3. is supportive of the proposed landscaping with the existing eucalyptus tree in the front setback being protected; and
  4. encourages that the rear dry landscape area be further enhanced, with access being provided to ensure the ongoing maintenance of this area.”
21. In response to point 4 the applicant has submitted revised plans which will be discussed in further detail in the landscaping section of this report.

### Main Roads WA

22. As the subject site is located adjacent to Mounts Bay Road which is designated as a Primary Regional Road under the Metropolitan Region Scheme, the application was referred to Main Roads WA for comment.
23. Main Roads WA were generally supportive of the proposal subject to standard conditions of approval regarding stormwater drainage, the removal of the redundant crossover and reinstatement of the verge and implementing measures to notify prospective purchasers and to design the building to ameliorate against the impact of transport noise. It was also recommended that any approval be subject to the crossover to Mounts Bay Road being increased to 9 metres in width.

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Place A well-planned and functional built form environment, promoting world class architecture, appreciation of heritage, diversity of land use and a sustainable, affordable and accessible integrated transport system.
Strategic Community Plan Objective:	2.6 Stimulating, functional and attractive design outcomes across all developments.
Issue Specific Strategies and Plans:	Nil.

Legislation, Delegation of Authority & Policy	
Legislation:	<p><a href="#">Section 162 of the <i>Planning and Development Act 2005</i></a></p> <p><a href="#">Clauses 60, 64, 66, 67 and 68 of Schedule 2 (Deemed Provisions for Local Planning Schemes) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></a></p> <p><a href="#">Clauses 6, 26, 27, 30, 31, 32, 36, 37 and the Matilda Bay Precinct Plan (P9) Requirements of the <i>City Planning Scheme No.2</i></a></p> <p><a href="#">Parts III and IV of the <i>Metropolitan Region Scheme</i></a></p> <p><a href="#">Section 8 of the <i>City of Perth Act 2016</i></a></p>
Authority of Council/CEO:	<p>Clauses 36 and 38 of City Planning Scheme No. 2 require an absolute majority decision of Council for development approval applications of this nature.</p>
Policy:	<p>State Planning Policy 7.0 - Design of the Built Environment</p> <p>State Planning Policy 7.3 – Residential Design Codes Volume 2 - Apartments</p> <p>4.1 City Development Design Guidelines</p> <p>4.4 Building Heights and Setbacks</p> <p>4.5 Plot Ratio</p> <p>4.5.2 Transfer Plot Ratio</p> <p>4.9 Residential Design Policy</p> <p>5.1 Parking Policy</p> <p>5.2 Loading and Unloading</p> <p>5.3 Bicycle Parking and End of Journey Facilities</p>

## Decision Implications

24. If the Council does not support the recommendation, the applicant has the right to apply to the State Administrative Tribunal for a review of the decision or the conditions of approval in accordance with Section 252 – ‘Decision made in exercise of discretionary power under planning scheme’ of the *Planning and Development Act 2005*.

## Financial Implications

25. There are no direct financial implications relating to the recommendation within this report. If the application is refused and an application for review of the decision or conditions of approval is made to the State Administrative Tribunal there may be financial implications for the City associated with any legal representation costs.

## Discussion

### Transfer of Plot Ratio

26. The application proposes a transfer of plot ratio floor area from 360 (Lot 123) Murray Street, Perth, which is heritage listed and listed as a donor site on the City's Register 2 of Transferred Plot Ratio under CPS2. The floor area transferred is 307.8m<sup>2</sup> which is 20% of the development site area and is the maximum allowed to be transferred.
27. Approval of any transfer of plot ratio is based on the proposal satisfying the requirements of clause 30 of CPS2 and the Transfer of Plot Ratio Policy 4.5.2. When considering the merits of an application for the transfer of plot ratio due regard must be given to the impact of any transfer of plot ratio on other development standards that are applicable to the site under CPS2. As outlined in the development standards compliance table and the applicant's address of SPP 7.3, the proposed development is considered to be compliant with the relevant planning provisions with the exception of a minor variation to the visual privacy setback to the north-east of the development which will be discussed in further detail under the building heights and setbacks section of this report.
28. The City's DAC has supported the transfer of plot ratio, noting the proposed development is under the maximum height limit and is generally setback further than the minimum setback provisions.
29. In relation to the concerns raised by the surrounding landowners regarding the suitability of a transfer of plot ratio from a site not located within the Crawley area, it is noted that the transfer is being carried out in accordance with requirements of the City's Transfer Plot Ratio Policy 4.5.2 and Clause 30 of CPS2. It is also consistent with the intent and objectives of the Policy which encourages the use of the transfer of plot ratio as an incentive to conserve cultural heritage places in the city. In addition, the transfer of plot ratio aligns with the City's Strategic Community Plan 2019-2029 aspiration of 'Place' by promoting the appreciation of heritage in the city.
30. The contents of the City's CPS2 Register 2 – Transferred Plot Ratio confirms that there is sufficient available transferable plot ratio at the donor site at 360 Murray Street, Perth. The owner of the donor site has also provided written consent for transfer of 307.8m<sup>2</sup> to the recipient site at 20 Mounts Bay Road. Any approval should however be subject to a condition requiring confirmation be provided to the City that the transaction for the transfer of plot ratio from the donor sites to the recipient site has been finalised, in accordance with clause 30(7) of CPS2.

### Building Design and Presentation to the Street

31. State Planning Policy 7.0 Design of the Built Environment (SPP 7.0) addresses the design quality and built form outcomes, seeking to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes. SPP 7.0 sets out the objectives, measures, principles and processes which apply to the design and assessment of built environment proposals through the planning system. It is considered that adequate justification has been provided by the applicant to demonstrate the proposed development will satisfy the ten design principles of SPP 7.0 (refer to Attachment 11.1E - Address of State Planning Policy 7.0 Design Principles).
32. Issues regarding the building's design and presentation were raised in the public submissions including the overall quality of the development and its compatibility with the surrounding developments in Crawley. As noted previously, the building has been designed in a single tower form and at a height and scale that is consistent with the surrounding developments in the locality. The building also provides generous setbacks from its side and rear boundaries allowing for the building to be located within a

spacious landscaped setting, consistent with the Matilda Bay Precinct Plan 9. The sculptural design of the building takes reference from its river location and is considered to add visual interest to the streetscape and skyline. As noted previously the proposal has been through a thorough design review process with the City's DAC supporting the design of the building and the quality materials and finishes, which it considers to be of a high architectural standard.

33. In relation to concerns raised regarding the reflectivity of the building and the solar panels, the proposed materials and finishes to the external façade are generally not reflective in nature with charcoal coloured render and façade cladding proposed throughout. The majority of the glazed openings also benefit from wrap around balconies or solar shading devices which will shade the window areas and minimise any reflectivity impacts to the neighbouring properties. In relation to any reflectivity impacts from the solar panels, the applicant advises that the panels proposed are designed to absorb sunlight with minimal reflectivity. The panels will also be partially screened from view by the parapet wall that extends approximately 1.6 to 1.8 metres above the roof slab level. The applicant has advised that the final angle of the proposed rooftop solar panels will be installed to minimise any potential reflectivity impacts to the surrounding properties.
34. Concerns were also raised regarding the lack of diversity of dwelling types, particularly given the site's proximity to the University of Western Australia and the Perth CBD. With respect to the dwelling diversity objectives specified in Element 4.8 of SPP 7.3, this is not relevant to the proposal given it only applies to developments containing ten or more dwellings. The City's Residential Design Policy 4.9 encourages residential developments to provide a range of dwelling sizes and types to increase the number of people that can afford to live in the city and to add to the diversity to the city centre population. Whilst this is encouraged, not all developments can successfully accommodate and market a mixture of dwelling types. It is also noted that within the City's boundaries there is a lack of large three-bedroom apartment types to cater for families. It is therefore considered that the proposed development will help to increase the diversity of dwelling types within the city by providing large three-bedroom apartments, as well as offering a development of luxury standard, consistent with the Statement of Intent for the Crawley Residential Area of the Matilda Bay Precinct 9, whereby spacious, high quality dwellings is considered appropriate to the area.

#### Building Heights and Setbacks

35. The proposed building is generally compliant with the building height and setback requirements of CPS2 and SPP 7.3, with the exception of the visual privacy setback of the balconies facing the north-east boundary, which will be discussed in further detail below.
36. The predominant concern raised in the public submissions relates to the overall height of the proposed development which was considered to be out of keeping with the character and scale of developments within Crawley. The proposed development is however below the maximum building height requirement in this location under CPS2 (39 metres permitted, 35.5 metres proposed) and at nine levels (eight storeys and a basement level) is of a similar scale to the surrounding developments directly adjacent at 22 Mounts Bay Road (11 storeys) and 1 Wingfield Avenue (nine storeys) and behind at 4 Crawley Avenue (12 storeys). Whilst the proposed development will affect some residents' views to the river and city, which is understandably a concern for those impacted, the proposed development will only partially obstruct the existing view corridors. In addition, as noted earlier the protection of individual views is not a valid planning consideration under CPS2 or SPP 7.3.

37. Some concerns have also been raised regarding the front setback of the building from Mounts Bay Road and its consistency with the existing streetscape. The building has been designed with a four metre setback which complies with the minimum street setback requirement in this location under CPS2. Whilst it is acknowledged that the buildings on either side are setback further from Mounts Bay Road, the building is not inconsistent with the varying street setbacks along this portion of Mounts Bay Road. The properties adjacent are also significantly larger in area than the subject site and able to accommodate more generous setbacks to Mounts Bay Road.
38. As outlined above the building complies, and exceeds in part, the required three metre side and rear setbacks specified under SPP 7.0 with a varying setback of three metres to 9.5 metres to the north-east boundary, three metres to 13 metres to the south-west boundary and 16.5 metres to the rear boundary.
39. In terms of the variation to the privacy setback of the balconies to the north-east, whereby a six metre setback is required to unenclosed private outdoor spaces and a three metre to 9.5 metre has been provided, this is considered to have negligible amenity impacts to the adjacent property at 1 Wingfield Avenue given the 40 metre separation distance of the buildings. In relation to the issues raised regarding overlooking of the swimming pool at 1 Wingfield it is noted there is mature vegetation screening the pool at the lower building levels with the upper level balconies designed to direct views away from the eastern boundary and towards the river. Furthermore, the pool area is a communal space which is currently overlooked by its own residents and by the residents to the rear at 4 Crawley Avenue and 3 Wingfield Avenue. The reduced visual privacy setback for a portion of the balconies along to the north-east is therefore not considered to result in any undue adverse amenity impacts to the neighbouring property at 1 Wingfield Avenue.
40. A similar concern was raised for the property at 4 Crawley Avenue. With proposed setback 16.5 metres from the rear boundary and with a building to building separation distance of 32.5 metres it is considered that there will be no adverse privacy or overlooking impacts to the habitable rooms or outdoor communal pool area of this property.
41. Concerns were also raised regarding the loss of privacy at 22 Mounts Bay Road from the habitable rooms and winter gardens of the proposed development. As outlined in the compliance table, the proposed development complies with the building setback and visual privacy setbacks for unenclosed private outdoor spaces under SPP 7.3 along the south-west boundary, with a building separation distance of 20-25 metres to 22 Mounts Bay Road. In addition, the orientation of the winter gardens together with solar shading devices directs views towards Mounts Bay Road and away from the adjoining property at 22 Mounts Bay Road. The plans have also been revised to remove the kitchen windows facing the south-west, thereby improving the visual privacy outcomes for the neighbouring property at 22 Mounts Bay Road.
42. A loss of light, breezes and overshadowing impacts were also raised as issues in terms of the adjacent properties at 22 Mounts Bay Road and 4 Crawley Avenue. Due to the significant rear setback of the building most of the overshadowing impact will occur over Mounts Bay Road, with only 18.5 percent overshadowing of the adjoining property to the south-west at 22 Mounts Bay Road at 12pm on the 21 June. This is compliant with Element 3.2 of SPP 7.3 which allows up to a 50 per cent overshadowing of the site area of the adjoining property at this time, and is consistent with the higher density nature of this inner-city area. There will be no overshadowing impact to the property at the rear at 4 Crawley Avenue. Given the significant building to building separation of the proposed development to the surrounding buildings it is considered that there will minimal loss of natural light penetration or breezes to the surrounding properties.

## Traffic and Car Parking

43. The proposed development includes 16 car parking bays for residents and 8 car parking bays for visitors which will be fully enclosed within the rear portion of the ground floor level of the development. A drop off/delivery bay has also been provided within the forecourt of the property. A Transport Impact Statement (TIS) has been submitted in support of the application and has been revised taking into consideration the current traffic conditions, including the recent restriction to turning movements into Kings Park Avenue from Mounts Bay Road, as recommended by some of the residents. The TIS has been reviewed and generally supported by City officers and Main Roads WA.
44. Concerns have been raised by surrounding landowners regarding the additional traffic that will be generated by the proposed development and its impact on local amenity and road safety. The TIS states that the proposed development will result in a total of three vehicle movements in the AM peak hour and three in the PM peak hour. The net additional traffic when compared to the existing development, is estimated to be one additional vehicle in the AM peak hour and one vehicle in the PM peak hour.
45. Under the WAPC's Transport Assessment Guidelines for Developments (Volume 4), where a traffic increase from a proposed development is less than 10 per cent of the current road capacity, it would not normally have a material impact. The percentage change forecast for Mounts Bay Road from the proposed development is calculated as less than one per cent of the road capacity and therefore is considered to have no material impact on traffic flow along Mounts Bay Road. In relation to the impact on local streets the increase in traffic is forecast to be minimal which meets the acceptable level of traffic volume change on local access streets, being no more than 50 percent of the existing traffic volume. The increase in traffic projected for Crawley Avenue is very small and can be easily accommodated within the existing capacities of this street and is considered to have negligible traffic and road safety impacts.
46. Another concern raised was the additional road safety implications associated with the relocation of the vehicle crossover to the north-east boundary from its current co-located crossovers with 22 Mounts Bay Road. The use of a single rather than double crossover was also raised as an issue in terms of cars queuing/stacking within the driveway or along Mounts Bay Road. In relation to the relocation of the crossover, this is considered to improve road safety as it will increase its distance from the intersection with Crawley Avenue.
47. With respect to concerns raised regarding the potential for car stacking/queuing on Mounts Bay Road and within the driveway, the crossover width is proposed to be 5.5 metres in width with 2 metre splays to allow two-way movement over the crossover thereby reducing any potential conflicts with through traffic on Mounts Bay Road. In addition, the entry and exit road from Mounts Bay Road to the car park security gate is in excess of 30 metres in length allowing up to five cars to queue back from Mounts Bay Road without interfering with the security gate. A further two-way widening of 10-12 metres is provided along the driveway and in front of the car park security gate, allowing for a standard car to pass another in the opposite direction. Notwithstanding the above, given the comments from Main Roads WA that the crossover should be widened to 9 metres, it is recommended that final details of the crossover to Mounts Bay Road be submitted to the City for approval in consultation with Main Roads WA.

48. In relation to concerns regarding the traffic safety implications of cars conducting a U-turn at the intersection of Mounts Bay Road and Crawley Avenue, a historical analysis of crash data indicates that the road safety risks at this intersection is low. Between 1 January 2015 to 31 December 2019 there were only three recorded crashes (one side swipe of two vehicles in same direction, one vehicle out of control and hitting a traffic island and one rear end collision) on Mounts Bay Road between Crawley Avenue and Kings Park Avenue and none as a result of conducting a U-turn at the Mounts Bay Road and Crawley Avenue intersection. It is considered that the recent modification to the Kings Park Avenue intersection to a left in left out arrangement will not have any additional traffic safety implications as it was not anticipated in the TIS that residents and visitors would access the proposed development using the Kings Park intersection which is located north-east of the site. Furthermore, the TIS indicates that the forecast peak traffic increases of the proposed development will have no material impact on the intersections of Mounts Bay Road and Crawley Avenue.

#### Landscaping and Cultural Heritage

49. Landscaping plans have been provided in support of the application. The existing mature lemon scented gum tree located within the front setback is proposed to be retained, in accordance with Element Objective 3.3.1 of SPP 7.3. The remaining vegetation will be removed from the site with replacement plantings proposed within identified deep soil areas and on-structure landscaping. The planting scheme will include a mixture of native and water wise ground covers and shrubs as well as small and medium sized trees. An outdoor timber deck with seating and gravel mulch is proposed to the rear roof terrace and pool area.
50. Some concerns have been raised by the neighbouring property owners regarding the viability of the existing lemon scented gum tree, as some pruning will be required to accommodate the new development. The applicant has confirmed that a professional arborist has been engaged to ensure the root and canopy zones are sufficient to maintain its ongoing health and viability, with pruning minimised as far as is practical. In addition, it is recommended that any approval be subject to a condition requiring the establishment of a tree protection zone during the demolition and construction works, in accordance with the relevant Australian Standard.
51. In relation to the landscaping proposed at the rear of the property, some concerns have been raised regarding the extent of the gravel area over the roof terrace. The City's DAC also recommended the roof terrace to the rear be further enhanced and made more accessible to residents to ensure its ongoing maintenance. In response to these concerns the applicant has provided a revised plan showing access from the pool area to the roof terrace. Whilst the development meets the Element Objectives of SPP 7.3 in terms of tree canopy and deep soil areas, further enhancement of the roof terrace with soft landscaping elements is recommended given its location within the residential area of the Matilda Bay Precinct 9, whereby developments are to be set within spacious planted gardens. This can be addressed as a condition of any approval as part of the final landscaping and reticulation plan.
52. In terms of the surrounding landowner/s concerns raised regarding the impact of the development on the cultural heritage and Aboriginal heritage significance of the locality it is noted that there are no properties adjacent to the site identified to be of local or State cultural heritage significance. In addition, the site is not affected by any registered Aboriginal heritage sites.

53. In relation to surrounding landowner's concerns regarding the impact of the development on existing fauna it is noted that this property is zoned for residential purposes under CPS2 which allows for the redevelopment of the site for residential purposes. In addition, the proposed landscaping scheme retains the existing lemon scented gum tree and includes the planting of small and medium trees within the building's setback areas.

## Conclusion

54. The proposed residential development is consistent with the Matilda Bay Precinct Plan which encourages the development of spacious, high quality dwellings within a landscaped setting. The City's DAC commended the design of the building and selection of materials and finishes which it considers to be of a high architectural standard. The proposed design is also considered to meet the principles of State Planning Policy 7.0 – Design of the Built Environment.
55. The development is generally compliant with the development standards and objectives of CPS2 and the associated local planning policy framework as well as the element objectives and acceptable outcomes of SPP7.3. With respect to the variation proposed to the visual privacy setback of the balconies to the north-east boundary, the sculptural form of the balconies are designed to orientate views towards the river with a significant building separation distance of 40 metres from the residential apartment complex at 1 Wingfield Avenue. Therefore, it is considered that the variation to the privacy setback can be supported in accordance with clause 36(3)(c) of CPS2 as it will have no undue adverse amenity impacts on the property to the north-east of the site.
56. It is noted concerns were raised by the surrounding landowners in terms of the proposal's perceived excessive bulk, scale and height. Whilst it is acknowledged that the development may impact on some surrounding resident's views, the building is below the maximum height requirement for this area and is consistent with the height and scale of buildings in the general locality. In relation to the issues raised regarding privacy, overshadowing, traffic and road safety, the protection of the existing lemon scented gum tree and the extent of landscaping, it is considered that these matters have been satisfactorily addressed or can be dealt with as conditions of any approval.
57. Based on the above it is recommended that the application be conditionally approved.

## Further information

Following the Agenda Briefing Session held on 18 May 2021, further information is provided:

58. For future buyers of the property, when a strata application is submitted to the City, all relevant ongoing conditions (including conditions 3 and 12) are required to be included in the strata bylaws. Condition 3, regarding the balcony/wintergardens (enclosed with glazing) is required to be transparent.
59. In response to a question raised whether Condition 12 (regarding the car parking requirements of the City Planning Scheme No. 2) is a standard condition and whether it will be known to subsequent buyers, it was advised that under the City Planning Scheme No. 2 the relevant Precinct Plan No. 9 is applicable to this property which requires that *“each dwelling will be provided with two covered car parking spaces and an additional car parking space for visitor parking”*. This is a standard parking condition applied to relevant developments. The numbers are the minimum required under the Scheme for this development and the limitation on not being leased by others who are not occupants of the building is a current requirement under the Scheme and the Parking Policy 5.1. A development approval condition may be modified through an application, in the future, if the City is satisfied that the circumstances have changed and when the City Planning Scheme and relevant policies have changed (noting this process is currently underway). It is noted that changing a DA condition is more flexible and affordable than changing a condition of title.
60. It was requested that recent examples of plot ratio transfer under Clause 30 of the City Planning Scheme No.2 and Transfer of Plot Ratio Policy 4.5.2 be provided:
  - a. The most recent applications in 2021 are from three heritage properties (76 Wittenoom Street East Perth 269sqm; 474 Murray Street Perth 165.9sqm and 938 Hay Street Perth 278sqm) into 240 Adelaide Terrace East Perth.
  - b. The City does not require any information regarding the purchase price or cost of plot ratio as this is a private arrangement between the parties.
61. In response to questions raised regarding the verification of bylaws, it is advised that when the Strata subdivision application is submitted, the development approval conditions are applied. In this instance, an appropriate condition is required to be included in the by-laws. For example, this was done for 35 Mount Street (known as Halo on Mount). These by-laws are submitted to the City.
62. In response to queries regarding height, the maximum building height is 39 metres and this can be achieved without receiving any transfer of heritage plot ratio. The height and setbacks, which determines the scale and potential envelope of the building, is separate from the plot ratio which refers to a defined floor area. The transferred plot ratio is used internally and is not projecting outside the height or setback limits.
63. The plot ratio of the building comes to 1,539sqm floor area. The transfer of plot ratio adds 20% to the floor area, which is 307.8sqm, bringing the total plot ratio floor area to 1,846.8sqm. The 39 metres refers to the maximum building height above ground. This height can be achieved without using any transferred plot ratio. A building of 39 metres height can be built even if no plot ratio is transferred. Plot ratio and height are separate planning measures/tools.
64. As part of the applicant’s deputation on this Item at the Agenda Briefing Session on 18 May 2021, it was suggested that the development is setting a benchmark with regards to high-quality design, high-level of amenity and a luxurious design not offered elsewhere. The benchmark does not relate to planning considerations or local amenity and character impacts.

65. The development does not include screening as a condition for approval due to the buildings having significant separation (see paragraph 39). A small section of the angled balconies projects into the six metre setback, and screening is not considered necessary to a small section of the balcony.
66. In response to a comment during a deputation on this Item at the Agenda Briefing Session on 18 May 2021, there is not considered to be any 'error of law' in applying the policy. The application has been assessed against the Transfer of Plot Ratio Policy (4.5.2) and under clause 30 Transfer of Plot Ratio under City Planning Scheme No. 2. The comment refers to the consideration of 'significant adverse impact' which needs to be considered by Council in its determination. The report concludes that there is no 'significant adverse impact'. It must be noted that 'loss of views' is not considered to be a relevant planning consideration by the State Administrative Tribunal (SAT).
67. Plot ratio is dealt with under two separate instruments. Clauses 28 and 30 of the Scheme and Policies 4.5.1 and 4.5.2 under the Scheme. These refer to Bonus Plot Ratio and Transfer of Plot Ratio.
68. It is a condition of the approval that the existing gum tree is retained. Proposed condition 17 also refers to a final landscaping plan to be submitted for approval (which will include details of the existing tree and surrounding landscaping). The condition also includes that the landscaping after installation be 'maintained to a high standard'. This allows for ongoing compliance action including replacement where deemed necessary by the City.
69. Another example of Heritage Transfer of Plot Ratio is the residential tower approved in 2020 and currently under construction at 240 Adelaide Terrace which received a transfer of heritage plot ratio from three heritage sites – 269sqm from 76 Wittenoom Street East Perth; 165.9sqm from 474 Murray Street Perth and 278sqm from 938 Hay Street Perth for a total of 712.9sqm.
70. Prior to the plot ratio being able to be transferred, the heritage sites are required to have a Conservation Management Plan (CMP) drawn up for the heritage buildings. This CMP includes an ongoing maintenance and conservation plan with works that are required to be undertaken every year and including annual reporting to the Heritage Office. Furthermore, the owner is required to sign a Heritage Agreement with State Heritage and the City, which references compliance with the CMP, to make this arrangement legally binding. This also included a notification on title advising all future property owners of the legally binding Heritage Agreement. It is considered that the selling of the plot ratio allows for these ongoing maintenance works to continue.
71. 1-5 Harvest Terrace was referred to the City for comment by the Department of Planning, Lands and Heritage. This proposal was submitted to State Government under the emergency COVID Regulation amendments (Part 17B) of the *Planning and Development Act 2005* for determination by the Western Australian Planning Commission (WAPC). The WAPC can consider major applications outside of the normal development application process and is not bound by the provisions of the local scheme and thereby may approve bonus plot ratio without applying the transfer of plot ratio requirements that the City would normally apply. If this matter was submitted to the City for determination, the City could not approve the application if it did not include a transfer of plot ratio for the extra floor area proposed. The WAPC is not bound by the maximum limit on plot ratio and may approve the extra plot ratio as proposed (without a transfer occurring).
72. The director's names of the companies which own the subject property are not known to the City at this time.

## Council Resolution (OCM-21/05-108)

**Mover** Councillor Lezer  
**Secunder** Councillor Gordon

That Council, in accordance with the provisions of 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 residential multiple dwelling building and the construction of a nine-level residential development comprising of eight multiple dwellings and 24 car parking bays as indicated on the Metropolitan Region Scheme Form One dated 11 February 2021 and as shown on the plans and details received on 11 February 2021 and 19 April 2021 subject to:

### Conditions

1. the owner submitting evidence and final confirmation to the City that the transaction in respect of transfer of plot ratio has been finalised between the owners of No. 360 (Lot 123) Murray Street, Perth and No. 20 (Lot 3) Mounts Bay Road, Crawley prior to applying for a building permit, noting the final transaction of transferred plot ratio will then be registered in the City Planning Scheme No. 2 Transferred Plot Ratio Register
2. the development being constructed with high quality and durable materials and finishes and a level of detailing that is consistent with the elevations and perspectives received on 11 February 2021 and 19 April 2021, with final details of the design and a sample board of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit
3. the balconies and winter gardens being designed as predominately transparent, naturally ventilated spaces that are non-habitable and cannot be fully enclosed, with no window treatments or furnishings being permitted that could diminish the transparency of the balcony or obstruct views to and from the street, with final details being submitted for approval by the City prior to applying for the relevant building permit
4. any proposed air-conditioning condensers, external building plant, lift overruns, piping, ducting, water tanks and fire control rooms being located or screened so that they cannot be viewed from any location external to the site and to minimise any visual and noise impact on the adjacent properties, including any such plant or services located within the vehicle entrances of the development and with fire boosters being integrated into the design of the building or landscaping, with details of the location and screening of such plant and services being submitted for approval by the City prior to applying for the relevant building permit
5. the proposed residential development being designed and constructed in such a manner that existing and future noise levels occurring between dwellings, and from external noise sources and mechanical plant and equipment that could potentially affect future occupiers, can be successfully attenuated in accordance with the City Planning Scheme No. 2 - Residential Design Policy and State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and be submitted for approval by the City prior to applying for a building permit

6. a Section 70A notification pursuant to the *Transfer of Land Act 1893*, prepared to the City's satisfaction at the cost of the owner/applicant, being placed on the strata title of each residential dwelling prior to occupation, advising prospective purchasers that the property is located in the vicinity of a transport corridor and may be affected by traffic noise
7. any signage for the development being integrated into the design of the building with details of any signage that is not exempt from approval under the City's Planning Policy 4.6 – Signs, being subject to a separate application for approval
8. on-site stormwater disposal/management being to the City and Main Roads WA specifications with details being submitted for approval by the City prior to applying for a building permit
9. the pedestrian entrance/forecourt and vehicle entrance into the site being designed to match the current levels of the adjacent footpath, to the City's satisfactions with details being submitted for approval by the City prior to applying for a building permit
10. the redundant crossover onto Mounts Bay Road being removed and the verge and footpath reinstated in accordance with the City's specifications and satisfaction and at the expense of the developer/landowner prior to occupation of the building
11. the proposed new crossover on Mounts Bay Road being designed to the specifications of the City and Main Roads WA, with final details being submitted for approval by the City, in consultation with Main Roads WA, prior to applying for a building permit
12. a minimum of 16 residential tenant car bays, 8 visitor car parking bays and one service/delivery bay being provided on site, for the exclusive use of residents within the development and their guests and not being leased or otherwise reserved for the use of tenants or occupants of other buildings or sites
13. the dimensions of all car parking bays, vehicle entrances, aisle widths and circulation areas complying with the Australian Standard AS2890.1, with a certificate of compliance by an architect or engineer being submitted for approval by the City prior to applying for a building permit
14. the development being designed and the waste storage and collection occurring in accordance with the recommendations of the Waste Management Plan prepared by Momentum Wealth dated 11 February 2021, with any proposed modifications to this Plan being submitted for approval by the City prior to applying for a building permit, with the Plan being implemented by the owners and/or future strata managers of the development on an ongoing basis
15. demolition and/or construction management plans for the proposal prepared in accordance with the City's pro-forma and requirements being submitted for approval by the City prior to applying for a demolition permit and/or a building permit
16. the existing gum tree located adjacent to the existing driveways of 20 Mounts Bay Road and 22 Mounts Bay Road, being retained and protected from damage throughout any demolition and/or construction works with tree protection zones being established and maintained during the demolition and/or construction periods in accordance with the Australian Standard S4970-2009 - Protection of Trees on Development Sites, to the satisfaction of the City, with the owner/applicant being liable for any damage or removal of the trees
17. a final landscaping and reticulation plan with additional soft landscaping elements including small and medium trees being incorporated into the rear roof terrace area, and being submitted for approval by the City prior to applying for a building permit, with the landscaping being installed and thereafter maintained to a high standard

18. in the event of the development not proceeding within six months of the demolition of the existing buildings on the site, the site is to be aesthetically fenced and/or landscaped to the satisfaction of the City in order to preserve the amenity of the area, prevent unauthorised car parking and reduce dust and sand being blown from the site and shall be maintained in a clean and tidy state
19. the works referred to in the above condition, being secured by a bond or a deed of agreement between the landowner/applicant and the City, to the value of the proposed works as determined by the City, with the cost of the deed to be borne by the applicant and the bond/deed being finalised to the City's satisfaction prior to any demolition works being undertaken

Advice

20. the proposed development is approved with a maximum plot ratio of 1.2: 1 (1,846m<sup>2</sup>) including 20% transfer plot ratio (307.8m<sup>2</sup> plot ratio floor area) transferred to the site from 360 (Lot 123) Murray Street, Perth, in accordance with Clause 30 of City Planning Scheme No. 2 and Transfer of Plot Ratio Policy 4.5.2.

**CARRIED BY ABSOLUTE MAJORITY (7/1)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Gobbert, Gordon, and Lezer  
**Against** Councillor Ko

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12.49pm *Councillor Fleeton returned to the meeting prior to Item 11.2.*

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## Council Resolution (OCM-21/05-109)

**Mover** Deputy Lord Mayor  
**Seconder** Lord Mayor Zempilas

That Council, in accordance with Clause 4.3(3) of the *Standing Orders Local Law 2009*, CHANGES the order of business to deal with Item 17.2 – Notice of Motion – Deputy Lord Mayor – Main Street Refresh Program as the next item of business.

**CARRIED UNOPPOSED (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer  
**Against** None

### 17.2 Notice of Motion – Deputy Lord Mayor Anghie – Main Street Refresh Program

The following Notice of Motion has been submitted in accordance with clause 4.12 of the *Standing Orders Local Law 2009*.

<b>Councillor member</b>	Deputy Lord Mayor Sandy Anghie
<b>Date Notice of Motion received</b>	18 May 2021
<b>Motion</b>	<p>That Council:</p> <ol style="list-style-type: none"> <li><u>REQUESTS</u> that the Chief Executive Officer investigates the development of a ‘Main Street Refresh Program’ which aims to refresh and revitalise the main streets in our City’s neighbourhoods over a period of time.</li> <li><u>APPROVES</u> an allocation from the current Budget Surplus to cover the cost of engaging a consultant to undertake the above investigation, as required.</li> </ol>
<b>Reason provided for the motion</b>	<p>At our April 2021 Council meeting we approved the “Hay Street Refresh” project – to provide a much needed refresh for our Hay Street Mall.</p> <p>But this isn’t our only City street requiring a refresh. Many of the key streets in our diverse City neighbourhoods haven’t been refreshed for decades. For example:</p> <ul style="list-style-type: none"> <li>Adelaide Terrace, East Perth</li> <li>James Street, Northbridge</li> <li>Hay Street, West Perth</li> <li>Hampden Road, Nedlands</li> </ul> <p>Currently there is no short, medium or long term plan to do this work.</p>

At the moment, work continues on major road works on Hay Street and Pier Street – this “East End Revitalisation” project costing \$12,653,000. And in the next month work will commence on major road works on Roe Street. Forming part of the Perth City Deal, the City will contribute \$10,000,000 towards the total cost of \$20,200,000 for the Roe Street upgrade.

These major street upgrades are obviously big budget items and the City does not have the current capacity to spend similar amounts on all of our main streets.

We have also seen that these major works are highly disruptive to our local business, often taking much longer than planned. Personally, I think our local businesses have suffered enough in recent years – not just through Covid in the past year, but with falling foot traffic in our City in the years prior.

Acknowledging the above, what we can do now is plan to make our streets better for people in the short and medium term in some of the following ways:

- Identify locations for more street trees, and additional under planting, to improve our urban forest canopy and our City’s green credentials;
- Improve street lighting to enhance vibrancy and create a safer environment;
- Identify opportunities for public art, murals and lighting installations;
- Identify opportunities for new and innovative street furniture where this is appropriate; and
- Repair and replace sections of footpaths, kerbing and in ground tree planters where these are in a state of disrepair.

Many of these matters were raised by community representatives in our Neighbourhood Budget Planning session held on Saturday 17 April 2021.

The budget for each main street refresh project may be similar to the Hay Street refresh budget, but this would be determined through the investigation. The time frame for delivery, and therefore disruption to businesses, would be minimal compared to the major works in progress. But the intended outcome would be the same - better streets for people.

Main street refresh programs have proven to be successful around the world, and there is growing momentum to get “back to the basics” of what makes cities thrive.

Let’s make some affordable, positive changes to our public spaces in the short to medium term while building local support and demonstrating to stakeholders the potential for further long-term projects and investments.

## Administration Response to Notice of Motion

Responsible Officer	Megan Adair – Acting General Manager Community Development
Voting Requirement	Absolute Majority
Attachments	Nil.

### Discussion

1. A Main Street Refresh Program as contemplated here requires planning and prioritisation of works, starting with conceptual planning and design considerations to derive a scope of work and initial construction budget estimates, before moving on to detailed design and procurement activities. These activities can take between 12 to 18 months to deliver.
2. If supported, this is a substantial body of work which will need to be factored into an already ambitious 2021/22 capital works program, totalling \$48.5 million (yet to be approved by Council). Should additional projects be included in the anticipated program of works, there is a risk to timely delivery of the overall portfolio of works.
3. The option exists, prior to finalisation of the 2021/22 budget to swap out other projects, which have already been workshopped with Council, if it is deemed that this project is more important.
4. The draft budget does however include some 2021/22 works which will contribute to the Main Street Refresh initiative including Hampden Road - road renewal, James Street - road renewal, and lighting upgrades in West Perth and East Perth, including Adelaide Terrace and Hay Street including an ongoing program of street furniture refurbishment.
5. If Council supports the initiative, it is recommended that funding is allocated to commence planning in 2022/23 to evaluate the conditions and performance of these main streets and to identify where place specific planning is required with construction to follow in 2023/24.

### Decision Implications

6. If Council supports the motion, a budget allocation in the 2022/23 budget will be required to evaluate the current condition and performance of the City's Main Streets and provide a prioritised list of streets for planning in future years. It is estimated that this will cost \$500,000 to complete with construction upgrades to commence in 2023/24.
7. If Council does not support the motion, the ongoing road renewal, street lighting and furniture refurbishment program of works will continue as contemplated in the draft budget and long term financial plan.

## Strategic, Legislative and Policy Implications

Strategic Community Plan	
Aspiration:	Place
Objective:	2.7 Safe and enjoyable experiences in the public realm enabled by smart technologies, innovative design and quality infrastructure.
Issue Specific Strategies and Plans:	Neighbourhood Plans - main street redevelopment is a subset of the Neighbourhood Planning Process.

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Local Government Act 1995</i>
Authority of Council/CEO:	In accordance with Section 2.7 of the <i>Local Government Act 1995</i> , the Council is responsible for the performance of the local government's functions.
Policy:	Nil.

## Financial Implications

Nil at this time.

## Relevant Documents

Nil.

## Primary motion

**Mover** Deputy Lord Mayor Anghie

**Seconded** Councillor Bevan

That Council:

1. REQUESTS that the Chief Executive Officer investigates the development of a 'Main Street Refresh Program' which aims to refresh and revitalise the main streets in our City's neighbourhoods over a period of time.
2. APPROVES an allocation from the current Budget Surplus to cover the cost of engaging a consultant to undertake the above investigation, as required.

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*During debate, Councillor Gobbert moved an amendment to the primary motion as follows:*

## Amendment

**Mover** Councillor Gobbert

**Seconded** Lord Mayor Zempilas

That Point 2 of the primary motion be replaced with a new Point 2:

2. LISTS for consideration as part of a future budget.

### Reason:

As the 2021/22 Annual Budget is nearing finalisation, it is preferable that the allocation of funds for new capital projects be considered a later date.

**CARRIED (7/2)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie and Councillors Bain, Bevan, Gobbert, Gordon and Ko

**Against** Councillors Lezer and Fleeton

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*The amendment was declared carried and formed part of the primary motion.*

## Council Resolution (OCM-21/05-110)

**Mover** Deputy Lord Mayor Anghie

**Seconded** Councillor Bevan

That Council:

1. REQUESTS that the Chief Executive Officer investigates the development of a 'Main Street Refresh Program' which aims to refresh and revitalise the main streets in our City's neighbourhoods over a period of time.
2. LISTS for consideration as part of a future budget.

**CARRIED (7/2)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie and Councillors Bain, Bevan, Gobbert, Gordon and Ko

**Against** Councillors Fleeton and Lezer

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## 12. Community Development Alliance Reports

### 12.1 Public Art Deaccessioning

Responsible Officer	Kylie Johnson - Acting General Manager Community Development
Voting Requirement	Simple Majority
Attachments	Attachment 12.1A - Public artworks proposed for deaccession 2021

#### Purpose

To request Council approval to deaccession and dispose of damaged and degraded public artworks.

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#### Recommendation

That Council APPROVES the deaccession and disposal of the damaged public artworks as detailed in Attachment 12.1A.

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## Background

1. The City of Perth is custodian of 112 public artworks as part of the Cultural Collections. Together with other collection items they tell stories of Perth; its history, places, and people. From traditional bronze memorial statues to contemporary interpretations of place, public art adds value to the cultural, aesthetic and economic vitality of Perth, as befitting a capital city and expected by the Perth community.
2. Deaccessioning is the process whereby works are permanently removed from a collection. Items considered for deaccession must meet one or more of the criteria outlined in Council Policy 1.5 Public Art (section 11.2), as follows:
  - a. It no longer meets the Criteria set out in section 7 of Policy 1.5 Public Art
  - b. It is a duplicate or reproduction that serves no specific function
  - c. The City can no longer adequately and sustainably care and maintain the item through the allocation of resources commensurate with the item's current value and artistic, cultural, social, or historical merit
  - d. It has been integrated into the fabric of a building, street or park, which is subject to redevelopment and where it is not salvageable
  - e. It has no provenance, cannot be displayed, and is not suitable for research
  - f. The City has been ordered to return to the item to its rightful owner by a court of law or the City recognises that it is not the rightful owner and has identified the rightful owner.

## Discussion

3. A small number of public artworks in the City's Public Art Collection are badly degraded due to their age and can no longer be adequately or sustainably maintained. The artworks were created as part of the redevelopment of Claisebrook by the East Perth Redevelopment Authority in the 1990's and subsequently handed over to the City. The artworks have been appropriately maintained but have unavoidably and naturally degraded over time and have reached the end of their useful life. The materiality of the works is a major factor, with many being made from limestone, sandstone and reclaimed timber from the Public Works Department that was part of the Claisebrook site, none of which has inherent longevity.
4. Vehicle accidents, theft and other damage have further reduced the amenity of the artworks. This diminishes their aesthetic value and potentially poses safety and reputational risks, borne out by the number of community complaints received on this issue.
5. A list of the artworks proposed for deaccession is shown in Attachment 12.1A. Some have already been removed from site due to safety concerns. They are currently held in storage and most are too degraded to return to display.
6. Making reference to the Public Art Policy, the Public Art Sub-committee (a sub-committee of the Cultural Advisory Committee) determined in a meeting on 25 August 2020, that the artworks listed in Attachment 12.1A should be recommended to Council for deaccession.
7. Deaccession requests are made to Council to consider in accordance with Council Policy 1.5 Public Art. This policy is currently under review and is scheduled for consideration by the Policy Committee in July 2021. Until that time, the deaccession of public artworks requires assessment under the current policy.

## Stakeholder Engagement

8. The following community and stakeholder engagement has been undertaken in relation to this item:
  - a. Discussion with representatives of the East Perth Community Group and East Perth residents regarding public art in East Perth generally and about damaged works.
  - b. Survey to stakeholders re public artworks in Claisebrook Cove.
  - c. Discussions with artists whose artworks are subject to repair or removal, where possible.

## Decision Implications

9. If Council supports the recommendation, Public Art items approved for deaccession shall be disposed of in accordance with Council Policy 1.5 (section 11.3).

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Place A well-planned and functional built form environment, promoting world class architecture, appreciation of heritage, diversity of land use and a sustainable, affordable and accessible integrated transport system.
Strategic Community Plan Objective:	2.1 A city that is seen by all as a great place to be.
Issue Specific Strategies and Plans:	Cultural Development Plan 1B.5 - Develop and maintain the City of Perth's Cultural Collections through a commitment to preserving and documenting Perth's unique cultural identity and social history.

Legal and Policy	
Legislation:	Part IX of the <a href="#">Copyright Act 1968</a> (particularly division 4 and section <a href="#">195AK</a> ) The City is obliged to present public artworks in a way that is not prejudicial to the artist's reputation, which requires extensive consultation with artists when significant repairs and conservation are undertaken.
Authority of Council/CEO:	A recommendation to de-accession an item from the Public Art Collection may be made to Council for consideration on the advice of the Public Art sub-committee (CP 1.5 Public Art, point 11.2.2) Assets in the Public Art Collection must meet one or more of the criteria listed in CP 1.5 (point 11.2) to be considered for deaccession.

<b>Policy:</b>	<p>Policy 1.5 Public Art</p> <p>The Public Art policy outlines criteria to which management of the Public Art collections should adhere. It provides detailed guidance for how and under what circumstances works of art should be deaccessioned from the City’s Cultural Collections (see paragraph 2 above). It also makes the following specific and notable provisions:</p> <p>11.2.2 A recommendation to de-accession an item from the Public Art Collection may be made to Council for consideration on the advice of the Public Art Advisory Panel.</p> <p>11.2.3 As items in the Public Art Collection are generally highly visible and enduring features of the City’s public spaces, the City of Perth may invite public comment on its intention to de-accession in order to better gauge all dimensions of the value and significance of the work.</p>
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## Financial Implications

The financial implications of the recommendation(s) are accommodated within the existing budget.

<b>Account Number</b>	1061-100-10040-7268	Operating
<b>Account Description</b>	Conservation Public Art	
<b>Total Budget</b>	\$284,000	
<b>Budget – This report</b>	\$15,000	
<b>Remaining Budget</b>	\$269,000	
<b>Budget Impact</b>	\$15,000	

- It is common for the community to expect a replacement artwork when artworks of aesthetic, social and cultural significance to them are removed and deaccessioned. There has been feedback from the community that the four Dogs (from artwork *Diver and Dogs* by Russell Sheridan) detailed in Attachment 12.1A, should be replaced with a similar work. A recommendation to spend \$50,000 to commission a new child-friendly public artwork to replace this artwork was not approved by Council at its Ordinary Council Meeting held on 23 February 2021.

## Relevant Documents

Nil.

## Further Information

Following the Agenda Briefing Session held on 18 May 2021, further information is provided:

11. City-owned public art assets are registered in the City's public art database.
12. In response to a question regarding a maintenance plan to ensure longevity of the City's investment in public art for the community, it was advised that the most recent maintenance plan was developed by Monash University's cultural asset experts, Grimwade, who in 2017/18 conducted a comprehensive condition report for all public art assets with maintenance recommendations and timetables. This formed the basis for the City's current 2020-2023 cultural collections maintenance schedule for public art.
13. In response to a question regarding if it is the City's intention to replace the deaccessioned artwork with other artworks for the relevant communities, it was advised at this stage there are no planned replacements.
14. It was queried whether the City is up to date with its current maintenance schedule and it was subsequently advised that baseline asset maintenance has been occurring as per the City's schedule.

## Council Resolution (OCM-21/05-111)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council APPROVES the deaccession and disposal of the damaged public artworks as detailed in Attachment 12.1A.

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## 12.2 Community Wellbeing Grants (Round 2) 2021/21 Applications

Responsible Officer	Kylie Johnson – Acting General Manager Community Development
Voting Requirement	Simple Majority
Attachments	Attachment 12.2A – Detailed Officer Assessment

### Purpose

For Council to consider applications for Community Wellbeing Grants to Reclink Australia, The One Box Group and Hello Initiative Incorporated, under the 2020/21 Grants and Sponsorship Program.

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### Recommendation

That Council:

1. APPROVES Community Wellbeing Grants totalling \$20,430 (excluding GST) to the following applicants:
    - a. Reclink Australia for Reclink Women’s Health and Wellbeing Pilot Program (\$14,430), with the following conditions:
      - i. City of Perth is provided with quarterly program reports including participant numbers, issues/challenges and successes;
      - ii. Program participants must live within the City of Perth boundaries; and
      - iii. City of Perth is provided with the final evaluation report and is able to be made available on the City’s website as a resource.
    - b. The One Box Group Limited for The One Box – Fresh Food for the Community (\$6,000).
  2. DECLINES a Community Wellbeing Grant to the following applicant:
    - a. Hello Initiative Incorporated for Court Breakfast Program.
-

## Background

1. Community Wellbeing Grants are available to organisations who deliver community-led projects, programs and services that build strong and resilient communities and address key issues at a local level.
2. The City aims to support a diverse range of programs and services that help build strong, connected and inclusive communities and deliver practical and sustainable outcomes.
3. Through the Community Wellbeing Grants program, the City accepts applications for funding the development and facilitation of a new community program, expansion of an existing program, or for the delivery of other innovative and creative community projects and services that demonstrate clear community benefit and align to the City's Strategic Community Plan.

4. The Community Wellbeing Grants program objectives are:

### **Connect People**

- Encourage increased participation in community and civic life, embracing youth, seniors, people with a disability and people from all walks of life.
- Strengthen social cohesion and belonging.
- Encourage the development of grassroots community networks and relationships.

### **Enhance Health and Equality**

- Enhance the health of the City's community through improvements to physical, mental and social wellbeing.
- Increase knowledge, change attitudes or modify behaviours to improve health and wellbeing outcomes.
- Facilitate inclusion and equitable access to community life, services and facilities.

### **Build Community Capacity and Encourage Collaboration**

- Support collaboration between stakeholders who aim to work towards a common goal and share services.
  - Increase community capacity to address local needs.
  - Promote belonging to a shared heritage.
  - Contribute to the City's neighbourhood profile.
5. Applicants may apply for grants of up to \$20,000 (excluding GST). There is no maximum contribution for Community Wellbeing Grants - this means that the means the City can provide up to 100% of the project expenditure (within the funding limit of \$20,000), however, applicants that can demonstrate investment from other public and private sources are assessed favourably under the assessment criteria.

## Discussion

6. The City of Perth holds two funding rounds per year for the Community Wellbeing Grants program. This is the second round for the 2020/21 financial year.
7. The City accepted applications for Community Wellbeing Grants during a five-week period between Monday, 11 January 2021 to Tuesday, 16 February 2021. The City received three applications in this round.
8. The applications were assessed by a three-person assessment panel, consisting of staff from the City across the Community Development Alliance, in accordance with Policy 18.13 - Grants and Sponsorship.
9. Funding recommendations are based on quality of the application, satisfaction of assessment criteria and available budget. Each assessment criteria have clear descriptions and a rating scale which guides the assessors as to what an appropriate score would be. The scores for each assessment criteria are averaged and then placed in a matrix and ranked highest to lowest.
10. A minimum score threshold of 50% was identified for approval. Applicants scoring below this threshold are recommended for decline.
11. A detailed officer assessment of all applications is included at Attachment 12.2A.
12. The three applications assessed requested support totalling \$25,230. Of the applications assessed, two are recommended for approval and one for decline. This is a total support of \$20,430 for this grant round.

No.	Applicant	Project	Requested Amount	Assessment Score	Recommendation
1	Reclink	Reclink Womens Health and Wellbeing Program	\$14,430.00	70.42%	\$14,430
2	The One Box Group	The One Box Fresh Food for the Community	\$6,000.00	52.5%	\$6,000
3	Hello Initiative Inc	Court Breakfast Program	\$4,800.00	45.82%	\$0
	<b>TOTAL</b>		<b>\$25,230.00</b>		<b>\$20,430</b>

## Stakeholder Engagement

Nil.

## Decision Implications

13. If any grants are declined or approved for an amount less than the recommended level, it is likely the projects will be scaled back or not proceed.

## Strategic, Legislative and Policy Implications

Strategic	
<b>Strategic Community Plan Aspiration:</b>	<p>People</p> <p>A safe, activated and welcoming city that celebrates its diversity and sense of community, providing unique educational, cultural, sporting and lifestyle offerings.</p>
<b>Strategic Community Plan Objective:</b>	<p>1.2 Timely and contemporary community infrastructure and services.</p> <p>1.3 Accessible and relevant community support services, and playing a leading role with homelessness.</p> <p>1.4 An inclusive approach that embraces youth, seniors, people with a disability, and people from all walks of life.</p> <p>1.8 A community that is healthy in its lifestyle and wellbeing, and generous towards helping others.</p>
<b>Issue Specific Strategies and Plans:</b>	<p>COVID-19 Economic Rebound Strategy</p> <p>6.2 Re-invent and Revive, Table 4</p>

Legislation, Delegation of Authority and Policy	
<b>Legislation:</b>	Nil.
<b>Authority of Council/CEO</b>	<p>Delegation 1.2.11 Determine Grants, Sponsorship and Donation Allocations - in accordance with this delegation, the CEO only has authority to allocate grants and sponsorships to the value of \$5000. As these applications exceed \$5000, the determinations must be made by a decision of Council.</p>
<b>Policy:</b>	<p>18.13 – Sponsorship and Grants.</p> <p>The policy directs that there be a consistent and transparent assessment process and criteria to guide recommendations to Council. An eligibility check has been conducted on all applications to ensure they are compliant with the policy and the necessary assessment process has been followed.</p>

## Financial Implications

The financial implications of the recommendation(s) are accommodated within the existing budget.

Account Number	1066 100 50 10045 7901	Operating
Account Description	Community Wellbeing Grants	
Total Budget	\$145,000	
Budget – This report	\$20,430	
Remaining Budget	\$9,570	
Budget Impact	Accommodated in existing approved budget	

## Relevant Documents

[COVID-19 Grants and Sponsorship Program Guidelines](#)

## Further information

Following the Agenda Briefing Session held on 18 May 2021, further information is provided:

14. The City has previously and will continue to promote the recipients of the Community Wellbeing Grants and their projects via social media, media releases and news articles on the City of Perth's website where relevant.

## Council Resolution (OCM-21/05-112)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council:

1. APPROVES Community Wellbeing Grants totalling \$20,430 (excluding GST) to the following applicants:
  - a. Reclink Australia for Reclink Women’s Health and Wellbeing Pilot Program (\$14,430), with the following conditions:
    - i. City of Perth is provided with quarterly program reports including participant numbers, issues/challenges and successes;
    - ii. Program participants must live within the City of Perth boundaries; and
    - iii. City of Perth is provided with the final evaluation report and is able to be made available on the City’s website as a resource.
  - b. The One Box Group Limited for The One Box – Fresh Food for the Community (\$6,000).
2. DECLINES a Community Wellbeing Grant to the following applicant:
  - a. Hello Initiative Incorporated for Court Breakfast Program.

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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### 12.3 Economic Development Sponsorship Application – Innovate Australia Ltd – 2021 Innovation Events Program

Responsible Officer	Kylie Johnson – Acting General Manager Community Development
Voting Requirement	Simple Majority
Attachments	Nil

#### Purpose

For Council to consider an application for an Economic Development Sponsorship to Innovate Australia Ltd, under the 2020/21 Grants and Sponsorship Program.

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#### Recommendation

That Council APPROVES an Economic Development Sponsorship of \$10,000 (ex GST) to Innovate Australia Ltd for the 2021 Innovation Events Program.

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## Background

1. This sponsorship request has been considered under the City's 2020/21 Grants and Sponsorship program.
2. As part of the City's economic development activities, the City seeks to strategically engage with key industry sectors to assist in nurturing a thriving, diverse and competitive business environment. Innovation and technology are identified as a key sector of strategic importance for the Perth economy.
3. Through the Key Sector program under 'Innovation and Technology', funding is available to projects that:
  - a. facilitate the development of the local innovation eco-system
  - b. provide business development support, assisting businesses in gaining access to capital for business start-up or growth, exposure to investment venture capital networks, encourage training, knowledge-exchange opportunities and exposure to leading experts for entrepreneurs and start-ups
  - c. increase the number of knowledge-based businesses within the city which diversify and strengthen the city's long-term economic development
  - d. encourage wider and stronger professional networks within and between knowledge-based industries.

### **Innovation & Technology Context – City of Perth**

4. The City of Perth is focused on the growth and development of the technological, innovation and entrepreneurial sector within Perth. A key aspect of support for this area involves the encouragement of clustering, collaboration and coordination across industry sectors.
5. The innovation and technology industry has grown to become the 8<sup>th</sup> largest occupier of office space in the city by industry. The current level of development occurring within the creative and technology industries will continue in line with new and emerging opportunities within these sectors.
6. The City recognises that continued growth of this sector is important to the city's economic diversity and will help position Perth as a centre of knowledge and innovation excellence. The development of the knowledge-based economy, globalisation and international competitive pressures have increased the importance of creativity and innovation in local economies.
7. Perth is home to a number of shared working spaces, including serviced offices and co-working spaces. These spaces provide their users with spaces to work, collaborate, and receive mentoring and advice to help grow their businesses.
8. The City has traditionally also provided support and sponsorship for a broad range of innovation-based programs, including REMIX Perth, TEDxPerth, Unearthed, Startup Weekend, Founder Institute and the West Tech Fest.

## Discussion

### Applicant Details

Applicant Name	Innovate Australia
Entity Name	Innovate Australia Ltd
Entity Type	Australian Public Company
ABN	24 602 619 634
ABN status	Active
ATO Endorsed Charity type	Not endorsed

### Applicant Description

9. Innovate Australia is a not-for-profit Perth-based organisation that encourages, assists and proactively promotes innovation within industry.
10. The organisation is non-partisan and collaborates with industry, academia and government.
11. The organisation operates industry innovation networks within emerging and established industry sectors including energy, medicine, the built environment, defence, life sciences, aged care, telecommunications, mining, manufacturing, space technology, and agriculture.
12. Each year, the organisation holds over 20 events including:
  - a. The Innovate Australia Innovation Index
  - b. Industry Innovation Networks and events
  - c. State of Innovation Summits
  - d. Open Youth Access Program
  - e. State 'Innovation Awards' and Innovation Prize
  - f. Incubation and hosting of associations such as the Hydrogen Society of Australia
  - g. Innovation Cubes
  - h. Parliamentary Safaris
  - i. Innovation study tours.

### Project Details

Project Title	2021 Innovation Events Program
Project Dates	16 June 2021 – 2 December 2021
Venue	The Liberty Training & Conference Centre (Ground Floor, 197 St Georges Terrace, Perth) x 4 events DRM Perth Airport, Driver Risk Management Training Centre (16 Grogan Road, Perth Airport) x 1 event

	Online (webinar) – x 1 event
Estimated participation	740
Total Project Cost	\$40,000
Total Amount Requested	\$10,000 (25% of the total project budget)
Recommendation	<b>Approve</b>
Recommended amount	<b>\$10,000 (25% of the total project budget)</b>
Assessment score	52.5 out of 65 (80.76%)

### Project Description

13. In 2021, Innovate Australia will deliver four of its six annual events within the City. The six events incorporate three State Summits, two industry networking events and one online webinar.
14. The aim of the events is to build the local innovation ecosystem and provide an opportunity for local business to cross boundaries and identify investment opportunities in areas as diverse as energy, zero emission, artificial intelligence, business fundamentals, 5G technology and the hydrogen economy.
15. The proposed six annual events (including four events to be delivered within the city, one event to be delivered outside the city and one event to be delivered online) are as follows:

Event	Water Innovation Forum
Date	16 June 2021
Venue	Online
Expected Attendance	100

The applicant has identified that one of the urgent global issues of the 21<sup>st</sup> century is access to water. As the global population grows and becomes wealthier, the water demand continues to increase significantly. Simultaneously, water availability and quality are also under increasing strain from climate change, energy scarcity, land-use decisions, and industry and minerals processing requirements.

A panel of Australian and international experts will discuss innovative technologies designed to help with conservation, generation and expanding the accessibility of water.

Proposed Presenters include:

- Fabiana Tessele, Expert in Circular Economy, Water and Resource Recovery;
- Matthew V., President at Water Innovation Accelerator San Francisco;
- Tony Wong, CEO, Cooperative Research Centre for Water Sensitive Cities;
- Dr Carla Boehl, Board Director, Water Corporation; and
- Associate Professor Ramesh Narayanaswamy, Curtin Water Quality Research Centre (CWQRC).

Event	New Business Fundamentals
Date	14 July 2021
Venue	The Liberty Training & Conference Centre
Expected Attendance	120

The applicant states that according to the latest statistics from CBI Insights, 42% of start-up businesses fail because there is no market need for their services or products; 29% because they ran out of cash; 23% because they did not have the right team running the business.

The applicant brings together a team of seasoned business professionals to educate the WA startup community and aspirational entrepreneurs about the importance of understanding business timing, evaluating ideas, financial management and tools, business structure, contracts and planning, marketing, and other aspects of a successful business.

Proposed Presenters include:

- Caragh Waller, Manager Business Information and Programs at Small Business Development Corporation
- Charlie Gunningham, Founder & Principal, Damburst, Digital Strategy Advisory
- Carolyn Williams, CEO, Centre for Entrepreneurial Research and Innovation
- Michael Brady, Counsel, Hogan Lovells
- Peter Rossdeutscher, Strategic Advisor, Atomic Sky.

Event	Artificial Intelligence Innovation Summit National Science Week 2021 (14 August 2021 – 22 August 2021)
Date	18 August 2021
Venue	The Liberty Training & Conference Centre
Expected Attendance	150

The applicant states that the Artificial Intelligence (AI) oracle and venture capitalist Dr Kai-Fu Lee predicted in 2018 that AI is going to change the world more than anything in the history of mankind. Even more than electricity. They posit that artificial intelligence is impacting the future of virtually every industry and every human being and has acted as the primary driver of emerging technologies like big data, robotics, and the Internet of Things (IoT). It could become the leading technological innovator in the not-too-distant future.

The applicant will develop a panel to share the latest development, challenges, opinions, and predictions related to AI-Human interaction.

Proposed Presenters included:

- Peter Klinken - Chief Scientist of Western Australia
- Ellie Gholami, Machine Learning Engineer at Scantek
- Lou Magro, Managing Director at Artificial Intelligence Group

- Dr. Benjamin Daniel Kaebe, Technical Interface Manager at Space Automation, Artificial Intelligence and Robotics Control Complex (SpAARC)
- Matthew Macfarlane, CEO/MD at icetana Ltd (ASX:ICE).

Event	Australia's 3rd (Inter)National Hydrogen and Fuel Cell Day
Date	8 October 2021
Venue	Driver Risk Management Training Centre at Perth Airport
Expected Attendance	100

The first-ever National Hydrogen and Fuel Cell Day took place in the United States on 8 October 2015. It was created by the Fuel Cell and Hydrogen Energy Association to raise awareness of fuel cell and hydrogen technologies and the vast potential these technologies have for the future. The specific date was chosen due to the 8th of October being written as 10/08 in the United States, and 1.008 is the atomic weight of Hydrogen.

Subsequently, in October 2019, the applicant and Hydrogen Society of Australia, with the participation of Professor Peter Klinken, Chief Scientist of Western Australia, brought from the United States the concept of celebrating National Hydrogen and Fuel Cell Day.

The event will celebrate Australia's 3<sup>rd</sup> (Inter)National Hydrogen and Fuel Cell Day.

Proposed Presenters include:

- Dr Cathy Foley, AO, Australia's Chief Scientist;
- Morry Markowitz, President, Fuel Cell and Hydrogen Energy Association (USA);
- Brian Haggerty, Chair, Hydrogen Society of Australia;
- Craig Knight, CEO, HIZON Motors;
- Brendan Norman, Chief Executive Officer and founder at H2X Australian Hydrogen Powered Vehicle Company; and
- Dr. Patrick Hartley, Leader of CSIRO's Hydrogen Industry Mission.

Event	5G Innovation Summit
Date	4 November 2021
Venue	The Liberty Training & Conference Centre
Expected Attendance	120

The applicant states that 5G or the fifth-generation global wireless technology can deliver data at rates orders of magnitude higher than current 4G networks. Besides high speeds, it promises low latency and the ability to connect many devices without being bogged down. They posit 5G will power brand-new experiences that will become a reality for the first time, like augmented reality.

As next-generation networking infrastructure develops and 5G more people use it in more locations, new 5G use cases will bring innovative solutions.

The applicant will bring a panel of experts to highlight the Western Australian reality of how 5G will change Perth, regions, and our lives.

Proposed Presenters include:

- Boyd Brown, Regional General Manager at Telstra
- Pia Turcinov Chair, WA AustCyber Innovation Hub
- Phil Towers, NEC - National 5G Strategy and Business Development Manager
- Mike McKenna, CEO, Optus Stadium
- Charlie Gunningham, Founder & Principal, Damburst, Digital Strategy Advisory.

Event	Nuclear Energy Innovation Summit (World Nuclear Energy Day)
Date	2 December 2021
Venue	The Liberty Training & Conference Centre
Expected Attendance	150

The applicant is initiating the Australian celebration of World Nuclear Energy Day.

The applicant has identified that nuclear energy is a very confusing topic, as some environmentalists who previously opposed nuclear energy use, are today some of its strongest advocates. They posit that nuclear energy is an underutilised energy source, which could help the transitions away from fossil fuels to low-carbon and renewable energy.

The applicant identifies that opponents argue nuclear is as bad, if not worse, than fossil fuels because the potential of a nuclear meltdown like Chernobyl and Fukushima outweighs the positives of nuclear power. On the economic grounds, the two areas of criticism are the capital expenditure on building a nuclear plant and the perceived difficulty in disposing of nuclear waste.

A group of local, national, and international experts will attempt to answer why innovation could make a difference and help navigate this complex topic.

Proposed Presenters include:

- Jim Scherrer, Coordinator, World Nuclear Energy Day (USA);
- Dr Ziggy Switkowski, Head of 2006 Review of Nuclear Power for the Howard Government;
- Caroline Cochran, Co-founder, COO at Oklo Inc; and
- Ross Elliott, Director Business Development - Australia, StarCore Nuclear.

16. Innovate Australia's supporting partners for the events are: Regional Development Australia (Perth), the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development, the

Corporative Research Centres (CRC) Association of Australia, and many locally-based commercial businesses and universities.

17. The events will provide an environment for businesses to share knowledge, identify cross-collaboration and seek investment opportunities. A key aim of the program is that these sectors will see the benefits of working together, including clustering their activities in Perth.
18. Innovate Australia organisers will assist businesses to identify these opportunities and facilitate linkages between local, national and international business, such as putting stakeholders together with an interest in emerging export markets. Attendees will also have the opportunity to network with invited government representatives and financial investors.
19. The events will be marketed through print and online including social media (Facebook and LinkedIn). Invitations will be distributed to Innovate Australia's active mailing list of over 4,000. Professional photographers and videographers will be hired for each event and the photos and videos will be available free of charge for all attendees to share on their social media platforms. Additionally, the events are live-streamed and recorded using Zoom. Those recorded programs will be uploaded to YouTube.
20. The 2019 event program saw attendees representing 500 city businesses. These businesses benefited from:
  - a. Networking opportunities
  - b. Discussions of new opportunities and business connections
  - c. Facilitating linkages between local, national and international business and government
  - d. Assistance in identifying opportunities to grow the innovation ecosystem. This included putting stakeholders together with an interest in emerging export markets.
21. The applicant states that holding the event program in the City of Perth rather than elsewhere, provides businesses within the City of Perth a greater opportunity to be involved, to interact with leading industry experts, and to connect with a topic and audience that has direct relevance to their futures.

### Previous Support and Acquittals (5-year period)

Year	Amount	Project
2016-15	N/A	
2016-17	N/A	
2017-18	N/A	
2018-19	\$10,000	2018-2019 Innovation Events Program
2019-20	\$10,000	2019-2020 Innovation Events Program
<b><u>TOTAL</u></b>	<b><u>\$20,000</u></b>	

22. The City received an acquittal for the previous support which is satisfactorily acquitted.

## Sponsorship Recognition

23. In addition to the broader benefits of the sponsorship outlined above, the applicant will provide the following opportunities for acknowledgement of the City's support:
- City of Perth will be recognised as a Major Sponsor;
  - Acknowledgment on all promotional material including logos on banners displayed at all events;
  - Opportunity for a City of Perth Representative to undertake a speaking engagement at two of the event program held in the City;
  - Opportunity for a City of Perth Representative to undertake a speaking engagement as a part of the recorded innovation series hosted on YouTube and on Innovate Australia's website; and
  - Acknowledgement of the City of Perth as a Major Sponsor of Innovate Australia on their website and at events held outside of the City.

## Economic Development Sponsorship - Assessment Scorecard

24. The application was assessed by a panel of two staff from the Economic Development Alliance.
25. The application has received an assessment score well above the 65% minimum threshold required for support. The assessment score of 80.76% is considered high when benchmarked against other applications in this program and indicates a strong alignment with the objectives of the program.

Essential Assessment Criteria	Score (max 5)
<i>All applicants are assessed on the following criteria:</i>	
<b>Alignment with a Key Sector</b>	
To what extent does the project support the growth and development of an established or emerging key sector, that represents strategic importance to the City of Perth's economy?	5.00
To what extent does the project assist the City of Perth in developing a compelling narrative on our unique selling points and raise the profile and reputation of the City of Perth as a premier Capital City to do business within the relevant sector?	4.25
<b>Prestige and Significance</b>	
To what extent does the applicant demonstrate prestige and significance through the quality of proposed speakers, participants, sponsors, media or the involvement or endorsement from international federations and organisations?	4.25
<b>Project Plan and Other Funding Sources</b>	
Has the applicant provided evidence of a robust project plan?	3.50

Has the applicant included a budget detailing investment through a variety of funding sources, illustrating that the project is not reliant on City of Perth funding to be delivered?	4.50
Has the applicant demonstrated what specific elements the City of Perth funding is supporting and what extra capacity the funding will enable?	4.00
<b>Sponsorship Benefits</b>	
Please rate the level of benefits and recognition provided to the City	4.00
<b>Sub-total: 29.5 out of 35</b>	
<b>Additional Project Outcomes</b>	Score (max 5)
<i>Applicants must address at least two of the following six outcome areas. Applicants can address as many outcome areas as are relevant to the project or initiative.</i>	
Outcome 1. Investment Attraction	3.75
Outcome 2. International Business Development	3.50
Outcome 3. Short term Direct Economic Benefits	3.00
Outcome 4. Long term Economic Development	4.00
Outcome 5. Professional Development, Training and Skill Development	4.25
Outcome 6. Linkages and Knowledge Exchange	4.50
<b>Sub-total: 23 out of 30</b>	
<b>TOTAL ASSESSMENT SCORE: 52.50 out of 65 (80.76%)</b>	

## Assessment Panel Comments

26. It is likely that the City's funding will result in securing the event series to be held in the City. The funding support to retain the event series in the City would solidify the City's image as the hub of innovation and technology. The flow on effect would draw start-ups and investors to establish and remain within the City to operate their business.
27. Based on the applicant's claims, Innovate Australia's annual event program is likely to help to build the local innovation ecosystem and provide an opportunity for local businesses to explore new technologies and identify investment opportunities.
28. The project is likely to have a strong value add to the City both in the short and long-term as it has traditionally attracted key professionals to the City in the short and long-term. The six project events are relative to technology, science and sustainability, including: artificial intelligence innovation summit, water innovation, nuclear energy innovation, new business fundamentals, 5G innovation and hydrogen and fuel cell day.

## Stakeholder Engagement

Nil.

## Decision Implications

29. If the sponsorship is declined or approved for an amount less than the recommended level, it is likely the events program will be scaled back or not proceed within the city. Funding from the City will also enable the events to be offered free of charge to attendees. If funding is not approved then it's likely attendees would be charged to attend the events.

## Strategic, Legal and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Prosperity A city with a diverse and resilient economy capitalising upon its unique competitive advantages and creative reputation, attracting sustainable investment in education, tourism, entertainment, commerce, technology and trade.
Strategic Community Plan Objective:	4.7 Strategic investment and development driven by key opportunities such as direct international flights, student education, higher education and technology research and development.
Issue Specific Strategies and Plans:	COVID-19 Economic Rebound Strategy 6.2 Re-invent and Revive, Table 4

Legislation, Delegation of Authority and Policy	
Legislation:	Nil.
Authority of CEO/Council	Delegation 1.2.11 Determine Grants, Sponsorship and Donation Allocations - in accordance with this delegation, the CEO only has authority to allocate grants and sponsorships to the value of \$5000. As this application exceeds \$5000, the determination must be made by a decision of Council.
Policy:	18.13 - Sponsorship and Grants. The policy directs that there be a consistent and transparent assessment process and criteria to guide recommendations to Council. An eligibility check has been conducted on this application to ensure they are compliant with the policy and the necessary assessment process has been followed.

## Financial Implications

The financial implications of the recommendations are accommodated within the existing budget.

Account Number	SP 1066 100 50 10095 7901	Operating
Account Description	Economic Development Sponsorship	
Total Budget	\$690,000	
Budget – This report	\$10,000	
Existing commitments previously approved by Council	\$616,000	
Remaining Budget	\$64,000	
Budget Impact	Accommodated in existing approved budget	

## Relevant Documents

[COVID-19 Grants and Sponsorship Program Guidelines](#)

## Further information

Following the Agenda Briefing Session held on 18 May 2021, further information is provided:

30. The City has previously and will continue to promote the recipients of Economic Development Sponsorships and their projects via social media, media releases and news articles on the City's website where relevant.

## Council Resolution (OCM-21/05-113)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council APPROVES an Economic Development Sponsorship of \$10,000 (ex GST) to Innovate Australia Ltd for the 2021 Innovation Events Program.

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie and Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## 12.4 Events Sponsorship Application – NAIDOC Perth (Inc.) – 2021 NAIDOC Week Perth Opening Ceremony and Signature Event ‘Marri Dyin’

Responsible Officer	Kylie Johnson – Acting General Manager Community Development
Voting Requirement	Simple Majority
Attachments	Attachment 12.4A – NAIDOC Week Signature Event – Marri Dyin Reference Images

### Purpose

For Council to consider an application for an Event Sponsorship to NAIDOC Perth (Inc.), under the 2020/21 Event Sponsorship Program Guidelines.

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### Recommendation

That Council APPROVES an Event Sponsorship of \$156,000 (ex GST) to NAIDOC Perth (Inc.) for the 2021 NAIDOC Week Perth Opening Ceremony and Signature Event ‘Marri Dyin’ (working title), subject to adoption of the 2021/22 annual budget, comprising of:

- a. \$150,000 Cash Contribution
  - b. up to \$6,000 In-Kind support for City’s fee and charges.
-

## Background

1. This sponsorship request has been considered under the City's 2020/21 Event Sponsorship Program Guidelines for the 2021/22 financial year.
2. Through the Event Sponsorship, funding is available to organisations who deliver events that bring social and economic benefits to support the City's aspiration to be a vibrant, connected and progressive city. The City supports events that:
  - a. attract increased visitation;
  - b. encourage broad community participation;
  - c. create activation of city spaces for residents and visitors to enjoy and encourage them to come back again;
  - d. engage and support local businesses;
  - e. promote new economic and tourism opportunities.
3. Event Sponsorship is available in two streams, Community and Commercial, which recognise the outcomes sought by the City.
4. Community Event Sponsorships are typically managed by not-for-profit and community-based member-organisations. Events supported under this stream are widely accessible to the public and maintain a core focus on free programming that enlivens and activates the city. Events provide opportunities for the community to connect and often celebrate important cultural traditions and milestones and actively engage and support Perth's diverse communities. Community Event Sponsorships help to support events that celebrate the spirit of a community, provide opportunities for active community participation, help build opportunities to share cultural experiences with a wider public, and create vibrant and resilient communities.
5. Event Sponsorship Round 1 was opened in March 2021 under the 2020/21 Event Sponsorship guidelines. This was to provide enough time for application, assessment and decision well in advance of project delivery.
6. The Event Sponsorship Program is traditionally run in two rounds annually with dates varying each year. Proposed dates for the 2021/22 financial year are as follows:

Round 1	Round 2
For activities between 1 July 2021 - 28 February 2022	For activities between 1 January 2022 – 31 August 2022
Applications open 9 March 2021	Applications open 10 August 2021
Application deadline 30 March 2021, 4pm AWST	Application deadline 31 August 2021, 4pm AWST
Notification of decision 30 June 2021	Notification of decision 22 December 2021

<i>Assessed against the 2020/21 Event Sponsorship program criteria</i>	<i>Assessed against the 2021/22 Event Sponsorship program criteria</i>
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7. It is recommended that an exception is made for NAIDOC Perth Inc. and the sponsorship application is considered outside of Round 1 for the following reasons:
- Due to the timing of Round 1, the applicant would not receive notification of the decision until the 30 June at the earliest. The event is scheduled to take place a few days later (4-10 July 2021). Insufficient notification presents a risk for NAIDOC Perth Inc. in terms of lack of financial certainty.
  - Without that financial certainty, the applicant is not able to proceed with logistical planning as costs will need to be incurred in the lead-up to the event.
8. At its meeting on 30 March 2021, Council approved the Winter Festival Program for 2021 with the exception of the Winter School Holiday Program. NAIDOC Week Perth Opening Ceremony and the NAIDOC Signature Event were included in the proposed project expenditure as key components in this report. \$30,000 was proposed to be budgeted for NAIDOC Week Perth Opening Ceremony and \$90,000 was proposed to be budgeted for the NAIDOC Signature Event, totalling \$120,000 (excl. GST) for NAIDOC Perth (Inc.). The applicant has since scoped the costings in more detail and the project is now estimated to cost \$212,303. The applicant has requested \$156,000 which is 73.48% of the total project cost. Summary below:

	NAIDOC Week Perth Opening Ceremony	NAIDOC Signature Event 'Marri Dyin'	Total (excl. GST)
Proposed Expenditure as in the Winter Festival Program	\$30,000	\$90,000	<b>\$120,000</b>
Applicant Project Cost	\$108,188.85	\$104,114.15	<b>\$212,303</b>
Applicant Amount Requested	\$51,885.85 (47.95% of the total project cost)	\$104,114.15 (100% of the total project cost)	<b>\$156,000 (73.48% of the total project cost)</b>
Recommendation	\$51,885.85 (47.95% of the total project cost)	\$104,114.15 (100% of the total project cost)	<b>\$156,000 (73.48% of the total project cost)</b>

9. As per the Event Sponsorship guidelines, the maximum contribution of sponsorship provided by the City cannot exceed 30% of the total project budget.
10. It is recommended that an exception is made for NAIDOC Perth (Inc.) and the sponsorship application is considered for the recommended 73.48% of the total project budget (47.95% for NAIDOC Week Perth Opening Ceremony and 100% for the NAIDOC Signature Event) as the applicant is reliant on funding from the City to present the event, and is part of a trial to support and build capacity in NAIDOC Inc to deliver similar signature events in the future.

## Discussion

### Applicant Details

Entity Name	NAIDOC Perth (Inc.)
Entity Type	Other Incorporated Entity
ABN	78 371 978 171
ABN status	Active
ATO Endorsed Charity type	Not endorsed

### Applicant Description

11. NAIDOC stands for National Aboriginal and Torres Strait Islander Day Observance Committee. NAIDOC Perth (Inc.) is a not-for-profit organisation made up of community members from the Aboriginal and Torres Strait Islander community of Perth who have a commitment to presenting cultural events in Perth.
12. NAIDOC Perth (Inc.) has been a registered entity since 2008.
13. NAIDOC Perth (Inc.) aims to focus on the celebration and positive promotion of Aboriginal and Torres Strait Islander peoples, cultures and communities, and through events support the education and cultural awareness of non-Indigenous peoples about Aboriginal and Torres Strait Islander peoples as First Nations Peoples, histories, culture and lived experiences.
14. NAIDOC Perth (Inc.) has expressed their intentions of building their organisation's capacity, aspiring to deliver larger-scale events and activations. Their objective is to broaden awareness, by reaching and educating a wider audience, bringing Indigenous and non-Indigenous community together to share the vibrant cultures of Indigenous peoples.
15. NAIDOC Perth (Inc.) delivers the NAIDOC Week Perth Opening Ceremony to formally open NAIDOC Week celebrations in Perth; the NAIDOC Perth Ball, Miss NAIDOC Perth and the NAIDOC Perth Awards as key events during NAIDOC Week.

### Project Details

Category	Event Sponsorship Round – Community Stream
Project title(s)	NAIDOC Week Perth Opening Ceremony
Project date(s)	4 July 2021
Venue(s)	Supreme Court Gardens
Estimated attendance	4,000
Ticket Price	Free to attend
Total project cost	\$108,188.85
Total amount requested	\$51,885.85 (excl. GST) as follows: <ul style="list-style-type: none"> <li>• \$49,585.85 (Cash Contribution); and</li> <li>• \$2,300.00 (In-kind support for City fees and charges) (47.95% of the total project cost)</li> </ul>
Recommendation	<b>APPROVE</b>
Recommendation amount	\$51,885.85 (excl. GST) as follows:

	<ul style="list-style-type: none"> <li>• \$49,585.85 (Cash Contribution); and</li> <li>• \$2,300.00 (In-kind support for City fees and charges) (47.95% of the total project cost)</li> </ul>
<b>Assessment Score</b>	48.97 out of 65 (75.34%)

### Project Description

16. NAIDOC Week is held annually in Australia to celebrate the history, cultures and achievements of Aboriginal and Torres Strait Islander peoples.
17. The NAIDOC Week Perth Opening Ceremony is the formal opening of the NAIDOC Week in Perth. The event will focus on the National NAIDOC Week theme 'Healing Country' and draws on the importance of protecting land, water and sacred sites, and the Traditional Owners cultural heritage.
18. The NAIDOC Week Perth Opening Ceremony is a family friendly, free event, inviting the community to participate in Aboriginal and Torres Strait Islander culture through:
  - a. Indigenous foods
  - b. Traditional music and song
  - c. Dance performances
  - d. Arts and crafts
  - e. Indigenous designed clothing
  - f. Information from Government, and non-government organisations and community groups on health, education, employment, business and community development appropriate to the Indigenous community.
19. A Welcome to Country and Smoking Ceremony will be undertaken by Whadjuk Elders in Nyoongar language who will welcome the good spirits and move away the bad spirits from the event, and welcome visitors from other traditional countries and lands.
20. The central feature of the event will be the sand art design featuring Nyoongar symbols connecting the land, seas and water, and sky which will be the Midar Boodja presentation featuring Nyoongar traditional and contemporary dancers, singers and didj players. The event will be hosted by the 2Norty Broz who have been part of the event in previous years and will be event managed by Karla Hart Enterprises to ensure all performers are running on time according to the program during the day.
21. The main performances will take place in the large Marquee where the artists and performers will dance and play music; and the smaller Marquee will be for the Elders to sit and listen to the music and view the performances while enjoying afternoon tea.
22. There will be a children's area featuring a petting zoo, face painting, arts and crafts activities to keep the children entertained. Additional food options will include free Sausage Sizzle, ice cream van, coffee van and dumplings.
23. The NAIDOC Opening Week Ceremony will employ Department of Health recommendations to mitigate against the transmission of COVID-19. The applicant has identified that cost have increased due to the requirement of the additional measures.

24. The event is scheduled to commence at 1pm and will finish at 5pm to link in with start of the Signature Event 'Marri Dyin'. Attendees will be encouraged to walk to Barrack Street, Elizabeth Quay to interact with the puppet and performers.
25. In 2021 the NAIDOC Perth (Inc.) Committee, in collaboration with Erth Visual and Physical, Artistic Director, Scott Wright, propose an additional free, visual and interactive Signature Event component to NAIDOC Week 2021 events:

#### Additional Project Component

Project title	Signature Event 'Marri Dyin' (Working Title)
Project date	4, and 7 to 10 July 2021
Venue(s)	Supreme Court Gardens – 4 July 2021 Riverside Drive Walkway – 4 July 2021 Elizabeth Quay – 4, 7, 8 and 10 July 2021 Murray Street and Hay Street Malls – 9 July 2021
Estimated attendance	12,000
Price	Free to attend
Total project cost	\$104,114.15
Total amount requested	\$104,114.15 (excl. GST) as follows: <ul style="list-style-type: none"> <li>\$100,414.15 (Cash Contribution)</li> <li>\$ 3,700.00 (In-kind support for City fees and charges)</li> </ul> (100% of the total project component cost)
Recommendation	APPROVE
Recommendation amount	\$104,114.15 (excl. GST) as follows: <ul style="list-style-type: none"> <li>\$100,414.15 (Cash Contribution)</li> <li>\$ 3,700 (In-kind support for City fees and charges)</li> </ul> (100% of the total project component cost)

26. The Signature Event is the presentation of a six-meter high female puppet, presently known as Marri Dyin, meaning Great Woman in Eora language.
27. The puppets presentation features lighting and music adding to the theatrics of her movements and her presence. The puppet is operated by a team of puppeteers, who direct the puppet in interacting with the community, focusing on the interaction and counselling of children. For visual reference refer to the link<sup>1</sup> and Attachment 12.4A.
28. Erth Visual and Physical Inc. the creators of Marri Dyin state that her existence represents the strength and spirit of the First Nations Women. The puppet is described as a contemporary concept, that's purpose is said to educate viewers through performance on the First Nations People's connection to land and waterways.
29. It is proposed that the puppet will perform for the first time in Perth following the NAIDOC Week Perth Opening Ceremony. The Opening Ceremony attendees will be encouraged to make their way over to Elizabeth Quay to witness, what is described by the applicant as a visual spectacle. Following her Perth

<sup>1</sup> Visual reference to Marri Dyin: <https://www.youtube.com/watch?v=XWCbkdsGLPc>

debut, the puppet is proposed to perform over another four nights throughout NAIDOC Week, in suitably selected locations throughout the city.

30. The project aims to engage the Nyoongar Community and encourage traditional dancers and performers to participate in the storytelling of the puppet. NAIDOC Perth (Inc.) and the Erth Visual and Physical team aim to achieve a dramatic finale, proposed to be held in Elizabeth Quay. Nyoongar and other Indigenous performers will be invited to submit their ideas; of traditional performances, through dance, song and music, which would be integrated into the finale to create an emotive and powerful closing story.
31. The local Danjoo Kooliny puppets have been recommended as a proposed element, for the final presentation. The Danjoo Kooliny puppets will be incorporated to assist in teaching the 'Healing Country' message and the story of the birds, fish and life surrounding the Derbarl Yerrign, the Swan River.
32. Nyoongar Elders, with the assistance of the NAIDOC Perth (Inc.) Committee, would rename and develop a local woman's story for the puppet, which would be centred around local Nyoongar dreaming stories and language significant to Nyoongar women. The applicant states the aim is to educate children, and adults, on the rich in history land and waters of Perth, linking the National NAIDOC Week 2021 theme - 'Healing Country'.
33. Marri Dyin debuted at Sydney's, Light Music & Ideas Festival - 'Vivid' in 2018.

#### Previous Support and Acquittals (5-year period)

Year	Amount	Project
2016-17	NAIDOC Week Opening Ceremony 2016	\$20,000
2017-18	NAIDOC Week Opening Ceremony 2017	\$20,000
2018-19	NAIDOC Week Opening Ceremony 2018	\$20,000
2019-20	NAIDOC Week Opening Ceremony 2019	\$20,000
2020-21	NAIDOC Week Opening Ceremony 2020	\$30,000
	<b>TOTAL</b>	<b>\$110,000</b>

34. The City received an acquittal for the previous support which is satisfactorily acquitted.

#### Sponsorship Recognition

35. In addition to the broader benefits of the sponsorship outlined above, the applicant will provide the following opportunities for acknowledgement of the City's support for the requested amount of \$156,000:
36. The City of Perth will receive mandatory acknowledgments as follows:
  - a. Logo recognition on all event promotional material and event website
  - b. Sponsor profile on event website if applicable
  - c. Opportunity to display City of Perth signage at the event
  - d. Access to the event for the City of Perth Digital team to produce content at our own cost

Additional acknowledgements include:

- a. City of Perth will be recognised as a 'Gold Sponsor';
- b. Joint naming rights to the event - NAIDOC Week Opening Ceremony and Marri Dyin\*;
- c. Written acknowledgement as Gold Sponsor in the event press releases and associated media opportunities;
- d. Opportunity for a City of Perth representative to present the keynote address;
- e. City of Perth logo recognition on event T-Shirt;
- f. City of Perth logo on event poster;
- g. City of Perth logo recognition on NAIDOC Perth website and Facebook page and annual report;
- h. Verbal recognition of City of Perth in MC script;
- i. City of Perth have an opportunity for a complimentary stall at the event;
- j. Opportunity for City of Perth to display signage at the event;
- k. Opportunity for the City of Perth to arrange photo opps with Performers and Artists;

### Event Sponsorship - Assessment Scorecard

37. The application was assessed by a three-person panel of subject matter experts from the City's Administration. Scoring has been averaged for each outcome.
38. The application has received an assessment score of 75.34% which considered high when benchmarked against other previous applications in this program and indicates a strong alignment with the objectives of the program.

<b>Essential Assessment Criteria</b> <i>Applicants were required to address a minimum number of assessment criteria based on the amount requested:</i>	Score (max 5)
<ul style="list-style-type: none"> <li>• \$20,000 and UNDER (Address THREE of the essential criteria)</li> <li>• Over \$20,000 (Address ALL of the essential criteria)</li> </ul>	
To what extent does the event help encourage a sense of community, provide opportunities for the community to connect and strengthen social cohesion?	4.5
To what extent does the event enhance the City's reputation and position Perth as a great place to be?	4
To what extent does the event activate the City with vibrant activity, prioritising public spaces?	4.16
Does the event stimulate the local economy and provide opportunities for engagement with local businesses?	3.83
Sub-total 16.49 out of 20	
<b>Mandatory Criteria</b> <i>Applicants were required to address all four mandatory criteria.</i>	Score (max 5)
To what extent does the event celebrate diversity and demonstrate an inclusive approach?	4.5
To what extent are environmental and sustainable practices integrated into the event?	1.5
Does the event acknowledge or celebrate Aboriginal culture?	5

To what extent does the event promote feelings of safety and security in the city?	3.83
Sub-total 14.83 out of 20	
<b>COVID-19 Risk Mitigation</b>	<b>Score (max 5)</b>
Does the event have measures in place to ensure the health and safety of attendees and staff at the event?	3.5
Does the applicant have a reasonable and realistic contingency plan should restrictions on large gatherings be enforced at the time of the event?	3.33
Sub-total 6.83 out of 10	
<b>Event Delivery</b>	
Does the applicant have a demonstrated capacity to manage all aspects of the event?	4
Does the event demonstrate financial viability through evidence of support from other government agencies, business or community organisations?	2.66
Does the event offer an adequate level and value of sponsorship benefits?	4.16
Sub-total 10.82 out of 15	
<b>TOTAL ASSESSMENT SCORE: 48.97 out of 65 (75.34%)</b>	

## Assessment Panel Comments

39. NAIDOC Week Opening Ceremony is an important event celebrating Aboriginal culture in the City of Perth. This event signals the Western Australian start of NAIDOC Week, a national celebration of Aboriginal history, stories and culture.
40. The applicant asserts that an event of this nature, particularly with the addition of the Signature Event 'Marri Dyin' is an essential event to be hosted in and by the City. They note that it is an opportunity for the kind of expression, education and celebration that is vital for reconciliation. It places Perth as a leader in incorporating Indigenous Culture as a priority for celebration.
41. The event is scheduled to take place in July, aligns with the City's Winter Festival Program and has the potential to form an integral part of the program of events for this period.
42. The applicant claims that the presentation of the new Signature Event 'Marri Dyin' will draw significant visitation to the city, over multiple days and to multiple city venues which will drive positive economic benefit for local businesses.
43. The applicant also claims that the feature of 'Marri Dyin' has social benefit with the potential to create greater community awareness through a different artistic narrative, while educating participants on the history of the Aboriginal and Torres Strait Islander people. The project aims to re-open and continue the conversations leading to reconciliation, through the performance of 'Marri Dyin'.
44. The funding request is a substantial increase to previous years, however the applicant has clearly demonstrated that the event is growing year-on-year. It is important for the City to support organisations to deliver new events which enable capacity building in community organisations.

45. NAIDOC Perth (Inc.) claim that they will require substantial planning and risk management to coordinate the NAIDOC Week Perth Opening Ceremony and Signature Event 'Marri Dyin' project safely and successfully. Without additional project management and event delivery resources, the delivery of the Signature Event 'Marri Dyin' will not be possible.
46. The applicant notes that the Signature Event 'Marri Dyin' is a large-scale event component that will incur additional costs outside of the normal NAIDOC Week Perth Opening Ceremony costs. Some of the additional costs included the introduction of an artistic liaison and additional project and event management fees.
47. The addition of the Signature Event 'Marri Dyin' allows the ability to measure the success of the separate components, and its impact on the community. It is recommended that the outcomes of the two separate components are measured separately and the key performance outcomes are compared to previous and future years.
48. It is recommended that the applicant engage the services of an experienced project and event management team to ensure the quality of not only the event, but the quality of the information reported.

## Stakeholder Engagement

Nil.

## Decision Implications

49. If the sponsorship is declined or approved for an amount less than the recommended level, the applicant's ability to deliver the event will be significantly impacted. It is likely the NAIDOC Week Perth Opening Ceremony will be scaled back, and the Signature Event 'Marri Dyin' will not proceed.
50. The failure to support this culturally significant event may carry reputational risk for the City with a segment of the community.

## Strategic, Legislative and Policy Implications

Strategic	
<b>Strategic Community Plan Aspiration:</b>	People A safe, activated and welcoming city that celebrates its diversity and sense of community, providing unique educational, cultural, sporting and lifestyle offerings.
<b>Strategic Community Plan Objective:</b>	1.6 Thriving and sustainable cultural, artistic and heritage industries, activities and events that encourage locals and visitors to come back for more. 1.7 Ongoing acknowledgement, recognition and continuing engagement with the traditional owners of city lands, the Whadjuk Nyoongar people.

Issue Specific Strategies and Plans:	Cultural Development Plan 2019-2029
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Legislation, Delegation of Authority and Policy	
Legislation:	Nil.
Authority of Council/CEO	Delegation 1.2.11 Determine Grants, Sponsorship and Donation Allocations - in accordance with this delegation, the CEO only has authority to allocate grants and sponsorships to the value of \$5000. As this application exceeds \$5000, the determination must be made by a decision of Council.
Policy:	18.13 – Sponsorship and Grants. The policy directs that there be a consistent and transparent assessment process and criteria to guide recommendations to Council. An eligibility check has been conducted on this application to ensure they are compliant with the policy and the necessary assessment process has been followed.

## Financial Implications

51. The financial implications of the recommendation are accommodated within the proposed 2021/22 budget. The indicative budget was endorsed at the 27 April Ordinary Council Meeting, subject to adoption of the 2021/22 annual budget:

Account Number	TBC	Operating
Account Description	Event Sponsorship	
Total Budget	\$1,000,000*	
Budget – This report	\$156,000	
Remaining Budget	\$844,000	
Budget Impact	Accommodated in proposed budget	

\*The expenditure amounts in the 2021/22 Sponsorship budget are indicative until the 2021/22 annual budget is approved by Council.

## Relevant Documents

[Event Sponsorship Guidelines 2021/22](#)

Winter Festival Program

## Further information

### Following the Agenda Briefing Session held on 18 May 2021, further information is provided:

52. In response to a question regarding the increase in funding and a request for further details, the increase in grant funding from \$30,000 in 2020 to the proposed \$108,188 in 2021, is to support NAIDOC in the delivery of a new initiative, Marri Dyin, to be featured in the City's Winter Festival program. The increase in grant funding represents a new way of working with smaller organisations to increase capacity through skills development and collaboration with City events staff. The City's aim is to decrease investment in direct-delivery of events over time through building partnerships and increasing community capacity.
53. The impact of Council approving \$30,000 for the opening ceremony and \$104,114 for Marri Dyin was queried and it is subsequently advised that Marri Dyin could proceed; however, NAIDOC Perth would have to reduce the scale of the opening ceremony. Specifically, NAIDOC Perth would reduce the number of performers and children's activities. The largest costs are the infrastructure for marquees, staging, lighting and sound. Therefore, an alternate option would be to reduce the size of the stage and the marquee. However, this would reduce the number of attendees the event can accommodate.
54. If Marri Dyin is not approved by Council, there is no plan B for an Aboriginal signature event. Marri Dyin is part of a wider program of events and activations for the [Winter Festival](#).
55. With regards to a request for attendance figures in 2018, 2019 and 2020, NAIDOC Perth estimate in the acquittal that attendance at the NAIDOC Week Opening Ceremony was 4,000 people in 2018 and 2020 (postponed to November). In 2019, the City of Perth conducted an evaluation via Culture Counts which also estimated 4,000 people in attendance.
56. Following queries regarding the popularity of Marri Dyin's feature as part of Vivid in 2018 and 2019, it is advised that the event organiser (Barangaroo Delivery Authority) estimated 2,000 to 3,000 attendees per night (informal assessment). Marri Dyin also featured as part of Nights on Crown Luminous Land in Wollongong's Crown Street Mall in June 2019.
57. In response to concerns regarding weather conditions such as rain, it is advised that Marri Dyin has featured at winter events in New South Wales, including Vivid. Should there be heavy rain, the organisers deflate the puppet momentarily while the heavy rain passes or seek shelter.
58. I, Marri Dyin will run for three hours, commencing at 5.30pm and ending at 8.30pm. Marri Dyin is an illuminated puppet; therefore, the 5.30pm start time accounts for the sunset. The Winter Festival Program includes other aspects during the day time.
59. In response to a question regarding Marri Dyin walking through the malls on Thursday, 8 June, it was advised Marri Dyin is scheduled to walk through the malls on Friday, 9 July 2021, to coincide with late night shopping in the City, noting that late night shopping does not occur on a Thursday in the malls.
60. In response to a question regarding the feasibility of Marri Dyin walking through the malls and Elizabeth Quay daily, it is advised that this is not feasible, namely due to logistic difficulties (traffic management and transport). In addition, it would be expensive to stage Marri Dyin in the malls each day. Marri Dyin's storage container will be in Elizabeth Quay as it requires a large space. Marri Dyin will return to the storage container after every performance and cannot stray far from the storage container without the support of a flatbed truck.

61. In the past, NAIDOC Week Perth has historically been promoted as part of the Winter Fest campaign, including a printed booklet guide, an event listing on Visit Perth, media releases and social media posts. In 2020, NAIDOC Week was postponed to November due to COVID-19 and there was no campaign booklet guide at that time.
62. In response to a question regarding the promotion of NAIDOC week in the city, including lighting at Council House, banners, social media etc, NAIDOC Week Perth has banner bookings and feature lighting bookings at Council House and Trafalgar Bridge. The event will be included in the 'Perth by Light' winter campaign printed booklet guide. There are also numerous media releases, news items, social media and video content scheduled.
63. The City is aware of other events and activities planned by other organisations for NAIDOC week. The Perth Cultural Centre, under the authority of the Perth Theatre Trust, will have the NAIDOC Sand Mural (by Acacia Cultural Designs) from 5 July to 8 July 2021. The State Library of Western Australia will have Little Birds Day Exhibition from 11 June to 29 August 2021. The City has included these events in 'Perth by Light' winter campaign printed booklet guide and event listings on the Visit Perth website.

*Prior to the primary motion being moved, Councillor Gordon moved an amended primary motion, as follows:*

## Amended Primary Motion

**Mover** Councillor Gordon

**Seconded** Councillor Lezer

That Council APPROVES an Event Sponsorship of \$120,000 (ex GST) to NAIDOC Perth (Inc.) for the 2021 NAIDOC Week Perth Opening Ceremony and Signature Event 'Marri Dyin' (working title) funded by the 2020/21 annual budget.

### Reason:

It is an exciting opportunity and activation for the City, however, the policy currently states that funding of this nature should be capped at 30% of the project cost and Council have been requested to fund approximately 75% for this project. A reduction to 30% of the project cost equates to approximately \$65,000. The City has previously provided support of approximately \$120,000. Therefore, in the interests of consistency and integrity, the lesser amount is proposed.

**LOST (4/5)**

**For** Lord Mayor Zempilas, Councillors Fleeton, Gordon and Lezer

**Against** Deputy Lord Mayor Anghie, Councillors Gobbert, Bain, Bevan and Ko

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1.37pm      *The Presiding Member adjourned the meeting.*

1.46pm      *The meeting resumed.*

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## 12.5 New Events Strategy and 2021/22 Plan

<b>Responsible Officer</b>	Kylie Johnson – Acting General Manager Community Development
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	Attachment 12.5A – 2025 Events Strategy Attachment 12.5B – Signature Events Plan 2021/22

### Purpose

For Council to consider the 2025 Events Strategy and Signature Events Plan 2021/22.

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### Recommendation

That Council:

1. APPROVES the 2025 Events Strategy (Attachment 12.5A)
  2. APPROVES the Signature Events Plan 2021/22 (Attachment 12.5B).
-

## Background

1. Through engagement with the community, key stakeholders and Council members, the City has undertaken a major review of its events services to make Perth city a more event-friendly destination, with several major changes implemented or underway. This overhaul of our events service has produced the following documents for Council consideration:
  - a. 2025 Events Strategy
  - b. Signature Events Plan 2021/22
2. The City oversees more events than any other West Australian local government area, yet has never had a formal Events Strategy to guide its decision making. The 2025 Events Strategy (Attachment 12.5A) has been developed with a new strategic direction in mind to see Perth become the events heart of WA. The Strategy considers how the City can best use its resources to deliver high quality outcomes for Perth, how we best facilitate and support the events industry post COVID-19, how we achieve better outcomes for the community and local businesses, best use our open spaces, and look proactively to attract new opportunities.
3. Through guidance from Council members, and feedback from the community, and key stakeholders, the three key priorities of events for the City of Perth (in order of priority) have been defined as: Facilitating events (market-led), direct delivery of events (City-led signature events) and enabling events (community-led).
4. Australia Day Skyworks is the City's largest direct-delivered event, and the State's largest one-day community event with a 36-year history, making it iconic, but highly topical. Following the cancellation of Skyworks in 2021 due to the COVID-19 pandemic, an alternative program was delivered across five-days titled the Australia Day Festival. There are various options available for the City's major Australia Day celebrations, which this paper presents.
5. Council is currently considering a new Sponsorship, Grants and Donations Policy, which will support the delivery of an integrated events calendar, as outlined in the attached 2025 Events Strategy and Signature Events Plan 2021/22.

## Discussion

### 2025 Events Strategy

6. The 2025 Events Strategy aims to strategically position Perth to be "the events heart of Western Australia" through the implementation of four key elements:
  - a. Build the Stage: We will create the right environment for success
  - b. Manage the Line-Up: We will implement a proactive portfolio approach
  - c. Hit the Lights: We will lead, collaborate and enable
  - d. Turn up the Mics: We will increase our destination profile and showcase Perth
7. The City of Perth plays several key roles in relation to events including facilitating venue hire and event bookings, sponsoring or supporting events, promoting the events to the right audiences and the direct-delivery of signature City-organised events.

8. The City's new approach prioritises the "Facilitator" role, recognising we can increase opportunities and gain efficiencies by assisting others through increased partnerships, sponsorship and marketing promotion, while reducing the amount of direct-delivery required by the City.
9. Over time, the aspiration is to increase partnership and integration across all three roles even further, bringing in increased sponsorship for City-organised events and having greater influence over programming of others' events throughout the year through sponsorship and other incentives. This will see a dramatic difference in service delivery that requires incremental progress.
10. The 2025 Events Strategy outlines high-level actions to achieve its goals.

### Signature Event Plan 2021/22

11. The direct-delivery of signature City events will predominately focus on major capital city events that are free and community orientated. These events generally centralise around special calendar occasions such as Christmas, New Year's Eve, Australia Day or Lunar New Year.
12. The City has reviewed the annual calendar of signature events for the 2021/22 Financial Year (Attachment 12.5B).

### Australia Day 2022

13. Australia Day celebrations have various options as follows:

Australia Day 2022 Options	Description	Budget Required	Anticipated Income	Other Potential Income Opportunities
1. Skyworks	<p>Skyworks held on 26 January inclusive of:</p> <ul style="list-style-type: none"> <li>• 30-minute fireworks display</li> <li>• Air Show</li> <li>• Birak Concert at Supreme Court Gardens</li> <li>• Free family zone on Langley Park.</li> <li>• Multi-scale marketing campaign including media partners</li> </ul>	\$2,300,000	<p>\$435,000 (Lotterywest – naming rights of the free family zone)</p> <p>Media Partners: TV and Radio (in-kind amount confidential)</p>	<ul style="list-style-type: none"> <li>• Skyworks naming rights corporate sponsor</li> <li>• Birak Concert naming rights sponsor</li> <li>• Air Show naming rights sponsor</li> <li>• Skyworks sponsors (no naming rights)</li> </ul>
2. Australia Day Festival	<p>A five-day festival encompassing:</p> <ul style="list-style-type: none"> <li>• a smaller-scale event</li> <li>• Birak Concert at Supreme Court Gardens</li> <li>• Supported by neighbourhood events</li> </ul>	\$1,200,000	\$400,000 (Lotterywest)	<ul style="list-style-type: none"> <li>• Australia Day Festival or hero event naming rights corporate sponsor</li> </ul>

Australia Day 2022 Options	Description	Budget Required	Anticipated Income	Other Potential Income Opportunities
	<p>(x 6) at a community level</p> <ul style="list-style-type: none"> <li>Other events encouraged through partnerships and sponsorships.</li> <li>Multi-scale marketing campaign</li> </ul>			<ul style="list-style-type: none"> <li>Birak Concert naming rights sponsor</li> <li>Australia Day Festival sponsors (no naming rights)</li> </ul>
3. Skyworks with neighbourhood events	<ul style="list-style-type: none"> <li>Skyworks returns on 26 January as per Option 1</li> <li>Neighbourhood events</li> <li>Multi-scale marketing campaign including media partners</li> </ul>	\$2,540,000	\$435,000 (Lotterywest – naming rights corporate sponsor) Media Partners: TV and Radio (in-kind amount confidential)	<ul style="list-style-type: none"> <li>Skyworks naming rights corporate sponsor</li> <li>Birak Concert naming rights sponsor</li> <li>Air Show naming rights sponsor</li> <li>Skyworks sponsors (no naming rights)</li> </ul>

- For Skyworks specifically, an application will be made to Lotterywest for a community grant to the value of \$435,000, as per previous years. Further corporate sponsorship opportunities, including naming rights, will be sought for Australia Day 2022, but cannot be guaranteed.
- In 2021, the National Australia Day Council (NADC) provided a grant of \$846,266 for Skyworks, which was later allocated to Australia Day Festival, funded by the Federal Government to support the delivery of Australia Day celebrations during the COVID-19 pandemic.
- By January 2022, it is anticipated that health restrictions will ease, allowing Skyworks to return to the City's annual calendar of events.

## Stakeholder Engagement

- The development of the 2025 Events Strategy involved in-depth workshops with over 60 industry stakeholders from hospitality, tourism, State Government agencies, other Local Governments, events professionals and community groups.

## Decision Implications

### 2025 Events Strategy

18. The 2025 Event Strategy has been formulated to be an informing document reflective of a new direction for events, created to guide future improvements and decision-making related to events over the next four years.

### Signature Events Plan 2021/22

19. If Council does not support the recommendation to approve the Signature Events Plan 2021/22, the City will not be able to meet community expectations to deliver on key events and outcomes.
20. The budget is structured based on the minimum requirement to deliver the scale of event outlined in the Signature Events Plan 2021/22.
21. If Council defers the decision on supporting the recommendation to approve the Signature Events Plan 2021/22 and the delivery of Skyworks 2022, planning will be critically delayed for the procurement of key contracts required for Skyworks. This includes securing media partners and a pyrotechnics supplier, which are ordinarily in contract by May of each year. A delay will further increase the risk in providing adequate planning time for Perth's largest event, noting the time to complete procurement is at least eight weeks for each contract.

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	<p>People</p> <p>A safe, activated and welcoming city that celebrates its diversity and sense of community, providing unique educational, cultural, sporting and lifestyle offerings.</p> <p>Prosperity</p> <p>A city with a diverse and resilient economy capitalising upon its unique competitive advantages and creative reputation, attracting sustainable investment in education, tourism, entertainment, commerce, technology and trade.</p>
Strategic Community Plan Objective:	<p>1.6 Thriving and sustainable cultural, artistic and heritage industries, activities and events that encourage locals and visitors to come back for more.</p> <p>4.8 Iconic signature events positioned strategically to create a vibrancy that attracts intrastate, interstate and international visitors.</p>
Issue Specific Strategies and Plans:	<p>Cultural Development Plan 2019-2029</p> <p>1.1: Deliver localised support to a wide range of local Perth businesses and cultural organisations to activate Perth city spaces, (including City of Perth-owned spaces) focusing on areas of high anti-social behaviour, through projects that involve the local community.</p>

	<p>1.5 Create a year-round program of cultural activities for youth and families, non-alcohol based spaces and performances.</p> <p>4.1 Celebrate and make visible Aboriginal and Torres Strait Islander cultures through community-led initiatives.</p> <p>4.4 Create local community arts and cultural activation at strategic spaces throughout Perth city through year-round, high quality arts festivals and events.</p> <p>4.10 Deliver a Christmas/New Year-season experience that is representative and inclusive of Perth’s multicultural community; a more diverse offering that is meaningful for a wide demographic.</p> <p>4.11 Ensure that Australia Day long weekend events are inclusive and acknowledge cultural diversity and multiple histories.</p>
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#### Legislation, Delegation of Authority & Policy

##### Legislation:

##### [Section 8 \(1\) of the City of Perth Act 2016](#)

- (c) to provide a safe, clean and aesthetic environment for community members, people who work in the City of Perth, visitors and tourists;
- (d) to continuously improve the services and facilities that the City of Perth provides to the community and to local, interstate and international visitors and tourists;
- (e) to promote awareness of the facilities and events provided or facilitated by the City of Perth and encourage the community to make use of or participate in them;
- (f) to initiate and promote the continued growth and environmentally sustainable development of the City of Perth and ensure its continued role as a thriving centre of business with vibrant cultural and entertainment precincts, while enhancing and protecting its natural environment and having due regard to the flow on impact on the Perth metropolitan area;
- (g) to maintain and strengthen the local, national and international reputation of the Perth metropolitan area as an innovative, sustainable and vibrant global city that attracts and welcomes everyone;
- (h) to nurture and support the initiatives and innovations of the diverse precincts of the City of Perth;
- (i) to develop and maintain collaborative inter-governmental relationships at regional, State, national and international levels with a view to developing and implementing strategies for the continued improvement of the City of Perth;
- (j) in achieving its objects, to use its best endeavours to strike an appropriate balance among the complementary and competing civic,

	economic, social, cultural and environmental considerations, including considerations relating to visitors and tourists.
Authority of Council/CEO:	<i>Local Government Act 1995</i> Division 2 – Annual Budget 6.2 Local government to prepare annual budget (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.
Policy	Nil.

## Financial Implications

36. The financial implications of the recommendations are outlined below for Events and Marketing combined, subject to the 2021/22 budget adoption:

Account Number	TBC	Operating
Account Description	Twilight Hawkers Market	
Total Budget	\$40,000	
Remaining Budget	\$0	
Budget Impact	Neutral	
Account Number	TBC	Operating
Account Description	Christmas Lights Trail	
Total Budget	\$1,500,000	
Remaining Budget	\$0	
Budget Impact	Neutral	
Account Number	TBC	Operating
Account Description	Christmas Nativity	
Total Budget	\$330,000	
Remaining Budget	\$0	
Budget Impact	Neutral	
Account Number	TBC	Operating
Account Description	New Year's Eve Celebrations	
Total Budget	\$500,000	
Remaining Budget	\$0	
Budget Impact	Neutral	
Account Number	TBC	Operating

Account Description	Christmas and New Year Marketing	
Total Budget	\$400,000	
Remaining Budget	\$0	
Budget Impact	Neutral	
Account Number	TBC	Operating
Account Description	Skyworks (Australia Day Celebrations)	
Total Budget	\$2,300,000	
Remaining Budget	\$0	
Budget Impact	Neutral	
Account Number	TBC	Operating
Account Description	Lunar New Year	
Total Budget	\$50,000	
Remaining Budget	\$0	
Budget Impact	Neutral	
Account Number	TBC	Operating
Account Description	Heritage Perth Weekend	
Total Budget	\$130,000	
Remaining Budget	\$0	
Budget Impact	Neutral	
Account Number	TBC	Operating
Account Description	Winter Festival 2022	
Total Budget	\$170,000	
Remaining Budget	\$0	
Budget Impact	Neutral	

37. Current draft budget papers submitted to Council will be replaced with the budgets contained within this report.

## Relevant Documents

Nil.

## Further information

Following the Agenda Briefing Session held on 18 May 2021, further information is provided:

38. In response to a question why the Perth Convention and Exhibition Centre was excluded, it is advised that the original list was limited to major event venues. It was subsequently extended based on Council

member feedback to include venues such as Yagan Square, that are not classed as major events venues. The Perth Convention and Exhibition Centre may also be added if desired.

39. It was queried what MICE stands for in the Events Strategy and it was advised that it is the abbreviation for Meetings Incentives, Conferences and Exhibitions. MICE is based on economic development goals, particularly articulated in research by Committee for Perth, based on Perth's proximity to Singapore.
40. In response to a question regarding the spend on the Christmas Nativity in 2020 compared to 2021, it was advised that the 2020 event branded the 'Nativity' was delivered in Forrest Place. The event differed to the traditional Nativity Play held in Supreme Court Gardens, with only four weeks to plan for the 2020 event. \$240,000 was spent on the Christmas Concerts and \$70,000 on the Nativity. Less budget was required for the Nativity, as infrastructure was in place from the Christmas Concerts. The City traditionally spends \$300,000 annually on the Christmas Nativity, hosting 10,000 patrons and requiring six months of planning. The \$330,000 budget allocation will ensure the City meets community expectations for the reinstated event. The Christmas Nativity has the lowest economic return on investment of all the City's signature events; however, it has the highest social and cultural return of investment. The cancellation of the Christmas Nativity in 2020 resulted in two petitions to reinstate the event and negative sentiment from the community.
41. It was suggested that an alternative word to 'strained' be used as referenced in the 2021/22 Signature Events Plan. In response to this suggestion, it was advised that this audience is considered 'strained' due to their negative perception of the City of Perth, so they are a different category than 'rare visitors' of the city. They are the hardest segment to convert and have the most barriers to overcome. The preference would be to keep the 'strained' naming however an alternative term is 'The Challenger' to represent their perceived challenges and how they are the most challenging audience for the City to convert.
42. It was queried what is meant by 'market-led' events and it is advised that market-led events are delivered by the events industry and other relevant sectors. For example, events delivered by a third-party that require an event approval from the City to proceed. Through the approval process, the City can facilitate the event and assess if the event offers an opportunity for sponsorship, collaboration or other incentivisation. Facilitation includes the City working to attract events into Perth, noting that event attraction is largely constrained by market conditions.
43. Clarity was sought on point six of the report and it is advised these details outline the strategic principles that drive all the actions and Key Performance Indicators in the 2025 Events Strategy. Further information on the strategic principles is detailed on pages 8, 9, 17 and 19 of Attachment 12.5A.
44. In response to a question asked regarding the return on investment for Australia Day Celebrations, it is advised that a Current Issue Briefing Note titled 'Signature Events Plan 2021/22 Supplementary Information' was uploaded to the Council Hub on 17 May 2021 which includes a comprehensive analysis of economic, social and cultural return on investment for Skyworks and Australia Day Festival 2021.
45. It was queried when stakeholder engagement was conducted. It is advised the City conducted stakeholder engagement for the 2025 Events Strategy from January through February 2020.
46. In the implementation of the 2025 Events Strategy, there will be a focus on bringing life to the retail core and entertainment precincts to support local business. This will be part of "Build the Stage" – *Better event infrastructure*. Part of this work will be to conduct an audit of all event venues owned/controlled by the City to identify barriers, plan for venue improvements, promote City venues, and incentivise activation of strategic sites. There will be further opportunity for Council input into venue strategy

during that process. Noting that the list on page 4 of the Events Strategy was intended to be a simple snapshot of venues suitable for major events. Perth Cultural Centre, Forrest Place and Hay Street Mall are not strictly suitable for major events, however they are strategic priorities for activation through smaller-scale events and activities.

47. It was queried if the strategy intends to cover "neighbourhood" events and it is advised that the granular detail of neighbourhood events will be covered in the forthcoming Neighbourhood Place Plans, scheduled to be presented to Council in July.
48. The list of venues for major events, detailed on page 4 of the 2025 Events Strategy, was intended to be a simple snapshot of venues suitable for major events under the City's control. Venues outside of the City's control, such as Perth Concert Hall, His Majesty's and the State Theatre would fall under the "Partner/Enable" and "Advocate" part of the City's strategy on page 12, "Our Role".
49. It was queried whether the City has a comprehensive list of possible venues/locations for applicants. It is advised the City has a comprehensive list of possible venues/locations for applicants. This database is managed through the City's Activity Approvals service, in partnership with Activation and Cultural Experience, to ensure event organisers are matched with the best possible venue to meet their needs.
50. A summary of the total attendees for 2020/21 at all City events featured in the budget summary on page 10 was requested to be distributed to members. It was advised a Current Issue Briefing Note titled 'Signature Events Plan 2021/22 Supplementary Information' was uploaded to the Council Hub on 17 May 2021, which summarises the total attendances at all City events featured in the budget summary. Previous attendance for each event is also included in the event description on pages 5 and 6 of the 2021/22 Events Plan.
51. The cost of planning for the 2021 Skyworks event that did not eventuate was \$261,496.
52. It was queried if an analysis has been done to assess value for money of City created events, in comparison to events the City sponsored that are created by others. It is advised that the City analyses value for money (return on investment - ROI) based on attendance, economic, social and cultural impact to ensure a complete picture of ROI. It is well understood that an event for which the City contributes 30% of the cost will be better value for money than an event for which the City contributes 100%. The City sometimes funds 100% of a sponsored event and sometimes receives external funding to support signature events it directly delivers. As an overall principle, the City endeavours to reduce the cost to ratepayers of events in the public realm by partnering with others, regardless of the delivery model (sponsorship or direct-delivery).
53. An Elected Member Engagement Session on the initial direction setting of the Events Strategy was held on 18 January 2021. Another Elected Member Engagement Session on Major Events including further detail on the Events Plan was held on 6 April 2021.
54. With regards to the request for an update on the Perth Convention and Exhibition Centre (PCEC), no information has been received in relation to redevelopment of the PCEC. The current lease on the site is in place for a further 16 years. With surrounding development works it is likely that the lessee will be looking for more opportunities for the site but the City is not in receipt of any information at this time.
55. The word 'Legacy' has been replaced with 'Liveability' on Page 3 of the Signature Events Plan 2021/22 (Attachment 12.5B).

*Councillor Fleeton moved the primary motion inclusive of an amended Point 2, as follows:*

## Amended Primary Motion

**Mover** Councillor Fleeton

**Second** Councillor Ko

That Council:

1. APPROVES the 2025 Events Strategy (Attachment 12.5A)
2. APPROVES the Signature Events Plan 2021/22 (Attachment 12.5B) inclusive of Option 3 for Australia Day 2022, as outlined in this report.

### Reason:

To give the City confidence in setting a direction for a Signature Events Plan complemented by a series of community, hospitality and private events. The community events held this year funded largely by Auspire were fantastic initiatives that should be retained. However, Skyworks is the headline event and Federal support is expected to be received, therefore the full cost will not be borne by ratepayers.

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*During debate on the amended primary motion, Councillor Lezer moved an amendment to Attachment 12.5B, as follows:*

## Amendment

**Mover** Councillor Lezer

**Second** Councillor Gordon

That the 2021/22 Signature Events Plan be amended by reducing the amount listed for the Christmas Nativity from \$330,000 to \$50,000 on page 5.

### Reason:

The budget should be more in line with the Lunar New Year budget to potentially free up funding for other initiatives.

**CARRIED (6/3)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie and Councillors Fleeton, Gobbert, Gordon, and Lezer

**Against** Councillors Bain, Bevan and Ko

*The amendment was declared carried and formed part of the amended primary motion. The amended primary motion, as amended, was put:*

## Amended Motion and Council Resolution (OCM-21/05-114)

**Mover** Councillor Fleeton

**Seconder** Councillor Ko

That Council:

1. APPROVES the 2025 Events Strategy (Attachment 12.5A)
2. APPROVES the Signature Events Plan 2021/22 (Attachment 12.5B) subject to the following amendments:
  - a. Option 3, as outlined in this report, being the choice for Australia Day 2022
  - b. The amount listed for the Christmas Nativity on page 5 be reduced from \$330,000 to \$50,000.

**CARRIED (8/1)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** Councillor Bain

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## 12.6 Proposed Safe Shelter

Responsible Officer	Kylie Johnson - Acting General Manager Community Development
Voting Requirement	Absolute Majority
Attachments	Nil

### Purpose

For Council to consider a two-month trial of a Safe Shelter for men only, located at Citiplace Community Centre during the winter months.

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### Recommendation

That Council:

1. SUPPORTS a two month trial of a Safe Shelter at Citiplace Community Centre commencing in July 2021 and ending in September 2021, to provide a safe warm place at night for men sleeping rough in the city during winter
  2. APPROVES in accordance with section 6.8(1) of the *Local Government Act 1995* and Council Policy 2.6 Budget Variations an amount of \$80,000 as unbudgeted expenditure to undertake mandatory compliance and security upgrade works to Citiplace Community Centre for the purpose of trialling a Safe Shelter
  3. APPROVES the allocation of up to \$181,500 over two financial years towards operating costs to undertake a two-month trial of a Safe Shelter, with:
    - i. \$17,500 to be reallocated from the budget surplus in the 2020/21 financial year; and
    - ii. \$164,000 to be considered as part of the 2021/22 budget.
  4. REQUESTS that the Chief Executive Officer presents a report back to the Council at its November 2021 Ordinary Meeting on the effectiveness of the trial, and recommendations for potential continuation of the service.
-

## Background

1. Homelessness has a significant impact on the community. With at least 412 people sleeping rough across Perth each night (By Name List, April 2021), the City continues to face challenges to meet the balance of expectations of businesses and residents, while maintaining a duty of care to those people experiencing homelessness and sleeping rough within the City's boundaries.
2. Responsibility for funding homeless services is primarily the responsibility of the State and Federal governments. Despite the implementation of the State's Homelessness Strategy, a lag period of at least three years is expected where the City will continue to experience people experiencing homelessness being street present.
3. The City has implemented several initiatives to support people experiencing homelessness within its role as defined by the Department of Communities, however additional action continues to be required.
4. At its Special Meeting held 2 March 2021, Council resolved to develop a Safe Night Space for women only at 160 Hay Street, East Perth at a total cost of \$3,194,270 over the two year trial. The Safe Night Space for women will open Monday 31 May 2021.
5. At its Ordinary Meeting held 27 April 2021, Council endorsed a Rough Sleeper Plan with 6 key priority areas including; advocacy, coordination of services, improving connection of people to services, improving the health and wellbeing of people sleeping rough, collection of data for evidence based decision-making and community awareness and education. Additionally, Council resolved to investigate and conduct a trial of a safe night time space for people sleeping rough in the city. The decision from this meeting stated that Council:
  1. *INVESTIGATES a trial to utilise an unused night time space as pop-up accommodation for rough sleepers in the CBD*
  2. *CONDUCTS a trial over the winter months to provide a safe night time space for people sleeping rough in the CBD*
  3. *REQUESTS that the Chief Executive Officer presents a report back to the Council at its May Ordinary Council Meeting on how this can be achieved.*
6. In response to the Council resolution, an investigation of unused night time spaces has been undertaken and a service model has been developed to trial a safe night time space for men only during the winter months. A project plan to deliver the two month trial has been developed and is based on provision of a safe night space, not a bed/sleeping model.

## Discussion

7. To undertake an investigation of unused night time spaces as pop-up accommodation for rough sleepers the following was completed:
  - a. Site audit and selection
  - b. Assessment on operational impacts
  - c. Risk assessments
  - d. Building compliance audit
  - e. Safety audit

- f. Initial consultation with service providers, WA Police and general counsel.
- g. Service models developed (with beds and without beds)
- h. Project plan developed.

## **Location and Building**

### **Asset Options**

- 8. An assessment was undertaken to consider whether the focus for finding suitable unused night time spaces should consider:
  - a. Utilisation of existing City assets;
  - b. Lease of private asset in appropriate location; and
  - c. Partnership arrangement with another property owner.
- 9. Option 1 was considered optimal with Options 2 and 3 not progressed due to the high capital cost and/or challenges to progress a trial progress a trial during the 2021 winter season.

### **Short List Evaluation**

- 10. During engagement with various internal and external stakeholders, an initial long list of potential sites was identified before being shortlisted to five City owned buildings:
  - a. Pier Street Carpark – lower ground floor and basement loading dock (off McClean lane)
  - b. Cultural Centre Carpark
  - c. Wellington Street Carpark
  - d. 18 Stirling Street, Perth; and
  - e. Citiplace Community Centre, City Station Concourse
- 11. The project team undertook a comprehensive audit of the shortlisted sites. Based on a criterion and current building code requirements, City-owned asset Citiplace Community Centre, located at the Perth Train Station was identified to be pursued for further consideration.
- 12. Being located within the Perth Train Station complex, the area around Citiplace Community Centre is heavily trafficked during business hours and at night. Surrounding properties are mostly retail activities, transport hubs and City of Perth managed services. This has potential security advantages by providing passive surveillance during the evening and maintaining a range of positive interactions with the surrounding community. To mitigate any issues of antisocial behaviour it is recommended security personnel maintain a presence throughout the City Station Concourse at the commencement and end of the Safe Shelter operating hours and additional CCTV camera and access controls to the building are installed at a cost of \$52,100.

### **Building compliance and approvals**

- 13. Under the National Construction Code – Building Code of Australia, a building's classification is determined by the purposes for which it is designed, constructed, or adapted to be used. The City is required to apply the proposed classification to the building and identify the shortfalls to be addressed for compliance.

14. A Safe Shelter with beds requires the selected building to comply with the building use of an emergency/crisis accommodation – dormitory style Class 3 (Accommodation). All buildings audited, including Citiplace Community Centre do not meet the requirements for a Class 3 building use.
15. An external Building Compliance Audit has been undertaken on Citiplace Community Centre and assessed against a Class 3 (Accommodation) and Class 9b (Public) building use. For the building to comply with a Class 3 building use (with beds) upgrades to the building are required at an estimated cost of \$500,000 and construction timeline of 7 weeks. Building upgrades to the Centre to meet Class 9b (no beds) requires minimal mandatory works and approvals which can be completed within 1-2 weeks at a cost of \$27,900, subject to contractor availability.

#### Proposed Service model (Safe Shelter – without beds)

16. The Safe Shelter will be a space where vulnerable people can go in winter to rest in a safe, warm environment at night. People using the space will be able to watch TV and engage in quiet conversation. Comfortable chairs, beanbags and mats will be provided to encourage rest. The Safe Shelter will not be an alternative to accommodation services but rather a short-term crisis intervention. There will be no beds.
17. The Safe Shelter will have capacity for a maximum of 15 people and will operate 7 days a week from 10.00pm – 6.30am to accommodate normal day time services at Citiplace Community Centre. The service and facilities are not designed to provide any other additional support services other than to provide a safe, warm place for people at night. The service will be staffed by two support workers and two security personnel.
18. The Safe Shelter will be low barrier for vulnerable rough sleepers and will be accessed by referral only. Referrals may be received from homeless support services, City of Perth Rangers or WA Police. Accessibility for people entering the service will be determined by criteria and assessment of how a person presents at the time.
19. To complement the Safe Shelter, support workers will encourage people to attend engagement hubs and appointments at services to access crisis, transitional and long-term housing options. Food, social outreach, health and hygiene services are available at the Moore Street Hub in the early evenings and Sunday morning.
20. The City is opening a Safe Night Space for women only on 31 May 2021, therefore the target group for the Safe Shelter will be for men only.
21. A suitably qualified service provider will be engaged to provide support workers and security personnel throughout the two-month trial.

#### Cost

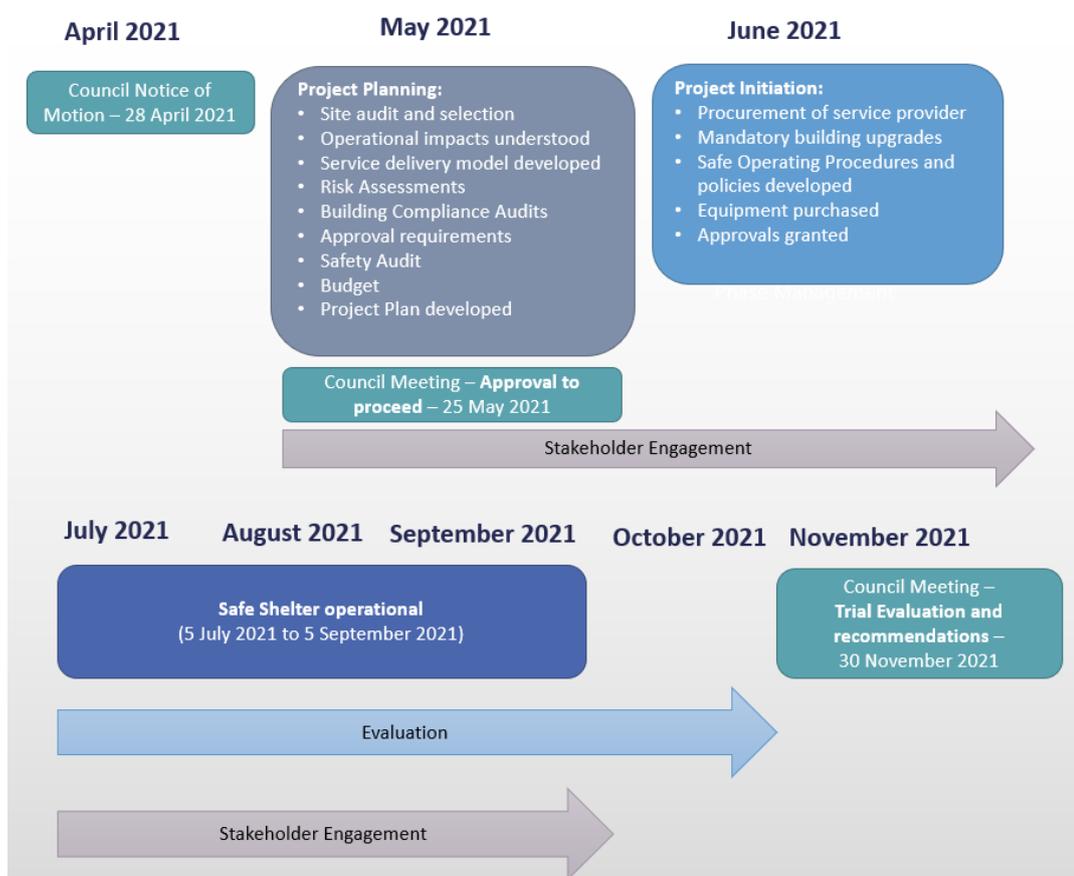
22. The following is a summary of costs for the two-month trial period. Costs include mandatory building compliance upgrades, installation of additional CCTV cameras, upgrades to building access controls, staffing, security, cleaning, consumables, equipment and an evaluation:

	Pre-trial setup / one-off	July	August	Total
Building Compliance Upgrades and Security features (CCTV, building access control etc.)	\$80,000	\$0	\$0	\$80,000

Service Provision (service ready / delivery)	\$13,856	\$40,799	\$54,398	\$109,053
External security personnel	\$0	\$20,827	\$27,769	\$48,596
Equipment and other items, cleaning etc.	\$3,500	\$2589	\$2589	\$8,679
Evaluation	\$15,000	\$0	\$0	\$15,000
<b>TOTAL</b>	<b>\$112,356</b>	<b>\$64,215</b>	<b>\$84,756</b>	<b>\$261,328</b>

## Timeline

23. Below is a high level timeline for the Safe Shelter to be operational by July 2021.



## Evaluation

24. An evaluation of the trial will be conducted by an external party, who will be engaged to setup the evaluation framework, data collection tools and complete the final report.

## Stakeholder Engagement

25. Initial Engagement was undertaken with a number of internal and external stakeholders including:
- WA Police for input into required security measures and ongoing support throughout the trial;
  - Homeless service providers for input in to service provision;
  - Members of the community; and
  - the City's insurers.

This engagement will continue throughout the trial.

26. A stakeholder engagement and communication plan has been developed to engage with all stakeholders within close proximity to the service, service providers, community, internal staff and patrons of Citiplace Community Centre. The engagement will be ongoing throughout the trial and outcomes will contribute to the evaluation of the service.

## Decision Implications

27. If Council does not support the recommendation of a Safe Shelter with no beds, and instead requests beds to be provided there will a delay due to the need to identify another building and/or to undertake the required works to meet Class 3 building use of at least three months. There will also be a signification budget implication of approximately \$500,000.

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	People
Strategic Community Plan Objective:	Objective 1.3 - Accessible and relevant community support services, and playing a leading role in homelessness.
Issue Specific Strategies and Plans:	Rough Sleeper Plan May 2021 – May 2022

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Planning and Development Act 2005</i>
Authority of Council/CEO:	The report is developed as required by Council in response to a Council resolution as detailed above. The general function of a local government is to provide for the good government of persons in its district as per Section 3.1 of the <i>Local Government Act 1995</i> .
Policy:	Council Policy 2.6 Budget Variations

## Financial Implications

28. The financial implications of the recommendations will require additional expenditure, as an unbudgeted item and will be identified from budget surplus in 2020/21 and in consideration of the 2021/22 budget.

## Relevant Documents

Nil.

## Further information

Nil.

## Council Resolution (OCM-21/05-115)

**Mover** Councillor Lezer

**Seconder** Lord Mayor Zempilas

That Council:

1. SUPPORTS a two month trial of a Safe Shelter at Citiplace Community Centre commencing in July 2021 and ending in September 2021, to provide a safe warm place at night for men sleeping rough in the city during winter
2. APPROVES in accordance with section 6.8(1) of the *Local Government Act 1995* and Council Policy 2.6 Budget Variations an amount of \$80,000 as unbudgeted expenditure to undertake mandatory compliance and security upgrade works to Citiplace Community Centre for the purpose of trialling a Safe Shelter
3. APPROVES the allocation of up to \$181,500 over two financial years towards operating costs to undertake a two-month trial of a Safe Shelter, with:
  - i. \$17,500 to be reallocated from the budget surplus in the 2020/21 financial year; and
  - ii. \$164,000 to be considered as part of the 2021/22 budget.
4. REQUESTS that the Chief Executive Officer presents a report back to the Council at its November 2021 Ordinary Meeting on the effectiveness of the trial, and recommendations for potential continuation of the service.

**CARRIED UNOPPOSED (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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### 13. Infrastructure and Operations Alliance Reports

'Request for Tender - Road Rehabilitation Services 000056-20/21' is presented under Item 18 as it contains confidential information.

## 14. Corporate Services Reports

### 14.1 Monthly Financial Report for March 2021

Responsible Officer	Michael Kent - Project Director Strategic Finance (CFO)
Voting Requirement	Simple Majority
Attachments	Attachment 14.1A(1) - Financial Activity Statement (March 21) Attachment 14.1A(2) - Notes to Financial Activity Statement (March 21) Attachment 14.1A(3) - Capital Projects Schedule (March 21) Attachment 14.1B - Financial Variances by Alliance & Service Unit Attachment 14.1C - Net Current Position (March 21) Attachment 14.1D - Investment Report (March 21) Attachment 14.1E - Statement of Rates Debtors (March 21)

### Purpose

This suite of reports provides Council with timely, meaningful financial insights regarding the City's operating activities, financial performance and financial position.

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### Recommendation

That Council RECEIVES the following financial reports for the period ended 31 March 2021:

1. Financial Activity Statement by Nature & Type - Attachment 14.1A(1)
  2. Notes to the Financial Activity Statement by Nature & Type - Attachment 14.1(2)
  3. Capital Projects Schedule - Attachment 14.1A(3)
  4. Financial Variances by Alliance & Service Unit - Attachment 14.1B
  5. Net Current Position - Attachment 14.1C
  6. Investment Report - Attachment 14.1D
  7. Statement of Rates Debtors - Attachment 14.1E.
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## Background

1. Presentation of a monthly financial report to Council is both a statutory obligation and good financial management practice that:
  - a. Demonstrates the City's commitment to managing its operations in a financially responsible and sustainable manner.
  - b. Provides timely identification of variances from budget expectations for revenues and expenditures and identification of emerging opportunities or changes in economic conditions.
  - c. Ensures proper accountability to the community for the use of financial resources.
2. Preparation of a monthly Financial Activity Statement (FAS) is the minimal statutory requirement of the *Local Government Act 1995* and regulation 34 of the *Local Government (Financial Management) Regulations 1996*. It is also a responsible financial management practice to allow Council to effectively execute their financial management responsibilities.
3. Financial information that is required to be reported directly to Council monthly includes:
  - a. Operational financial performance against budget expectations
  - b. Explanations for identified variances from expectations
  - c. Financial position of the City at each given month end
4. This statutory financial information is supported by additional information including investments performance and reports on rates and general debtors.

## Understanding the Financial Reports

5. When reading the financial information provided in this report, 'variances' (deviations from budget expectations) are classified as being either:
  - a. Favourable variance
  - b. Unfavourable variance
  - c. Timing variance
6. A timing variance relates to a budgeted revenue or expense that has not occurred at the time it was expected, but which is still expected to occur within the budget year. That is, the financial transaction will still occur - but just in a different month. There should be no impact on the projected budget surplus by year end.
7. A realised favourable or unfavourable variance is different to a timing variance. It represents a genuine difference between the actual and budgeted revenue or expenditure item.
8. A realised favourable year to date variance on a revenue item is a positive outcome for the City as it increases the projected budget surplus. An unfavourable variance on a revenue item has the opposite effect, resulting a decrease to the projected budget surplus.
9. A realised favourable variance on an expenditure item may have either of two causes - one being a saving because the outcome was achieved for a lesser cost, which has the effect of increasing the projected budget surplus. The other cause may be that the proposed expenditure may not have been undertaken, and is not expected to be incurred in that financial year. Whilst this may seem positive from the financial position perspective, it may not be a positive outcome for the community if the service or project is not delivered.

10. A realised unfavourable year to date variance on an expenditure item (over-expenditure) results in a decrease to the projected budget surplus.
11. The Schedule of Variances (Attachment 14.1A(1) & Attachment 14.1A(2) provide commentary on whether the nature of the variance is savings related, timing related or otherwise.
12. If a realised favourable or unfavourable variance is material in value (of significant size), it will be amended through a formal budget review process.

## Discussion

13. The Financial Activity Statement by Nature & Type (Jan 2021)- Attachment 14.1A(1) presents a whole of organisation perspective on the attainment of revenue and expenditure targets overall - classified by nature and type.
14. The headline data from the Financial Activity Statement is shown in Table 1 below.

**Table 1:**

Item Details	YTD Budget	YTD Actual	Variance	F/ U
Operating Revenue - Excluding Rates	\$ 72.845 M	\$ 73.298 M	\$ 453 K	F
Rates Revenue	\$ 98.063 M	\$ 98.087 M	\$ 23 K	F
Operating Expenditure	\$ 150.344 M	\$ 140.975 M	\$ 9.368 M	F
Non-Operating Revenue	\$ 4.864 M	\$ 5.438 M	\$ 574 K	F
Capital - Infrastructure	\$ 33.187 M	\$ 25.914 M	\$ 7.273 M	F
Capital - Property, Plant & Equipment	\$ 5.687 M	\$ 8.376 M	(\$ 2.689 M)	U

15. Material operating revenue and expenditure variances from Attachment 14.1A(1) are detailed (with explanatory comments) in the Notes to the Financial Activity Statement - Attachment 14.1A(2).
16. Comments on the material variances between budget and actual capital expenditures are presented in Attachment 14.1A(3) - Capital Projects Schedule which lists all approved, budgeted capital projects for 2020/21.
17. Each line item listed in the Financial Activity Statement by Nature & Type Attachment 14.1A(1) can be cross referenced (using the Note reference) back to the relevant note in Attachment 14.1A(2) or Attachment 14.1A(3) for explanations of variances.
18. Attachment 14.1B provides an alternative view showing how the organisation is tracking against budget by Alliance - and then disaggregating those figures by Service. This reporting view includes all internal charges and internal recoveries so the full service cost can be understood.
19. Examining the Financial Activity Statement - Attachment 14.1A(1) in more detail; the aggregation of operating revenues and operating expenses reflects a year to date Net Cash Deficit from Operations of (\$38.6M) compared to a year to date budget of (\$48.8M). This is a favourable variance of \$10.2M at the end of March, reduced from \$17.1 last month after the statutory budget review adjustments were recognised in the March accounts.

20. Investing activities reflect a result of (\$28.8M) compared to a year to date budget of (\$34.0M). This is a variance of \$5.1M is attributable to capital program spending which is re-prioritised in a report in this month's agenda.
21. Construction of infrastructure to 31 March 2021 is at 78% of budget expectations at \$25.9M, against \$33.2M budget. This is a favourable financial variance but not necessarily a favourable result in terms of delivery attainment. Attachment 14.1A(3) provides comments on specific variances for capital projects.
22. Acquisition of non-infrastructure to 31 March 2021 is \$8.4M - well ahead of year to date budget but expenditure on this program area is heavily weighted towards the last quarter of the year. Readers are directed to Attachment 14.1A(3) for comments on specific variances.
23. Adjusting for opening funds (Net Current Position), generates the Budget Deficiency before Rates. This then indicates the Amount Required to be Raised from Rates. The difference between the Rates amount and the Deficiency before Rates is the Closing Position.
24. The Financial Activity Statement for the period to 31 March shows that a rate yield of \$98.1M has been levied compared to the \$98.0M budget which was reduced by \$0.8M as the Heritage Land Rates changes were recognised in the accounts at the end of March.
25. The disclosed year to date Closing Position of \$74.2M compares favourably to the year to date budgeted closing position of \$58.0M - a variance of 27.8%, reflecting the combined impact of the favourable variances noted in this report for revenues, expenses, financing activity and investing activity. This will reduce following the adoption of the Projects Prioritisation Report in this agenda.
26. The Net Current Position Report (Attachment 14.1C) indicates a year to date adjusted Net Current Position value of \$93.5M versus the budget of \$74.3M. This is primarily attributable to a less than anticipated draw down of municipal investments as a result of lower cash demand for capital programs plus savings on operational costs. Many of these items are adjusted in the statutory budget review to be adopted by Council in March - which will rebalance the Net Current Position.
27. Headline data from this month's Net Current Position report is shown in Table 2 below. Comparative figures are provided for February 2020 as well as the 30 June 2020 year-end figures.

**Table 2:**

Item Details	Jun 2020	Mar 2020	Mar 2021
Current Assets	\$ 172.756 M	\$ 206.249 M	\$ 201.261 M
Current Liabilities	(\$ 31.951 M)	(\$ 37.368 M)	(\$ 33.198 M)
Unadjusted Net Assets	\$ 140.805 M	\$ 168.880 M	\$ 168.063 M
Less Restricted Items	( \$101.130M)	(\$ 95.729 M)	(\$ 93.800 M)
Adjusted Net Current Position	\$ 39.675 M	\$ 94.368 M	\$ 75.025 M

28. Attachment 14.1D - Investment Report at March 2021 presents detail of the City's cash investment portfolio in terms of performance, percentage exposure of total portfolio by credit risk, counterparty exposure and maturity profile.

29. The report indicates the City has adequate cash flow to meet its financial obligations as and when they will fall due; and it has achieved compliance with the various Investment Policy limits.
30. The Monthly Rates Debtors Report for March 2021 (Attachment 14.1E) shows that the City has collected 89.8% of all outstanding rates (current year rates plus arrears) by the due date for the third instalment. This is again a strong collection result mirroring previous year rates collection profiles (as presented graphically in the attachment).
31. Concerns relating to how COVID-19 impact would affect the wider community's ability to meet their community obligation through payment of rates have now been shown to be unwarranted. For the small portion of the community who have been financially challenged in these times, City officers have worked collaboratively to reach mutually acceptable payment arrangements with affected ratepayers.
32. Attachment 14.1E - Rates Debtors provides an analysis of rates collections by differential property rating category and overall. It also contains some brief commentary regarding payment arrangements and financial hard-ship cases.

## Stakeholder Engagement

33. As the contents of this report focus on the organisation's recent past financial performance, only internal consultation with General Managers and Alliance Managers is relevant to the preparation of this report.

## Decision Implications

34. Council's acknowledgement of receiving the Financial Activity Statement and supporting documents will meet its statutory obligation in respect of overseeing the City's financial resources.

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Performance A city led by a Council and supported by an administration that is committed to sound strategy and governance, excellence in customer service an effective and sincere engagement with all stakeholders.
Strategic Community Plan Objective:	Objective 5.5 - A financial business model underpinned by a culture of cost management, best value and strategic financial analysis that is subject to ongoing oversight, transparency and accountability.
Issue Specific Strategies and Plans:	Nil
Legislation, Delegation of Authority and Policy	
Legislation:	<a href="#">Section 6.4(1) and (2) of the Local Government Act 1995</a> <a href="#">Regulation 34(1) of the Local Government (Financial Management) Regulations 1996</a>

	<p>This section of the Act and the related regulation prescribe the requirement to prepare and present to Council (monthly), a Financial Activity Statement (FAS).</p> <p>That FAS should contain:</p> <ul style="list-style-type: none"> <li>• Annual Budget estimates, and approved revisions to these for comparison purposes.</li> <li>• Actual amounts of income and expenditure to the end of the month of the FAS.</li> <li>• Material variances between the comparable amounts and commentary on reasons for these variances.</li> <li>• The net current assets at the end of the month to which the FAS relates.</li> <li>• An explanation of the composition of the net current assets at the end of the month to which the FAS relates.</li> <li>• Any other information which the local government deems relevant.</li> </ul>
<b>Authority of Council/CEO:</b>	The above legislation prescribes that this report be presented to Council on a monthly basis.
<b>Policy:</b>	Policy 2.3 - Management of Investments

## Financial Implications

35. There are no direct financial implications of receiving this report as it reflects a historical accounting of financial transactions. When material variances are noted, appropriate remedial action will be initiated by the administration in a timely and prudent manner.

## Relevant Documents

Nil

## Further information

Nil

## Council Resolution (OCM-21/05-116)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council RECEIVES the following financial reports for the period ended 31 March 2021:

1. Financial Activity Statement by Nature & Type - Attachment 14.1A(1)
2. Notes to the Financial Activity Statement by Nature & Type - Attachment 14.1(2)
3. Capital Projects Schedule - Attachment 14.1A(3)
4. Financial Variances by Alliance & Service Unit - Attachment 14.1B
5. Net Current Position - Attachment 14.1C
6. Investment Report - Attachment 14.1D
7. Statement of Rates Debtors - Attachment 14.1E.

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## 14.2 Schedule of Accounts Paid – March 2021

<b>Responsible Officer</b>	Michael Kent - Project Director Strategic Finance (CFO)
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	Attachment 14.2A

### Purpose

The purpose of this report is to note details of payments made under delegated authority for the month of March 2021.

### Recommendation

That Council:

1. RECEIVES the Schedule of Accounts Paid under Delegated Authority 1.2.10, for the period ended 31 March 2021 (Attachment 14.2A)
2. RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

<b>Total Accounts Paid</b>	
<b>Municipal Fund</b>	<b>\$27,038,171.93</b>
<b>Trust Fund</b>	<b>\$0</b>
<b>Total - All Funds</b>	<b>\$27,038,171.93</b>

## Background

1. In accordance with Regulation 13(2) and 13(3) of the *Local Government (Financial Management) Regulations 1996*, where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council. The Chief Executive Officer is delegated this authority under Delegation 1.2.10.
2. This authority has then been subdelegated to the General Manager Corporate Services and Project Director Strategic Finance (CFO).
3. The listing of payments with full disclosure of all required information, is presented as Attachment 14.2A.
4. The listing of payments was made available to the Council members via the Council Hub, ahead of the agenda distribution, to provide additional time for review.
5. This summary report then facilitates the acknowledgement of the listing having been received.

## Discussion

6. The Schedule of Accounts Paid (Attachment 14.2A) contains the following payments made under Delegated Authority 1.2.10 - Payments from the Municipal & Trust Fund:

Schedule of Accounts Paid - March 2021		
<b>Municipal Fund</b>		
EFT & Cheque Payments	Direct Creditor Payments	21,665,809.75
<b>Sub Total - EFT &amp; Cheques</b>		
Direct Debits	Bank Charges and Merchant Fees	64,246.89
<b>Sub Total - Direct Debits</b>		
Payroll	05/03/2021	1,715,770.03
	17/03/2021	1,708,426.04
	30/03/2021	1,866,509.85
<b>Sub Total - Payroll</b>		
Corporate Cards	March 2021	17,409.37
<b>Sub Total - Cards</b>		
<b>Total per Attachment 14.2A</b>		<b>27,038,171.93</b>
New Investments	(Not Rollover Investments)	<b>38,000,000</b>
<b>Total Payments from Municipal Fund</b>		
<b>Trust Fund</b>		
Trust EFT & Cheques		0
<b>Total - Trust Funds</b>		<b>\$0</b>

## Stakeholder Engagement

7. As the contents of this report focus on the organisation's recent past financial performance, no external consultation is relevant to the preparation of this report.

## Decision Implications

8. In Council's acknowledgement of receiving the Schedule of Accounts Paid will meet its statutory obligation under regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*.

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Performance  A city led by a Council and support by an administration that is committed to sound strategy and governance, excellence in customer service and effective and sincere engagement with all stakeholders.
Strategic Community Plan Objective:	5.5 - A financial business model underpinned by a culture of cost management, best value and strategic financial analysis that is subject to ongoing oversight, transparency and accountability.
Issue Specific Strategies and Plans:	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	<a href="#">Section 6.10 of the Local Government Act 1995</a> <a href="#">Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996</a>  This section of the Act and the related regulation prescribes the requirement to prepare a list of all payments made for each month and to present them to Council. The Schedule of Accounts Paid (the 'list') should contain, for each payment: <ul style="list-style-type: none"> <li>• Payee Name.</li> <li>• Amount of the Payment.</li> <li>• Date of the Payment.</li> <li>• Sufficient information to identify the transaction.</li> </ul>
Authority of Council/CEO	In accordance with Regulation 13(2) and 13(3) of the <i>Local Government (Financial Management) Regulations 1996</i> , where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council.

	Delegated Authority 1.2.10 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been subdelegated to the General Manager Corporate Services and Project Director Strategic Finance (CFO).
Policy:	Nil.

## Financial Implications

9. There are no direct financial implications of receiving this report as it reflects a historical accounting of financial transactions that were provided for in the adopted budget (as amended).

## Relevant Documents

Nil.

## Further information

Following the Agenda Briefing Session held on 18 May 2021, further information is provided:

10. The City of Perth maintains Western Power Street Lights at the City Farm Pedestrian Access Way in accordance with the Council's resolution at its 29 May 2018 meeting, to upgrade lighting around East Perth in response to security incidents. It is noted that Western Power only have an obligation to maintain road lighting, not footpath lighting, to compliant levels. As part of the project, the City is working with Western Power to decommission Western Power assets and replace with compliant lighting over both roads and footpaths.
11. A payment to Assembly & Co Pty Ltd for 'Cathedral Square Placemaking Clause 4.3' was queried. It is advised that this relates to the activation of the Cathedral Square precinct between the City of Perth Library, the Cathedral and the State Treasury buildings. The Cathedral Square precinct is equally owned by four parties; the Perth Diocesan Trustees, Mirvac (Old Treasury) Pty Ltd, Old Treasury (No. 1) Pty Ltd, Old Treasury (No. 2) Pty Ltd, and the City of Perth. The parties operate via two mutually beneficial agreements: the St George's Cathedral Precinct Civic Space Management Agreement (managed by Treasury Management WA Pty Ltd) and the St George's Cathedral Precinct Civic Space Placemaking Agreement (also managed Treasury Management WA Pty Ltd). The external contractor, Assembly and Co, are responsible for the delivery of placemaking manager services. The placemaking manager implements an annual program of marketing and activation activity which promotes the Cathedral Square precinct, encourages visitation and deters anti-social behaviour. The placemaking manager services are funded by equal contributions from the four parties. The City of Perth currently contributes \$16,623.65 (excluding GST) per quarter (\$66,494.60 per annum). These two amounts reflect adjusted services over the last few months to reflect COVID impacts. This arrangement has been in place since 2019, and the CEO is in discussion with the parties on future arrangements, with a meeting scheduled on 26 May 2021.

12. A payment to WA Fenceworks Pty Ltd was queried. The \$15,897.20 payment is for the 950m<sup>2</sup> dog agility park which includes:
- a. 1.2-meter fence (135 l/m)
  - b. One double gate
  - c. Two single gates
  - d. Self-closing mechanisms
  - e. Locks
  - f. Black powder coating
  - g. Installation

## Council Resolution (OCM-21/05-117)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council:

1. RECEIVES the Schedule of Accounts Paid under Delegated Authority 1.2.10, for the period ended 31 March 2021 (Attachment 14.2A)
2. RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$27,038,171.93
Trust Fund	\$0
<b>Total - All Funds</b>	<b>\$27,038,171.93</b>

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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### 14.3 Differential Rates 2021/22

Responsible Officer	Michael Kent - Project Director Strategic Finance (CFO)
Voting Requirement	Simple Majority
Attachments	Attachment 14.3A - Draft Rate Setting Statement Attachment 14.3B - Statement of Objects and Reasons for each Differential Rate

#### Purpose

To seek Council approval for the advertising of proposed differential rates and minimum rates for the 2021/22 financial year in accordance with section 6.36 of the *Local Government Act 1995*.

#### Recommendation

That Council:

1. APPROVES the advertising of the differential rates (based on the predominant purpose for which the land is held) and the minimum rate for each differential rate classification:
 

a. Commercial	6.47853 cents in the dollar of GRV	\$800 Minimum Rate
b. Retail	6.47926 cents in the dollar of GRV	\$750 Minimum Rate
c. Hotel	6.41214 cents in the dollar of GRV	\$750 Minimum Rate
d. Office	5.45000 cents in the dollar of GRV	\$800 Minimum Rate
e. Residential	6.45000 cents in the dollar of GRV	\$750 Minimum Rate
f. Vacant Land	7.39961 cents in the dollar of GRV	\$800 Minimum Rate
2. ENDORSES the Statement of Objects and Reasons for each differential rate and minimum rate as detailed in Attachment 14.3B
3. NOTES that ACIL Allen's Independent Review of the City of Perth Rates Methodology draft report, as presented to Council members at an Engagement Session held on 4 May 2021.

## Background

1. It is essential that local governments have meaningful and accurate financial information on which to base their annual financial decisions.
2. From a budget perspective, the starting point for sound financial management is the preparation of the Rate Setting Statement. This statement is a crucial component of the budget process and establishes the amount required to be made up from rates.
3. The Rate Setting Statement provides a single consolidated view of all aspects of the budget. It includes estimates of all operating and non-operating revenues and expenditures as well as repayments of loan principal, proceeds from loan borrowings, capital expenditure items and transfers to or from cash backed reserves. It does, however, exclude all non-cash items such as depreciation or loss on disposal of a fixed asset.
4. The indicative Required Rates Yield shown in the Long Term Financial Plan will exert persuasive influence on the development of the budget - but may be further refined through the development of the annual budget which should be informed by review of critical inputs including:
  - a. Revenues from sources other than Rates
  - b. Capital works programs informed by Asset Management Plans
  - c. Planned transfers to or from Cash Backed Reserves
  - d. New borrowings and repayment of Borrowings
  - e. Projected Opening and Closing Position
5. It is particularly important to note that the Budget Deficiency before Rates on the Rate Setting Statement (Attachment 14.3A); and therefore, the Amount Required to be Raised from Rates; is not a direct input into the Rate Setting Statement. Rather, it is a consequence of the inputs in the other sections of the Rate Setting Statement.
6. These inputs reflect Council's commitment towards funding core service delivery, operational projects (both discretionary and mandatory), capital works programs and ensuring the long term financial sustainability of our local government.
7. It is important that there is a well-considered and well documented rationale that justifies the quantum of rates being raised - and the Rate Setting Statement helps provide that justification.
8. The Rate Setting Statement for 2021/22, presented in draft form as Attachment 14.3A, reflects a zero percent increase in the rates yield compared to 2020/21.
9. This result has been achieved through a critical review of operational costs to deliver a reduction in cash operational costs and scaling back the proposed discretionary capital program to a level better matched with delivery capacity.
10. Having established the Amount Required to be Raised from Rates through that process, the next step is to establish how the respective contributions towards that funding pool from each property classification will be determined.

11. When determining the respective contributions and, therefore, differential rates based on the predominant (primary) use of the rateable land, local governments are required to observe the best practice principles of:
  - a. Objectivity
  - b. Fairness and Equity
  - c. Consistency
  - d. Transparency
  - e. Administrative Efficiency
12. The prospects of a satisfactory rating outcome are significantly improved if these principles are correctly applied.

**Table 1**

Principle	Interpretation
Objectivity	As far as possible, the predominant use of land should be reviewed and determined based on an objective assessment of relevant criteria. External parties should be able to understand how and why a particular determination was made.
Fairness and Equity	Rating principles should be applied fairly and equitably. Each property should make a fair contribution to rates based on a method of valuation that appropriately reflects predominant use.
Consistency	Rating principles should be applied, and determinations should be made, in a consistent manner. Like properties should be treated in a like manner.
Transparency	Systems and procedures for determining the method of valuation of land should be clearly documented and available for the public to inspect. This is fundamental to the “good government” principle upon which the Act is based. The right to govern accompanies the obligation to do so openly and fairly.
Administrative Efficiency	Rating principles and procedures should be applied and implemented in an efficient and cost-effective manner.

13. In January 2021, the City commissioned ACIL Allen to conduct an independent expert review of the City’s Rating Methodology, including an assessment of compliance with the five best practice principles referenced at paragraph 11 of this report and a further eight principles of good tax design.
14. That review was also to undertake a historical review of the City’s rating performance and the proposed rates model for 2021/22.

15. Commissioning this independent review of the City's rating methodology is a comprehensive response to City of Perth Inquiry recommendation 221, that the City increase the transparency of its rate setting and identify any cross-subsidisation of differential rating categories.
16. An Engagement Session was held with Council members on 4 May 2021 and feedback provided indicated that the City's Rates Methodology (in place since the 2020/21 rates year) was sound, well-reasoned and fully compliant with best practice principles, including exceeding best practice in two of the 13 assessment criteria.

## Discussion

17. The City of Perth applies a differential rating approach aligned to a clearly enunciated Rating Methodology. That is, it distinguishes between different classifications of properties based upon the predominant (primary) use of the land - and then uses that differentiation to influence the level of rating contribution from that property classification.
18. This provides the opportunity to levy different rates in the dollar (RID) on the Gross Rental Value (GRVs) of different property classifications to reflect the differing levels of demand placed on City services and public realm infrastructure by ratepayers in each differential rating classification.
19. Currently, the City uses six differential rate classifications to distribute required contributions to the rates funding pool as detailed below:
  - a. Commercial
  - b. Retail
  - c. Hotel
  - d. Office
  - e. Residential
  - f. Vacant Land
20. A description of each differential rates classification and the reason for each differential rate is provided in Attachment 14.3B - Statement of Objects and Reasons for Differential Rates, which forms the basis of the statutory advertising of proposed differential rates.
21. The City also establishes individual minimum rate values for each of the differential rating classifications to recognise that all ratepayers have equal opportunity to enjoy the facilities and services provided by Council, regardless of the value of the ratepayer's property or the level of use they choose to make of those services and facilities.
22. Accordingly, the minimum rate ensures that all ratepayers make a reasonable contribution to the cost of providing services, programs and facilities.
23. This minimum rate is applied when the calculation (GRV \* Rate in \$) results in a value smaller than what has been determined to be the minimum equitable ratepayer contribution.
24. A local government may have up to 50% of the properties within a particular property classification subject to a minimum rate, but no more than 50% of properties overall subject to the minimum rate.

25. The City's philosophical target for minimum rated properties is no more than 15% of all properties being subject to the minimum rate and for the overall financial yield from minimum rated properties to be no more than 2.5% of the total amount raised from Rates.
26. To achieve the target of a zero percent increase for 2021/22 rates, the overall required Total Rates Yield needs to be \$98.3M. This will ensure that all ratepayers see no change in the full-year assessed rates for their property in 2021/22.
27. Modelling the proposed Rate in the Dollar and Minimum Rate for each differential rate classification provides for the following anticipated rates yield from each category:

**Table 2**

Property Category	Number of Properties	Gross Rental Value \$M	Rate in the \$ of GRV	Minimum Rate	Anticipated Yield \$M
Commercial	725	\$ 106.148	0.0647583	\$ 800	\$ 6.894
Retail	529	\$ 131.423	0.0647926	\$ 750	\$ 8.519
Hotel	1,364	\$ 117.704	0.0641214	\$ 750	\$ 7.699
Office	2,385	\$ 980.194	0.0545000	\$ 800	\$ 53.459
Residential	15,720	\$ 319.268	0.0645000	\$ 750	\$ 20.725
Vacant Land	78	\$ 12.761	0.0739961	\$ 800	\$ 0.947
					<b>\$ 98.243 M</b>

28. As shown in the table above, the proposed Rate in the Dollar and Minimum Rate for each differential rate classification is unchanged from the 2020/21 rating year.
29. In response to a recommendation of the independent review of the City's Rates methodology, the City is foreshadowing that it will be reviewing the rate in the dollar for vacant land in 2022/23 given that the City wishes to discourage 'land-banking' of vacant sites and also to address the social and amenity issues that often tend to be associated with land that is held vacant for extended periods, especially in the CBD.

## Decision Implications

30. Council's approval of the proposed Differential Rates and the supporting Statement of Objects and Reasons for Differential Rates will allow the City to meet its statutory obligation to publicly advertise the proposed rate in the dollar and minimum for each differential rate classification for 21 days to allow public submissions on the proposed rates.
31. Following the statutory advertising period and consideration of submissions (if any) the City will continue to finalise the 2021/22 Annual Budget.



## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Performance A city led by a Council and supported by an administration that is committed to sound strategy and governance, excellence in customer service an effective and sincere engagement with all stakeholders.
Strategic Community Plan Objective:	5.5 A financial business model underpinned by a culture of cost management, best value and strategic financial analysis that is subject to ongoing oversight, transparency and accountability.
Issue Specific Strategies and Plans:	City of Perth Rates Methodology (2021)
Legislation, Delegation of Authority and Policy	
Legislation:	<p><a href="#">Section 6.33(1) of the Local Government Act 1995</a></p> <p>This section of the Act allows a local government to set differential general rates according to characteristics including zoning, the purpose for which rateable land is held or used, and whether the land is vacant land.</p> <p><a href="#">Section 6.35(1) to (6) of the Local Government Act 1995</a></p> <p>This section of the Act prescribes the manner in which minimum rates are to be calculated and applied.</p> <p><a href="#">Section 6.36(1) and (3A) of the Local Government Act 1995</a></p> <p>This section of the Act requires that prior to imposing differential or minimum rates, a local government is to give local public notice of its intent. It also must prepare a document describing the objects of, and reasons for, each proposed rate and publish this on its website.</p>
Authority of Council/CEO:	The above legislation prescribes the processes that a local government must follow to be fully compliant in levying its rates. While advertising the local public notice does not necessarily require Council approval, Council is responsible for overseeing allocation of the local government's finances and resources and the final adoption will require an absolute majority decision of Council.
Policy:	Council Policy 2.3 Strategic Financial Planning and Budgeting

## Financial Implications

32. There are no direct financial implications of receiving this report as it relates to a statutory part of the budget development process. However, following the public advertising period, the proposed rates model will influence the final 2021/22 Annual Budget document.

## Relevant Documents

Nil.

## Further information

Nil.

## Council Resolution (OCM-21/05-118)

**Mover** Councillor Fleeton

**Seconder** Councillor Bevan

That Council:

1. APPROVES the advertising of the differential rates (based on the predominant purpose for which the land is held) and the minimum rate for each differential rate classification:

a.	Commercial	6.47853 cents in the dollar of GRV	\$800 Minimum Rate
b.	Retail	6.47926 cents in the dollar of GRV	\$750 Minimum Rate
c.	Hotel	6.41214 cents in the dollar of GRV	\$750 Minimum Rate
d.	Office	5.45000 cents in the dollar of GRV	\$800 Minimum Rate
e.	Residential	6.45000 cents in the dollar of GRV	\$750 Minimum Rate
f.	Vacant Land	7.39961 cents in the dollar of GRV	\$800 Minimum Rate
2. ENDORSES the Statement of Objects and Reasons for each differential rate and minimum rate as detailed in Attachment 14.3B
3. NOTES that ACIL Allen's Independent Review of the City of Perth Rates Methodology draft report, as presented to Council members at an Engagement Session held on 4 May 2021.

**CARRIED UNOPPOSED (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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#### 14.4 Budget Amendment Strategic Property Review

Responsible Officer	Bill Parker - General Manager Corporate Services
Voting Requirement	Absolute Majority
Attachments	Nil

#### Purpose

For Council to consider an amendment to the 2020/21 budget to progress the strategic property review.

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#### Recommendation

That Council:

1. APPROVES an amendment to the 2020/21 budget by increasing account 1043-100-10-10331-7250 (Property performance and analysis valuation) from \$50,000 to \$200,000 to complete the strategic property portfolio review
  2. APPROVES the revised completion date of an area specific strategy for the City's property portfolio from June 2021 to September 2021.
-

## Background

1. In December 2020, Council resolved a notice of motion regarding the City of Perth's property portfolio. The decision required the Administration to prepare a policy by April 2021 and undertake a strategic review by June 2021 of the property portfolio. As a part of this decision, Council approved \$50,000 for property valuations, legal advice and other consultancy services.
2. As a result of this decision, a Property Performance, Investment and Disposal policy was prepared and adopted by Council its meeting held on 27 April 2021.
3. Concurrent to the preparation of the policy, was a review of the commercial parking business. As the policy and parking review progressed, it became apparent that a key outcome of the parking review was a robust review of the City's property portfolio.
4. Taking the technical requirements from the draft policy and taking into consideration the requirements to finalise the parking review, the City developed a scope of works to engage an appropriately skilled and experienced consultant. The RFQ closed on Tuesday, 13 April 2021 with four submissions received. The submissions ranged from \$190,000 to \$300,000.
5. In order to undertake all elements of the strategic property review, an amendment to the 2020/21 budget is required.
6. In order to ensure that the project continued to progress, the City partially commenced the review within the current budget and in accordance with Council Policy 2.6 Budget Variations. Should Council approve the amendment, the City will commission the consultant to undertake the remaining elements of the consultancy.
7. The original Council resolution required the development of a strategy for the City's property portfolio by June 2021. Each of the submissions received highlighted issues in relation to delivery dates. The engaged consultant has confirmed that all work specified within the brief can be delivered by September 2021.

## Stakeholder Engagement

Nil.

## Decision Implications

8. The current scope of works requires the successful consultant to:
  - a. Review the classifications applied to each property in accordance with the City's Property Performance, Investment and Disposal Policy.
  - b. Assess each property in the City's property portfolio and the whole portfolio against the performance criteria outlined in the policy. This includes:
    - o Determining market values
    - o Determining market rent
    - o Recommending performance benchmarks (industry comparisons)
  - c. Identifying and provide recommendations on the highest and best use (as defined by the Australian Property Institute) of each property.

- d. Providing recommendations on the acquisition of property to complement the City's existing portfolio. This can include Crown Reserves.
  - e. Providing recommendations on the disposal of underperforming property.
9. The City has identified 35 properties that are subject to the performance part of the review, with a majority held in freehold.
  10. The final output is expected to be the provision of a report addressing the findings in relation to the scope of work outlined above and include a recommendation for each property in relation to highest and best use, retention and disposal. Additionally, the report will make recommendations on the potential acquisition of property and potential conversion of Crown Reserves to freehold.
  11. If Council supports the officer recommendation, the review will be conducted in accordance with the scope of work outlined above.
  12. If Council does not support the recommendation, the review will be undertaken in a limited format with 10-15 of the highest priority properties assessed.

## Strategic, Legislative and Policy Implications

Strategic	
<b>Strategic Community Plan Aspiration:</b>	Performance A city led by a Council and supported by an administration that is committed to sound strategy and governance, excellence in customer service and effective and sincere engagement with all stakeholders.
<b>Strategic Community Plan Objective:</b>	5.3 - Commercial operations that are transparent, profitable and compete fairly and lawfully with private enterprise.
<b>Issue Specific Strategies and Plans:</b>	Nil.

Legislation, Delegation of Authority and Policy	
<b>Legislation:</b>	Section 6.8 of the <a href="#">Local Government Act 1995</a> This section of the legislations states that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution (or in limited other circumstances). Therefore, for the entire project to be completed in accordance with the scope of works, additional funding will be required via this Council decision.
<b>Authority of Council/CEO:</b>	The decision to authorise additional expenditure requires a Council decision by an absolute majority.
<b>Policy:</b>	Council Policy 2.6 Budget Variations This policy states that where an existing budget has been approved for a specific project, function or service; administrative approval from the CEO or relevant General Manager or Chief Financial Officer may

	<p>be given to vary the line item within the Sub Service - providing that the total approved budget for the Sub Service is not exceeded. The administrative approval is to be subsequently ratified by Council in the next scheduled Budget Review.</p> <p>Council Policy 2.7 Property Performance, Investment and Disposal This policy requires the annual assessment of the City's property portfolio. The additional funds being requested will allow the City to comply with the policy requirements.</p>
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## Financial Implications

13. In December 2020, Council allocated \$50,000 towards the combined policy and strategic review of the property portfolio. As the project has progressed, the scope has increased and now requires a more holistic review of the City's property portfolio to incorporate the actions identified within the parking review.
14. By applying the original Council decision and Budget Variations Policy (CP2.6), the administration has partially commissioned the consultancy to the value of \$100,000. This still leaves the project approximately \$100,000 short.
15. To ensure the successful completion of the entire scope of works, the City is seeking to formally increase the budget to \$200,000. The financial implications of the recommendation will require additional expenditure.

<b>Account Number</b>	1043-100-10-10331-7250	Operating
<b>Account Description</b>	Property performance and analysis valuation	
<b>Current Budget</b>	\$50,000	
<b>Amendment to Budget</b>	\$150,000	
<b>Revised Budget</b>	\$200,000	
<b>Budget Impact</b>	\$150,000	

## Relevant Documents

Nil

## Further information

Nil

## Council Resolution (OCM-21/05-119)

**Mover** Councillor Lezer  
**Seconder** Councillor Fleeton

That Council:

1. APPROVES an amendment to the 2020/21 budget by increasing account 1043-100-10-10331-7250 (Property performance and analysis valuation) from \$50,000 to \$200,000 to complete the strategic property portfolio review
2. APPROVES the revised completion date of an area specific strategy for the City's property portfolio from June 2021 to September 2021.

**CARRIED UNOPPOSED BY ABSOLUTE MAJORITY (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer  
**Against** None

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## 15. Chief Executive Officer Reports

### 15.1 Appointment of the Western Australian Electoral Commissioner to conduct the 2021 Election

Responsible Officer	Michelle Reynolds - Chief Executive Officer
Voting Requirement	Absolute Majority
Attachments	Nil

#### Purpose

For Council to consider appointing the Western Australian Electoral Commissioner to conduct the next City of Perth election and confirm the election will be a postal election.

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#### Recommendation

That Council:

1. DECLARE in accordance with section 4.20(4) for the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2021, ordinary elections together with any other elections or polls which may be required
  2. DECIDE in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be a postal election.
-

## Background

1. In accordance with section 4.7 of the *Local Government Act 1995* (Act), the next ordinary election is scheduled for Saturday, 16 October 2021.
2. The Western Australian Electoral Commissioner (WAEC) has written to the City to advise that the estimated cost to conduct the election is \$86,000 including GST. This estimate is based on the following assumptions:
  - a. 16,100 electors
  - b. A response rate of approximately 40%
  - c. Four vacancies
  - d. The count to be conducted at City of Perth premises
  - e. Appointment of a local returning officer
  - f. Regular Australia Post deliver service to apply for the lodgement of the election packages
3. The cost estimate does not include:
  - a. Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
  - b. One local government staff member to work in the polling place on election day
  - c. Any additional postage rate increase by Australia Post
  - d. Any unanticipated costs arising from public health requirements for the COVID-19 pandemic
4. Previously cost estimates provided by the Electoral Commissioner have included use of Australia Post's priority mail service, in this instance the WAEC have advised that use of the Australia Post Priority Service will cost an additional \$3,220. If Council decides the election will be a postal election, the Australia Post Priority Service will be used.

## Discussion

5. The WAEC conducts the majority of the local government elections in the metropolitan area. If Council does not resolve to adopt the officer recommendation, the City will be required to conduct the election as a voting in person election, with the CEO as the Returning Officer. This would require a considerable resource allocation from the City and has the potential to adversely affect service delivery.

## Stakeholder Engagement

Nil.

## Decision Implications

6. As referred to above, if Council does not resolve to adopt the officer recommendation, the City will be required to conduct the election as a voting in person election, with the CEO as the Returning Officer. This would require a considerable resource allocation from the City and has the potential to adversely affect service delivery.
7. If Council resolves to adopt the officer recommendation the WAEC will conduct the election and the election will be via post.

## Strategic, Legislative and Policy Implications

Strategic			
Strategic Aspiration:	Community Plan	Plan	Performance A city led by a Council and supported by an administration that is committed to sound strategy and governance, excellence in customer service and effective and sincere engagement with all stakeholders.
Strategic Objective:	Community Plan	Plan	5.6 Decision-making that is ethical, informed and inclusive.
Issue Specific Plans:	Strategies and Plans:		Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	<p><a href="#">Section 4.20(4) of the Local Government Act 1995</a></p> <p>This section of the Act 'CEO is to be the Returning Officer unless other arrangements made' enables a local government, having first obtained the written agreement of the Electoral Commissioner, to appoint a person other than the CEO to be the returning officer for the local government for the election.</p> <p><a href="#">Section 4.61(2) of the Local Government Act 1995</a></p> <p>This section of the Act 'Choice of methods of conducting election' states that an election can be conducted as a postal election or a voting in person election and the local government may decide to conduct the election as a postal election.</p> <p><a href="#">Section 4.7 of the Local Government Act 1995</a></p> <p>This section of the Act 'Ordinary elections day usually third Saturday in October' states that ordinary elections to elect councillors will be held on the third Saturday in October.</p>

<b>Authority of Council/CEO:</b>	Decisions under sections 4.20(2), 4.20(4) and 4.61(2) require an absolute majority decision of Council. The CEO does not have any delegated authority in relation to the appointment of the WA Electoral Commissioner to conduct the election or determining the method in which the election will be conducted.
<b>Policy:</b>	Nil.

## Financial Implications

8. The cost of conducting the election will be accommodated in the 2021/22 budget.

## Relevant Documents

Nil.

## Further information

Nil.

## Council Resolution (OCM-21/05-120)

**Mover** Councillor Fleeton

**Seconder** Councillor Bevan

That Council:

1. DECLARE in accordance with section 4.20(4) for the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required
2. DECIDE in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be a postal election.

**CARRIED UNOPPOSED BY ABSOLUTE MAJORITY (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## 15.2 Design Advisory Committee Appointments

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirement	Absolute Majority
Attachments	Attachment 15.2A – Design Advisory Committee Terms of Reference

### Purpose

To appoint the General Manager Planning and Economic Development and the City Architect to the Design Advisory Committee.

---

### Recommendation

That Council:

1. In accordance with Section 5.10(5) of the *Local Government Act 1995*, APPOINTS the representative of the Chief Executive Officer as a member of the Design Advisory Committee, being the General Manager Planning and Economic Development and the City Architect the deputy member to the General Manager Planning and Economic Development
  2. AMENDS the terms of reference for the Design Advisory Committee accordingly, detailed in attachment 15.2A.
-

## Background

1. The City's Design Advisory Committee (the 'Committee') is established under section 5.8 of the *Local Government Act 1995* and is subject to the same legislative requirements as other Committees established by Council.
2. The membership of the Committee is usually appointed by Council every two years following the Local Government ordinary elections.
3. At its meeting held on 26 November 2019, Council resolved to appoint the following members and deputy members to the Committee:

Organisation	Member	Deputy
Australian Institute of Architects	David Karotkin Warren Kerr	Peter Hobbs
Planning Institute of Australia	Chris Melsom Andrew Howe	Ben De Marchi
Landscape Architects Institute of Australia	Stuart Pullyblank	Tony Blackwell
Office of the Government Architect	Rebecca Moore (replaced Geoff Warn at OCM held 24 November 2020)	Melinda Payne
City of Perth	Jayson Miragliotta	Craig Smith

4. The term of appointment for all Committee Members ends on 16 October 2021, following the City of Perth ordinary election.

## Discussion

5. The Committee terms of reference state that the Committee membership will comprise of the '*Director Planning and Development of the City of Perth (plus City Architect as deputy)*'. In 2019, when the terms of the Committee members expired, Council resolved to appoint staff members by name.
6. Following the departure of Jayson Miragliotta and the change of position title from Director Planning and Development to General Manager Planning and Economic Development, it is recommended that the terms of reference be amended accordingly and Council formally appoint the General Manager Planning and Economic Development and City Architect.

## Stakeholder Engagement

Nil.

## Decision Implications

7. If Council does not support the recommendation, the role of the City of Perth member will remain vacant.
8. In accordance with Section 5.11(5) of the *Local Government Act 1995* the local government is to appoint the CEO's representative to be a member of the committee.

## Strategic, Legislative and Policy Implications

Strategic			
Strategic Aspiration:	Community Plan	Plan	Performance A city led by a Council and supported by an administration that is committed to sound strategy and governance, excellence in customer service and effective and sincere engagement with all stakeholders.
Strategic Objective:	Community Plan	Plan	Objective 5.6 - Decision-making that is ethical, informed and inclusive.
Issue Specific Plans:	Specific Strategies and Plans:		Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	<p><a href="#">Section 5.8 of the <i>Local Government Act 1995</i></a></p> <p><a href="#">Section 5.9(2) of the <i>Local Government Act 1995</i></a></p> <p><a href="#">Section 5.11 of the <i>Local Government Act 1995</i></a></p> <p>These sections provide for Council's ability to establish Committees, the tenure of committee members and the types of membership of committees.</p> <p><a href="#">Section 5.10 of the <i>Local Government Act 1995</i></a></p> <p>Council may appoint or terminate the appointment of a committee member. An absolute majority is required.</p> <p><a href="#">Section 5.11A of the <i>Local Government Act 1995</i></a></p> <p>Council may appoint or terminate the appointment of a deputy committee member. The deputy committee member is to be the same role type as the committee member (e.g. an employee is to be deputy to an employee). An absolute majority is required.</p>
Authority of Council/CEO:	An absolute majority decision of Council is required for the appointment of a committee member or deputy committee member.
Policy:	Nil.

## Financial Implications

Nil.

## Relevant Documents

Nil.

## Further information

Following the Agenda Briefing Session held on 18 May 2021, further information is provided:

9. A second point has been added to the Officer Recommendation to reflect the required amendment to the Terms of Reference when a change in committee appointment takes place. The discussion section of the report has been amended to explain the need to amend the terms of reference.

## Council Resolution (OCM-21/05-121)

**Mover** Councillor Lezer  
**Seconder** Councillor Gordon

That Council:

1. In accordance with Section 5.10(5) of the *Local Government Act 1995*, APPOINTS the representative of the Chief Executive Officer as a member of the Design Advisory Committee, being the General Manager Planning and Economic Development and the City Architect the deputy member to the General Manager Planning and Economic Development
2. AMENDS the terms of reference for the Design Advisory Committee accordingly, detailed in attachment 15.2A.

**CARRIED UNOPPOSED BY ABSOLUTE MAJORITY (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer  
**Against** None

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## 16. Committee Reports

### Policy Committee meeting held on 10 May 2021

#### 16.1 Review of Policy 9.13 Non Rateable Properties (Rate Exemptions) and Partial Rate Exemptions

<b>Responsible Officer</b>	Michael Kent – Project Director Strategic Finance
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	Attachment 16.1A – Council Policy 9.13 Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions Attachment 16.1B - Council Policy 2.9 Rate Exemptions (Proposed)

#### Purpose

To present the review of Council Policy 9.13 Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions.

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#### Recommendation from the Policy Committee

That Council:

1. REVOKES Council Policy 9.13 Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions as contained in Attachment 16.1A
  2. ADOPTS Council Policy 2.9 Rate Exemptions as contained in Attachment 16.1B.
-

## Background

1. Council at its meeting on 3 November 2020, resolved to conduct a review of all the policies of Council by 1 September 2021.
2. Policy 9.13 Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions was adopted by Council in 2015 and has not been reviewed since.
3. The policy is not required by legislation but provides guidance to officers in making determinations regarding full or partial rate exemptions.
4. The objective of the policy is to outline the principles and methodology used when exercising the Council's powers in determining the granting of an exemption on the payment of rates whilst ensuring an equitable distribution of rating is achieved across the community.

## Discussion

5. In conducting the review of the policy, it was found that the content of the policy reflects contemporary practice by applying the principles detailed below, hence the only significant changes to the policy have been to rename the policy to the more understandable title of 'Rates Exemptions'.
6. In accordance with the [Local Government Act 1995, section 6.26](#) certain institutions are exempt from rates and charges where they meet the specific criteria of that section of the Act, without referral to Council. By meeting the specified criteria the entity is deemed eligible for rate exemption.
7. Section 6.26(2)(g) of the Act provides that the following land is not rateable land: "land used exclusively for charitable purposes". The Act does not define the terms "charitable purposes" or "exclusively".
8. This policy provides a framework for the administration to determine if a ratepayer is eligible for an exemption or partial exemption, in particular when considering if land is used for a charitable purpose.
9. Land categorised as exempt under the Act, with the exception of the following will require submission of an application for not rateable status with supporting evidence:
  - a. land which is the property of the Crown and —
    - (i) is being used or held for a public purpose; or
    - (ii) is unoccupied, except —
      - (1) where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or
      - (2) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and
  - b. land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and

- c. land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government.
10. The City will assess applications received for not rateable status taking into consideration the actual use of the land and the exclusivity of use.
11. Where sufficient evidence is provided that only a portion of a property is used for a rateable purpose and the remainder of the property is used for a not rateable purpose then, a proportionate assessment of rates will be levied for the portion of land used for the rateable purpose.

## Stakeholder Engagement

Nil.

## Decision Implications

12. If Council adopts the officer's recommendation, it would allow the administration to apply a consistent approach when assessing the eligibility for not rateable status of a land within the City boundaries.

## Strategic, Legal and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Performance A city led by a Council and supported by an administration that is committed to sound strategy and governance, excellence in customer service and effective and sincere engagement with all stakeholders.
Strategic Community Plan Objective:	5.5 Financial business model underpinned by a culture of cost management, best value and strategic financial analysis that is subject to ongoing oversight, transparency and accountability.
Issue Specific Strategies and Plans:	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	<p><a href="#">Subdivision 5 and 6 of the Local Government Act 1995</a> This section of the Act prescribes actions that can be taken by a Local Government where rates or charges are unpaid.</p> <p><a href="#">Section 6.26 of the Local Government Act 1995</a> This section provides that all land is rateable except for the exemptions listed within this section.</p> <p><a href="#">Section 6.76 of the Local Government Act 1995</a></p>

	<p>This section provides a person may object to a rate record on the basis that the owner is incorrect or the land is not rateable.</p> <p><a href="#">Section 2.7(2)(b) of the Local Government Act 1995</a></p> <p>This section refers to Council's role in determining the local government's policies</p>
<b>Authority of Council/CEO:</b>	Delegated Authority 1.2.17 Actions Against Land where rates or service charges unpaid.
<b>Policy:</b>	Nil.

## Financial Implications

13. There are no direct financial implications relating to the recommendation within this report. If a property is determined to be not rateable this will reduce the rate revenue by the exempt amount.

## Relevant Documents

Nil.

## Further information

Following the Policy Committee held on 10 May 2021, further information is provided:

14. The proposed policy refers to the term 'non-rateable status', rather than 'rate exempt status', as the term non-rateable is used in the legislation. Therefore, it is appropriate to use the term in the body of the policy. The change in the title of the policy is to make it less cumbersome and enable members of the public to understand the purpose of the policy with ease.

## Council Resolution (OCM-21/05-122)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council:

1. REVOKES Council Policy 9.13 Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions as contained in Attachment 16.1A
2. ADOPTS Council Policy 2.9 Rate Exemptions as contained in Attachment 16.1B.

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## 16.2 Review of Policies Overdue Rates and Financial Hardship

<b>Responsible Officer</b>	Michael Kent – Project Director Strategic Finance
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	Attachment 16.2A – Council Policy 2.10 Financial Hardship Attachment 16.2B – Council Policy 9.9 Overdue Rates

### Purpose

To present the review of Council Policy 9.9 Overdue Rates and Council Policy Financial Hardship.

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### Recommendation from the Policy Committee

That Council:

1. REVOKES Council Policy 9.9 Overdue Rates as contained in Attachment 16.2B
  2. ADOPTS Council Policy 2.10 Financial Hardship, noting there are no changes to content, as contained in Attachment 16.2A
-

## Background

1. Council at its meeting on 3 November 2020, resolved to conduct a review of all the policies of Council by 1 September 2021.
2. Policy 9.9 Overdue Rates was adopted by Council in 2015 and has not been reviewed since.
3. Financial Hardship Policy was adopted by Council in August 2020, in response to a Ministerial Order Gazetted 8 May 2020 and this is its first review.
4. The Overdue Rates policy is not required by legislation.

## Discussion

5. The current Overdue Rates policy consists of operational procedures relating to the recovery of overdue rates which is consistent with the *Local Government Act 1995* (the Act). Given the operational nature of this policy it is better suited as an internal procedure guided by the Act.
6. The City and its community rely on rates and charges to fund vital local services and facilities. Local governments need effective debt recovery procedures in place to recover rates and charges in a timely manner to ensure they remain financially sustainable and able to continue to deliver quality services.
7. From time to time, ratepayers may face financial difficulties that would need to be taken into consideration by the City when managing its debt recovery process.
8. The existing Overdue Rates policy details the sequence of operational actions the City takes when collecting unpaid rates. These actions are managed administratively by the City's Rates officers on a daily basis, taking into consideration the individual circumstances of rate payers.
9. Subdivision 5 and 6 of the Act prescribe actions a local government that a local government may take in relation to recovery unpaid rates and service charges.
10. Given the Act provides guidance on the recovery of overdue rates and charges, it is proposed that the Overdue Rates policy be revoked and an internal rates recovery procedure be created to allow rates officers to collect overdue rates promptly, fairly and efficiently while minimising financial risk.
11. The Financial Hardship policy was developed initially to support the community in meeting unprecedented challenges that arose from COVID-19. The policy allows to City to define what is financial hardship and address the manner in which the City deals with ratepayers facing financial hardship.
12. The Ministerial Order issued during the COVID-19 pandemic also allowed a local government with a Financial Hardship policy in place to charge a maximum of 5.5% for instalment interest on ratepayers who wished to pay by instalments but are not in hardship (instead of the otherwise capped value of 3% as ordered by the Minister).
13. The review of the Financial Hardship policy has determined that it continues to reflect the current obligations imposed by the Ministerial Order. Hence it is transferred into the contemporary policy template without further changes.

## Stakeholder Engagement

Nil.

## Decision Implications

14. If Council supports the recommendation, the Overdue Rates policy will be revoked and replaced with an internal procedure using the same content.
15. The reviewed Financial Hardship Policy will be adopted without content change.
16. If Council does not adopt the officer's recommendation, the existing policies will remain in place. If this occurred, it is recommended that Council note the review having taken place.

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Performance A city led by a Council and supported by an administration that is committed to sound strategy and governance, excellence in customer service and effective and sincere engagement with all stakeholders.
Strategic Community Plan Objective:	5.5 Financial business model underpinned by a culture of cost management, best value and strategic financial analysis that is subject to ongoing oversight, transparency and accountability.
Issue Specific Strategies and Plans:	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	<a href="#">Subdivision 5 and 6 of the Local Government Act 1995</a> These sections of the Act prescribe actions that can be taken by a local government where rates or charges are unpaid. <a href="#">Section 2.7(2)(b) of the Local Government Act 1995</a> This section refers to Council's role in determining the local government's policies
Authority of Council/CEO:	Council has previously delegated to the CEO the authority to take action where rates are unpaid (1.2.16 Recovery of rates debts – require lessee to pay rent; 1.2.17 Actions Against Land where rates or service charges unpaid, 1.2.32 Recovery of Rates or Service Charges) and the authority to enter into agreements for repayment of overdue rates (1.2.14 Agreement as to Payment of Rates and Service Charges).
Policy:	Nil.

## Financial Implications

17. There are no direct financial implications relating to the recommendation within this report. In the cases of financial hardship, the waiver of interest and payment plan fees will result in a reduction of revenue to the City.

## Relevant Documents

Nil.

## Further information

**Following the Policy Committee held on 10 May 2021, further information is provided:**

18. As a result of discussion at the Committee, the review date of the Financial Hardship was changed to one year and wording has been included to advise ratepayers how to apply for financial hardship.

## Council Resolution (OCM-21/05-123)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council:

1. REVOKES Council Policy 9.9 Overdue Rates as contained in Attachment 16.2B
2. ADOPTS Council Policy 2.10 Financial Hardship, noting there are no changes to content, as contained in Attachment 16.2A.

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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### 16.3 Amendment to Policy 2.2 Purchasing

Responsible Officer	Michelle Claire Antonio - General Counsel
Voting Requirement	Simple Majority
Attachments	Attachment 16.3A – Amended Council Policy 2.2 Purchasing

#### Purpose

To present an amendment to Council Policy 2.2 Purchasing.

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#### Recommendation from the Policy Committee

That Council ADOPTS amended Council Policy 2.2 Purchasing as detailed in Attachment 16.3A with the amendment to apply for 12 months.

#### Revised Officer Recommendation

That Council ADOPTS amended Council Policy 2.2 Purchasing as detailed in Attachment 16.3A.

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## Background

19. Council at its meeting on 23 February 2021 adopted CP2.2. Purchasing Policy (Current Policy) and revoked Council Policy 9.7 Purchasing (Prior Policy).
20. The Prior Policy contained a clause providing an alternative procurement process for the engagement of legal services.
21. The Prior Policy provided:  
***"5. PURCHASING FROM LEGAL SERVICE PROVIDERS***  
*The City of Perth will utilise the WALGA preferred supplier contract for legal services. The selection of the service provider will be undertaken by the Chief Executive Officer, Director Corporate Services or the Manager Governance based on factors including the panel provider undertaking similar work on behalf of the City of Perth, specialist expertise as well as being based on standard contract performance. Circumstances requiring the use of a legal firm outside the panel may arise whereby the entire tender panel is conflicted from undertaking work for the City or that specialist skills cannot be sourced from the panel, in such circumstances procurement needs to be in accordance with the procedures contained within Clause 4.1."*
22. The Current Policy does not contain this exemption.

## Discussion

23. An exemption for legal services engagement is necessary to ensure that:
  - a. services can be obtained urgently and efficiently
  - b. the process maintains legal professional privilege
  - c. legal service engagement for the City is managed by the General Counsel
  - d. lawyers with specialist skills are engaged
  - e. external costs spent return the best value for the City.
24. The proposed exemption to clause 4 permits only the General Counsel or the Chief Executive Officer to engage legal services.
25. WALGA panel firms may still be engaged by the City, however, non-WALGA firms with specialist expertise may be engaged if the firm:
  - a. has provided a fixed not to exceed fee; or
  - b. is engaged on terms which do not exceed the maximum hourly rates from the WALGA firms.
26. The General Counsel is seeking advice from procurement to create a City of Perth panel of legal professionals to allow the City to efficiently engage a variety of qualified providers with specialized skills in the most cost-effective manner. The panel is intended to be established within 12 months.
27. The Internal Audit and Risk Manager has advised the proposed changes are compliant with the *Local Government (Functions and General) Regulations 1996*.

## Stakeholder Engagement

Nil.

## Decision Implications

28. If Council does not adopt the officer's recommendation, the Current Policy will remain in place. This will impact the capacity of the General Counsel to urgently obtain legal advice from the most appropriate legal providers in the most cost effective manner.

## Strategic, Legal and Policy Implications

Strategic			
Strategic Aspiration:	Community	Plan	Performance A city led by a Council and supported by an administration that is committed to sound strategy and governance, excellence in customer service and effective and sincere engagement with all stakeholders.
Strategic Objective:	Community	Plan	5.5 A financial business model underpinned by a culture of cost management, best value and strategic financial analysis that is subject to ongoing oversight, transparency and accountability. 5.6 Decision-making that is ethical, informed and inclusive.
Issue Specific Plans:	Specific Strategies	and	Nil.

Legislative, Delegation of Authority and Policy	
Legislation:	<a href="#">Regulations 11A of the Local Government (Functions and General) Regulations 1996.</a> Regulation 11A requires a local government to adopt a policy for purchasing under \$250,000. <a href="#">Section 2.7(2)(b) of the Local Government Act 1995</a> The section provides it is the role Council to determine the local government's policies.
Authority of Council/CEO:	As detailed above, section 2.7(2)(b) of the Local Government Act 1995 provides it is the role Council to determine the local government's policies.
Policy:	2.2 Purchasing

## Financial Implications

Nil.

## Relevant Documents

Nil.

## Further Information

Following the Policy Committee held on 10 May 2021, further information is provided:

29. As a result of questions raised and feedback received from Committee members, the following amendments were made to the policy:
  - a. The exemptions clause and unique goods and services clause were redrafted to read more clearly.
  - b. The Indigenous Businesses and Australian Disability Enterprises clause was relocated to a more suitable location.
30. As further changes have been made in addition to the proposed legal services exemption, and those changes are not intended to expire, the officer recommendation has been amended to remove the end date. An end date for the legal services exemption is now incorporated into the Revised Policy to accommodate this. As the 12-month period would expire near the end of the next financial year, 30 June 2022 (or the commencement of the legal services panel) is proposed for simplicity.

## Revised Officer Recommendation and Council Resolution (OCM-21/05-124)

**Mover** Councillor Gordon

**Seconder** Councillor Fleeton

That Council ADOPTS amended Council Policy 2.2 Purchasing as detailed in Attachment 16.3A.

**CARRIED UNOPPOSED (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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12.36pm Councillor Gordon disclosed a direct financial interest in Item 16.4 and departed the meeting.

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## 16.4 Review of Policy 9.2 Heritage Rate Concession

Responsible Officer	Kylie Johnson – Acting General Manager Community Development
Voting Requirement	Simply Majority
Attachments	Attachment 16.4A – Council Policy 2.11 – Heritage Rate Concession (Proposed) Attachment 16.4B – Council Policy 9.2 – Heritage Rate Concession (Current)

### Purpose

To present the review of Council Policy 9.2 Heritage Rate Concession.

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### Recommendation from the Policy Committee

That Council:

1. ADOPTS Council Policy 2.11 Heritage Rate Concession, as at Attachment 16.4A
  2. REVOKES Council Policy 9.2 Heritage Rate Concession, as at Attachment 16.4B
  3. ENDORSES a further comprehensive review of Policy 2.11 Heritage Rate Concession (Attachment 16.4A) be conducted in February 2022, in line with the close of the current five-year Heritage Rate Concession Program.
-

## Background

1. The City is currently within a five-year rates concession cycle (expiring June 2022), with a comprehensive review of the performance of the program and the currency of the policy due February 2022.
2. At its meeting held on 27 August 2002, Council supported, in-principle, a program of heritage incentives as part of its integrated Heritage Program. The initiatives included an integrated range of technical and statutory support measures, financial options and delivery mechanisms to assist property owners maintain their heritage listed properties.
3. In the 2005/06 financial year Council adopted a suite of heritage incentives. It agreed to offer the Heritage Rate Concession for a period of six financial years to property owners and agreed to an exposure of \$600,000 in foregone income for 2005/06.
4. The Heritage Rate Concession offered owners of heritage places a 10% concession on general rates for the property, to a maximum of \$20,000 per annum per property, with the minimum concession being equal to the minimum rate payment.
5. At its meeting held on 13 March 2012, Council approved amendments to the Heritage Rate Concession eligibility criteria and agreed to continue the program for a further five financial years, noting that a review would be undertaken in five years.
6. At its meeting on 16 May 2012, Council approved the City of Perth Policy 9.2 Heritage Rate Concession. This Policy is a consolidation of the Council's decisions since 2002 relating to the provision of the Heritage Rate Concession, to provide clear guidance for decision making and for property owners applying for the Concession.
7. At its meeting on 14 February 2017, the Council approved an amendment to the City of Perth Policy 9.2 Heritage Rate Concession eligibility criteria and agreed to the continuation of the Heritage Rate Concession Program for a further five financial years (until February 2022). Council noted that Policy 9.2 Heritage Rate Concession will be reviewed in five years.
8. Between June 2017 to November 2021, the City of Perth conditionally approved 207 applications from property owners for a Heritage Rate Concession.
9. On 3 November 2020, the Council resolved to conduct a review of all Council policies by September 2021. As part of this commitment, Policy 9.2 Heritage Rate Concession has been reviewed for consideration by the Policy Committee, noting that there is previous commitment to conduct a review in February 2022.

## Discussion

10. The scope of this policy review comprises:
  - a. An update of terms and definitions to ensure they are consistent with those articulated in legislation, including 2 February 2021 amendments to the *Planning & Development (Local Planning Scheme) Regulations 2015* and *Heritage Act 2018*. (for example, reference to a 'heritage protected place' is the proper term under the abovementioned amendments).
  - b. Amendments to clarify minimums/maximums as that emerged from an audit conducted by the City's Finance (Rates) team, to ensure greater accuracy and consistency in calculating the concession.

- c. to strengthen alignment with new policy template and to the City's Heritage Strategy, adopted September 2020.
11. Policy 9.2 Heritage Rate Concession (the Policy) allows the City to offer owners of heritage places a concession on rates. This is in recognition of the higher costs associated with maintaining a protect heritage place.
  12. The City grants the concession to owners of eligible heritage places, upon application and where the owners agree to sign a Property Maintenance Agreement.
  13. The Maintenance Agreement binds owners to undertake proper care and maintenance of their properties to a benchmark standard, as set by the City and specified in the City of Perth Maintenance Schedule for Heritage Buildings. The value of the Maintenance Agreement is that it allows the City to request works be undertaken before there is any real threat to the structural integrity or deterioration of a place's heritage value.
  14. The City also requires buildings to be covered by full building insurance to ensure that the cost of repair or reinstatement of any damaged heritage fabric can be met.
  15. The City monitors landowner compliance with a Maintenance Agreement primarily through biannual external heritage building condition inspections. The City completed the 2020/21 heritage building condition survey of all of the City's Heritage-Protected Places in March 2021.
  16. No heritage places that have the rate concession applied failed the inspections, indicating compliance with the Maintenance Schedule and that the rates concession is working.
  17. In reviewing the policy, heritage rates concession structures were examined in other local governments. The table below provides some comparable examples:

Local Government / Capital City	Relevant documents
<b>WA Local Governments</b>	
City of Stirling	<i>Rate Concessions – Heritage</i> - 50% reduction for Residential Heritage Places. Commercial Heritage Places capped at \$2000 per property per year. Requires building insurance and pest control. Outstanding rates for a period longer than 1 year makes the property ineligible for the concession.
City of Swan	<i>Residential Heritage Rate Concession</i> - 50% reduction applicable to residential Heritage Places with a classification of Exceptional or Consideration Significance. The reduction is measured against the general residential rate levied and is for assisting with ongoing use and maintenance of the property.
City of Bunbury	<i>Local Planning Policy - Rate Concession for Heritage Places</i> - 30% rate reduction to a maximum of \$1000 for five years, in exchange for specified conservation works. The rate reduction must not exceed 50% of the eligible works.

### Other Australian Governments

Northern Territory Government (via Grants NT)	Rate concession of 75% to a maximum of \$4000 per property per year. Note that this is applicable to places under the <i>Heritage Act 2011</i> and is most relatable to WA's State Register of Heritage Places and not locally listed heritage places.
Shoalhaven City Council & Cumberland City Council (NSW examples)	NSW local governments provide information on Heritage Residential Valuations and case-by-case reductions on rates based on valuation adjustments undertaken by Department of Lands. Whilst local government facilitate the process, it is provided via State legislation.

18. The following table summarises the proposed amendments to the Heritage Rate Concession Policy and provides a brief reason for the amendment.

Existing policy text	Proposed policy text	Reason
<b>PREAMBLE</b>	(Removed)	The new policy template does not include a preamble.
<b>POLICY OBJECTIVE</b> The City of Perth provides the Heritage Rate Concession to encourage and assist owners of Heritage Places to maintain those places in a way that is compatible with their heritage values.	<b>POLICY OBJECTIVE</b> The City of Perth provides the Heritage Rates Concession, to assist owners conserve and maintain their heritage-protected places.	Amended to provide clarity and reflect recent changes to the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> and <i>Heritage Act 2018</i> .

Existing policy text	Proposed policy text	Reason
<p><b>DEFINITIONS</b></p> <p><b>Fabric</b></p> <p>means the physical element or finish which is part of the heritage value of a heritage place.</p> <p><b>Heritage Place</b></p> <p>means places included in the City Planning Scheme Heritage List, a place of cultural heritage significance in a declared Heritage Area or a place included in the Metropolitan Redevelopment Authority Heritage Inventory.</p>	<p><b>DEFINITIONS</b></p> <p><b>Fabric</b></p> <p>means the physical element or finish which is part of the heritage value of a <i>heritage-protected</i> place.</p> <p><b>Heritage Place</b></p> <p>(removed, superseded by heritage-protected place, defined in legislation)</p>	<p>Amended to align with Policy Objective.</p> <p>Change in definition of heritage place to a heritage-protected place is to align with the term used under Schedule 2, Part 1, Clause 1A of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> amendments (as of 21/02/2021). As heritage-protected place is deemed to be included in the City Planning Scheme No.2 it does not need to be separately defined in this policy document.</p>
<p><b>POLICY SCOPE</b></p> <p>Not included.</p>	<p><b>POLICY SCOPE</b></p> <p>This policy applies to Council members and the Administration with:</p> <ul style="list-style-type: none"> <li>• Decisions regarding heritage and rates;</li> <li>• Decisions on the application of rates concessions to eligible owners of heritage-protected places;</li> <li>• Working together with owners on the ongoing care and maintenance of heritage-protected places.</li> </ul>	<p>Amended to align with new policy template.</p>
<p><b>POLICY STATEMENT</b></p> <p>Nil</p>	<p><b>POLICY STATEMENT</b></p> <p>Clauses 4 to 9 added.</p>	<p>New text developed to strengthen alignment with new policy template, and particularly to provide better clarity on the intent of the policy.</p>

Existing policy text	Proposed policy text	Reason
<p><b>The Heritage Rate Concession will:</b> Be equivalent to 10% of the general rates for the Heritage Place, to a maximum of \$20,000 per annum with the minimum concession being equal to the minimum rate payment.</p> <p>With respect to group rated properties, the Heritage Rates Concession will only apply to general rates for the heritage place or places within the group.</p>	<p><b>The Heritage Rate Concession will:</b> Be equivalent to 10% of the general rates for the Heritage Place, to a maximum of \$20,000 per annum with the minimum concession being equal to the minimum rate payment <i>according to the budget valuation</i>.</p> <p>With respect to group rated properties (not individually rated), the Heritage Rates Concession will only apply to general rates for the heritage place or places within the group.</p>	<p>Amended to provide clarity and consistency in calculating the concession.</p> <p>Amended to provide clarity and consistency in calculating the concession.</p>
<p><b>Eligibility Criteria</b></p> <p>The City of Perth will provide the Heritage Rate Concession if the applicant meets all of the following criteria:-</p> <p>The applicant is the registered ratepayer of the Heritage Place.</p> <p>If applicable, (see 3.4 below), financial justification that adequately demonstrates to the satisfaction of Council that: (etc)</p>	<p><b>Eligibility Criteria</b></p> <p>The City of Perth will provide the Heritage Rate Concession if the applicant meets all of the following criteria:-</p> <p>The applicant is the registered ratepayer of the <i>Heritage-Protected</i> Place.</p> <p>If applicable, (see 3.4 below), <i>the submission of a Financial Justification Statement</i> that adequately demonstrates to the satisfaction of Council that: (etc)</p>	<p>Update of the term to Heritage Protected Place.</p> <p>Clarification of phrasing.</p>
<p>The strategic directive(s) it supports (not currently included)</p>	<p><b>Strategic Directive</b></p> <p>The City of Perth adopted Heritage Strategy (2020-24) aims to support and manage the conservation of heritage protected places.</p> <p>The City of Perth recognises the important contribution that heritage makes to community, sustainability, cultural identity, and the economy. The City of Perth also recognises that heritage is</p>	<p>Council adopted the Heritage Strategy (2020-24) at the Ordinary Meeting of Council on the 29 September 2020 and should be referenced in the Policy under the new template.</p>

Existing policy text	Proposed policy text	Reason
	important because it provides a sense of unity and belonging within the community and provides insight into previous generations and our history. Together, the City of Perth and the property owners must ensure that the valuable assets of our heritage are respected.	
The outcomes it aims to achieved (previously in the preamble)	<b>Desired Outcomes</b> The City of Perth aims to encourage and assist landowners to retain, maintain, conserve and use Heritage Protected Places.	Amended to strengthen alignment with new policy template.
<p><b>Ineligibility</b></p> <p>The City of Perth will not provide the Heritage Rate Concession in any of the following instances:</p> <ul style="list-style-type: none"> <li>• The owner is bound by a Heritage Agreement where a development-based incentive has been granted by the Council.</li> <li>• The owner is bound by a Heritage Agreement that commits the owner to the ongoing care and maintenance of the property.</li> </ul>	<p><b>Ineligibility</b></p> <p>The City of Perth will not provide the Heritage Rate Concession in any of the following instances:</p> <ul style="list-style-type: none"> <li>• The owner is bound by a Heritage Agreement where a development-based incentive has been granted by the Council, that commits the owner to the ongoing care and maintenance of the property.</li> </ul>	Amended for clarity; it is prudent to exclude owners who have received a development-based incentive and on that basis, signed a heritage agreement to care and maintain the property accordingly. The current separation of this clause into two parts excludes owners who may not have received a development-based incentive, but have, of their own volition signed a Heritage Agreement. Owners should be encouraged to sign Heritage Agreements, rather than be penalised for them.

## Stakeholder Engagement

19. No external stakeholder engagement has occurred in relation to the review of the current Heritage Rate Concession Policy, however extensive consultation was conducted in relation to the development of the Heritage Rate Concession Policy process.

## Decision Implications

20. If Council supports the changes to Heritage Rate Concession Policy, this application of the Policy will result in continued support to landowners struggling with commercial difficulties in Hay Street Mall, King Street and Barrack Street, but with greater clarity and alignment to legislative changes and the City of Perth Heritage Strategy. The policy also helps strata unit owners maintain the adaptive re-use of significant heritage places.

## Strategic, Legislative and Policy Implications

Strategic	
<b>Strategic Community Plan Aspiration:</b>	People A safe, activated and welcoming city that celebrates its diversity and sense of community, providing unique educational, cultural, sporting and lifestyle offerings.
<b>Strategic Community Plan Objective:</b>	1.6 Thriving and sustainable cultural, artistic and heritage industries, activities and events that encourage locals and visitors to come back for more.
<b>Issue Specific Strategies and Plans:</b>	Cultural Development Plan The City's Cultural Development Plan provides strategic direction for engendering a safe, activated and welcoming city that celebrates its diversity and sense of community, providing unique cultural and lifestyle offerings.

Legislation, Delegation of Authority and Policy	
<b>Legislation:</b>	Section 6.47 of the <a href="#">Local Government Act 1995</a> A local government may resolve to grant concessions in relation to a rate or service charge. This policy will provide such a resolution. Section 2.7(2)(b) of the <i>Local Government Act 1995</i> This section provides the local government is to determine its policies. <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> and <a href="#">Heritage Act 2018</a> provide definitions of terms and guidance for the Policy intent.
<b>Authority of Council/CEO:</b>	As detailed above, section 2.7(2)(b) of the <i>Local Government Act 1995</i> provides it is the role Council to determine the local government's policies.
<b>Policy:</b>	Nil.

## Financial Implications

21. There are no direct financial implications relating to the recommendation within this report, however its application has financial implications in terms of foregone rates revenue. An indication of foregone rates in a typical year (2020) and the total foregone rates across all years since the incentive was implemented is as follows:

Type of Heritage Place receiving a Heritage Rates Concession	Rates Levied (All Years)	Total Concession (All Years)	Rates Levied (2020)	Total Concession (2020)
86 Locally Listed Heritage Places	\$4,677,252.60	\$-587,618.61	\$673,650.20	\$-90,145.30
173 State Registered Heritage Places	\$7,617,300.40	\$-1,187,441.14	\$866,415.45	\$-164,176.60

## Relevant Documents

[Heritage Strategy 2020-2024](#)

## Further information

Following the Policy Committee held on 10 May 2021, further information is provided:

22. As a result of questions raised and feedback received from Committee members, the following amendments to the proposed revised policy have been made:
- The statement 'according to the budget valuation' on line 45 was updated to read 'the minimum concession being equal to the minimum rate payable as set in the budget for that category'.
  - Clause 12, Ineligibility Criteria, was amended to reference only one concession, the Heritage Rate Concession.
23. In accordance with Council's decision at its 14 February 2017 meeting, the Heritage Rate Concession will expire in June 2022 (see line 48 of the proposed policy). Council also noted the Heritage Rate Concession will be reviewed every five years (February 2022) and the current Rates Concession Policy (and associated agreements with property owners) will expire in June 2022, due to the rates cycle being aligned to financial years.
24. The intent of clause 10.3 is to ensure concessions are not 'stacked up'. A property owner can only receive a maximum concession equal to one rate concession type. If Heritage is chosen, then other concessions are deducted (opted out of).
25. Heritage Rates Concessions are relatively small amounts that ensure minimum compliance with maintenance requirements, such as pest inspections and insurance. Re-development and re-use are

substantial propositions that are incentivised through other City Heritage incentives, namely Heritage Grants and Transfer/Bonus Plot Ratio.

### Council Resolution (OCM-21/05-125)

**Mover** Councillor Fleeton

**Seconded** Councillor Ko

That Council:

1. ADOPTS Council Policy 2.11 Heritage Rate Concession, as at Attachment 16.4A
2. REVOKES Council Policy 9.2 Heritage Rate Concession, as at Attachment 16.4B
3. ENDORSES a further comprehensive review of Policy 2.11 Heritage Rate Concession (Attachment 16.4A) be conducted in February 2022, in line with the close of the current five-year Heritage Rate Concession Program.

**CARRIED UNOPPOSED (8/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Gobbert, Ko and Lezer

**Against** None

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2.37pm *Councillor Fleeton returned to the meeting prior to Item 16.5.*

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## 16.5 Review of Policies 14.10 Issue of Certificates and Permits under the *Liquor Control Act 1998* and 14.11 Approval of Events on Roads

Responsible Officer	Kylie Johnson - Acting General Manager Community Development
Voting Requirement	Simple Majority
Attachments	Attachment 16.5A – Council Policy 14.10 Issue of Certificates and Permits under the <i>Liquor Control Act 1988</i> Attachment 16.5B – 14.11 Approval of Events on Roads Attachment 16.5C – Proposed authorisations

### Purpose

To present the review of Council policies 14.11 - Approval of Events on Roads and 14.10 Issue of Certificates and Permits under the *Liquor Control Act 1988*.

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### Recommendation from the Policy Committee

That Council:

1. REVOKE Policy 14.10 - Issue of Certificates and Permits under the *Liquor Control Act 1988*
  2. REVOKE Policy 14.11 - Approval of Events on Roads
  3. AUTHORISES City administration staff, as detailed in Attachment 16.5C, to approve or refuse applications for road closures under Section 81C of the *Road Traffic Act 1974*
  4. AUTHORISES City administration staff, as detailed in Attachment 16.5C, to issue certificates under section 39 and 40 of the *Liquor Control Act 1988*.
-

## Background

1. Council at its meeting on 3 November 2020 resolved to review all Council Policies by 1 September 2021. Policy 14.10 Issue of Certificates and Permits under the *Liquor Control Act 1988* (Policy 14.10) and Policy 14.11 Approval of Events on Roads (Policy 14.11) are scheduled for the Policy Committee's consideration by May.
2. Policy 14.10 was adopted by Council at its meeting on 16 February 2010. Its purpose was to authorise nominated administrative staff to issue a Certificate of Local Health Authority under section 39 and a Certificate of Local Planning Authority under section 40 of the *Liquor Control Act 1988*. Policy 14.10 was last reviewed in 2018 to update the position titles of nominated administrative staff.
3. Policy 14.11 was adopted by Council at its meeting on 16 February 2010. Its purpose was to authorise nominated administrative staff to provide approval on behalf of Council, to the Commissioner of Police, for road closures under Section 81C of the *Road Traffic Act 1974*. Policy 14.11 has not been reviewed since its inception.
4. Each year the City receives 30 referrals under section 81C of the *Road Traffic Act 1974* and 100 certificates are issued under the *Liquor Control Act 1988*.

## Discussion

5. As there is no power of delegation under either Act, it is appropriate for Council to establish a process for these certificates and approvals to be issued. There are two potential options, maintaining a policy or providing an authorisation. It is recommended an authorisation be provided which will be included, like the authorisation to sign documents, with the delegated authority register. This is consistent with other local governments and removes a pair of Council policies relating to routine operational functions.
6. The key objective of both policies is to authorise appropriately qualified staff to act for the City, in fulfilling the City's statutory obligations under section 81C of the *Road Traffic Act 1974*, and under sections 39 and 40 of the *Liquor Control Act 1988*.
7. Section 81C of the *Road Traffic Act 1974*, relates to the closure of roads by the Commissioner of Police. The Commissioner of Police must obtain the approval of the relevant local government prior to making an order for a road closure.
8. Under Sections 39 and 40 of the *Liquor Control Act 1988*, a person wanting to obtain or alter a liquor licence, must provide the licensing authority with a certificate of compliance from the relevant local government authority. The Local Government use these certificates to certify that the premises comply with a range of laws. When the City issues a Certificate under section 39 and 40 it provides confirmation to the Liquor Commission that the subject premises complies with the *Planning and Development Act 2005*, *Building Act 2011*, *Local Government Act 1995*, *Food Act 2008* and *Health (Miscellaneous Provisions) Act 1911*. These certificates are a requirement for the issue of a liquor licence.
9. The *Road Traffic Act 1974* and section 39 *Liquor Control Act 1988* confer their respective functions upon 'the Local Government', rather than specify particular roles such as 'authorised officer' or 'CEO'. Section 40 of the *Liquor Control Act 1988* refers to "authority responsible for planning matters in the district", which is also the local government, as a planning authority under the *Planning and Development Act 2005*.

10. Given the significant number of referrals and certificates to be issued, it is appropriate to continue to have this function carried out by City employees. As such it is recommended that the Council authorise the execution of certificates of compliance, on the terms set out at Attachment 16.5C.
11. Policies 14.10 and 14.11 provide no strategic value to the organisation and perform the sole function of giving authority to specified officers to perform routine operational functions.
12. Other WA local governments were examined in undertaking the review of these policies, as follows:

Local Government	Statutory Requirement / Method of Council Authorisation
City of Swan	Sections 39 and 40 of <i>Liquor Control Act 1988</i> is included in the Statutory Authorisations Register
City of Canning	Sections 39 and 40 of <i>Liquor Control Act 1988</i> is included in the Delegations Register, rather than Council Policy
City of Joondalup	No Statutory Authorisation Register or a Council Policy for either function. Authorisation is assumed on an 'acting through' basis by virtue of Officers being authorised under the individual statutes they are certifying.
City of Wanneroo	Sections 39 and 40 of <i>Liquor Control Act 1988</i> is included in the neither a Statutory Authorisation Register or a Council Policy.

## Stakeholder Engagement

13. The revoking of these policies and the recording of Council authorisations within a 'Statutory Authorisations Register' will not impact the City's customers and stakeholders. Accordingly, external stakeholder engagement is not considered necessary. Internal stakeholders have been consulted on the proposed changes and unanimously support the proposal.

## Decision Implications

14. If Council does not adopt the officer's recommendation, the existing policies will remain in place, with the review date updated accordingly.
15. If this policy was revoked without a resolution authorising person to carry out these functions then all road closures and certificates of compliance would require a specific Council resolution each time.

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Nil.
Strategic Community Plan Objective:	Nil.
Issue Specific Strategies and Plans:	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	Sections 39 and 40 of the <i>Liquor Control Act 1988</i>
Authority of Council/CEO:	Under section 5.43(ha) of the <i>Local Government Act 1995</i> the power to authorise persons to execute documents cannot be delegated to the CEO. As such section 9.49A(4) of the <i>Local Government Act 1995</i> always requires a Council resolution to authorise persons to execute documents.
Policy:	Nil.

## Financial Implications

Nil.

## Relevant Documents

Nil.

## Further information

Following the Agenda Briefing Session held on 18 May 2021, further information is provided:

- There is no cost to Council or an applicant as a result of this change in process. The certification could be escalated to Council (the delegation does not remove Council's ability to issue the certification) however as a primarily administrative process the need to refer to Council is not foreseeable.

## Council Resolution (OCM-21/05-126)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council:

1. REVOKE Policy 14.10 - Issue of Certificates and Permits under the *Liquor Control Act 1988*
2. REVOKE Policy 14.11 - Approval of Events on Roads
3. AUTHORISES City administration staff, as detailed in Attachment 16.5C, to approve or refuse applications for road closures under Section 81C of the *Road Traffic Act 1974*
4. AUTHORISES City administration staff, as detailed in Attachment 16.5C, to issue certificates under section 39 and 40 of the *Liquor Control Act 1988*.

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## 16.6 Review of Policy Outdoor Dining

Responsible Officer	Kylie Johnson - Acting General Manager Community Development
Voting Requirement	Simple Majority
Attachments	Attachment 16.6A – Council Policy Outdoor Dining

### Purpose

To present the review of Council Policy Outdoor Dining.

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### Recommendation from the Policy Committee

That Council:

1. REVOKES the Council Policy Outdoor Dining provided in Attachment 16.6A
  2. NOTES the Outdoor Dining Guidelines will be reviewed and updated to remove commentary related to Council Policy Outdoor Dining.
-

## Background

1. At its meeting held on 3 November 2020, Council resolved to review of all Council Policies by 1 September 2021. The Outdoor Dining policy is scheduled for review by May.
2. The Outdoor Dining policy was adopted by Council at its meeting held 15 January 2019. Its purpose was to acknowledge the role outdoor dining plays in creating a vibrant capital city and destination of choice for all community members, visitors and tourists. The policy also affirmed the City's commitment to providing businesses with support they need to deliver safe, accessible and successful outdoor dining service. The policy has not been reviewed since its inception.
3. The [Outdoor Dining Guidelines](#) were endorsed by Council at its meeting held 15 January 2019. The purpose of the guidelines is to assist business owners to create high quality outdoor dining and provide a mechanism for appropriate approval of outdoor dining applications.
4. Council at its meeting on 3 April 2019 resolved to make the *City of Perth Outdoor Dining Local Law 2019*. The local law came into operation on 10 June 2019 and is published on the City's website. The local law has been amended once, to remove clause 2.5(2)(c) in accordance with an undertaking given to the Joint Standing Committee on Delegated Legislation. The amendment was adopted by Council on 26 November 2019.

## Discussion

5. The key objective of the policy is to acknowledge the role the City plays in creating a vibrant capital city. *Outdoor Dining Local Law 2019* states in section 1.3 Purpose and intent:
  - (1) *The purpose of the local law is to regulate the management of outdoor dining areas in any public place within the district.*
  - (2) *This local law is intended-*
    - (a) *to enable outdoor dining areas to be managed so that they don't interfere with the safe, accessible and reasonable movement of persons and vehicles; and*
    - (b) *to encourage high quality outdoor dining to enhance amenity, vitality and ambience of the district*
6. The Outdoor Dining Guidelines (the Guidelines) state the importance and objectives of outdoor dining and that the City supports the use of suitable public places for outdoor dining. The Guidelines explicitly highlight that outdoor dining areas:
  - create diverse street activity and contribute to the life and vibrancy of streets and other public places, aligning with the City of Perth Strategic Community Plan
  - attract residents, visitors and tourists to spend time in the city
  - provide activity that makes public spaces feel safer
  - support the City's economy by increasing trading opportunities for cafes, restaurants and bars.
7. The Outdoor Dining policy provides no additional strategic value to the organisation, nor does it inform the administration's decision making with regards to outdoor dining applications, as the approval for applications for outdoor dining is covered through the local law and the published Outdoor Dining guidelines.

8. Revoking the policy will remove a duplication of a source of direction with regards to outdoor dining.
9. In reviewing the policy, outdoor dining or alfresco dining decision making structures were examined in other capital cities and WA local governments, as follows:

Local Government / Capital City	Statutory Requirement / Method of Council Authorisation
<b>Capital Cities</b>	
City of Melbourne	City of Melbourne <i>Activities Local Law 1999</i> , Outdoor Café Guide & Extended Outdoor Dining Guidelines
City of Sydney	<i>Local Government Act 1993</i> , City of Sydney Outdoor Dining Policy 2016 & Outdoor Dining Guidelines (modified 2021)
City of Adelaide	<i>Local Government Act 1999</i> & City of Adelaide Outdoor Dining Guidelines 2018
Brisbane City Council	<i>Footpath Dining Local Law 2011</i> & Footpath Dining Permit Guide
<b>Band 1 Local Governments</b>	
City of Stirling	City of Stirling <i>Thoroughfares and Public Places Local Law 2009</i> & Outdoor Eating Facilities in Public Places Policy
City of Wanneroo	City of Wanneroo Public Places and Local Government Property Local Law 2015 & Outdoor dining applications considered as part of the <i>Local Government Act 1995</i>
City of Swan	City of Swan's <i>Trading in Public Places Local Law 2005</i> & Alfresco Dining Licenses Information Package
City of Joondalup	City of Joondalup <i>Local Government and Public Property Local Law 2014</i> & Alfresco Activities Local Planning Policy
City of Gosnells	City of Gosnell's <i>Thoroughfares and Public Places Local Law 2012</i> & Guideline to the construction of food premises and food vehicles
City of Armadale	City of Armadale <i>Activities and Trading in Thoroughfares and Public Places Local Law</i> & Food Business Guidelines
<b>Neighbouring Local Governments</b>	
City of South Perth	City of South Perth's <i>Local Government Property Local Law 2011</i> & Policy P402 Alfresco Dining and Public Places
Town of Victoria Park	Town of Victoria Park <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law</i> & Free Trade Areas – Free Trade Area Policy 210

City of Vincent	City of Vincent <i>Trading in Public Places Local Law 2008</i> , Policy 3.8.1 – Outdoor Eating Areas & Guidelines relating to Outdoor Eating Areas
City of Subiaco	City of Subiaco <i>Trading in Public Places Local Law 2014</i> . Policy 7.11 Parklets and Outdoor Dining Structures & Parklets and Outdoor Dining Structures Guidelines

10. The table below provides details of the clauses within the City of Perth Outdoor Dining policy and where they are appropriately reflected in the Outdoor Dining Local Law and / or Outdoor Dining Guidelines:

Outdoor Dining Policy Clause	Local Law Clause or Guidelines Section
<i><b>Policy Objective</b> - The City recognises the role outdoor dining plays in creating a vibrant capital city and destination of choice for all community members, visitors and tourists. The City is committed to providing businesses with the support they need to deliver a safe, accessible and successful outdoor dining service.</i>	Local Law clause 1.3 Purpose and Intent and the Guidelines – Importance of Outdoor Dining and Objectives of the Guidelines.
<i><b>Policy Scope</b> - This policy applies to all businesses within the City’s local government area that currently, or propose to, provide an outdoor dining service.</i>	Local Law clause 1.6 Application and the Guidelines – Who do the guidelines apply to.
<i><b>Policy Statement</b> - Outdoor dining is matched perfectly to Perth’s climate and presents an opportunity to demonstrate our city’s natural beauty to community members, visitors and tourists. A vibrant outdoor dining landscape generates activity throughout the City’s various precincts, in turn delivering positive economic and social outcomes for the City, community and businesses.  As a City committed to inclusion, outdoor dining will be accessible to patrons of all abilities. Design and function standards will account for diverse needs. The City will ensure that the movement of pedestrians and vehicles will not be adversely affected by any outdoor dining operation. The use of public thoroughfares for outdoor dining will complement the design and accessibility of the City’s streetscapes.  The expectations of business, community and tourists will change over time. The City understands the importance of providing an outdoor dining framework able to respond to trends, demands and moving priorities as they arise. The City will actively look for ways to incentivise business participation in outdoor dining by reducing regulatory burden, while ensuring compliance and innovation is not compromised.</i>	Guidelines – Importance of Outdoor Dining and Objectives of the Guidelines.
<i>This policy will not apply to mobile food trading or events of a ‘pop-up’ nature where food is served.</i>	Guidelines – Who do the guidelines apply to.

## Stakeholder Engagement

11. The revocation of this policy will not impact the City's customers and stakeholders given that the principles of the policy are incorporated into the local law and Guidelines.
12. Extensive stakeholder engagement and community participation was undertaken in January 2019 including 260 survey responses and various engagement methods through the Engage Perth platform, social media, media releases and face to face meetings. This engagement was critical to informing the development of the Guidelines as approved by Council on 15 January 2019.

## Decision Implications

13. Revocation of this Policy will contribute to further streamlining strategic and operational functions of the City, and better delineate 'strategic' decisions from 'operational'.
14. It is important to acknowledge that revoking this policy does not deter from the City's position in supporting future outdoor dining applications and for the increase focused on creation of inviting public places for the whole community.

## Strategic, Legislative and Policy Implications

Strategic	
<b>Strategic Community Plan Aspiration:</b>	Social: A vibrant, liveable and inclusive city Economic: A prosperous city
<b>Strategic Community Plan Objective:</b>	Create a strong sense of community vibrancy, connection and involvement Position the city for continued business, employment and economic growth
<b>Issue Specific Strategies and Plans:</b>	Facilitate the use of spaces and facilities to provide opportunities for leisure, entertainment and recreation.
Legislation, Delegation of Authority and Policy	
<b>Legislation:</b>	Section 2.7(2)(b) of the <a href="#">Local Government Act 1995</a>
<b>Authority of Council/CEO:</b>	Section 2.7(2)(b) of the <a href="#">Local Government Act 1995</a> provides Council is to determine the local government's policies.
<b>Policy:</b>	Nil.

## Financial Implications

Nil.

## Relevant Documents

Nil.

## Further information

Nil.

## Council Resolution (OCM-21/05-127)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council:

1. REVOKES the Council Policy Outdoor Dining provided in Attachment 16.6A
2. NOTES the Outdoor Dining Guidelines will be reviewed and updated to remove commentary related to Council Policy Outdoor Dining.

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## 16.7 Review of Policy 14.14 Mobile Food Trading

Responsible Officer	Kylie Johnson - Acting General Manager Community Development
Voting Requirement	Simple Majority
Attachments	Attachment 16.7A – Council Policy 14.14 Mobile Food Trading (Current) Attachment 16.7B – Council Policy 4.4 Mobile Food Trading (Proposed)

### Purpose

To present the review of Council Policy 14.14 Mobile Food Trading.

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### Recommendation from the Policy Committee

That Council:

1. REVOKES Policy 14.14 Mobile Food Trading, as at Attachment 16.7A
  2. ADOPTS new Policy 4.4 Mobile Food Trading provided in Attachment 16.7B.
-

## Background

1. Council at its meeting on December 2016 adopted Policy 14.14 Mobile Food Trading and implemented the second of two Mobile Food Truck Program trials for a two-year trial period. The program supported mobile food vendors trading at eight prescribed locations within the City. The trial period finished in March 2019, at which point only four locations were economically viable to the food vendors. The policy has not since been reviewed by Council.
2. Council at its meeting on 3 November 2020 resolved to review all Council Policies by September 2021. Council Policy 14.14 Mobile Food Trading is scheduled for review by May.
3. The *City of Perth Public Trading Local Law 2005* requires any mobile food vendor to obtain a permit to trade within the City. Notably the Local Law applies to 'public places' which is defined to include 'any thoroughfare, pedestrian mall or place which the public can use, whether or not the thoroughfare or place is on private property. An annual Public Trading Permit (commercial business) fee costs \$1,212 (2020/21 Municipal Fees and Charges).
4. There were no recommendations of the Inquiry into the City of Perth relating to this matter. While this policy is not required by law, it is important that Council establishes appropriate guidance in considering applications from mobile food vendors.

## Discussion

5. The key objective of the policy is to acknowledge the role the City plays in creating a vibrant city and the part that mobile food vendors play in this aspiration. The policy allows the City to manage visitor and resident expectations by approving food vendors to operate in the city in designated locations. The Policy informs the City's decision making regarding mobile food vendor applications.
6. The amended policy would allow the City to monitor and approve locations based on visitor demands and temporary attractions, by removing the set locations. The amended policy would still protect bricks and mortar businesses by continuing a 100m exclusion zone from which a mobile trader may operate, while also ensuring mobile traders operate in a safe and accessible location.
7. Currently the City does not have published and approved guidelines related to mobile food traders. It is recommended the amended policy allow for Mobile Food Trading Guidelines. This will replace fixed sites and allow for versatility to approve food vendors at fluctuating high demand sites such as the Wellington Square playground on a weekend.
8. In reviewing the policy, mobile food trading decision making structures were examined in other WA local governments:

Local Government	Local Law	Guidelines or Policy	Approach
City of Wanneroo	City of Wanneroo Health Local Law 1999	Food Truck Guidelines	Vendors operate under a Food Truck Event Program at designated locations but can apply for a Trader's permit at other locations. 100m exclusion zone from established food and beverage businesses.

City of Bayswater	<i>Activities on Thoroughfares and Trading in the Thoroughfares and Public Places Local Law</i>	City of Bayswater Mobile Food Vehicles Policy	13 pre-approved locations, alternative locations are considered. 50m exclusion zone.
City of Belmont	<i>Activities on Thoroughfares and Trading in the Thoroughfares and Public Places Local Law 2001</i>	City of Belmont Mobile Food Trader Guidelines	Trading at six different parks with other locations considered. No stated exclusion zones.
City of Stirling	Currently do not allow mobile food vendors to operate outside an approved event.		
City of Joondalup	<i>Trading in Public Places Local Law 1999</i>	None	The City manages food vendors through the Food Vendor Expression of Interest Information Pack. Pre-approved beach locations are charged on an hourly basis. Other locations individually assessed with annual permits issued. 500m exclusion zone.
<b>Neighbouring Local Governments</b>			
Town of Victoria Park	<i>Activities on Thoroughfares and Trading in the Thoroughfares and Public Places Local Law 2000</i>	Town of Victoria Park Temporary Food Businesses and Itinerant Food Vendors Policy	Currently do not allow mobile food vendors to operate outside an approved event unless it is on private land.
City of South Perth	<i>Public Places and Local Government Property Local Law 2011</i>	None	Mobile food vehicles applications are assessed on a case by case basis and are site specific, issuing a trading licence and a park reserve permit.
City of Vincent	<i>Trading in Public Places Local Law 2008</i>	Mobile Food Vendor - Vending Policy	five designated locations with other locations considered in extenuating circumstances. 100m exclusion zone.

9. The City supports the use of suitable public places for mobile food vendors. It is intended that the guidelines will highlight that mobile food vendors:
- create diverse activity and contribute to the life and vibrancy of public places, aligning with the City of Perth Strategic Community Plan;
  - attract residents, visitors and tourists to spend time in the city;
  - provide activity that makes public spaces feel safer; and
  - support the City's economy by increasing trading opportunities.

## Stakeholder Engagement

10. Internal stakeholders have been consulted on the proposed changes and support the proposal to enhance ability to be agile and proactive in mobile food vendor locations.

## Decision Implications

11. Amendment of this Policy will contribute to further streamlining strategic and operational functions of the City, and better delineate 'strategic' decisions from 'operational'.
12. Revoking the policy without adopting the proposed replacement will not provide direction to the administration on permitting food vendors to operate outside of approved events.
13. No amendment to the policy will lock vendors into locations without the City allowing food vendors into variable demand areas.

## Strategic, Legislative and Policy Implications

Strategic	
<b>Strategic Community Plan Aspiration:</b>	Social: A vibrant, liveable and inclusive city Economic: A prosperous city
<b>Strategic Community Plan Objective:</b>	Create a strong sense of community vibrancy, connection and involvement Position the city for continued business, employment and economic growth
<b>Strategic Community Plan Priorities:</b>	Facilitate the use of spaces and facilities to provide opportunities for leisure, entertainment and recreation.

Legislation, Delegation of Authority and Policy	
<b>Legislation:</b>	<i>Public Trading Local Law 2005</i> This local law requires a permit to be obtained prior to trading in a public place.

	<p><i>Local Government Property Local Law 2005</i></p> <p>This local law requires a permit for trading on local government property unless a trading permit has been obtained.</p>
Authority of Council/CEO:	Section 2.7(2)(b) of the <a href="#">Local Government Act 1995</a> provides Council is to determine the local government's policies.
Policy:	Nil.

## Financial Implications

Nil.

## Relevant Documents

Nil.

## Further Information

Following the Policy Committee held on 10 May 2021, further information is provided:

14. During the Policy review, the Policy Statement (section 2b) was updated to specify a requirement not to operate within a minimum 100 metres from an open bricks and mortar food business. New guidelines on mobile food trading will provide clarity on wording related to exclusion zones stipulating that no Mobile Food Trader is to operate within 100m of an existing trading takeaway food or drink premises open for business that is serving the same or similar food types (except if written agreement between the parties has been obtained).
15. The guidelines will state that no more than three vendors are able to trade at any one location and for vendors to comply with other requirements to ensure sites are managed to the City's expectations. The intent of limiting a location to a maximum of three vendors at any one time is to allow competition and variety without creating the perception of a food market. It is not anticipated that the locations will create a viable business option for more than three food vendors to attend at any one time, evidenced over the last few years with the reduction in vendors from 12 to three wishing to participate in the Food Truck Program.
16. The Mobile Food Trading Policy does not address shop/café owners seeking to operate on their own doorstep, such as via a coffee cart or food van. The intent of the policy is not to allow food businesses to set up a food van or coffee cart, for instance, on the St Georges Terrace footpath, due to the shop being closed. The intent of the Policy is to provide a food service in a locality that is not already servicing members of the public.

17. A comparison of other capital cities with respect to Mobile Food Trading is now provided as follows:

Capital City	Relevant documents and restrictions
<b>Capital City Local Governments</b>	
City of Sydney	City of Sydney <i>Local Government (General) Regulations 2005</i> , Mobile Food Vending Vehicles Local Approvals Policy 2019 – vendors may street trade at any location except at a wide range of areas and on nominated roads. A 50m exclusion zone from open food business that is serving the same or similar type foods.
City of Melbourne	<i>Activities Local Law 2009</i> , City of Melbourne Street Activity Policy 2011 - mobile vendors may operate at a one permanent site or at six other sites on a rotational basis. Approval is issued on a three-year permit. The policy will be reviewed in mid-2021.
City of Brisbane	<i>Public Land and Council Assets Local Law 2014</i> , City of Brisbane Gourmet Food Truck Paper – the paper details bookable premium sites within Brisbane and allows drive up trading on most other roads, other than listed major roads. An exclusion zone of 30m from another existing food business except where the parties have an agreement.

## Council Resolution (OCM-21/05-128)

**Mover** Councillor Gobbert

**Seconder** Councillor Gordon

That Council:

1. REVOKES Policy 14.14 Mobile Food Trading, as at Attachment 16.7A
2. ADOPTS new Policy 4.4 Mobile Food Trading provided in Attachment 16.7B.

**CARRIED (8/1)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Gobbert, Gordon, Ko and Lezer

**Against** Cr Fleeton

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## 16.8 Review of Policy 18.9 Street Entertainment

Responsible Officer	Kylie Johnson – Acting General Manager Community Development
Voting Requirement	Simple Majority
Attachments	Attachment 16.8A – Council Policy 18.9 Street Entertainment

### Purpose

To present the review of Policy 18.9 Street Entertainment.

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### Recommendation from the Policy Committee

That Council REVOKE Policy 18.9 Street Entertainment, noting that there are existing Busking Guidelines.

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## Background

1. Council at its meeting on 3 November 2020 resolved to review of all Council policies by 1 September 2021. As a part of this commitment Council Policy 18.9 – Street Entertainment has been reviewed and subsequently recommended for revocation.
2. Council Policy 18.9 – Street Entertainment is the current policy setting for busking in the city. It contains operational detail and does not reflect current community values related to busking. Well-managed busking contributes to the vitality and vibrancy of the city and is integral to creating a sense of place and deepening the community’s recognition of a shared cultural heritage.
3. Between March 2018 – November 2018, the City received 146 busking-related complaints from businesses and members of the public. The nature of complaints predominantly related to the quality and variety of buskers. Through discussion with Council members and the CEO at the time, it was decided that officers would conduct a busking trial to investigate opportunities for improving the issuing of busking permits and monitoring of busking activities, with the aim of improving the quality and cultural benefits provided by busking/street entertainment in the City.
4. The City implemented the busking trial between November 2018 and May 2019, which included significant stakeholder engagement, the development of new Busking Guidelines and a new application process for administering Busking Permits, which included the introduction of assessment criteria for permit applications.
5. Key outcomes of the busking trial include:
  - a. 86% of buskers surveyed believed the introduction of assessment to busking applications was a positive change that should be retained.
  - b. 46% reduction in busking related complaints compared to the same timeframe pre-trial.

## Discussion

6. Revocation of Council Policy 18.9 – Street Entertainment is recommended on the basis that there are now busking guidelines in place that are functioning well and provide good direction for managing busking and street entertainment in the city. From the perspective of adding value, the policy does nothing more than repeat criteria and conditions for street entertainment/busking in the city already stated in the guidelines. The Public Trading Local law sets up a process by which permits may be issued and current guidelines detail the criteria against which applications for busking permits will be assessed and a code of conduct of buskers performing under a valid permit.
7. A comparative analysis of band one local governments has been conducted and is detailed below. Of the six band one local governments reviewed, only one had a policy relating to street entertainment, which was in the broader context of trading in public thoroughfares. Four of the remaining five local governments issue busking permits in accordance with guidelines that outline performance criteria and permit conditions.

Local Government	Policy	Guidelines	Approach
City of Fremantle	None	Outline risk management guidelines and provide a code of practice for busking and street entertainment.	Permit not required unless dangerous goods are used as part of the performance. Rangers may ask a performer to cease busking if they pose a risk to the public, are in breach of the guidelines or refuse to comply with directions of an authorised officer.
City of Stirling	Stallholders and Traders Permits in Thoroughfares Policy	None	Busking not permitted unless persons hold public liability insurance of \$10 million. Requests to conduct busking activity may be made in writing to the Community Safety (Rangers) Team.
City of Wanneroo	None	Trading on Local Government Property Guidelines	Defer to Public Places and Local Government Property Local Law. Trading permit required, applications evaluated against relevant criteria outlined in guidelines.
City of Joondalup	None	None – website outlines requirements for Street Entertainers Permit	Applications for Street Entertainers Permit to be made in writing, addressing approval requirements outlined on website. One month period of approval, restrictions on performance locations and durations apply.
City of Bayswater	None	None	Defer to relevant local law, permit required, assessed and monitored by Rangers Team.
City of Cockburn	None	Busking Guidelines	Busking permit applications issued in accordance with criteria outlined in guidelines.

## Stakeholder Engagement

8. No external stakeholder engagement has occurred in relation to the review of the current Street Entertainment Policy, however, extensive consultation was conducted in relation to the development of the Busking Guidelines and current busking permit application process.
9. An internal Busking Working Group was established at the commencement of the busking trial in 2018, which included members of the Arts, Culture and Heritage Unit (now Activation and Cultural Experience) Customer Experience Unit and Community Safety and Amenity. This group was instrumental in establishing a unified approach to the issuing of busking permits and monitoring of performance activity across the City.

## Decision Implications

10. If Council supports the revocation of the Street Entertainment Policy it can be confident the Busking Guidelines provide a robust framework for the issuing of busking permits and monitoring of busking activity in the City of Perth.
11. Should the revocation of the existing Street Entertainment Policy not be supported, there may be conflict between information contained within the policy and that which is outlined in the Busking Guidelines.

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	<p>People</p> <p>A safe, activated and welcoming city that celebrates its diversity and sense of community, providing unique educational, cultural, sporting and lifestyle offerings.</p>
Strategic Community Plan Objective:	<p>1.6</p> <p>Thriving and sustainable cultural, artistic and heritage industries, activities and events that encourage locals and visitors to come back for more.</p>
Issue Specific Strategies and Plans:	<p>Cultural Development Plan</p> <p>The City's Cultural Development Plan provides strategic direction for engendering a safe, activated and welcoming city that celebrates its diversity and sense of community, providing unique cultural and lifestyle offerings.</p>

Legislation, Delegation of Authority and Policy	
Legislation:	<p><a href="#">Section 2.7(2)(b) of the Local Government Act 1995</a></p> <p>This section provides it is the role of Council to determine the local government's policies.</p> <p><a href="#">Public Trading Local Law 2005</a></p> <p>This local law requires a permit be issued prior to busking/street entertainment.</p> <p><a href="#">Thoroughfares and Public Places Local Law 2017</a></p> <p>This local law regulates other matters which may be relevant to street busking such as causing an obstruction or nuisance.</p>
Authority of Council/CEO:	<p>As detailed above, section 2.7(2)(b) of the <i>Local Government Act 1995</i> provides it is the role Council to determine the local government's policies.</p>
Policy:	<p>Nil.</p>

## Financial Implications

Nil.

## Relevant Documents

Nil.

## Further Information

Following the Policy Committee held on 10 May 2021, further information is provided:

12. It is common for policies to have associated guidelines. Likewise, it is common for some guidelines to have associated policies.

## Council Resolution (OCM-21/05-129)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council REVOKE Policy 18.9 Street Entertainment, noting that there are existing Busking Guidelines.

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## 16.9 Review of Council Policies 9.5, 18.13 and 18.14 Sponsorship, Grants and Donations

Responsible Officer	Kylie Johnson - Acting General Manager Community Development
Voting Requirement	Absolute Majority
Attachments	Attachment 16.9A - Proposed Policy - 4.3 Sponsorship, Grants and Donations Attachment 16.9B - Proposed Grants, Sponsorship and Donations Program for 2021/22 Attachment 16.9C - Policy 9.5 - Sponsorship of City of Perth Activities Attachment 16.9D - Policy 18.13 - Sponsorship and Grant Attachment 16.9E - Policy 18.14 – Donations Attachment 16.9F - Delegation 1.2.11B - Determine Grants, Sponsorship and Donation Allocations

### Purpose

To consider the new Sponsorship, Grants and Donations Policy 4.3, the 2021/22 Grants, Sponsorship and Donations Program and the draft 2021/22 Sponsorship budget.

### Recommendation

That Council:

1. REVOKES:
  - a. Council Policy 9.5 - Sponsorship of City of Perth Activities
  - b. Council Policy 18.13 - Sponsorship and Grants
  - c. Council Policy 18.14 – Donations
  - d. Delegation 1.2.11B Determine Grants, Sponsorship and Donation Allocations
2. ADOPTS Policy 4.3 Sponsorship, Grants and Donations, as at Attachment 16.9A
3. APPROVES the draft 2021/22 Sponsorship budget of \$5,000,000, subject to adoption of the 2021/22 annual budget
4. ENDORSES the 2021/22 Grants, Sponsorship and Donations Program, as at Attachment 16.9B

## Background

1. The City of Perth offers a suite of grant, sponsorship and donation programs which are designed to align with the objectives of the City's Strategic Community Plan and are reviewed on an annual basis.
2. At its meeting held on 3 November 2020 Council resolved to conduct a review of all its policies by 1 September 2021.
3. The most recent review of Policy 18.13 Sponsorship and Grants Policy was in November 2020. This review resulted in several changes to the Policy at the time, some of which addressed findings of the Inquiry into the City of Perth Report. These important changes are all retained within the proposed new Policy 4.1 Sponsorship, Grants and Donations.

## Discussion

### Current Situation

4. Based on feedback from Council members officers have drafted a new Sponsorship Policy (Attachment 16.10A), Program (Attachment 16.9B) and an indicative draft budget for the 2021/22 financial year (see below financial table, paragraph 15).
5. Arts and Events Sponsorship Rounds were open in March 2021 under the 2020/21 policy and guidelines. This is to provide enough time for application, assessment and decision well in advance of project delivery.
6. The remaining proposed programs will need to open over the next few months, with the next scheduled to open 1 July 2021, pending Council approval of the recommendations in this report. It is important to establish the 2021/22 Sponsorship Policy, Guidelines and draft budget as soon as possible, as it will take at least three months to build application forms in the City's grants management system 'SmartyGrants', advertise the rounds and communicate changes to key stakeholders.

### Sponsorship Policy

7. The new policy aims to establish the core objectives of the City's sponsorship, grants and donations. These aims seek to align with the relevant legislation, plans and strategies. These aims will also be incorporated into the sponsorship program guidelines and will inform the assessment criteria therein.

### Grants, Sponsorship and Donations Program 2021/22

8. An overview of the priorities provided and details of the proposed Program for the 2021/22 Financial Year, summarising key changes as compared to 2020/21 are detailed in Attachment 16.9B.

### Draft 2021/22 Sponsorship Budget

9. 2020/21 saw a significant reduction in the sponsorship budget of \$806,823 (or 16.5%) as compared with 2019/20, due to the impact of COVID-19 on the City's financial position. The biggest reductions were across festivals, events and arts programs, while there were increases in budget for Small Business and Business Improvement Grants to support economic rebound.
10. In a reduced budget scenario, there is a risk that some events which receive zero or reduced City funding will not be financially viable in 2021/22, or will be delivered at a lower standard of quality or relocate to other local government areas.

11. In a reduced budget scenario, cuts to existing funded organisations are particularly severe if the City wishes to invest in and/or attract new projects into the City. If successful, new events would likely supersede other events previously sponsored. Funding rounds will be very competitive and only the highest scoring applications will be recommended for funding. The following is an indication of the approval rate in 2019/20 when the budget was \$4.85M:
  - i. In 2019/20 the City's approval rate for sponsorships was 75% (this rate is consistent each year). This means that 25% of applications received by the City do not receive funding
  - ii. In 2019/20 only 57% of applications started in SmartyGrants were submitted for approval. This could be for many reasons, including ineligibility, the project or initiative not going ahead, an application started in an incorrect funding program but progressed in a different program, or project changes.
12. Feedback from Council members has indicated that there is an appetite to increase the sponsorship budget. An increase in budget would ensure all grant and sponsorship programs have financial capacity to fund projects that will deliver on outcomes for the community, yet still retain healthy competition and ensure the best proposals receive funding.
13. Subsequently, at the 30 March 2021 Ordinary Council Meeting, a resolution was made to allocate a further \$200,000, bringing the proposed budget to \$5M.
14. Under the City's current Policy 2.3 Strategic Financial Management, the maximum annual budget allocation for Grants, Donations and Sponsorships is 3% of Eligible Own Source Revenue. For the 2021/22 financial year this will be approximately \$5M.
15. The proposed 2021/22 Sponsorship budget, including the program allocation breakdown is detailed below:

Sponsorship Program Type	2018/19 Budget	2019/20 Budget	2020/21 Budget	Proposed 2021/22 Budget
Major Events & Festivals	\$960,000	\$955,000	\$527,500	\$1,200,000
Events & Activation	\$927,000	\$1,023,227	\$820,000	\$1,000,000
Arts & Culture	\$887,583	\$1,142,592	\$872,500	\$1,000,000
Neighbourhood Heroes (Community/Neighbourhood/Precinct)	\$400,000	\$259,949	\$385,000	\$355,000
Sustainable Community Grants	N/A	N/A	N/A	\$140,000
Business Support & Economic Development	\$863,729	\$1,020,829	\$1,310,000	\$1,000,000
Heritage	\$400,000	\$0	\$0	\$250,000
Principle Partnerships	\$376,117	\$211,323	\$0	\$0
Venue Support	\$0	\$159,680	\$35,000	\$50,000
Donations	\$95,566	\$85,000	\$100,777	\$25,000

<b>TOTAL</b>	<b><u>\$4,909,995</u></b>	<b><u>\$4,857,600</u></b>	<b><u>\$4,050,777</u></b>	<b><u>\$5,000,000</u></b>
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## Stakeholder Engagement

Nil.

## Decision Implications

16. Sponsorship is generally considered a high-risk service in the areas of ethical, legal and reputational risk. The Program Guidelines are informed by the proposed Policy 4.1 Sponsorship, Grants and Donations, which sets out principles to mitigate these risks as far as possible.
17. It is important to establish the new Policy and Guidelines as early as possible as it takes time to build application forms in SmartyGrants, advertise the rounds and communicate changes to key stakeholders. Delays could result in gaps in the funding program.

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Performance
Strategic Community Plan Objective:	5.1 An integrated strategic framework with clear line of sight between community vision and operational outcome. 5.6 Decision-making that is ethical, informed and inclusive.
Issue Specific Strategies and Plans:	Various (Sponsorship addresses various strategic objectives across Cultural, Social, Economic and Environmental development principles.

Legislation, Delegation of Authority and Policy	
Legislation:	<a href="#">Section 2.7(2)(b) of the Local Government Act 1995</a> provides council is to determine the local government's policies. <a href="#">Section 5.45(1)(b) of the Local Government Act 1995</a> provides that any decision to amend or revoke a delegation by a local government is to be by an absolute majority.
Authority of Council/CEO:	<a href="#">Section 2.7(2)(b) of the Local Government Act 1995</a> provides council is to determine the local government's policies. <a href="#">Section 5.45(1)(b) of the Local Government Act 1995</a> provides that any decision to amend or revoke a delegation by a local government is to be by an absolute majority.
Policy:	Nil.

## Financial Implications

18. There are no direct financial implications associated with the adoption of Policy 4.1 Sponsorship, Grants and Donations. Should Council subsequently endorse the Grants, Sponsorship and Donations Program, sponsorship commitments and expenditure would commence only upon the adoption of the sponsorship budget in the 2021/22 Annual Budget, which are proposed to total a maximum of \$5M.

## Relevant Documents

Nil.

## Further Information

### Following the Policy Committee held on 12 April 2021, further information is provided:

19. This report was presented to the Policy Committee meeting on 12 April 2021. As a quorum was not present the Committee was unable to make any recommendations to Council. The report was then presented to the April 2021 Ordinary Council Meeting, where it was referred back to the Policy Committee for consideration.

### Following the Policy Committee held on 10 May 2021, further information is provided:

20. Following feedback at the Agenda Briefing Session held on 20 April 2021, the City has updated Clause 3 (Aims) of the proposed policy, Attachment 16.9A - Proposed Policy - 4.3 Sponsorship, Grants and Donations, to include an additional point a, 'create a vibrant, progressive and connected city that is a great place for people to live, work, visit, study and invest'.
21. When drafting the proposed policy, the City referred to other Capital City sponsorship policies, including the City of Sydney. The City also examined the policies of other local governments, including the Cities of Vincent, Stirling, Wanneroo and Melville. Below are details of the relevant policies of those local governments:

Local Government	Policy Detail
City of Vincent	The City of Vincent Community Funding Policy sets out a series of 17 different types of grants and donations and how they will be assessed and approved.
City of Stirling	The City of Stirling Community Arts and Events Fund Policy and Sponsorship Policy were considered as part of this review. These policies establish matters around assessment, eligibility, appeals and ethical issues.
City of Wanneroo	The City of Wanneroo maintains both a Community Funding Policy and a Sponsorship Policy. These policies establish matters around assessment, eligibility, approval, agreements, evaluation and disputes.
City of Melville	The City of Melville sponsorship policy establishes addresses incoming and outgoing sponsorship, sponsorship agreements, eligibility and assessment.
City of Adelaide	No policy found.
City of Melbourne	No policy found.
City of Sydney	The City of Sydney Grants and Sponsorship Policy is extensive. It addresses principles, specific grants, eligibility, expected outcomes, ethics and management of the grants.

22. The proposed budget breakdown for the amounts to be allocated to the Quick Response Grants in the Events & Activation and Arts & Culture categories are:

Sponsorship Program Type	Proposed 2021/22 Budget
<b>Events &amp; Activation</b>	<b>\$1,000,000</b>
<i>Event Sponsorship</i>	<i>\$800,000</i>
<i>Events &amp; Activation Quick Response Grants</i>	<i>\$200,000</i>
<b>Arts &amp; Culture</b>	<b>\$1,000,000</b>
<i>Arts Sponsorship</i>	<i>\$800,000</i>
<i>Arts &amp; Cultural Quick Response Grants</i>	<i>\$200,000</i>

These figures have been based off historical trends for quick-response grants, and grants under \$10,000, however will not be an exact science.

23. The Precinct Improvement Matched Funding Grants is proposed to be discontinued as a program for the 2021/22 financial year. It has caused some issues in the implementation and we have looked to other local governments for ideas on the best way forward to support our neighbourhoods and precincts. A new funding program called the “Neighbourhood Heroes Program” (working title) is proposed to replace the previous Community Wellbeing Grants and Precinct Improvement Grants. This program operates on a participatory budget model where the City would provide grants up to \$20,000 for community-led ideas, projects, events or services that help build strong, connected and inclusive communities that deliver practical and sustainable outcomes for city neighbourhoods. This program would be designed in collaboration with the community and will ensure funding is equitably distributed across all neighbourhoods, and neighbourhood groups. Exact details of the funding program (including grant amounts, criteria, title, etc.) will be worked out through consultation with the neighbourhoods. We are hoping to commence this consultation work as soon as the policy and program are adopted.
24. The Policy is a governance document that provides a consistent, equitable, transparent and efficient framework for the administration of grants and sponsorship at the City of Perth. The Policy informs the development of the Grants, Sponsorship and Donations Program guidelines document. The guidelines document is a strategic document which outlines the suite of programs, objectives of programs and assessment criteria. In addition, the guidelines specify the following information:
- a. Funding categories
  - b. Application timeframe and process
  - c. Maximum and minimum funding limits
  - d. Maximum contribution to be provided by the City
  - e. Eligibility criteria
  - f. Assessment criteria
  - g. Assessment process
  - h. Items that are not eligible for funding
  - i. Provision for in-kind sponsorship

- j. Duration of agreements.
25. The proposed Events Policy and Strategy addresses creating a year-round program of events across the city.
  26. The City is not including the Precinct Improvement Grants in the proposed program next year. If the City was to receive an application this would be considered an unsolicited bid and would go to Council for consideration.
  27. If an unsolicited bid is received, the City would try to find the most relevant program in the guidelines that exist or refer to previous guidelines to make an assessment. For example, if an unsolicited bid was submitted that was similar to the recent Precinct Improvement Grant application for the Point Fraser Jetty (approved by Council at the 30 March 2021 Ordinary Council Meeting), the application could be assessed against the criteria of the previous program, Neighbourhood Heroes or Business Improvement Grants, whichever best aligned to the objectives of the proposal. From there, the process would be as per any sponsorship or grant program (noting that all unsolicited bids must be approved by Council).
  28. Unsolicited bids would go to Council for a decision and identification if there is budget within the relevant program.
  29. Following discussion at the Policy Committee meeting, Governance have reconsidered the section of the report related to the provision of tickets. The section has been redrafted and now includes a reference to the Attendance at Events Policy and Codes of Conduct. This is to consolidate information regarding tickets to events.

**Following the Agenda Briefing Session held on 18 May 2021, further information is provided:**

30. In response to a question regarding what currently happens to unspent/unallocated sponsorship funds, it is advised that unspent/unallocated funds for any operational purpose are absorbed into the budget savings at the end of the financial year. These become part of the Opening Budget Position for the next year – thereby reducing the rates demand for the next year. This is a standard local government financial process.
31. It was queried if the remaining funds go into other programs that the City deems appropriate or can they be referred back to Council for direction. It is advised that underspend on sponsorship programs can be reallocated to another program by the General Manager Community Development under the Budget Amendments Policy if there is a demonstrable need. Sponsored projects that were affected by COVID-19 were either deferred or cancelled. The funds allocated to deferred projects were carried over into 2020/21 Financial Year, as part of a specific exemption however this is not normal practice.

## Primary Motion

**Mover** Councillor Lezer

**Secunder** Councillor Fleeton

That Council:

1. REVOKES:
  - a. Council Policy 9.5 - Sponsorship of City of Perth Activities
  - b. Council Policy 18.13 - Sponsorship and Grants
  - c. Council Policy 18.14 – Donations
  - d. Delegation 1.2.11B Determine Grants, Sponsorship and Donation Allocations
2. ADOPTS Policy 4.3 Sponsorship, Grants and Donations, as at Attachment 16.9A
3. APPROVES the draft 2021/22 Sponsorship budget of \$5,000,000, subject to adoption of the 2021/22 annual budget
4. ENDORSES the 2021/22 Grants, Sponsorship and Donations Program, as at Attachment 16.9B

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*During debate, the Deputy Lord Mayor moved the following amendments:*

## Amendment

**Mover** Deputy Lord Mayor Anghie

**Secunder** Councillor Ko

That Policy 4.3 Sponsorship, Grants and Donations, as at Attachment 16.9A, be amended as follows:

- a. The limit of \$20,000 be amended to \$10,000 in point 20
- b. The limit of \$20,000 be amended to \$10,000 in point 25
- c. Adds the words 'with the exception of unsolicited offers for matched funding in excess of \$150,000 in which case the matter is presented to Council' to the end of point 22.

### Reasons:

There are a number of grants that are given under \$10,000 that are important to the organisations that receive them but have very little impact for the City. Smaller sponsorships need to be coordinated into some form of strategy, whereby they form part of events such as the Winter Festival, Christmas or school holidays, where the City can then not only provide \$10,000 but can also market those events on the organisations' behalf so that the City receives greater benefit. With regards to matched funding, under the current policy, we have a matched grant funding system which is reviewed by the Administration and then considered by Council. However, under the proposed new policy, applications for matched grant funding may not be considered. If people are willing to invest a significant amount into our City, valued at \$150,000, then a matched funding application of that amount should be given serious consideration by the Administration and Council, to help bring more visitors to the city.

*The Presiding Member advised that Points a. and b. of the Amendment would be put separately to Point c.*

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## Amendment

**Mover** Deputy Lord Mayor Anghie

**Seconder** Councillor Ko

That Policy 4.3 Sponsorship, Grants and Donations, as at Attachment 16.9A, be amended as follows:

- a. The limit of \$20,000 be amended to \$10,000 in point 20
- b. The limit of \$20,000 be amended to \$10,000 in point 25

**CARRIED (5/4)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan and Ko

**Against** Councillors Gordon, Lezer, Fleeton, Gobbert

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## Amendment

**Mover** Deputy Lord Mayor Anghie

**Seconder** Councillor Ko

That Policy 4.3 Sponsorship, Grants and Donations, as at Attachment 16.9A, be amended as follows:

- c. Adds the words 'with the exception of unsolicited offers for matched funding in excess of \$150,000 in which case the matter is presented to Council' to the end of point 22.

**CARRIED UNOPPOSED (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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*The amendments were declared carried and formed part of the primary motion.*

*Prior to the resumption of debate on the amended primary motion, Councillor Bain moved the following amendment:*

## Amendment

**Mover** Councillor Bain

**Seconder** Councillor Gordon

That Policy 4.3 be amended to remove donations.

### Reason:

The City's core functions are roads, rates and rubbish with some encouragement of economic activity. It is not Council's role to give away money to charities or humanitarian organisations that we think meet our own personal or internal guidelines.

**CARRIED (5/4)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Fleeton and Gordon

**Against** Councillors Lezer, Ko, Bevan and Gobbert

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*The amendment was declared carried and formed part of the amended primary motion.*

## Amended Motion and Council Resolution (OCM-21/05-130)

**Mover** Councillor Lezer

**Seconded** Councillor Fleeton

That Council:

1. REVOKES:
  - a. Council Policy 9.5 - Sponsorship of City of Perth Activities
  - b. Council Policy 18.13 - Sponsorship and Grants
  - c. Council Policy 18.14 – Donations
  - d. Delegation 1.2.11B Determine Grants, Sponsorship and Donation Allocations
2. ADOPTS Policy 4.3 Sponsorship and Grants, as at Attachment 16.9A, with the following amendments:
  - a. The limit of \$20,000 be amended to \$10,000 in paragraph 20
  - b. The limit of \$20,000 be amended to \$10,000 in paragraph 25
  - c. Adds the words ‘with the exception of unsolicited offers for matched funding in excess of \$150,000 in which case the matter is presented to Council’ to the end of point 22.
  - d. Donations be removed from the policy
3. APPROVES the draft 2021/22 Sponsorship budget of \$5,000,000, subject to adoption of the 2021/22 annual budget
4. ENDORSES the 2021/22 Grants, Sponsorship and Donations Program, as at Attachment 16.9B

**CARRIED UNOPPOSED BY ABSOLUTE MAJORITY (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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3.09pm Councillor Gordon disclosed a direct financial interest in Item 16.10 and departed the meeting.

## 16.10 Review of Council Policies 10.5, 10.6, 10.10, 10.16 and 13.16A – Council Member Allowances, Fees and Entitlements

Responsible Officer	Michelle Reynolds - Chief Executive Officer
Voting Requirement	Absolute Majority
Attachments	Attachment 16.10A – Council Policy 10.5 Council Member Allowance and Meeting Attendance Fees Attachment 16.10B – Council Policy 10.6 Elected Members - Reimbursement of Expenses Attachment 16.10C – Council Policy 10.10 Parking and Access to Council House - Councillors Attachment 16.10D – Council Policy 13.6A Motor Vehicle and Transport Services for the Lord Mayor Attachment 16.10E – Council Policy 10.16 Legal Representation for Members and Employees Attachment 16.10F – Proposed Council Policy – Council Member Allowances, Fees and Entitlements Attachment 16.10G – Amended Council Policy 1.2 – Professional Development Policy Attachment 16.10H - Council Member Allowances, Fees and Entitlements – Policy and Legislation Comparison

### Purpose

To present the review of Council Policies 10.5, 10.6, 10.10, 10.16, and 13.6A, and propose the centralisation of Council member fees, allowances and entitlements into one Council Policy.

### Recommendation from the Policy Committee

That Council:

1. REVOKES Council Policies:
  - a. 10.5 Council Member Allowance and Meeting Attendance Fees
  - b. 10.6 Elected Members - Reimbursement of Expenses
  - c. 10.10 Parking and Access to Council House - Councillors
  - d. 13.6A Motor Vehicle and Transport Services for the Lord Mayor
  - e. 10.16 Legal Representation for Members and Employees

2. ADOPTS Council Policy Council Member Fees, Allowances and Entitlements (Attachment 16.10F).
  3. ADOPTS amended Council Policy 1.2 – Professional Development Policy (Attachment 16.10G).
  4. APPROVES a deed of access and indemnity being granted to the Chief Executive Officer on terms proposed by the General Counsel.
-

## Background

1. At its meeting on 3 November 2020, Council resolved to conduct a review of all policies by 1 September 2021.
2. Policy 10.5 Council Member Allowance and Meeting Fees was adopted by Council in 1996 to set the allowance and attendance fees that Council members would be paid in accordance with the *Local Government Act 1995*.
3. The policy was last reviewed in September 2020 and was amended to include an allowance for the Deputy Lord Mayor in preparation for the office being filled following the 2020 City of Perth election.
4. Policy 10.6 Elected Members - Reimbursement of Expenses was adopted by Council in 1996.
5. The policy was last reviewed in September 2018 and was amended to remove many of the allowances and entitlements that Council members had previously received, such as reimbursements for clothing and personal grooming expenses.
6. Policy 10.10 Parking and Access to Council House – Councillors was adopted by Council in 1989.
7. The policy was last reviewed in January 2011.
8. Policy 13.6A Motor Vehicle and Transport Services for the Lord Mayor was adopted by Council in July 2020 and has not been reviewed since its adoption.
9. Policy 10.16 Legal Representation for Members and Employees was adopted by Council in 2008 and has been amended three times.
10. Policy 1.2 Professional Development was adopted by Council in December 2020 to give effect to the requirement introduced by local government legislative reforms for Council to adopt a policy for the continuing professional development of Council members.
11. Whilst this policy is not currently scheduled for review, the ‘professional development allowance’ component of the policy has been identified as relevant to this review as it relates to the awarding of allowances, fees and entitlements to Council members.

## Discussion

### Legislative context

12. The allowances, fees and reimbursements payable by the City to Council members are governed by the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996*, and the Local Government Chief Executive Officers and Elected Members Determination (the “Determination”) issued at least once annually by the Salaries and Allowances Tribunal (the “Tribunal”) for the purposes of this legislation.
13. The Tribunal issued its current Determination (No 1 of 2021) on 8 April 2021. The remuneration, fees, expenses and allowance ranges set in this Determination were unchanged from the previous Determination (No 1 of 2020) made 8 April 2020.
14. A comparison is provided in Attachment 16.10H of the allowances, fees and entitlements which are:
  - a. Prescribed by legislation and determined by the Tribunal
  - b. Currently provided to Council members under existing Council Policies

- c. Proposed to be provided under the proposed new Policy – Council Member Allowances, Fees and Entitlements (Attachment 16.10F)

15. The following recommendations from the Inquiry into the City of Perth are addressed by this policy review:

Section	
No.	Recommendation Description
94	The amendments to City of Perth Council Policy – “CP10.6: Elected Members – Reimbursement of Expenses” on 25 September 2018, which restricts the amount and categories of permissible reimbursement for expenses incurred by Council members, be retained.
95	The City’s CEO only authorise Council members to be reimbursed, at the City’s cost, where the sole purpose of the expenditure is for the proper discharge of the Council member’s role as a representative of the City.
96	<p>City of Perth Council Policy - "CP10.6: Elected Members - Reimbursement of Expenses" be further reviewed and amended by the end of September 2020 to:</p> <ul style="list-style-type: none"> <li>• clearly articulate the process and financial controls in place for reimbursement of expenses, including actions required by Council members;</li> <li>• articulate that Council members cannot commit City funds or incur expenses on behalf of the City;</li> <li>• provide a requirement for evidence of the expenditure, namely, a receipt paid by the Council member;</li> <li>• provide that Council members must complete the required declaration regarding the expenditure and that where the declaration is not made and complete, the reimbursement will not occur;</li> <li>• articulate the CEO and/or delegated employee responsibilities for the acquittal of claims for expenses by Council members;</li> <li>• articulate that the allowance of one Council member cannot be used by another if that Council member's allowance has been exceeded; and</li> <li>• state that making a false or fraudulent claim may be a criminal offence and reported to the Western Australian Police Force and/or the Corruption and Crime Commission.</li> </ul>
97	All expenditure claims, including the Council member's name, claim category, parties or connection to the City, amount and date approved will be recorded in a register maintained by the City's CEO or his or her delegate immediately after the claim has been incurred by an authorised officer and be contained in the Expenditure, Interests and Gifts Register.

16. In reviewing Policies 10.5 Council Member Allowance and Meeting Attendance Fees and 10.6 Elected Members - Reimbursement of Expenses, the City has considered the allowances, fees and entitlements of six other Band 1 local governments in Western Australia. These were the Cities of Bayswater, Fremantle, Gosnells, Joondalup, Stirling and Wanneroo.
17. All of these local governments provide annual fees and allowances to Council members at the maximum rate and amounts determined by the Tribunal, and all provide an annual attendance fee in lieu of meeting fees and an annual ICT allowance in lieu of reimbursements.
18. Given the Inquiry recommendation that the limits on the classes of reimbursements set in Policy 10.6 be retained, any additional allowances and entitlements provided by those local governments were not considered as part of this review.
19. The Lord Mayoral vehicle was benchmarked against the vehicles provided to Lord Mayors of other Capital Cities in Australia and the Mayors of other Band 1 Local Governments when Policy 13.6A Motor Vehicle and Transport Services for the Lord Mayor was developed in May 2020. These entitlements have not been amended since May 2020, and the appropriateness of the Lord Mayoral Vehicle has therefore not changed since that time.
20. Where mandatory allowances, fees and entitlements were not provided for in existing policies, these have been included in the proposed policy (Attachment 16.10G).
21. Any proposed changes to the nature and extent of the allowances, fees and entitlements provided to Council members are outlined in Attachment 16.10F.
22. It is recommended that Policy 1.2 Professional Development be amended so that the professional development allowance provided to Council members is instead addressed in the same policy as other Council member entitlements.

#### Legal representation for member and employees

23. It is recommended for the streamlining and simplification of policies to incorporate the reimbursement of legal fees and insurance policy deductibles into the proposed new Council Member Allowances, Fees and Entitlements Policy. This will allow Council members to use a single document when dealing with expenses and entitlements.
24. This is the approach taken by local governments outside of WA and is more user friendly. The City of Melbourne, City of Sydney and City of Gold Coast all have their legal reimbursement policies within councillor expense policies.
25. The terms of the proposed new policy provide for the General Counsel, who has the knowledge and experience in the instructions of and management of external lawyers, to approve the reimbursement or prepayment where the costs incurred (or to be incurred) are:
  - a. directly related to the Council member's role at the City;
  - b. unrelated to a local government election matter or dispute;
  - c. in the best interests of the City or have a common interest with the City;
  - d. with a legal practitioner approved in advance by the General Counsel on terms that the General Counsel requires.

26. Financial limits have been removed on the basis that cost will be considered in the assessment of whether the payment is in the best interest in the City. However, this cannot exceed \$50,000 without Council approval.
27. The new policy only relates to the expenses of Council members so whilst streamlining policies the amalgamation creates a gap in that legal expenses for employees (I.e. the CEO) is not detailed.
28. Rather than create a standalone policy for employee legal expenses it is proposed that Council approves a deed of indemnity and access being granted to the CEO.
29. Should the CEO consider other employee's legal expenses ought to be paid for reasons related to the City this can be assessed on a case by case scenario.

## Stakeholder Engagement

30. The City's insurance broker, LGIS, provided comment on the City's current coverage for legal representation. The coverage appears reasonably comprehensive.

## Decision Implications

31. Given Council has resolved that all policies be reviewed, if no action is taken on this matter then the review would not be completed.
32. If Council supports the recommendation, this will cause the Inquiry recommendations relating to Council member entitlements to be implemented and the centralisation of how allowances, fees and entitlements are dealt with in Council Policy.
33. If Council does not support the recommendation, the current state of multiple policies dealing with expenses and entitlements will remain. This may lead to overlap and inconsistencies.

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Performance
Strategic Community Plan Objective:	5.5 A financial business model underpinned by a culture of cost management, best value and strategic financial analysis that is subject to ongoing oversight, transparency and accountability
Issue Specific Strategies and Plans:	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	Sections 2.7(2)(b), 5.98, 5.128, 5.126 of the <a href="#">Local Government Act 1995</a> Part 8 and Regulations 35 and 36 of the <i>Local Government (Administration) Regulations 1996</i>

	<p>Section 7B(2) of the <i>Salaries and Allowances Act 1975</i></p> <p><i>City of Perth Parking Local Law 2017</i></p>
<b>Authority of Council/CEO:</b>	<p>Section 2.7(2)(b) of the <i>Local Government Act 1995</i> provides that Council's role includes determining the policies of the local government.</p> <p>Under section 5.43(e) of the <i>Local Government Act 1995</i> Council may not delegate to the CEO any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.10. The policies include decisions under these sections and therefore a Council decision is required.</p> <p>In addition, section 5.128 requires an absolute majority decision for amendments to a policy for continuing professional development.</p>
<b>Policy:</b>	<p>1.2 Professional Development</p> <p>10.5 Council Member Allowance and Meeting Attendance Fees</p> <p>10.6 Elected Members - Reimbursement of Expenses</p> <p>10.10 Parking and Access to Council House - Councillors</p> <p>13.6A Motor Vehicle and Transport Services for the Lord Mayor</p> <p>10.16 Legal Representation for Members and Employees</p>

## Financial Implications

Nil.

## Further Information

Following the Policy Committee held on 10 May 2021, further information is provided below:

34. Several amendments have been made to the proposed Council Policy Council Member Fees, Allowances and Entitlements (Attachment 16.10F) in accordance with feedback provided by the Committee.
35. The frequency of payments of annual fees and allowances to Council members has been changed from quarterly to monthly (clause 1).
36. The definition of childcare expenses has been broadened to childcare provided by a professional childcare provider, not just an 'approved' provider (clause 10). It does not include childcare provided by a relative or person who lives with the Council member and/or the child.
37. Council members are entitled to an Elected Member Parking Permits under the *City of Perth Parking Local Law 2017*. Access to gated City of Perth car parks is provided through CPP parking cards or licence plate recognition to enable Council members to fully utilise their parking entitlements. Clause 35 has been amended to reflect this practice.
38. Council members may be provided access to the 'civic areas' of Council House, rather than specific floors (clause 37).
39. Clause 39 was amended to provide that the City will only pay fees directly to a legal provider, not to the Council member as a reimbursement. Additionally, a reference to clause 10(a) to 10(d) was corrected to 39(a) to 39(d).
40. With regards to the Lord Mayoral vehicle, the Commissioners did not pass a motion to auction or otherwise dispose of the vehicle.

## Council Resolution (OCM-21/05-131)

**Mover** Councillor Fleeton  
**Seconder** Councillor Gobbert

That Council:

1. REVOKES Council Policies:
  - a. 10.5 Council Member Allowance and Meeting Attendance Fees
  - b. 10.6 Elected Members - Reimbursement of Expenses
  - c. 10.10 Parking and Access to Council House - Councillors
  - d. 13.6A Motor Vehicle and Transport Services for the Lord Mayor
  - e. 10.16 Legal Representation for Members and Employees
2. ADOPTS Council Policy Council Member Fees, Allowances and Entitlements (Attachment 16.10F).
3. ADOPTS amended Council Policy 1.2 – Professional Development Policy (Attachment 16.10G).
4. APPROVES a deed of access and indemnity being granted to the Chief Executive Officer on terms proposed by the General Counsel.

**CARRIED UNOPPOSED BY ABSOLUTE MAJORITY (8/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Ko and Lezer  
**Against** None

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3.10pm Councillor Gordon returned to the meeting prior to Item 16.11.

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## 16.11 Review of Policy 10.13 Reimbursement of Expenses for Non-Council Committee Members

Responsible Officer	Michelle Reynolds - Chief Executive Officer
Voting Requirement	Simple Majority
Attachments	Attachment 16.11A – Existing Council Policy 10.13 Reimbursement of Expenses for Non-Council Committee Members Attachment 16.11B – New Policy 1.7 Independent Committee Members

### Purpose

To present the review of Policy 10.13 Reimbursement of Expenses for Non-Council Committee Members.

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### Recommendation from the Policy Committee

That Council:

1. REVOKES Policy 10.13 Reimbursement of Expenses for Non-Council Committee Members
  2. ADOPTS Policy 1.7 Independent Committee Members
-

## Background

1. Council, at its meeting on 3 November 2020, resolved to review all policies by 1 September 2021. Policy 10.13 Reimbursement of Expenses for Non-Council Committee Members (Policy 10.13) is scheduled to be reviewed by the May meeting.
2. Policy 10.13 was adopted by Council in May 1997 and was last reviewed in February 2011.
3. Legislation guiding the role, appointment and reimbursement of expenses for independent committee members are sections 5.10 and 5.100 of the *Local Government Act 1995*, regulations 31 and 32 of the *Local Government (Administration) Regulations 1996*, section 30.6 of the *Local Government Officers' (Western Australia) Interim Award 2011*, and the *Salaries and Allowances Tribunal Local Government Chief Executive Officers and Elected Members Determination No 1 of 2021*.

## Discussion

4. The review of the policy focused on three key aspects:
  - a. Updates in line with the requirements under legislation
  - b. Inclusion of a provision for the appointment of independent committee members as there is no detailed process in the existing policy or legislation
  - c. Specification of limitations on reimbursements, in line with legislation.
5. In reviewing this policy, the City has examined the policies of other local governments, as follows:

Local Government	Policy / Comparative Detail
City of Joondalup	<ul style="list-style-type: none"> <li>• Includes an expanded clause to reimburse for information and communications technology expenses, such as telephone calls and internet service, in addition to the rental of a telephone and facsimile machine.</li> <li>• Includes a clause specifying a time limit for claims for reimbursement to be submitted.</li> </ul>
City of Swan	<ul style="list-style-type: none"> <li>• Sets out the process for evidencing reimbursement claims, requiring receipts specifying dates, times and providers.</li> <li>• Includes a clause specifying a time limit for claims for reimbursement to be submitted.</li> <li>• Includes the expanded childcare clause to cover carer costs.</li> </ul>
City of Vincent	<ul style="list-style-type: none"> <li>• Includes an expanded clause to reimburse for information and communications technology expenses, such as telephone calls and internet service, in addition to the rental of a telephone and facsimile machine.</li> <li>• Includes a clause specifying a time limit for claims for reimbursement to be submitted.</li> </ul>

6. The proposed amendments to Policy 10.13 are summarised below:
- a. Retitled to 'Independent Committee Members' as the scope of the policy extends beyond just the reimbursement of these members
  - b. A provision for the appointment of an independent committee member via a process aligned with that of appointing independent members to State Government boards and committees
  - c. The reimbursement of travelling and parking costs to be defined as per section 5.100 of the *Local Government Act 1995* with a maximum reimbursement level as specified in section 30.6 of the *Local Government Officers' (Western Australia) Interim Award 2011*
  - d. The reimbursement of childcare costs was expanded to also cover carer costs, in line with the entitlements of Council members.
  - e. The reimbursement of information and communications technology costs was expanded to cover ICT-related expenses, such as telephone calls and internet service, as the rental of facsimile machines and telephones is increasingly uncommon.
  - f. The reimbursement of other costs was inserted as per legislation, where any expense incurred in the course of public duties may be reimbursed at the approval of the CEO
  - g. A clause to specify the time limit on claims was inserted in line with standard practice across other Band One local governments.

## Stakeholder Engagement

Nil.

## Decision Implications

7. If Council does not adopt the officer's recommendation, the existing policy will remain in place. If this occurred, it is recommended that Council note the review having taken place.

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Performance A city led by a Council and supported by an administration that is committed to sound strategy and governance, excellence in customer service and effective and sincere engagement with all stakeholders.
Strategic Community Plan Objective:	Objective 5.6 Decision-making that is ethical, informed and inclusive.
Issue Specific Strategies and Plans:	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Sections 2.7(2)(b), 5.10 and 5.100 of the <i>Local Government Act 1995</i> for guiding the role, appointment and reimbursement of expenses for independent committee members.</p> <p>Regulations 31 and 32 of the <i>Local Government (Administration) Regulations 1996</i> for specifying expenses to be reimbursed and those that may be approved to be reimbursed.</p> <p>Salaries and Allowances Tribunal Local Government Chief Executive Officers and Elected Members Determination No 1 of 2021 for reimbursement thresholds.</p> <p>Section 30.6 of the <i>Local Government Officers' (Western Australia) Interim Award 2011</i> for motor vehicle expenses reimbursement calculations.</p>
Authority of Council/CEO:	In accordance with 5.43(e) of the <i>Local Government Act 1995</i> , a decision under section 5.100 cannot be delegated to the CEO.
Policy:	Nil.

## Financial Implications

The financial implications of the recommendations are accommodated within the existing budget.

Account Number	1003-100-10-10001-7230	Operating
Account Description	Administration	
Total Budget	\$0.00 for 20/21 FY	
Budget – This report	Nil	
Remaining Budget	Nil	
Budget Impact	Nil	

## Relevant Documents

[State Government Boards and Committees – Premier's Circular 2019/07.](#)

## Further Information

Following the Policy Committee held on 10 May 2021, further information is provided:

8. In accordance with feedback provided by the Committee, the definition of childcare expenses in Policy 1.7 (Attachment 16.11B) has been broadened to childcare provided by a professional childcare provider, not just an 'approved' provider (clause 10). It does not include childcare provided by a relative or person who lives with the independent committee member and/or the child.

## Council Resolution (OCM-21/05-132)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council:

1. REVOKES Policy 10.13 Reimbursement of Expenses for Non-Council Committee Members
2. ADOPTS Policy 1.7 Independent Committee Members

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## Audit and Risk Committee meeting held on 11 May 2021

### 16.12 Internal Audit – Progress Report

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirement	Simple Majority
Attachments	Nil.

### Purpose

To provide information on the progress of key internal audit activities at the City of Perth.

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### Recommendation from the Audit and Risk Committee

That Council NOTES the status of internal audit activities at the City of Perth.

### Revised Officer Recommendation

That Council:

1. NOTES the status of internal audit activities at the City of Perth
  2. APPROVES the revision of the 2020/21 Internal Audit Plan to replace the Misconduct and Fraud Audit with the Owners and Occupiers Roll Audit, and the revised delivery date of the ICT Governance Audit in July 2021.
-

## Background

1. The Action Plan for the Audit and Risk Function was submitted to and approved by the Audit and Risk Committee (ARC) in February 2021. There are no action items due in quarter three.
2. Key internal audit actions to be delivered in quarter four include:
  - a. Internal Audit Charter to be reviewed and presented to ARC to reflect best practice guidance
  - b. ARC Terms of Reference to be reviewed and updated to reflect best practice guidance
  - c. The development of a three-year Strategic Internal Audit Plan and Annual Audit Plans focused on strategic, operational and project risks
  - d. A Resource Plan for Internal Audit function to be developed with a proposed budget
  - e. Annual reporting to ARC on a quality assurance and improvement program, auditor independence and adherence to the IIA Code of Ethics
  - f. Delivery of the 2020-21 Internal Audit Plan.
3. The 2020/21 Internal Audit Plan was approved with the following audits to be delivered in quarter four:
  - a. Limited Review of Procurement
  - b. ICT Governance
  - c. Procurement and Contracting
  - d. Payroll
  - e. Complaints and Grievance Process
  - f. Misconduct and Fraud.

## Discussion

4. Delivery of a high-quality internal audit program that complies with the Institute of Internal Auditors Standards is critical to ensure good governance.
5. Resourcing of the Internal Audit function was reviewed and a gap in in-house skills and experience was identified. The decision was subsequently made to fully outsource the Internal Audit function.
6. A fully outsourced model with a leading service provider generally holds consultants with a broad range of skills and experience that would cover all needs of an organisation's internal audit function. The consultants also are able to consider benchmarking given their constant exposure to other organisations.
7. A Request for Quotation process resulted in KPMG being awarded the contract to deliver the remaining 2020/21 internal audits.
8. Entrance meetings are currently being held to commence these audits.
9. When considering each of the audits listed in paragraph three above, two issues became apparent:
  - a. The Misconduct and Fraud Audit is scheduled prematurely. The reason for this is that the Fraud and Corruption Control Plan is only being developed, and there needs to be a period of time that this be implemented before any worthwhile conclusions can be made as to its effectiveness.

- b. The Owners and Occupiers Roll Audit scheduled for quarter one/quarter two 2021 is scheduled too late. The Governance area are keen to understand any potential risk areas prior to the 2021 electoral process commencing.
10. It is proposed that the Owners and Occupiers Roll Audit replace the Misconduct and Fraud Audit in the 2020/21 Internal Audit Plan and that the Misconduct and Fraud Audit be conducted in quarter four 2021/22.
11. KPMG have advised that there will be no budgetary impact on the cost associated with the above proposed change.

## Stakeholder Engagement

Nil.

## Decision Implications

Nil.

## Strategic, Legislative and Policy Implications

Strategic			
Strategic Aspiration:	Community	Plan	Performance
Strategic Objective:	Community	Plan	Objective 5.5 A financial business model underpinned by a culture of cost management, best value and strategic financial analysis that is subject to ongoing oversight, transparency and accountability. Objective 5.6 Decision-making that is ethical, informed and inclusive.
Issue Specific Plans:	Strategies	and	2020-21 Internal Audit Plan

Legislation, Delegation of Authority and Policy	
Legislation:	The Audit and Risk Committee is to oversee the implementation of any action that the local government is required to take or has accepted should be taken following receipt of an audit report (regulation 16 of the <i>Local Government (Audit) Regulations 1996</i> ).
Authority of Council/CEO:	The role of the Committee, in line with the above legislation, is to guide and assist the local government with its functions related to audits.
Policy:	Nil.

## Financial Implications

Nil.

## Relevant Documents

Nil.

## Further information

Nil.

## Revised Officer Recommendation and Council Resolution (OCM-21/05-133)

**Mover** Councillor Fleeton

**Seconder** Councillor Lezer

That Council:

1. NOTES the status of internal audit activities at the City of Perth
2. APPROVES the revision of the 2020/21 Internal Audit Plan to replace the Misconduct and Fraud Audit with the Owners and Occupiers Roll Audit, and the revised delivery date of the ICT Governance Audit in July 2021.

**CARRIED UNOPPOSED (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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'Limited Procurement Review Report – April 2021' is presented under Item 18 as it contains confidential information.

## CEO Performance Review Committee meeting held on 27 April 2021

### 16.13 Standards for CEO Recruitment, Performance and Termination

Responsible Officer	Danielle Uniza - Acting Alliance Manager Executive Services
Voting Requirement	Absolute Majority
Attachments	Attachment 16.13A

#### Purpose

For Council to adopt standards for CEO recruitment, performance and termination, as required under section 5.39B of the *Local Government Act 1995*.

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#### Recommendation from the CEO Performance Review Committee

That Council ADOPTS the City of Perth Standards for Chief Executive Officer recruitment, performance and termination, as at Attachment 16.13A, pursuant to section 5.39B of the *Local Government Act 1995*.

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## Background

1. In 2019 the *Local Government Act 1995* (the Act) was amended to require the adoption of standards for CEO Recruitment, Performance and Termination (CEO employment standards).
2. On 3 February 2021 amendments to the *Local Government (Administration) Regulations 1996* took effect which prescribed the model standards. Pursuant to section 5.39B of the Act, the Council must adopt CEO employment standards, which include the model standards. The explanatory notes for the model standards can be found on the [Department of Local Government, Sport and Cultural Industries \(the Department\) website](#). The standards create new requirements for Council in conducting CEO recruitment, CEO performance reviews and terminating a CEO.
3. The Department have also released a [guideline](#). This guideline is intended to assist in the interpretation and implementation of the CEO employment standards.

## Discussion

4. The CEO employment standards have been introduced, based upon the second reading speech in Parliament to:

*“provide council members with a best practice framework, the bill introduces the requirement for the adoption of minimum standards for the recruitment, selection, performance review and dismissal of a CEO. These will be developed with input from the Public Sector Commission.”*

5. At a minimum, Council must adopt the model standards for CEO recruitment, performance, and termination. The standards are recommended for adoption without amendment, apart from inserting “City of Perth”, as at Attachment 16.13A.
6. The Council currently manages the CEO performance review processes through its CEO Performance Review Committee (the Committee). As such it is appropriate the committee considers this matter before Council. The Committee’s current terms of reference are:

To:

1. *undertake an annual review of the performance of the Chief Executive Officer as required by section 5.38 of the Local Government Act 1995;*
  2. *establish annual performance objectives for the Chief Executive Officer; and*
  3. *report the outcome of the review referred to in part 1 above to Council.*
7. The Committee recommends to Council the process to be undertaken for the annual performance review and oversees that process once agreed by Council and the CEO. The CEO’s performance is required by law to be reviewed annually.
  8. Council, as the CEO’s employer, will need to reach agreement with the CEO as to the process to be undertaken in conducting the performance review. This process will then need to be agreed in writing.

## Stakeholder Engagement

9. Given this matter relates to the CEO’s employment, consultation has been undertaken with the CEO.

## Decision Implications

10. The City is required to adopt CEO employment standards, which include the model standards.
11. The CEO employment standards require that Council and the CEO must agree on the process by which the CEO's performance will be reviewed and any performance criteria. Any changes to the process or performance criteria must be agreed to by the CEO.

## Strategic, Legal and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Performance A city led by a Council and supported by an administration that is committed to sound strategy and governance, excellence in customer service and effective and sincere engagement with all stakeholders.
Strategic Community Plan Objective:	5.4 Human resources, both elected and employed, that is committed to professional development and improvement within a safe, happy and productive workplace.
Issue Specific Strategies and Plans:	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	Section 5.39B of the <i>Local Government Act 1995</i>
Authority of the Council/CEO	The <i>Local Government Act 1995</i> requires a local government, by resolution of an absolute majority, to adopt standards, incorporating the model standards.
Policy:	Nil.

## Financial Implications

Nil.

## Relevant Documents

[Department Guideline: Standards for CEO Recruitment, Performance and Termination](#)

## Further Information

Following the Agenda Briefing Session held on 18 May 2021, further information is provided:

12. In response to questions regarding the selection of panel members, Clause 8(3) of the standards state:  
*“The selection panel must comprise —*
  - (a) council members (the number of which must be determined by the local government); and*
  - (b) at least 1 independent person.”*
13. The reference to ‘local government’ for the purpose of the model standards means the Council. This is the exact wording contained with the standards the City is required to adopt. This is not to dissimilar to the use of the term ‘local government’ in the *Local Government Act 1995*. In those instances, the term ‘local government’ typically refers to the Council, unless the function is delegated. Further information is available in the Department of Local Government’s Operation Guidelines on Delegations.
14. In response to a shared-responsibility question relating to Clause 19(b) of the standards, it is advised that in accordance with Section 5.39C of the *Local Government Act 1995* *“a local government may include in the adopted standards **provisions that are in addition to the model standards**, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.”* Although the officer recommendation is to adopt the model standards with no changes, Council may choose to add additional provisions so long as it is consistent with the model standards. Furthermore any additional provisions are of no effect to the extent that they are inconsistent with the model standards.

## Council Resolution (OCM-21/05-134)

**Mover** Councillor Fleeton

**Seconder** Councillor Gordon

That Council ADOPTS the City of Perth Standards for Chief Executive Officer recruitment, performance and termination, as at Attachment 16.13A, pursuant to section 5.39B of the *Local Government Act 1995*.

**CARRIED UNOPPOSED BY ABSOLUTE MAJORITY (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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'CEO Key Performance Indicators – Interim Report' is presented under Item 18 as it contains confidential information.

## 17. Motions of which notice has been given

- 3.12pm Councillor Gordon disclosed a direct financial interest in Item 17.1 and departed the meeting.
- 3.14pm The Acting Alliance Manager Executive Services departed the meeting during Item 17.1 and returned at 3.15pm.

### 17.1 Notice of Motion – Councillor Fleeton - Strengthening Perth’s Value Proposition

The following Notice of Motion has been submitted in accordance with clause 4.12 of the *Standing Orders Local Law 2009*.

Councillor member	Brent Fleeton
Date Notice of Motion received	11 May 2021
Motion	<p>That Council <u>REQUESTS</u> that the Chief Executive Officer:</p> <ol style="list-style-type: none"> <li>1. <u>INVESTIGATES</u> the development of a four-year matched funding program to assist in the revitalisation of heritage-protected commercial/retail buildings, which considers the following: <ol style="list-style-type: none"> <li>a. the program criteria to ensure that eligible works lead to a significant benefit to the City</li> <li>b. the source of funding which is not to exceed \$4million over four years</li> <li>c. the engagement of key stakeholders in the development of the program</li> </ol> </li> <li>2. <u>ALLOCATES</u> \$15,000 for updated market research and project support allocated from the 2020/21 surplus</li> <li>3. <u>SUBMITS</u> a report outlining all information and relevant options for Council to consider by December 2021</li> </ol>
Reason provided for the motion	<p>One of our jobs as the capital city council is to do all we can to ensure the value proposition of the city as a destination for office workers, retail shoppers and hospitality patrons is as strong as possible.</p> <p>We know the dynamic of the CBD has changed with COVID, it’s now no longer guaranteed that hundreds of thousands of people venture in every day for work. We need to change with the times, we need to help create that reason for people to visit. This was prevalent even before restrictions hit last year. We cannot rely on traditional retail as the reason to visit.</p> <p>This project won’t be the silver bullet, but it’s a start. It’s a strong signal that we’re supporting the market in bringing back the glory days of Perth. We’ll</p>

unlock the multiplier effect, as businesses would need to provide the bulk of the funding and meet certain criteria, including strict heritage protection requirements, all with a focus on adding as much value to the broader community as possible.

This is not a project to fund the mediocre or the status quo. This is to support something new, something different, something that will make people take another look at Perth.

As the Lord Mayor put it during his campaign, we cannot “out Westfield” Westfield.

Our key strength lies with our rich cultural heritage, with so much of it sitting untapped above ground level.

Our own research commissioned in 2019 undertaken by independent property group Y Research found 42 per cent of vacant space (16,606 square metres) located in two to three-storey buildings in and around the CBD’s core was located above ground level.

The motion allows time to get all the research and options on the table for Council to consider, how it’s going to be funded, and when we can go to market. We don’t need to come up with the ideas, the market will tell us what people want to experience. Our investment will give projects viability, overcoming the huge costs of disability access and upgraded building codes, so often the major roadblock in these examples.

One final comment: if we don’t support these types of projects, when we get hit with the next property evaluations in 2 years’ time as part of the rates process, you’ll see commercial, retail, and office ratepayers’ properties decline in value – meaning a big impact on our income. A big portion of our rates income each year comes from these categories.

I see this type of project as one to unlock our city’s potential in an area where suburban shopping megamalls cannot match us, while protecting ratepayers in the residential category from big rate increases to cover the loss that’s certainly coming.

## Administration Response to Notice of Motion

Responsible Officer	Kylie Johnson – Acting General Manager Community Development
Voting Requirement	Absolute Majority
Attachments	Nil

## Discussion

1. The City of Perth Cultural Development Plan has a vision of its built heritage making Perth a beautiful place to be. The City has an ongoing commitment to support local business and property owners to improve precinct amenity, stimulate business activity and provide direct benefits to the City of Perth community.
2. The proposed program can be investigated, with due consideration of legal and probity implications, and a report provided by December 2021.
3. The investigation will need to occur in 2020/21/22, so operational budget would need to be reprioritised to include this new project.

## Decision Implications

4. If Council supports the motion then funding sources for the allocation of up to \$4 million over four years will be investigated.
5. If Council does not support the motion, then commercial/retail stakeholders will continue to be supported through the provision of the current Grants, Sponsorship and Donations Program Guidelines 2021-2022. These Guidelines do not accommodate projects to the scale of the proposed program.

## Strategic, Legislative and Policy Implications

Strategic Community Plan	
Aspiration:	Place and Prosperity
Objective:	2.6 Stimulating, functional and attractive design outcomes across all developments. 4.4 Attract and support new and existing business to create a CBD retail experience that is superior to suburban competition.
Issue Specific Strategies and Plans:	City of Perth Heritage Strategy 2020-2024 Cultural Development Plan 2019 - 2029

Legislation, Delegation of Authority and Policy	
Legislation:	Section 6.8 of <i>Local Government Act 1995</i> - relates incurring expenditure from the municipal fund.

	<p>Section 6.47 of <i>Local Government Act 1995</i> - relates to the nature of concessions which will need to be considered.</p> <p>Section 12(1) <i>Commercial Tenancy (Retail Shops) Agreement Act 1995</i> - relates to the application of concessions being passed on to tenants.</p> <p>Part 1(d), 3 and 5 of <i>Heritage Act 2018</i> – relates to the State Register of Heritage Places, and encouraging and facilitating the conservation, continuing use, development and adaptive reuse of places of cultural heritage significance and interest.</p> <p>Schedule 2, Part 3 of <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Heritage protection applicable to development within all Heritage Areas and all identified heritage places on the Heritage List.</p> <p>Section 4.10 and 6.6 of the Planning Policy Manual within the City Planning Scheme No.2 - relates to heritage and the King Street Heritage Areas Design Guidelines</p> <p>State Planning Policy 3.5 – relates to historic heritage conservation.</p>
<b>Authority of Council/CEO:</b>	In accordance with section 6.8 of the <i>Local Government Act 1995</i> , a local government is not incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution (absolute majority required).
<b>Policy:</b>	<p>Policy 18.13 - Sponsorship and Grants</p> <p>The policy directs that there be a consistent and transparent assessment process and criteria to guide grant and sponsorship recommendations to Council.</p>

## Financial Implications

6. The financial implications of the recommendation will require additional expenditure:

<b>Account Number</b>	TBC	Operating
<b>Account Description</b>	Budget Surplus	
<b>Current Budget</b>	\$0	
<b>Amendment to Budget</b>	\$15,000	
<b>Revised Budget</b>	\$15,000	
<b>Budget Impact</b>	Accommodated in existing budget surplus	

## Relevant Documents

Nil.



## Council Resolution (OCM-21/05-135)

**Mover** Councillor Fleeton

**Seconder** Councillor Gobbert

That Council REQUESTS that the Chief Executive Officer:

1. INVESTIGATES the development of a four-year matched funding program to assist in the revitalisation of heritage-protected commercial/retail buildings, which considers the following:
  - a. the program criteria to ensure that eligible works lead to a significant benefit to the City
  - b. the source of funding which is not to exceed \$4million over four years
  - c. the engagement of key stakeholders in the development of the program
2. ALLOCATES \$15,000 for updated market research and project support from the 2020/21 surplus
3. SUBMITS a report outlining all information and relevant options for Council to consider by December 2021.

**CARRIED UNOPPOSED BY ABSOLUTE MAJORITY (8/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Ko and Lezer

**Against** None

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‘17.2 Notice of Motion – Deputy Lord Mayor Anghie – Main Street Refresh Program’ was moved in the order of business and appears on page 34 of these minutes.

3.18pm Councillor Gordon returned to the meeting prior to Item 17.3.

3.24pm Councillor Bain departed the Chamber during Item 17.3 and returned at 3.27pm.

### 17.3 Notice of Motion – Deputy Lord Mayor Anghie – Architecture and Design Advisory Group

The following Notice of Motion has been submitted in accordance with clause 4.12 of the *Standing Orders Local Law 2009*.

<b>Councillor member</b>	Deputy Lord Mayor Sandy Anghie
<b>Date Notice of Motion received</b>	12 May 2021
<b>Motion</b>	That Council <u>REQUESTS</u> the Chief Executive Officer to investigate the establishment of a City Architecture and Design Advisory Group to review City-led design for projects of significance.
<b>Reason provided for the motion</b>	<p>Currently the City’s Design Advisory Committee provides independent advice and recommendations to the Council in respect to applications for major developments within the City, and other developments when referred by the Manager Development Approvals.</p> <p>However, there is no independent design review process for City-led design projects of significance. For example, the Hay Street Mall refresh or the proposed Aquatic Centre.</p> <p>What I am proposing is the establishment of an Architecture and Design Advisory Group to review City-led designs for projects of significance. This could operate in a similar manner to the City’s other reference Groups, including our:</p> <ul style="list-style-type: none"> <li>• Elders Advisory Group</li> <li>• Access and Inclusion Advisory Group</li> <li>• LGBTQIA+ Advisory Group</li> </ul> <p>Great cities of the world are defined by their architecture and design.</p> <p>Establishing an Architecture and Design Advisory Group would help guide the City of Perth in the design of significant projects to achieve better design outcomes.</p> <p>Let’s elevate the design conversation in Perth.</p>

## Administration Response to Notice of Motion

Responsible Officer	Megan Adair – Acting General Manager Planning and Economic Development
Voting Requirement	Simple Majority
Attachments	Nil

### Discussion

1. City-led design projects are currently reviewed via an internal review process including the City Architect and Alliance Managers.
2. The City of Perth established a Design Advisory Committee (the Committee) in 2004/05.
3. The composition of the Committee includes (but is not limited to) landscape architects and urban designers with a supporting Terms of Reference (Attachment 15.2A).
4. The members of the Committee are nominated by their institutes and the membership is ultimately approved by the Council.
5. The Committee currently provides advice on development applications for buildings, public spaces and landscape and as an existing group of experts, it would be the most effective way of independent peer review of City-led design projects.
6. The Terms of Reference of the Committee currently refer to development applications; as most City-led projects are public works they do not require development approval.
7. The Committee's Term of Reference could be modified to include city-led projects for review and using an existing expert group would create efficiencies rather than creating another committee or advisory group.

### Decision Implications

8. If Council supports the motion, an investigation into the establishment of an advisory group will be undertaken. The investigation will include:
  - a. A review of the Committee's functions and Terms of Reference to determine cross-over/duplication and opportunities for improvement
  - b. Defining projects of significance
  - c. Other areas where there is an opportunity to help guide the City in the design of significant projects to achieve better design outcomes
  - d. Resourcing and cost implications
9. If Council does not support the motion, regardless the Committee's Terms of Reference will be reviewed by December 2021.

## Strategic, Legislative and Policy Implications

Strategic Community Plan	
Aspiration:	Place and Planet
Objective:	2.6 Stimulating, functional and attractive design outcomes across all developments 3.3 Widespread acceptance and utilisation of the principles of environmentally sustainable design.
Issue Specific Strategies and Plans:	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	The establishment of an Advisory Group is not considered under the <i>Local Government Act 1995</i> .
Authority of Council/CEO:	In accordance with Section 2.7 of the <i>Local Government Act 1995</i> , the Council is responsible for the performance of the local government's functions.
Policy:	The City of Perth does not have a policy with regards to the establishment and management of an advisory group. The Advisory Group would be guided by its Terms of Reference.

## Financial Implications

Nil.

## Relevant Documents

Nil.

## Council Resolution (OCM-21/05-136)

**Mover** Deputy Lord Mayor Anghie

**Seconder** Councillor Bain

That Council REQUESTS the Chief Executive Officer to investigate the establishment of a City Architecture and Design Advisory Group to review City-led design for projects of significance.

**CARRIED (7/2)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert and Ko

**Against** Councillors Gordon and Lezer

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#### 17.4 Notice of Motion – Deputy Lord Mayor Anghie – Continuation of Free Parking Trial

The following Notice of Motion has been submitted in accordance with clause 4.12 of the *Standing Orders Local Law 2009*.

<b>Councillor member</b>	Deputy Lord Mayor Sandy Anghie
<b>Date Notice of Motion received</b>	18 May 2021
<b>Motion</b>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. <u>ENDORSES</u> the continuation of the free parking trial for the 2021/22 financial year which provides free parking for the first three hours on weekends in the following City of Perth Parking (CPP) Car Parks: <ol style="list-style-type: none"> <li>a. Pier Street</li> <li>b. His Majesty's</li> <li>c. Perth Cultural Centre</li> </ol> </li> <li>2. <u>REQUESTS</u> the Chief Executive Officer to investigate the creation of a marketing and social media campaign to promote awareness of free parking.</li> </ol>
<b>Reason provided for the motion</b>	<p>The reason for this Notice of Motion is simple. The cost of parking continues to be a barrier to people visiting our City. The extension of the trial of three-hour free parking at three prominent inner-city carparks is intended to provide assistance to our City retailers, restaurants, cafes, bars and others – aimed at enticing more people to visit our City.</p> <p>Obviously this will only work if people know about it. So an awareness campaign is critical.</p>

## Administration Response to Notice of Motion

Responsible Officer	Allan Mason – General Manager Infrastructure and Operations
Voting Requirement	Simple Majority
Attachments	Nil.

## Discussion

1. Provision has been made in the 2021/22 budget to continue a three hour free parking trial (Trial) which incidentally satisfies Point 1 of the motion.
2. Following a resolution by Commissioners on 30 July 2019, a Trial on weekends and public holidays has been active in His Majesty's, Pier Street and the Perth Cultural Centre car parks commencing 16 November 2019. The extension of the initial Trial period was approved at the 30 June 2020 Ordinary Council Meeting.
3. Since November 2019, there has not been an uninterrupted 12-month period to fully assess the impact of the Trial, due to COVID-19.
4. The most comparable period was the first 18 weeks of the Trial to March 2020 (being the first COVID-19 lockdown) which resulted in an increase of approximately 28,000 carpark patrons and a \$860,000 reduction in revenue compared to the same period the year before.
5. The draft 2021/22 annual budget includes a \$100,000 allocation for the promotion of parking generally. The creation of a marketing and social media campaign to promote awareness of the Trial will be sourced from this budget.

## Decision Implications

6. The continuation of the Trial will reduce available parking revenue, however, the value of this is unknown. The effect of this Trial on attracting visitors to the City has not been determined.

## Strategic, Legislative and Policy Implications

Strategic Community Plan	
Aspiration:	Place
Objective:	2.5 - A parking service model that meets community needs from a best value for money perspective and allows for additional community benefits.
Issue Specific Strategies and Plans:	Nil.

#### Legislation, Delegation of Authority and Policy

Legislation:	Section 6.12 of the <i>Local Government Act 1995</i> Allows a local government to determine to waive any amount of money owed to the local government.
Authority of Council/CEO:	In this instance the Council is simply endorsing the continuation of an existing initiative to waive fees.
Policy:	Nil.

#### Financial Implications

7. The exact loss in revenue as a result of this trial is yet to be quantified and will be known at the end of the 2021/22 financial year.

#### Relevant Documents

Nil.

## Primary Motion

**Mover** Deputy Lord Mayor Anghie

**Seconder** Councillor Fleeton

That Council:

1. ENDORSES the continuation of the free parking trial for the 2021/22 financial year which provides free parking for the first three hours on weekends in the following City of Perth Parking (CPP) Car Parks:
  - a. Pier Street
  - b. His Majesty's
  - c. Perth Cultural Centre
2. REQUESTS the Chief Executive Officer to investigate the creation of a marketing and social media campaign to promote awareness of free parking.

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*During debate, Councillor Gordon moved an amendment to Point 1 of the primary motion, as follows:*

## Amendment

**Mover** Councillor Gordon

**Seconder** Councillor Lezer

1. ENDORSES the continuation of the free parking trial for the 2021/22 financial year which provides free parking for the first three hours on weekends at three City car parks. ~~in the following City of Perth Parking (CPP) Car Parks:~~
  - a. ~~Pier Street~~
  - b. ~~His Majesty's~~
  - c. ~~Perth Cultural Centre~~

**Reason:**

The elected members around the table were not part of the decision to identify those three car parks and commit to them for such a long period. It is still to be determined if those three car parks are still the most preferred.

**CARRIED (6/3)**

**For** Lord Mayor Zempilas, Councillors Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** Deputy Lord Mayor Anghie, Councillors Bain and Bevan

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*The amendment was declared carried and formed part of the primary motion.*

## Council Resolution (OCM-21/05-137)

**Mover** Deputy Lord Mayor Anghie  
**Seconder** Councillor Fleeton

That Council:

1. ENDORSES the continuation of the free parking trial for the 2021/22 financial year which provides free parking for the first three hours on weekends at three City car parks.
2. REQUESTS the Chief Executive Officer to investigate the creation of a marketing and social media campaign to promote awareness of free parking.

**CARRIED UNOPPOSED (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer  
**Against** None

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## 17.5 Notice of Motion – Lord Mayor Zempilas – Free Parking Trial for WA Police

The following Notice of Motion has been submitted in accordance with clause 4.12 of the *Standing Orders Local Law 2009*.

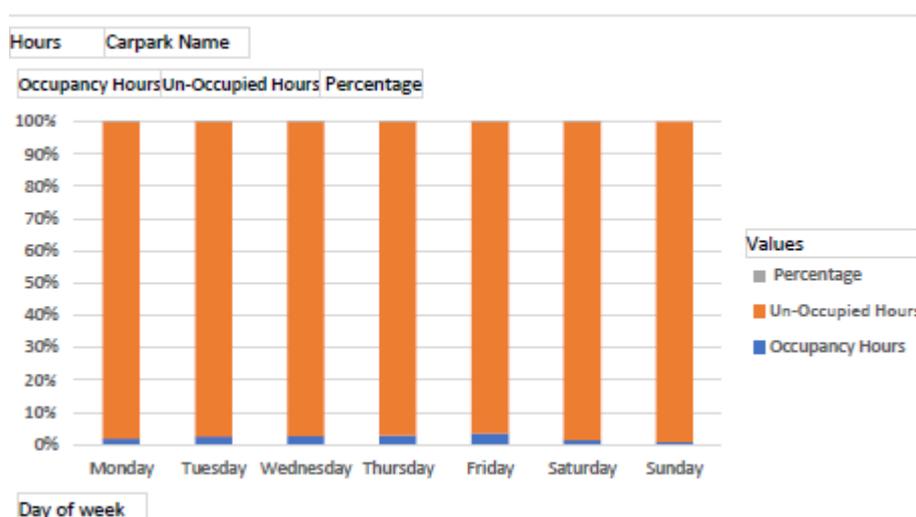
<b>Councillor member</b>	Lord Mayor Basil Zempilas
<b>Date Notice of Motion received</b>	18 May 2021
<b>Motion</b>	<p>That Council <u>APPROVES</u>:</p> <ol style="list-style-type: none"> <li>1. the allocation of 90 free car parking bays to the WA Police for use during night shifts in the CBD from 10.00pm to 7.00am</li> <li>2. the provision of the free car parking bays in Point 1 for a three-month trial period.</li> </ol>
<b>Reason provided for the motion</b>	<p>Last year I became aware that working police officers based at the Perth Police Centre in Northbridge pay for their private vehicle parking when they are at work. As well as making coming and going to work difficult it is also evident the parking arrangements (or lack there of) is a deterrent to officers choosing the Perth Police Centre as a place to work.</p> <p>It is a matter the Police Commissioner has personally raised with me.</p> <p>I speak on behalf of all elected members when I say we want a larger, highly visible, permeant police presence in our City at all times. And if we can make it easier for the Police to deliver on this and in the process make our City safer then we should give it a go.</p>

## Administration Response to Notice of Motion

Responsible Officer	Allan Mason – General Manager Infrastructure and Operations
Voting Requirement	Simple Majority
Attachments	Nil.

### Discussion

- Following recent discussions with the Chief Executive Officer, Lord Mayor and WA Police, an investigation into available parking facilities for use by WA Police at night time was initiated. The outcome of the investigation was that the City could accommodate Police in the Elder Street carpark (the Carpark) - 7 days a week from 10.00pm to 7.00am for a three-month trial. This Carpark was identified as the most suitable due to there being no major events currently occurring at Perth Arena due to COVID-19. The implementation of the investigation's outcome achieves this motion.
- The Carpark currently has no more than 5% occupancy during the hours of 10.00pm to 7.00am, as shown in the graph below:



- In the event that the Carpark is full, an alternative option is the 230 on-street car bays that are free from 6.00pm to 8.00am within 1km of the Northbridge Police Station.
- To facilitate the use of the Carpark by various Police staff and to minimise City resourcing, a system could be implemented involving the installation of a \$0 fee validator for use by WA Police.
- Verification of arrival and departure times can be undertaken to ensure the integrity of the system and the trial.
- Issuing of permits for dashboards is not a viable option as Elder Street is an automated carpark.
- The City can write to the Department of Transport to request the City of Perth Parking Levy be suspended for the duration of the trial.
- The outcomes of the trial will be assessed upon the trial's completion.

## Decision Implications

9. The financial implications of this decision are considered to be minimal at this time. The potential effect of the trial on community safety has not been determined.

## Strategic, Legislative and Policy Implications

Strategic Community Plan	
Aspiration:	Place
Objective:	2.5 - A parking service model that meets community needs from a best value for money perspective and allows for additional community benefits.
Issue Specific Strategies and Plans:	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	Section 6.12 of the <i>Local Government Act 1995</i> Allows a local government to determine to waive any amount of money owed to the local government.
Authority of Council/CEO:	A local government is able to waive fees in accordance with Section 6.12 of the <i>Local Government Act 1995</i> .
Policy:	Nil.

## Financial Implications

10. The financial implications of the trial are minimal with \$3500 required for the validator. There will also be minor internal resourcing implications.

## Relevant Documents

Nil.

*The Lord Mayor removed the words 'from 10.00pm to 7.00am' from his original motion.*

### Council Resolution (OCM-21/05-138)

**Mover** Lord Mayor Zempilas

**Seconded** Councillor Bevan

That Council APPROVES:

1. the allocation of 90 free car parking bays to the WA Police for use during night shifts in the CBD
2. the provision of the free car parking bays in Point 1 for a three-month trial period.

**CARRIED UNOPPOSED (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## 18. Matters for which the meeting may be closed

### 18.1 Request for Tender – Road Rehabilitation Services 000056-20/21

Responsible Officer	Allan Mason – General Manager Infrastructure and Operations
Voting Requirement	Simple Majority
Attachments	Confidential Attachment 18.1A – Tender Evaluation Report Confidential Attachment 18.1B – Evaluation Matrix & Comparison

### Purpose

This report presents the outcome of Request for Tender 000056-20/21 – Road Rehabilitation Services and seeks Council approval to award the contract for the construction works.

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### Recommendation

That Council ACCEPTS the most suitable tender, being that submitted by Downer EDI for Request for Tender 000056/ 20/21 – Road Rehabilitation Services contract, at a total contract value of \$12,500,000 (ex GST) over three years, with two optional one-year extension periods.

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## Background

1. The City covers an area encompassing the Central Perth Business District, West Perth, Crawley, Northbridge, East Perth and currently manages 110 kilometres of roads and laneways which require resurfacing following a well-established and known useful life.
2. These works are carried out under an annual capital program utilising funding from both State and Federal Government grants together with City funding.
3. The works involve the rehabilitation of roads at any location within the City of Perth for the nominated period. Treatment may take the form of:
  - a. Coring, scanning of pavement
  - b. Profiling and resurfacing the work with asphalt.
  - c. Overlaying an existing asphalt surface with asphalt.
  - d. Minor reconstruction of an existing pavement.
  - e. Service pit adjustments.
  - f. Traffic loop re-instatement.
  - g. Pram ramp and/or kerb demolition and installation.
  - h. Associated works as directed by the City including the management of pavement line marking on the road and completed by Main Roads Western Australia.

## Discussion

4. A Request for Tender was advertised as an open public tender on 4 February 2021 and closed on 25 February 2021, with a two-week evaluation period from close. An evaluation panel meeting was held on 23 March 2021 in which a preferred contractor was mutually chosen.
5. Tenderers were required to address the following qualitative selection criteria:
  - a. Demonstrated Capacity and Experience (25%)
  - b. Methodology (20%)
  - c. Resources – Staff (15%)
  - d. Resources – Plant and Equipment (15%)
  - e. Safety Management (25%)
6. A total of four submissions were received by the closing date. The compliance criteria were assessed for all submissions and no submissions were disqualified from consideration.
7. Each tender response was assessed against the qualitative selection criteria by the evaluation panel, and each respondent was scored and ranked from the highest to lowest (Confidential Attachment 18.1A).
8. A comparative price analysis was undertaken to compare the lump sum items provided by all four respondents and justification provided in Confidential Attachments 18.1A and 18.1B.

9. Overall Downer EDI was chosen as the preferred contractor as they were the number 1 ranked tenderer from both qualitative and pricing scenario assessments and therefore were the lowest risk. Each Tenderer was ranked as below.

## Stakeholder Engagement

10. This contract is for ongoing City-wide road rehabilitation services, and stakeholder engagement will be undertaken on a project-by-project basis during the course of the contract.

## Decision Implications

11. The capital works program is a continuous program of works carried out each year by the City of Perth Project Delivery unit where assets such as roads, which are in a poor condition are renewed and returned to required levels of services as per the City's Assets Management Plan.
12. If the contract is not awarded, the following risks could arise:
- Reputational Risk – Should deteriorating roads not be resurfaced, there could be reputational risks to the City from stakeholders and ratepayers due to disruption to road users and pedestrians.
  - Financial Risk – Failure to rehabilitate roads in timely manner could result in increased costs for larger repairs in the future. Having a contract in place will provide economies of scale, rather than seeking formal quotes/tenders for each individual project.
  - Safety Risk – Deteriorating roads if left untreated will present safety risks to road users and pedestrians.

## Strategic, Legislative and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Place
Strategic Community Plan Objective:	2.1 A city that is seen by all as a great place to be. 2.7 Safe and enjoyable experiences in the public realm enabled by smart technologies, innovative design and quality infrastructure.
Issue Specific Strategies and Plans:	Asset Management Plan

Legislation, Delegation of Authority & Policy	
Legislation:	Regulation 18 of the <a href="#">Local Government (Functions and General) Regulations 1996</a>
Authority of Council/CEO:	Delegation 1.2.7 provides for CEO acceptance of tenders where the resulting contract is \$1,000,000 (ex GST) per annum or less [Regulation 18(1)]. As the value of this contract is over \$1,000,000 (ex GST), a Council decision is required.

Policy	Policy 2.2 Purchasing
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## Financial Implications

The financial implications of the recommendation is accommodated within the existing budget.

Account Number	Various Capital Accounts	Capital
Account Description	Various capital accounts for road renewal works for the duration of the contract	
Total expected budget per year	\$2,500,000	
Overall budget for 5 years (3 year initial term, plus two 1-year optional extensions)	\$12,500,000	
Budget Impact	N/A – works will be within the road renewal project budgets for each financial year.	

## Relevant Documents

Nil.

## Further information

Following the Agenda Briefing Session held on 18 May 2021, further information is provided:

- In response to a question raised regarding if the City can purchase the Perth Convention and Exhibition (PCEC) carpark, it was advised that the City leases this carpark from the State of Western Australia. The City cannot sell the carpark however the lease allows the City to assign or sub-let the premises.

## Council Resolution (OCM-21/05-139)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council ACCEPTS the most suitable tender, being that submitted by Downer EDI for Request for Tender 000056/ 20/21 – Road Rehabilitation Services contract, at a total contract value of \$12,500,000 (ex GST) over three years, with two optional one-year extension periods.

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## 18.2 Limited Procurement Review Report – April 2021

Responsible Officer	Michelle Reynolds - Chief Executive Officer
Voting Requirement	Simple Majority
Attachments	Confidential Attachment 18.2A - Limited Procurement Review Report April 2021

### Purpose

To consider approval of the Limited Procurement Review Report April 2021, undertaken at the request of the Audit and Risk Committee.

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### Recommendation from the Audit and Risk Committee

That Council APPROVES the Limited Procurement Review report.

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## Background

1. The Audit and Risk Committee requested an audit of 50 invoices be conducted to ensure that invoices are being appropriately acquitted at its meeting held on 7 December 2020.

## Discussion

2. The results of this review are detailed in Confidential Attachment 18.2A.

## Stakeholder Engagement

Nil.

## Decision Implications

3. If Council does not adopt the recommendation of this report there will be no formal acceptance by Council of the Limited Procurement Review Report April 2021 and recommendation contained within the report on this review.

## Strategic, Legislative and Policy Implications

Strategic			
<b>Strategic Aspiration:</b>	<b>Community</b>	<b>Plan</b>	Performance - A city led by a Council and supported by an administration that is committed to sound strategy and governance, excellence in customer service and effective and sincere engagement with all stakeholders.
<b>Strategic Objective:</b>	<b>Community</b>	<b>Plan</b>	Objective 5.5 - A financial business model underpinned by a culture of cost management, best value and strategic financial analysis that is subject to ongoing oversight, transparency and accountability.
<b>Issue Specific Strategies and Plans:</b>			Nil.

Legislation, Delegation of Authority and Policy	
<b>Legislation:</b>	Regulation 17 of the <i>Local Government (Audit) Regulations 1996</i> Under Regulation 17 of the <i>Local Government (Audit) Regulations 1996</i> the Chief Executive Officer is to review certain systems and procedures including risk management, internal control and legislative compliance.
<b>Authority of Council/CEO:</b>	Under regulation 17(3) of the <i>Local Government (Audit) Regulations 1996</i> CEO is to report the results of the above reviews to the Audit and Risk Committee. The Committee, under regulation 16(c) is to review such a report and give the results to Council.
<b>Policy</b>	Nil.

## Financial Implications

Nil.

## Relevant Documents

Nil.

## Further information

Nil.

## Council Resolution (OCM-21/05-140)

**Mover** Lord Mayor Zempilas

**Seconder** Councillor Fleeton

That Council APPROVES the Limited Procurement Review report.

**CARRIED EN BLOC (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against** None

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## CEO Performance Review Committee meeting held on 27 April 2021

*In accordance with Section 5.23(2)(a) of the Local Government Act 1995, Item 18.3 and its attachments are confidential and were distributed to Council members under separate cover.*

### Council Resolution (OCM-21/05-141)

**Mover** Councillor Gordon  
**Seconder** Councillor Gobbert

That Council CLOSE the meeting to the public for consideration of Confidential Item 18.3 CEO Key Performance Indicators – Interim Report.

**CARRIED (5/4)**

**For** Councillors Bevan, Gobbert, Gordon, Ko and Lezer  
**Against** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain and Fleeton

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*The public gallery and all staff, with the exception of the Chief Executive Officer, Acting Alliance Manager Executive Services and Governance Officer departed the Chamber at 3.41pm.*

### 18.3 Confidential Item - CEO Key Performance Indicators – Interim Report

<b>Responsible Officer</b>	Danielle Uniza – Acting Alliance Manager Executive Services
<b>Voting Requirement</b>	Absolute Majority
<b>Attachments</b>	Confidential Attachments 18.3A to 18.C

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### Council Resolution (OCM-21/05-142)

**Mover** Lord Mayor Zempilas  
**Seconder** Councillor Bevan

That Council REOPEN to the meeting to the public.

**CARRIED UNOPPOSED (9/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer  
**Against** None

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*3.57pm Councillors Fleeton and Gordon retired from the meeting at the conclusion of Confidential Item 18.3.*

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3.58pm      *The meeting was re-opened to the public and staff. The Presiding Member read aloud the Council resolution carried behind closed doors in relation to Confidential Item 18.3, as follows:*

### Alternate Motion and Council Resolution (OCM-21/05-143)

**Mover**      Lord Mayor Zempilas

**Seconder**   Councillor Bevan

That Council:

1.    NOTES the CEO's progress towards delivering on contractual key focus areas and key performance indicators
2.    DEEMS the CEO's current progress is delivering on the contractual key focus areas and key performance indicators to meet the performance requirements
3.    AUTHORISES the Committee to
  - a.    Conduct the review for 2020/21
  - b.    Propose CEO KPIs for the 2021/22 financial year
  - c.    Propose performance review process for 2021/22to be approved by Council.

**CARRIED UNOPPOSED (9/0)**

**For**            Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

**Against**      None

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## 19. Urgent Business

*The Lord Mayor advised that in accordance with Clause 4.14 of the Standing Orders Local Law 2009, Item 12.4 Events Sponsorship Application – NAIDOC Perth (Inc.) – 2021 NAIDOC Week Perth Opening Ceremony and Signature Event ‘Marri Dyin’ would be reconsidered as Urgent Business.*

*The substance of the report and its attachment appear in Item 12.4 on page 66 of these Minutes.*

*For the purpose of these minutes, the Item is also numbered 19.1 as part of Urgent Business.*

### 19.1 Events Sponsorship Application – NAIDOC Perth (Inc.) – 2021 NAIDOC Week Perth Opening Ceremony and Signature Event ‘Marri Dyin’

<b>Responsible Officer</b>	Kylie Johnson – Acting General Manager Community Development
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	Attachment 12.4A – NAIDOC Week Signature Event – Marri Dyin Reference Images

## Primary Motion

**Mover** Councillor Gobbert

**Seconded** Deputy Lord Mayor Anghie

That Council APPROVES an Event Sponsorship of \$156,000 (ex GST) to NAIDOC Perth (Inc.). for the 2021 NAIDOC Week Perth Opening Ceremony and Signature Event ‘Marri Dyin’ (working title) subject to the adoption of the 2021/22 Annual Budget, comprising of:

- a. \$150,000 Cash Contribution
- b. up to \$6,000 In-Kind support for the City’s fee and charges.

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*During debate, Councillor Gobbert moved the following amendment:*

## Amendment

**Mover** Councillor Gobbert

**Seconded** Deputy Lord Mayor Anghie

That the words ‘subject to the adoption of the 2021/22 Annual Budget,’ be removed.

**Reason:**

Given the event is scheduled for a week after the budget adoption, it is preferred the application not be subject to the adoption of the 2021/22 budget.

**CARRIED UNOPPOSED (7/0)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Fleton, Gobbert, Gordon, Ko and Lezer  
**Against** None

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*The amendment was declared carried and formed part of the primary motion.*

### Amended Motion and Council Resolution (OCM-21/05-144)

**Mover** Councillor Gobbert  
**Seconder** Deputy Lord Mayor Anghie

That Council APPROVES an Event Sponsorship of \$156,000 (ex GST) to NAIDOC Perth (Inc.) for the 2021 NAIDOC Week Perth Opening Ceremony and Signature Event 'Marri Dyin' (working title) comprising of:

- a. \$150,000 Cash Contribution
- b. up to \$6,000 In-Kind support for City's fee and charges.

**CARRIED (6/1)**

**For** Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Councillors Bain, Bevan, Gobbert and Ko  
**Against** Councillor Lezer

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## 20. Closure

The Presiding Member declared the meeting closed at 4.04pm.