



City of **Perth**

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# Agenda

Agenda Briefing Session

23 August 2022

Notice of Meeting

To the Lord Mayor and Councillors

The next Agenda Briefing Session will be held on Tuesday, 23 August 2022 in the Council Chamber, Level 9, 27 St Georges Terrace, Perth commencing at 5.00pm.

Michelle Reynolds

Chief Executive Officer

18 August 2022

## 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).

## Deputations

Deputations are heard at Agenda Briefing Sessions only and have a five minute time limit. To submit a deputation request, please complete the form available on the City's website [www.perth.wa.gov.au/council/council-meetings](http://www.perth.wa.gov.au/council/council-meetings).

## Disclaimer

Members of the public should note that in any discussion during a meeting regarding any item, a statement or indication of approval by any council member, committee member or officer of the City is not intended to be, and should not be taken as, notice of approval from the City. No action should be taken on any item discussed at a meeting of a Committee prior to written advice on the Committee or Council's resolution being received.

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**1. Declaration of Opening**

**2. Acknowledgement of Country/Prayer**

**3. Attendance**

3.1 Apologies

3.2 Leave of Absence

3.3 Applications for Leave of Absence

This item will be dealt with at the Ordinary Council Meeting.

**4. Announcements by the Lord Mayor**

**5. Disclosures of Interests**

**6. Public Participation**

6.1 Public Questions

This item will be dealt with at the Ordinary Council Meeting.

6.2 Deputations

**7. Confirmation of Minutes**

This item will be dealt with at the Ordinary Council Meeting.

**8. Questions by Members which due Notice has been Given**

This item will be dealt with at the Ordinary Council Meeting.

**9. Correspondence**

This item will be dealt with at the Ordinary Council Meeting.

**10. Petitions**


This item will be dealt with at the Ordinary Council Meeting.

## 11. Planning and Economic Development Alliance Reports

Nil.

## 12. Community Development Alliance Reports

### 12.1 Arts and Culture Sponsorship 2022/23

<b>Responsible Officer</b>	Kylie Johnson – General Manager Community Development
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Attachment 12.1A – Arts and Culture Sponsorship 2022/23 <a href="#">↓</a> 

### Purpose

To provide sponsorship recommendations to Council, under the Arts and Culture Sponsorship 2022/23 program.

### Recommendation

That Council:

- APPROVES\* the following Arts and Culture Sponsorship totalling \$1,950,000 excluding GST:

Ref	Applicant / Project	Recommendation Total Amount (ex GST)
a	AWESOME Arts Australia Ltd. for <b>2023 AWESOME International Arts Festival for Bright Young Things</b>	\$360,000 cash contribution in principle over three years, subject to a suitable sponsorship agreement being entered into by the City and Awesome Arts Australia Ltd. on terms acceptable to the City within three-months.  This equates to \$120,000 in FY 2022/23, \$120,000 in FY 2023/24 and \$120,000 in FY 2024/25
b	West Australian Symphony Orchestra Pty Ltd. for <b>WASO's Family Christmas Spectacular</b>	\$120,000 cash contribution for one year (FY 2022/23)
c	Perth Institute of Contemporary Arts for <b>PICA CONNECT</b>	\$180,000 cash contribution in principle over three years, subject to a suitable sponsorship agreement being entered into by the City and Perth Institute of Contemporary Arts on terms acceptable to the City within three-months.  This equates to \$80,000 in FY 2022/23, \$80,000 in FY 2023/24 and \$20,000 in FY 2024/25
d	The West Australian Music Industry Association Inc. for <b>WA Music Month</b>	\$60,000 cash contribution for one year (FY 2022/23)
e	West Australian Ballet Company Inc. for <b>Join us in the spotlight: welcoming diverse audiences to ballet in the city</b>	\$60,000 cash contribution for one year (FY 2022/23)
f	The Blue Room Theatre for <b>The Blue Room Theatre Annual Artistic Program 2023</b>	\$60,000 cash contribution for one year (FY 2022/23)

g	The Lester Prize for <b>The Lester Prize 2022 Exhibition Season</b>	\$60,000 cash contribution for one year (FY 2022/23)
h	West Australian Opera Company for <b>Carmen at the WACA</b>	\$60,000 cash contribution for one year (FY 2022/23)
i	St. Jerome's Laneway Pty Ltd. for <b>St Jerome's Laneway Festival</b>	\$35,000 cash contribution for one year (FY 2022/23)
j	STRUT Dance for <b>10 Duets on a Theme of Rescue</b>	\$30,000 cash contribution for one year (FY 2022/23)
k	Barking Gecko Theatre Company Ltd. for <b>A series of 31 performances of The Snow</b>	\$30,000 cash contribution for one year (FY 2022/23)
l	The Contemporary Dance Company of Western Australia Limited – Co3 for <b>Co3 – Sector Pathways Program 2023</b>	\$25,000 cash contribution for one year (FY 2022/23)
m	Premiere Events Perth for <b>Christmas on the Terrace</b>	\$15,000 cash contribution for one year (FY 2022/23)

*\*Approval subject to a suitable sponsorship agreement being entered into by the City and all approved applicants listed above on terms acceptable to the City within three months. Without limitation, such agreements for AWESOME Arts Australia Ltd. and Perth Institute of Contemporary Arts must include the following term:*

- a. *Funding for each successive year of the program is to be contingent on receipt of an acquittal within three months of project completion, and the City being satisfied that the previous year of the program generated, or is expected to generate in future years, benefits to the City commensurate with the amount funded.*

2. DECLINES the following Arts and Culture Sponsorship:

Ref	Applicant / Project	Recommendation Total Amount (ex GST)
n	Australian Arab Association for <b>Arab Festival</b>	\$0



## Background

1. Arts and culture are vital elements of city life as they engage, challenge and surprise people and help us reflect on our unique cultural identity. Through the Arts and Culture Sponsorship program, the City supports projects that deliver a broad range of high-quality arts activity and creative cultural practice and assist the City in achieving its broader strategic aims.
2. The City accepted applications for the Arts and Culture Sponsorship 2022/23 program from 2 May to 30 May 2022. The City received 18 applications in total, four of which opted to withdraw and apply for either a Local Activation Grant or Event Sponsorship.
3. Applicants were required to demonstrate how the project aligns with the assessment criteria of the program and complements and builds upon the City's Events Plan 2022/23. The program guidelines stipulate the City can provide a maximum contribution of 30% to the total project cost.

## Discussion

4. 14 applications were assessed by a three-person assessment panel, consisting of an external specialist and suitably qualified staff from the City's administration across the Community Development Alliance.
5. In addition to the three-person assessment panel, the General Manager Community Development had a non-voting oversight role.
6. The assessment criterium is aligned to the City's strategic pillars and key priority outcomes; visitation, vibrancy, engaging a diverse community, sustainability, and economic growth. Each criterium has clear descriptions and a rating scale to guide the assessors when considering an appropriate score. The scores from panel members for each assessment criteria are averaged and ranked from highest to lowest.
7. Three tiers of project requirements were introduced to Arts and Culture Sponsorship for the first time this round, following a similar approach to the Event Sponsorship program. The tiers outline the City's expectations for the corresponding level of funding and assisted the funding panel with their recommendations. These can be found in the program guidelines.
8. 13 applications are recommended to be approved, with one application declined. An applicant Summary and Recommendation Rationale is detailed in Attachment 12.1A.

## Consultation

Nil.

## Decision Implications

9. It is generally not possible to support every application or the total request for each applicant, due to budget constraints, lack of alignment with the City's strategic priorities and/or poor-quality applications. This may result in unavoidable dissatisfaction from some applicants.
10. A City representative will negotiate sponsorship benefits with applicant in line with sponsorship funding amounts once approved by Council. The applicant will be required to provide significant benefits in recognition of the City's support.

11. The applicant will be required to submit an acquittal report within three months of project completion. Acquittal reports must demonstrate how the City’s sponsorship funding supported projects or initiatives within the City’s district and demonstrate direct impact on the City of Perth meeting its aspirations of Liveable, Sustainable and Prosperous.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<a href="#">2025 Events Strategy</a> <a href="#">2019 – 2029 Cultural Development Plan</a>

Legislation, Delegation of Authority and Policy	
Legislation:	Regulation 12 of the <a href="#">Local Government (Financial Management) Regulations 1996</a> – payments from municipal fund or trust fund, restrictions on.
Authority of Council/CEO:	Council Policy 4.3 directs that any sponsorship application for more than \$15,000 or from a funding round be considered by Council.
Policy:	Policy 4.3 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 all applications to ensure they are compliant with the Policy and the necessary assessment process has been followed.

## Financial Implications

### Financial Year 2022/23

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

Account Number	1066 100 50 10008 7901	Operating
Account Description	Arts and Culture Sponsorship	
Total Budget	\$800,000	
Budget – This report	\$755,000	
Remaining Budget	\$45,000	
Budget Impact	Accommodated within approved 2022/23 budget	

### Financial Year 2023/24

Account Number	TBC	Operating
Account Description	Arts and Culture Sponsorship	
Total Budget	TBC	
Budget – This report	\$200,000	

<b>Budget Impact</b>	Subject to annual budget adoption	
<u>Financial Year 2024/25</u>		
<b>Account Number</b>	TBC	Operating
<b>Account Description</b>	Arts and Culture Sponsorship	
<b>Total Budget</b>	TBC	
<b>Budget – This report</b>	\$140,000	
<b>Budget Impact</b>	Subject to annual budget adoption	

### Further Information

Nil.

Attachment A: Applicant Summary and Recommendation Rationale – Arts and Culture Sponsorship FY 2022/23

1. The table below provides a summary of FY 2022/23 applicants recommended for **APPROVAL**:

Ref	Applicant/Event	Venue	Estimated Attendance (provided by applicant)	Previous Support (for same organisation)	Funding Request (ex GST)	Total Funding Recommendation (ex GST)
a	AWESOME Arts Australia Ltd. for <b>2023 AWESOME International Arts Festival for Bright Young Things</b>	His Majesty's Theatre; Perth Cultural Centre; State Theatre Centre of WA; WA Museum Boola Bardip; State Library of WA; Art Gallery of WA; PICA; The Rechabite; and The Blue Room Theatre	90,000 (per year)	<b>\$100,000</b> (Cash contribution)	<b>\$120,000</b> (ex GST) cash contribution (FY 2022/23) <b>\$120,000</b> (ex GST) cash contribution (FY 2023/24) <b>\$120,000</b> (ex GST) cash contribution (FY 2024/25)	<b>\$120,000</b> (ex GST) cash contribution (FY 2022/23) <b>\$120,000</b> (ex GST) cash contribution (FY 2023/24) subject to satisfactory annual review of year one. <b>\$120,000</b> (ex GST) cash contribution (FY 2024/25) subject to satisfactory annual review of year two.
b	West Australian Symphony Orchestra Pty Ltd. for <b>WASO's Family Christmas Spectacular</b>	RAC Arena	20,000	<b>\$120,000</b> (Cash contribution)	<b>\$120,000</b> (Cash contribution)	<b>\$120,000</b> (Cash contribution)
c	Perth Institute of Contemporary Arts for <b>PICA CONNECT</b>	Perth Institute of Contemporary Arts; and Perth Cultural Centre Amphitheatre	235,100 (over three-years)	<b>\$60,000</b> (Cash contribution)	<b>\$80,000</b> (ex GST) cash contribution (FY 2022/23) <b>\$80,000</b> (ex GST) cash contribution (FY 2023/24)	<b>\$80,000</b> (ex GST) cash contribution (FY 2022/23) <b>\$80,000</b> (ex GST) cash contribution (FY 2023/24) subject to satisfactory annual review of year one.

					<b>\$20,000</b> (ex GST) cash contribution (FY 2024/25)	<b>\$20,000</b> (ex GST) cash contribution (FY 2024/25) subject to satisfactory annual review of year two.
d	The West Australian Music Industry Association Inc. for <b>WA Music Month</b>	Perth Cultural Centre Amphitheatre; Urban Orchard; AGWA roof top; AGWA carpark; PCC Wetlands Stage; PCC Museum precinct; Boola Bardip WA Museum courtyard; State Theatre Centre courtyard; Yagan Square; Badlands Bar; The Bird; The Rechabite; Lynotts; Mustang Bar and Convenients	31,000	<b>\$60,000</b> (Cash contribution)	<b>\$60,000</b> (Cash contribution)	<b>\$60,000</b> (Cash contribution)
e	West Australian Ballet Company Inc. for <b>Join us in the spotlight: welcoming diverse audiences to ballet in the city</b>	His Majesty's Theatre; and State Theatre Centre of Western Australia	26,500	<b>\$40,000</b> (Cash contribution)	<b>\$99,600</b> (Cash contribution)	<b>\$60,000</b> (Cash contribution)









































































## 12.2 Major Events and Festivals Sponsorship - Fringe World 2023-2025

<b>Responsible Officer</b>	Kylie Johnson – General Manager Community Development
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Attachment 12.2A – Summary of Application and Recommendation Rationale - FRINGE WORLD 2023-2025 <a href="#">↓</a>  Attachment 12.2B – ARTRAGE 2021-2022 Impact Report <a href="#">↓</a> 

### Purpose

To provide a sponsorship recommendation to Council, under the Major Events and Festivals Sponsorship program.

### Recommendation

That Council:

- APPROVES\* the following Major Events and Festivals Sponsorship totalling \$1,200,000 excluding GST for a three-year term:

Ref	Applicant / Project	Recommendation Amount
a.	ARTRAGE Inc / FRINGE WORLD	<p><b>\$400,000</b> (ex GST) cash contribution (FY 2022/23)</p> <p><b>\$400,000</b> (ex GST) cash contribution (FY 2023/24) subject to satisfactory annual review of year one.</p> <p><b>\$400,000</b> (ex GST) cash contribution (FY 2024/25) subject to satisfactory annual review of year two.</p>

*\*Approval subject to a suitable sponsorship agreement being entered into by the City and ARTRAGE Inc. on terms acceptable to the City within three months. Without limitation, such agreement must include the following terms:*

- Funding for each successive year of the program is to be contingent on receipt of an acquittal within three months of project completion, and the City being satisfied that the previous year of the program generated, or is expected to generate in future years, benefits to the City commensurate with the amount funded.*
- In addition, funding for each successive year of the program is to be contingent on a suitable city-based location being confirmed for the second city-based Festival hub. ARTRAGE Inc. is to work with the City to identify a suitable space, with the location being mutually agreed upon.*

## Background

1. The City has a vision for Perth to be ‘the events heart of WA’ (2025 Events Strategy). The City will facilitate and support a portfolio of events that provide enriching experiences throughout the year.
2. Through the Major Events and Festivals sponsorship program, the City supports events of national and international significance which enhance Perth’s reputation and generate significant return on investment, economic impact, and visitation outcomes. Events will also provide significant sponsorship benefits in recognition of City's support.
3. Under this program, the City can provide a maximum contribution of 60% of the total project cost. The funding levels recommended are based on the scale, impact and significance of the event and can include cash and/or in-kind support for the City’s fees and charges.
4. To apply for Major Events and Festivals Sponsorship, events need to demonstrate they will achieve the following outcomes:
  - a. **Visitation:** Attract visitors to the city and encourage people to increase dwell time in city neighbourhoods.
  - b. **Vibrancy:** Enliven the city with prestigious and significant events and festivals, attracting high-profile personalities, partners and sponsors.
  - c. **Engaging a Diverse Community:** Celebrate the diversity of Perth and support the City’s Events Plan delivering a year-round calendar of events with broad appeal.
  - d. **Sustainability:** Support the City's vision of being a sustainable city by advocating sustainable event and festival models that champion environmental sustainability.
  - e. **Economic Growth:** Stimulate the local economy and provide opportunities for local business engagement. Champion the use of local businesses and suppliers.

## Discussion

5. ARTRAGE Inc. applied under the Major Events and Festivals Sponsorship program in recognition of their proven track-record for generating significant economic, social and cultural benefits for the Perth community.
6. ARTRAGE Inc. have applied for \$1,275,000 (ex GST) cash contribution for three years for the 2023, 2024 and 2025 FRINGE WORLD festivals, as follows:
  - a. \$400,000 (ex GST) for 2022/23
  - b. \$425,000 (ex GST) for 2023/24
  - c. \$450,000 (ex GST) for 2024/25
7. FRINGE WORLD is a month-long multi-disciplinary Fringe festival, held annually from January to February in the Perth metropolitan area and regional Western Australian towns. It is the third largest Fringe festival world-wide, presenting a significant program of diverse arts, cultural and creative experiences attracting an estimated 650,000 visitors and providing an estimated direct economic impact of \$19.1M to the city and State. The full ARTRAGE 2021-2022 Impact Report is included in Attachment 12.2B.
8. The application was assessed by a three-person assessment panel, consisting of management and officers from the City. The General Manager Community Development had oversight of the assessment and evaluation process but was not a voting member.

9. The assessment criteria are aligned to the program outcomes and provide clear descriptions and a rating scale to guide the assessors when considering an appropriate score. The scores from panel members for each assessment criteria are averaged. This application scored 84% which demonstrated strong alignment with the objectives of the program.
10. The City's estimated fees and charges were incorporated into ARTRAGE Inc. cash funding request. The recommendation takes into consideration the estimated costs for various City fees and charges, totalling approximately \$64,854.48. The recommended total amount is inclusive of cash only to ensure that the applicant receives the full value, limiting the impact of in-kind estimates that can be subject to change.
11. A summary of the application, assessment panel recommendation rationale and the total value of the sponsorship request is contained in Attachment 12.2A.

## Consultation

Nil

## Decision Implications

12. It is generally not possible to support every application or the total request for each applicant due to budget constraints, lack of alignment with the City's strategic priorities and/or inadequate applications. This may result in unavoidable dissatisfaction from some applicants.
13. For applicants previously supported by the City, increases to funding are only recommended when additional benefit to the City is demonstrated.
14. A City representative will negotiate sponsorship benefits with the applicant in line with sponsorship funding amounts once approved by Council. The applicant will be required to provide significant benefits in recognition of the City's support.
15. Successful applicants will be required to submit an acquittal report within three months of project completion. Acquittal reports must demonstrate how the City's sponsorship funding supported projects or initiatives within the City of Perth local government area and demonstrate direct impact on the City of Perth meeting its aspirations of Liveable, Sustainable and Prosperous.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<a href="#">2025 Events Strategy</a> <a href="#">Events Plan 2022-23</a> <a href="#">Cultural Development Plan 2019-2029</a> <a href="#">Major Events and Festivals Sponsorship FY2021/22 Guidelines</a>

Legislation, Delegation of Authority and Policy	
Legislation:	<a href="#">Regulation 12 of the Local Government (Financial Management) Regulations 1996</a> Payments from municipal fund or trust fund, restrictions on.
Authority of Council/CEO:	Council. Policy 4.3 Sponsorship and Grants – the Policy directs that any sponsorship application for more than \$15,000 or from a funding round be considered by Council.
Policy:	Policy 4.3 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 the application to ensure it is compliant with the Policy and the necessary assessment process has been followed.

## Financial Implications

### Financial Year 2022/23

16. The financial implications of the recommendation are accommodated within the existing budget.

Account Number	1066-100-50-10349-7901	Operating
Account Description	Major Events and Festivals	
Total Budget	\$3,000,000	
Budget – This report	\$400,000	
Remaining Budget	\$2,600,000	
Budget Impact	Accommodated within approved 2022/23 budget.	

### Financial Year 2023/24

Account Number	TBC	Operating
Account Description	Major Events and Festivals	
Total Budget	\$3,000,000	
Budget – This report	\$400,000	
Remaining Budget	\$1,194,600	
Budget Impact	Accommodated in proposed budget, subject to annual budget adoption.	

### Financial Year 2024/25

Account Number	TBC	Operating
Account Description	Major Events and Festivals	
Total Budget	\$3,000,000	
Budget – This report	\$400,000	
Remaining Budget	\$1,260,427	
Budget Impact	Accommodated in proposed budget, subject to annual budget adoption.	



## Further Information

Nil.

























































































































### 13. Infrastructure and Operations Alliance Reports

Nil.



## 14. Corporate Services Reports

### 14.1 Schedule of Accounts Paid - June 2022

Responsible Officer	Michael Kent – Chief Financial Officer
Voting Requirements	Simple Majority
Attachments	Attachment 14.1A – Schedule of Accounts Paid - June 2022 <a href="#">↓</a> 

### Purpose

For Council to note details of payments made under delegated authority for the month of June 2022.

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### Recommendation

That Council:

1. RECEIVES the Schedule of Accounts Paid for the period ended 30 June 2022 as attached.
2. RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$19,762,662.16
Trust Fund	\$0
<b>Total - All Funds</b>	<b>\$19,762,662.16</b>

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## 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 2.14.
2. This authority has then been subdelegated by the Chief Executive Officer.
3. The listing of payments with full disclosure of all required information, is presented as Attachment 14.1A.
4. The listing of payments was made available to the Elected 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 14.1A) contains the following payments made under Delegated Authority 2.14 - Payments from the Municipal & Trust Fund:

Schedule of Accounts Paid - June 2022		
<b>Municipal Fund</b>		
EFT & Cheque Payments	Direct Creditor Payments	16,337,943.75
<b>Sub Total - EFT &amp; Cheques</b>		<b>16,337,943.75</b>
Direct Debits	Bank Charges and Merchant Fees	52,386.62
<b>Sub Total - Direct Debits</b>		<b>52,386.62</b>
Payroll	03/06/2022	1,690,550.26
	17/06/2022	1,667,001.03
<b>Sub Total - Payroll</b>		<b>3,357,551.29</b>
Corporate Cards		14,780.50
<b>Sub Total - Cards</b>		<b>14,780.50</b>
<b>Total per Attachment 14.1A</b>		<b>19,762,662.16</b>
<b>Total Payments from Municipal Fund</b>		
New Investments		<b>0</b>
<b>Trust Fund</b>		
Trust EFT & Cheques		<b>0</b>
<b>Total - Trust Funds</b>		

## Consultation

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. 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

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Annual Budget

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Section 6.10 of the <i>Local Government Act 1995</i>            Regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i></p> <p>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:</p> <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.
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).

## Further Information

Nil.































































































































## 14.2 WACA Rates Concession for 2022/23

Responsible Officer	Michael Kent – Chief Financial Officer
Voting Requirements	Simple Majority
Attachments	Nil.

### Purpose

To seek Council's approval for a rate concession of \$122,213 (representing a 33.3% reduction of rate concession granted in 2021-2022) for the Western Australian Cricket Association (WACA). The reduction is in line with a resolution made at the July 2021 Council meeting which foreshadowed the phasing out of the concession over three years.

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### Recommendation

That Council GRANTS a rate concession of \$122,213 to the Western Australian Cricket Association for the 2022/23 financial year.

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## Background

1. At its July 2021 meeting Council resolved to provide the West Australian Cricket Association (WACA) a concession of \$183,228 (representing 92.4% of the levied rates) based upon the limited commercial operations of the WACA facility.
2. At that meeting, Council also foreshadowed its intent to phase out future concessions for the WACA, by reducing the concession by:
  - a. At least 33.3% in 2022/23 financial year
  - b. further reducing the concession in 2023/24
  - c. Ensuring the concession is fully removed no later than 2024/25 in recognition of the increased commercialisation
3. The City has been advised by WACA management, that half of the WACA ground is still under construction, which restricts its commercial operations, and they wish to apply for a rate concession for the 2022/23 financial year.

## Discussion

4. The City acknowledges that the current redevelopment at the WACA has a significant lead time and therefore the reduction in concession was proposed to be staggered.
5. Based on the Rate in the dollar adopted by Council for 2022/2023 financial year, the Rate levy for the WACA is \$199,625.
6. As foreshadowed at the July 2021 Council meeting, a 33.3% reduction in rate concession (33.3% reduction from \$183,228 concession for 2022) for WACA for the 2023 financial year would equal to \$122,213 and a net rate payable of \$77,411.

	2021/22	2022/23	Reduction in concession
Rate Levy	198,642	199,624	
Concession	183,228	122,213	33.3%
<b>Net Rate</b>	<b>15,414</b>	<b>77,411</b>	

## Consultation

7. The City liaised with WACA management in respect of the extent of commercial operations for 2022/23 and through the development of the differential rates modelling process.

## Decision Implications

8. Council's decision will impact the total rates revenue for the 2022/23 financial year. A prudent allowance was made in the budget to reflect the reduction of revenue.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	<a href="#">Section 6.47 of the <i>Local Government Act 1995</i></a>
Authority of Council/CEO:	Council has the authority to grant a rates concession in accordance with section 6.47 of the <i>Local Government Act 1995</i> .
Policy:	Nil.


## Financial Implications

9. The 2022/23 budget made provision for the WACA concession; therefore, the financial impact is nil.

## Further Information

Nil.

### 14.3 Corporate Business Plan Quarterly Report 4 2021/22

Responsible Officer	Melissa Murphy – General Manager Corporate Services
Voting Requirements	Simple Majority
Attachments	Attachment 14.3A – Corporate Business Plan Quarterly Report 4 <a href="#">↓</a> 

#### Purpose

To inform Council on the progress of the Corporate Business Plan 2021/22–2024/25.

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#### Recommendation

That Council NOTES the Corporate Business Plan Quarterly Report 4 for the period 1 April to 30 June 2022 detailed in Attachment 14.3A.

---

## Background

1. The Corporate Business Plan (CBP) provides guidance and direction to the City’s Administration on requirements for the core project and service delivery.
2. To drive transparency and accountability, the City is required to track and report on a quarterly basis to Council. A project management system has been established by the City’s Administration to track and report on projects in the CBP.
3. The CBP must be reviewed annually. A review was recently completed and the new Corporate Business Plan 2022/23–2025/26 was adopted by Council at its Ordinary Meeting held 26 July 2022.

## Discussion

4. The fourth quarterly report for the 2021/22 financial year (Attachment 14.3A) provides closure for the first year of the Corporate Business Plan 2021/22–2024/25. It covers the period 1 April to 30 June 2022.
5. There are 77 Capital and Operational Projects set out in the CBP for the 2021/22 financial year. Of those:
  - a. 87% (67 projects) are complete
  - b. 8% (6 project) are delayed
  - c. 5% (4 projects) are closed.
6. The report aligns with the measures and deliverables for 2021/22. Therefore, multi-year and rolling projects are reported as complete if the 2021/22 Measures of Success have been met and/or the work scheduled for 2021/22 is complete. Further detail is provided in the commentary against each project.
7. The report is the last against the Corporate Business Plan 2021/22–2024/25. Future reports will cover progress against the new Corporate Business Plan 2022/23–2025/26.

## Consultation

Nil.

## Decision Implications

Nil.

## Strategic, Legislative and Policy Implications

Strategy	
<b>Strategic Pillar (Objective)</b>	A Well-Governed City
<b>Related Documents (Issue Specific Strategies and Plans):</b>	<p>The Strategy Community Plan 2019-2029 (superseded) articulates the community’s vision for the city. It sets goals and objectives that guide all of the City’s activities.</p> <p>The Corporate Business Plan 2021/22–2024/25 (superseded) sets out the services and projects that the City will deliver in response to in the</p>



	Strategic Community Plan. It identifies capital and operational projects for the 2021/22 financial year, which are the subject of this report.
--	--

Legislation, Delegation of Authority and Policy	
<b>Legislation:</b>	Section 2.7 of the <i>Local Government Act 1995</i> provides that Council is responsible for the performance of the local government’s functions. Section 5.56 of the <i>Local Government Act 1995</i> requires a local government to plan for the future of the district. Regulation 19DA of the <i>Local Government Administration Regulations 1996</i> establishes the requirement for a Corporate Business Plan.
<b>Authority of Council/CEO:</b>	Under the Act and Regulations, the Council is responsible for the performance of the City’s functions and setting the Corporate Business Plan. Accordingly, it is appropriate for Council to receive regular updates on the progress of this plan.
<b>Policy:</b>	Nil.

## Financial Implications

8. The financial implications associated with the CBP were set out in the Annual Budget 2021/22. Further detail for the expenditure associated with the capital works program are provided in the Monthly Financial Reports provided to Council.
9. It is important to note that project expenditure does not align with project delivery. Final payments for many projects are not processed until key handover milestones are met, such as resolution of minor defects.

## Further Information

Nil.

























## 15. Chief Executive Officer Reports

### 15.1 Inquiry into the City of Perth Recommendations - Quarterly Progress Update

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Attachment 15.1A – 2021-2022 Implementation of the Recommendations of the Inquiry into the City of Perth <a href="#">↓</a>  Attachment 15.1B – Quarterly Progress Update - Inquiry Reporting <a href="#">↓</a> 

### Purpose

To update on progress of implementation of recommendations from the Inquiry into the City of Perth.

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### Recommendation

That Council:

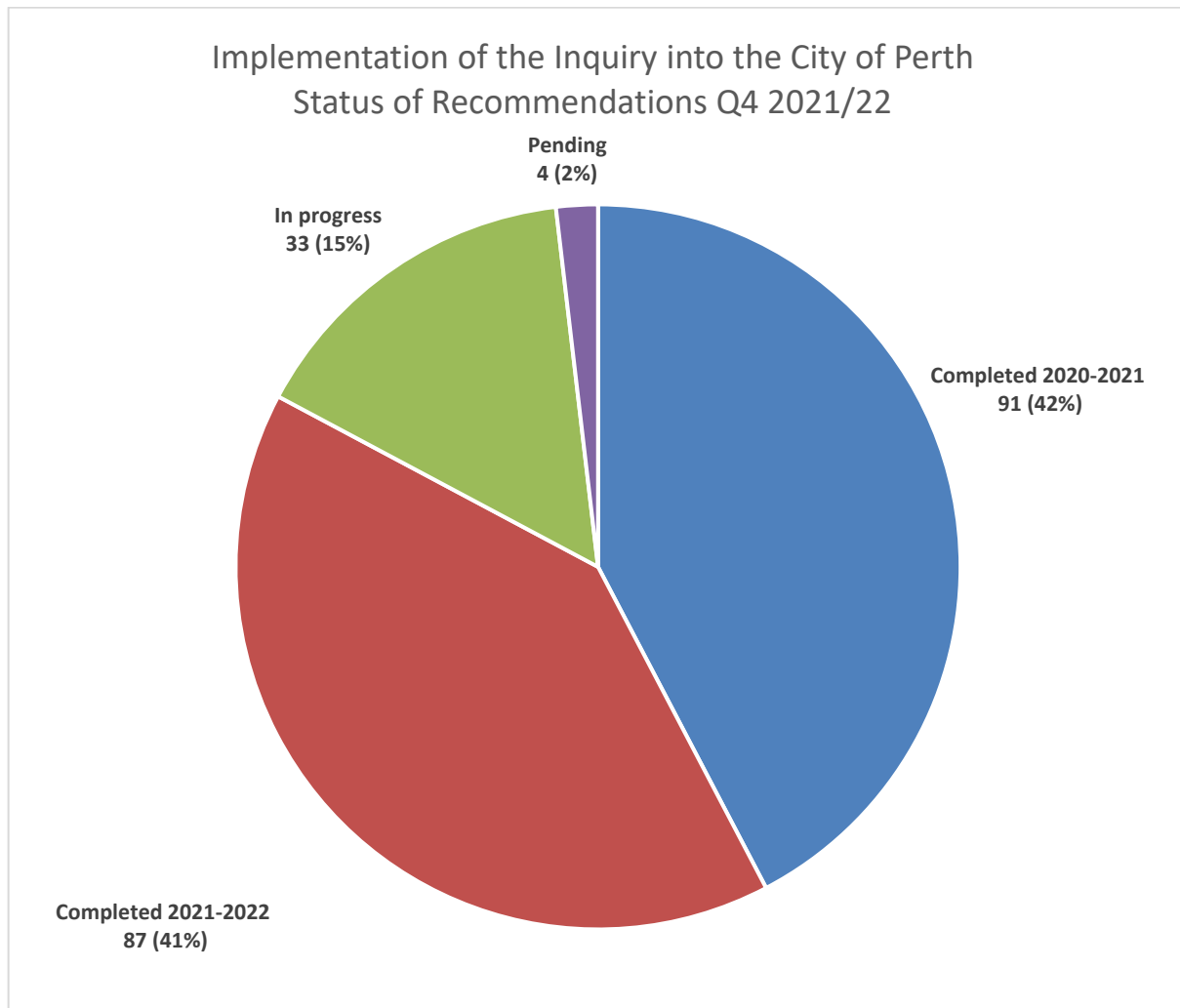
1. NOTES the quarterly progress update on the remaining recommendations from the Inquiry into the City of Perth (Attachments 15.1A and 15.1B).
  2. APPROVES the referral of this Report and its attachments to the Minister for Local Government in line with Recommendation 339 of the Inquiry into the City of Perth.
-

## Background

1. The final report of the Inquiry into the City of Perth (Inquiry) was tabled at State Parliament on 11 August 2020. The report detailed 341 recommendations for both the City of Perth (215) and State Government (126).
2. Quarterly progress updates on the implementation of the Inquiry's recommendations have been presented to Council on 15 December 2020, 30 March 2021, 27 July 2021, 23 November 2021, 22 February 2022, and 31 May 2022. The City of Perth (City) has made significant progress toward addressing the Inquiry's recommendations.
3. The City has completed 178 of its 215, or 83% recommendations to date.
4. The City is also working closely with the Department of Local Government, Sport and Cultural Industries (Department) and the City of Perth Oversight Committee (Oversight Committee) to formally finalise the recommendations completed as at 30 June 2022.
5. Evidence supporting the completion of those recommendations was provided to the Oversight Committee, along with additional information as requested. Based on the additional information provided, several further recommendations were identified as complete.
6. The Oversight Committee have met and support the close out of the 87 recommendations completed in 2021/22 (Attachment 15.1A).
7. To finalise these recommendations, Council needs to formally consider this report, and for both the City and the Department to provide a report to the Minister for Local Government. This is consistent with the recommendations that Council receives and considers progress reports on the recommendations every six months at a minimum (Recommendation 341(ii)) and, the City provide annual progress reports to the Minister within four months following the end of financial year (Recommendation 339).
8. Progress on the April to June 2022 quarter is detailed in Attachment 15.1B.

## Discussion

9. The Oversight Committee has found the City to have satisfactorily completed all the recommendations which have previously been presented as completed to Council. This is a positive result and validates the integrity of the reporting process.
10. Both the City and the Department will subsequently provide a formal report to the Minister on the recommendations.
11. Of the 215 recommendations, 37 recommendations remain.
12. A significant milestone delivered in the past quarter was the finalisation of a Complaints Management Framework. The policy, procedures and supporting FAQs were published on the City's website in May 2022 (Recommendation 303) and were accompanied by communications across the City to promote and embed. Training of City leadership was also undertaken.
13. Overall, the progress achieved to date can be summarised as follows:



## Consultation

14. The City is working closely with the Department to satisfy the Recommendations of the Inquiry and formalise to completion.

## Decision Implications

15. Forwarding this Report to the Department will give effect to Recommendation 339 and obligations to report to the Minister.
16. If a report is not provided to the Minister, the City may be unable to finalise the completed recommendations and Recommendation 339 may not be met for the 2021/22 financial year. Under section 8.24(4) of the *Local Government Act 1995*, the Minister may order the City to give effect to any recommendations made by the Inquiry within a specified timeframe.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Report of the Inquiry into the City of Perth.

Legislation, Delegation of Authority and Policy	
Legislation:	Sections 8.22 and 8.24 of the <i>Local Government Act 1995</i> .
Authority of Council/CEO:	The recommendation of this report is for noting only.
Policy:	Nil.

## Financial Implications

Nil.

## Further Information

Nil.





































## 15.2 Appointment of a Member to the Policy and Legislation Committee

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Absolute Majority
Attachments	Nil.

### Purpose

For Council to appoint a replacement member to its Policy and Legislation Committee.

---

### Recommendation

That Council APPOINTS Councillor \_\_\_\_\_ to the Policy and Legislation Committee.

---



## Background

1. At its Ordinary Meeting held 26 October 2021, Council appointed the following elected members to its Policy and Legislation Committee:
  - a. Councillor Sandy Anghie
  - b. Councillor Rebecca Gordon
  - c. Councillor Brent Fleeton
  - d. Councillor Liam Gobbert as a deputy member
  - e. Councillor Catherine Lezer as a deputy member.
2. On 15 August 2022 Councillor Sandy Anghie provided notice of her resignation from the Committee which has created a vacancy on the Committee.
3. As per the Committee's terms of reference adopted by Council at its October 2021 Ordinary Meeting, the Committee is to comprise of three elected members. Therefore Council is now required to appoint a third member.

## Discussion

4. To fulfil the membership requirements of the Committee's terms of reference, a third member must be appointed.
5. In addition, it is important that the Committee has adequate elected member representation to ensure the purpose of the Committee is able to be fulfilled, which is to:
  1. *Support Council in fulfilling its responsibility under section 2.7(2)(b) of the Act in determining the policies of the local government.*
  2. *Assist Council in carrying out its legislative functions in the making, amending, revoking and reviewing of local laws under Part 3, Division 2 of the Act.*

## Consultation

Nil.

## Decision Implications

6. If Council does not appoint a third member, the Committee's terms of reference will need to be amended to permit only two primary members being on the Committee.
7. Appointment of a third primary member assists to ensure there is adequate elected member representation on the Committee, especially on occasions where the other appointed members are not available to attend.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan

Legislation, Delegation of Authority and Policy	
Legislation:	Section 5.10 of the <i>Local Government Act 1995</i>
Authority of Council/CEO:	Section 5.10 prescribes that persons appointed by Council to be a committee member, must be appointed by absolute majority.
Policy:	Nil.

## Financial Implications


Nil.

## Further Information

Nil.

## 16. Policy and Legislation Committee Reports

### 16.1 Draft Council Policy 3.5 Initiation of Local Planning Scheme Amendments

<b>Responsible Officer</b>	Dale Page – General Manager Planning and Economic Development
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Attachment 16.1A – Draft Council Policy 3.5 Initiation of Local Planning Scheme Amendments <a href="#">↓</a> 

#### Purpose

For Council to consider a draft Council Policy intended to provide guidance when making a decision to initiate an amendment to a local planning scheme that has been requested by a landowner or applicant.

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#### Committee Recommendation

That Council APPROVES draft Council Policy 3.5 Initiation of Local Planning Scheme Amendments proceeding to public consultation.

---

## Background

1. This report is being submitted to address the emerging issue of ad-hoc scheme amendment requests being received by the City, ahead of finalisation of the Local Planning Strategy (Strategy) and Local Planning Scheme No.3 (Scheme).
2. Due to the length of time it takes to prepare and approve strategic documents such as the Strategy and Scheme, there is a period of time in which landowners and applicants may wish to progress scheme amendments ahead of these documents being finalised. Whilst individual applications should be considered on their merit, there is no guidance or systematic framework in place to guide where there is merit to a specific proposal, and consequently whether to initiate an amendment to a local planning scheme.
3. It is timely that the Council adopts a Policy which guides the assessment of scheme amendments. This will provide clarity to landowners, applicants, the Administration and Council Members.

## Discussion

4. Without such a policy to guide decision making, there is a risk that scheme amendments may be sought and progressed in a manner that could undermine the intent of the Strategy or the Scheme and ultimately be to the detriment of the future form and function of the city.
5. Without such a policy, there is also a risk that uncertainty of outcome (until the new strategy and Scheme are finalised) could be a disincentive to submission of development proposals that would result in positive investment and development outcomes for the city.
6. The decision whether (or not) to initiate a scheme amendment rests with the Council. The legislative power to initiate a scheme amendment falls under Clause 75 of the *Planning and Development Act 2005* (the Act).
7. If a scheme amendment request is received by the City, there is no statutory period within which the request is required to be considered. The statutory process (and timelines) only commence once a scheme amendment is initiated by Council.
8. There is no right of review (appeal) where a local government chooses not to initiate a scheme amendment. However, clause 76 of the Act gives the Minister for Planning the authority to instruct a local government to amend its local planning scheme in certain circumstances. This power is seldom used.
9. The Council is not the final decision maker on scheme amendments. The Council's position on a scheme amendment is considered by the Western Australian Planning Commission, which makes a recommendation to the Minister for Planning. The Minister is the final decision maker on scheme amendments.

## Consultation

10. Subject to Council endorsement of the draft policy, consultation is proposed to occur as follows:
  - a. Written notification to key industry groups
  - b. Written notification to consultants who regularly submit Scheme Amendment requests to the City
  - c. Written notification to the Neighbourhood Groups

- d. Written notification to applicants who currently have scheme amendment requests lodged with the City
- e. Information on Engage Perth.

## Decision Implications

11. If Council supports the draft Policy, it will provide a framework to the community, stakeholders and the Council as to the matters to be taken into account in determining the merit of a proposed local planning scheme amendment.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Local Planning Strategy The Local Planning Strategy provides a 10 -15 framework to guide the planning and development of the city and the preparation of the Local Planning Scheme No.3.

Legislation, Delegation of Authority and Policy	
Legislation:	Clause 75 of the <i>Planning and Development Act 2005</i> provides local government with the legislative power to initiate an amendment to a local planning scheme operating within its local government area
Authority of Council/CEO:	Section 2.7(2)(b) of the <i>Local Government Act 1995</i> , which states that Council is to determine the City's policies.
Policy:	Nil.

## Financial Implications

Nil.

## Further Information

Nil.










## 16.2 Review of Council Policy 1.1 Attendance at Events

<b>Responsible Officer</b>	Michelle Reynolds – Chief Executive Officer
<b>Voting Requirements</b>	Absolute Majority
<b>Attachments</b>	Attachment 16.2A – Amended Council Policy 1.1 Attendance at Events <a href="#">↓</a> 

### Purpose

To present the further review of Council Policy 1.1 Attendance at Events.

---

### Committee Recommendation

That Council ADOPTS amended Council Policy 1.1 Attendance at Events (Attachment 16.2A), with a further amendment to delete all reference to ‘discretionary funding arrangement’.

---

## Background

1. Section 5.90A of the *Local Government Act 1995* prescribes that the Council has a policy that deals with matters relating to the attendance of council members and the CEO at events.
2. At its meeting held 15 December 2020, Council was presented with a proposed Attendance at Events Policy on recommendation from the Policy Committee and resolved to adopt the policy.
3. Council has not adopted an amended Council Policy 1.1 Attendance at Events (Policy) since its original adoption in December 2020.
4. An amended Policy was however presented to the Policy and Legislation Committee in May 2022 where the Committee deferred its consideration to Council's June 2022 Ordinary Meeting. The CEO then subsequently withdrew the Item from the June 2022 Ordinary Council Meeting agenda as a result of various feedback and questions received from elected members.
5. The amended Policy presented in May 2022-June 2022 has now been re-drafted, re-formatted and effectively numbered (Attachment 16.2A).

## Discussion

6. The following table summarises the sections of the existing policy, the corresponding changes in the amended Policy and provides a brief reason for each of the proposed amendments:

Existing policy	Amended policy	Reason
<b>Purpose</b>		
Outlined briefly under the 'policy objective' heading.	Amended to be specific to the statutory requirement for this Policy to be prepared and adopted.	To be clear and concise as to why this Policy exists.
<b>Scope</b>		
Convoluting wording inclusive of non-specific definitions of 'gifts' and 'events'.	Amended to be specific to who the policy applies to.	To be clear and concise as to who the Policy applies to.
<b>Policy Statement</b>		
<b>Definitions</b> No dedicated section for definitions exists. Relevant definitions are unclearly referenced throughout the policy.	<b>Definitions</b> A dedicated section on Definitions has been inserted. Key terms such as the definition of 'gifts' and 'excluded gifts' under the legislation have been clearly outlined.	To ensure key terms are easily referenced and understood as a key purpose of this policy is to approve attendance at events so that they are classified as 'excluded events' under the legislation.
<b>Pre-approved Events</b>	<b>1. Pre-approved Events</b> Includes a separate section on pre-approved events, outlining:	To be clear and specific as to the events that are pre-approved.

Existing policy	Amended policy	Reason
<ul style="list-style-type: none"> <li>Includes a table of what appears to be 'pre-approved events'.</li> <li>Also states that 'No gift declaration is required' for pre-approved events. This is incorrect. Gift disclosures are still a requirement however a disclosure of interest may not be.</li> </ul>	<ol style="list-style-type: none"> <li>Categories of events including those provided for in legislation plus those that are pre-approved by virtue of this policy CP 1.1.</li> <li>Complimentary tickets and sponsorship benefits under a discretionary funding arrangement</li> </ol> <p>An appendix with examples has also been added.</p>	
<p><b>Criteria for events requiring Council approval (by simple majority)</b></p> <p>Does not actually list the <i>criteria for events</i>, instead lists the matters for Council's consideration.</p>	<p><b>2. When a Council resolution is required</b></p> <p>Clearly states that events not listed in Section 1 will require Council approval. Further states relevant considerations in Council's decision. Also contemplates expenses to relating to events.</p>	<p>To explicitly detail under what circumstances a Council resolution is required, including the considerations Council is to have.</p>
<p><b>Partner attendance</b></p> <p>Includes provision for partners of Council Members or the CEO to attend events paid for by the City.</p>	<p><b>2.4 Guest attendance</b></p> <p>Similar provision included in the amended Policy.</p>	<p>Provision in current policy is considered sufficient however 'partner' has been changed to 'guest'.</p>
<p><b>Events related to Discretionary Grant Funding</b></p> <p>An unnecessarily long sentence.</p>	<p><b>1.2 Complimentary tickets and benefits under a discretionary funding arrangement</b></p> <p>Added to the list of pre-approved events with conditions.</p>	<p>To be clear that attendance at an event arising from a discretionary funding arrangement is permitted (pre-approved).</p>
<p><b>Events that council members and the CEO are prohibited from attending as a representative of the City</b></p>	<p>Dealt with in sections 3.1 and 6.1.1. of the amended Policy.</p>	<p>To emphasise the requirement for attendance at an event to be in the Council Member's or CEO's official capacity.</p>
<p><b>Accommodation and Travel</b></p> <p>Includes non-specific reference to events being paid for in accordance with 'existing policies'.</p>	<p>Dealt with in sections 2.1.7, 2.2.1, 2.3.1 of the amended Policy.</p>	<p>To clarify under what circumstances accommodation and travel will be paid for by the City.</p>

Existing policy	Amended policy	Reason
<p><b>Delegating attendance</b> Peculiar wording which requires Council to determine who attends an event where the public is required to pay (unless pre-approved).</p>	<p><b>4. Distribution of Tickets</b> Expanded to detail the rights of various roles in distributing their tickets to attend an event.</p>	<p>To ensure Council Members and the CEO are clear as to how they can handle their tickets. The distribution of tickets is not considered a strategic matter worthy of Council consideration.</p>
<p><b>Attendance Register</b> A register of events attended by Council Members or the CEO are to be recorded on a register and published on the City's website for the durations of the Council Members term of office of the CEO's employment.</p>	<p>Requirement has been removed and does not exist in the amended Policy.</p>	<p>To remove a low-value, administratively onerous task.</p>
<p><b>Attendance at events not to unduly interfere with the business of Council</b> States that attendance at events should not interfere with the business of the Council.</p>	<p>Section has been removed and does not exist in the amended Policy.</p>	<p>Council Members and the CEO are bound by their respective Codes of Conduct and responsibilities under legislation.</p>
<p>N/A</p>	<p><b>5. Disclosure Requirements</b> Does not exist in current policy. This is a new section in the amended policy detailing gift disclosure requirements and interest disclosure requirements.</p>	<p>To provide a clear distinction between the two types of disclosure requirements.</p>

## Consultation

7. WALGA were invited to provide feedback on the amended Policy on 27 July 2022. Their feedback included minor wording amendments and clarifications.
8. In addition, elected members were invited to provide feedback on the re-drafted Policy on 2 August 2022. Five elected members provided feedback/sought clarifications which was taken into consideration in finalising the re-drafted Policy contained in Attachment 16.2A.

## Decision Implications

9. If Council supports the changes to the Policy, it would be more concise, include clearer requirements for approval and all unnecessary provisions would be removed. If Council does not support the recommendation, the current policy would continue to apply.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan and Corporate Business Plan

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Local Government Act 1995</i>
Authority of Council/CEO:	Section 5.90A(2) of the <i>Local Government Act 1995</i> requires a local government to prepare and adopt a policy in relation to Council Members and the CEO's attendance at events. The adoption and / or amendment of this policy requires absolute majority under ss 5.90A(2) and 5.90A(3), respectively.
Policy:	CP1.2 Professional Development CP1.6 Council Member Allowances, Fees and Entitlements CP4.3 Outgoing Sponsorship and Grants

## Financial Implications

Nil.

## Further Information

10. At the Policy and Legislation Committee meeting held 15 August 2022, the Committee resolved to recommend that Council adopts amended CP1.1 with all reference to 'discretionary fund arrangements' being deleted. Accordingly, references to discretionary funding arrangements have been struck through, representing deletion, in Attachment 16.2A. Affected paragraph numbering will be corrected upon final adoption by Council.
11. The effect of the above amendment is that any gifts provided by an entity that has received grant funding shall be treated the same as other gifts. That is, such gifts are not excluded gifts and the usual financial interest provisions apply. Therefore receipt of any tickets valued over \$300 will create a close association with the donor and the Council Member who accepts the tickets will be required to disclose a financial interest in a matter before Council that concerns the donor.
12. In addition to the amendment detailed in paragraph 10 above, the words 'or is received personally (i.e. not in the Council member's or the CEO's official capacity)' have been struck through in Section 3.1 of Attachment 16.2A (lines 87 and 88) as the Act's gift provisions do not apply to gifts received in a relevant person's personal capacity.

















## 16.3 Review of Council Policy 4.3 Outgoing Sponsorship and Grants and new Council Policy 4.10 Incoming Sponsorship

<b>Responsible Officer</b>	Kylie Johnson – General Manager Community Development
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Attachment 16.3A – Reviewed and Amended Council Policy 4.3 Outgoing Sponsorship and Grants <a href="#">↓</a>  Attachment 16.3B – New Council Policy 4.10 Incoming Sponsorship <a href="#">↓</a> 

### Purpose

To present the review of Council Policy 4.3 Outgoing Sponsorship and Grants, and new Council Policy 4.10 Incoming Sponsorship.

### Committee Recommendation

That Council:

1. ADOPTS amended Council Policy 4.3 Outgoing Sponsorship and Grants as at Attachment 16.3A; and
2. ADOPTS new Council Policy 4.10 Incoming Sponsorship as at Attachment 16.3B.
3. REQUESTS the Chief Executive Officer to further review the threshold for accepting and rejecting outgoing sponsorship applications detailed in paragraph 20 of Council Policy 4.3 Outgoing Sponsorship and Grants as at Attachment 16.3A.

## Background

1. The City of Perth’s sponsorship and grant program represents a significant spend for the City and requires diligence in the way it monitors and distributes its funds.
2. The last full-scale review of Council Policy 4.3 Sponsorship and Grants (CP4.3) occurred in early 2021, and Council resolved to adopt the policy on 25 May 2021. Some minor amendments were adopted by Council from August to December 2021 including:
  - a. Item 29: All sponsorships and grants must be acquitted prior to payment being made to subsequent approved funding applications.
  - b. Item 20: Applications may be accepted or rejected:
    - (a): Where the sponsorship or grant is for less than \$15,000, by the CEO, provided the application is not part of a funding round or an unsolicited offer.
  - c. Item 11: The City’s sponsorship and grants will not support recurrent operational funding, including but not limited to, wages, salaries or administrative overheads. An exemption applies to community group insurance.

## Discussion

### Council Policy 4.3 – Outgoing Sponsorship and Grants

3. Questions regarding the City’s sponsorship and grants processes were raised by an applicant in March 2022 and as a result, the City engaged KPMG to undertake a review (separate to the annual Discretionary Funding Audit recently presented to the Audit and Risk Committee on 13 June 2022). The review determined the City did not clearly define ‘applicant’ on sponsorship and grant application forms or within CP4.3.
4. The City’s General Counsel also conducted a review of CP4.3 and provided enhancements to ensure the recommendations of the Inquiry were adequately captured. Proposed changes to the Policy are outlined below:

Inquiry Recommendation	Policy amendment
229. The City establish appropriate systems and processes to accurately record, monitor and report on all partnership, grant, sponsorship and donation funding arrangements, be it a single instance of funding or multi-year funding. These should be reported in the Annual Report and include the type, the activity, the entity funded, the funding approved, who approved the funding and the amount acquitted as spent.	Amendment to Clause 25. Amendment to Clause 34.
230. The City allocated a specified, pre-determined part of its Annual Budget to discretionary spending on partnership, grant, sponsorship and donation funding arrangements (Discretionary Grant Funding Arrangements), having appropriate regard to the relative expenditure of other capital city local governments on these categories of funding and the City’s Strategic Community Plan.	Addition of Clause 8
231. Discretionary Grant Funding Arrangements entered into by the City be independently audited at least every 12 months for compliance and better practice grant funding management.	Addition of Clause 27.

232. The results of the audit be reported to the Audit Committee and the Council.	Addition of Clause 28.
235. The City conduct and retain complete and fully executed copies of all funding arrangements to which it is a party.	Addition of Clause 24.
236. The City examine all current Discretionary Grant Funding Arrangements to ensure that fully executed copies, signed by an appropriately delegated officer, of all funding arrangements are recorded and retained in accordance with the State Records Act 2000 and the City's Record-Keeping Plan.	Addition of Clause 24.
237. All Discretionary Grant Funding Arrangements, including the entity funded, category of funding, amount approved (in-kind and cash reported separately), date approved, approval authority, date of agreement, date acquitted, final expenditure and linkage to any other operational funding to the same activity, will be recorded in a single register maintained by the CEO or his or her delegate.	Addition of Clause 33.
238. A report to Council be provided by the CEO on the City's Discretionary Grant Funding Arrangements on a quarterly basis.	Addition of Clause 35.
239. The City review its funding agreements and arrangements before execution or renewal and consider whether it should take legal advice, having regard to the value of the agreement and its terms.	Addition of Clause 23.
240. The City to review its policies and practices regarding the provision of funding in accordance with agreement or arrangement terms and acquittal of funds provided to external parties under partnerships or other similar agreements or arrangements.	Amended to Clause 30. Addition of Clause 32.

5. To maintain transparency of the sponsorship framework, it is proposed to remove clauses relating to 'unsolicited bids' in Council Policy 4.3 – Outgoing Sponsorship and Grants and establish a new policy on incoming sponsorship which is currently not sufficiently governed in the existing policy.

#### **Council Policy 4.10 Incoming Sponsorship**

6. CP4.3 does not adequately provide for proactive incoming sponsorship. This presents significant reputational and financial risks to the City.
7. To address these risks, a new Council Policy 4.10 Incoming Sponsorship (CP4.10) is proposed to provide a robust framework for actively seeking sponsorship opportunities. The new policy also provides a streamlined process and transparent clauses to enable the CEO to effectively negotiate suitable sponsorships through delegated authority.

#### **Consultation**

8. CP4.3 was provided to Lotterywest and the Department of Local Government, Sport and Cultural Industries (DLGSCI) for feedback and to ensure the City's approach aligns with State Government. Both DLGSCI and Lotterywest noted the Policy is comprehensive and provides for a low-risk tolerance in relation to the distribution of grants and sponsorship.

9. The DLGSCI provided feedback that CP4.3 did not clearly address whether the scope included the purchase of goods and services. The framework which governs procurement activities is fundamentally different to the framework for sponsorship and grants, and this has now been recognised within the scope of CP4. The scope of Council Policy 2.2 Purchasing also provides for the exclusion of sponsorship and grant programs.
10. CP4.10 was benchmarked against similar State and Local Government policies.

## Decision Implications

11. If Council adopts amended CP4.3, it will provide clear details around requirements for acquittals and record-keeping in line with Inquiry recommendations, and all unnecessary provisions will be removed.
12. If Council adopts new CP4.10, it will provide for an efficient framework to resolve gaps in how the City secures incoming sponsorship, including enabling the CEO to accept and decline sponsorship of City assets. This process will ensure negotiations occur in a timely manner and the City does not risk missing out on important sponsorship opportunities.
13. If Council does not support the recommendations, the current policy would continue to apply which will create inconsistency with agreements for outgoing sponsorship and grants and provide limited clarity on the framework for incoming sponsorship.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	<a href="#">2025 Events Strategy</a> Events Plan 2022/23

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Local Government Act 1995</i>
Authority of Council/CEO:	Section 2.7(2)(b) of the <i>Local Government Act 1995</i> , which states that Council is to determine the City's policies.
Policy:	Nil.

## Financial Implications

Nil.

## Further Information

14. At the Policy and Legislation Committee meeting held 15 August 2022, the Committee resolved to recommend that Council requests the CEO to further review the threshold for accepting and rejecting outgoing sponsorship applications detailed in paragraph 20 of amended CP4.3.

15. In anticipation of the above, considering the approved grants and sponsorship programs for 2022/23, the primary impact of an increase to the CEO’s approval threshold would be:
  - a. The ability for applicants to apply for increased funding levels in the Local Activation Grant Program with decisions made in 4-8 weeks.
  - b. Applicants for Economic Development Sponsorship receive decisions in 4-8 weeks for requests up to the revised funding level resulting in less applications presented to Council for consideration and faster approval timeframes.
16. A threshold increase would not impact any programs that are delivered in rounds as noted in paragraph 20b. of CP4.3.
17. Of the 36 Local Activation Grants supported in 2021/22, seven were awarded tier three funding between \$10,001 - \$15,000. Others who applied within that tier were either declined or awarded a lower amount. While some events were cancelled or postponed due to COVID-19, no events were unable to proceed due to a lack of City funding. This data does not indicate a need to increase the funding levels available in this program.
18. Of the four Economic Development Sponsorship applications that were presented to Council in 2021/22, two could have been decided by the CEO if the threshold was increased to \$20,000.
19. Reviewing the 2021/22 grants and sponsorship program demonstrated that of the 296 eligible grant and sponsorship applicants, only three sponsorships that went to Council for decision would have otherwise been decided by the CEO if the threshold was increased to \$20,000.
20. If an increase to the threshold is supported by Council, the Local Activation Grant and Economic Development Sponsorship guidelines would require adjustment. However, making the change to Local Activation Grants would increase the amount available to applicants, and actioning this mid-way through an annual program does not provide equal opportunities to applicants pre and post amendment; and would not be considered best practice. The Local Activation Grants program would be amended ahead of the 2023/24 program opening.
21. The Administration therefore recommends that the threshold for the CEO to accept and reject grants and sponsorship remain unchanged (paragraph 20a. of CP4.3).
22. Questions received and responses provided prior to the Policy and Legislation Committee meeting held 15 August 2022 were as follows:

	Question	Response
1.	Why is applicant so broadly defined? Do they have to have a direct relationship with the event holder?	The definition of applicant for the purpose of the policy is intended to ensure that the applicant and anyone representing them (such as an event management company) is bound by the clauses within the policy.
2.	What kind of due diligence checks do we do on applicants?	An eligibility check is completed on every application with a series of checks including (but not limited to) whether the applicant: <ul style="list-style-type: none"> <li>• is a legally constituted entity,</li> <li>• is financially viable,</li> <li>• does not have outstanding debts to the City,</li> </ul>



		<ul style="list-style-type: none"> <li>• is not in legal conflict with the City,</li> <li>• has appropriate insurances, and</li> <li>• that previous funding has been satisfactorily acquitted.</li> </ul> <p>The City will review its processes annually for continuous improvement.</p>
3.	Why have recent sponsorships steered away from in kind? Is this something we want to keep doing or not?	City fees and charges which may be applicable to an event or project continue to be key consideration for the assessment of applications. However, the separation of in-kind and cash in the awarding of funding can place an applicant at a disadvantage. The estimated City fees and charges may change between being awarded funding and the event or project taking place. Providing funding in cash ensures the applicant receives the full value that has been agreed by Council or CEO, noting a portion may be returned to the City in fees and charges.
4.	10d – why can a business owned by an EM apply when an EM cannot? Surely the business should also be precluded	<p>It is not practical for the Administration to check whether employees, elected members or their immediate family members are part of the organisation submitting the application. The intent of this clause aligns with the aims of the policy:</p> <p>4. <i>Sponsorship and grants must not, in the City’s opinion:</i></p> <p>d. <i>provide personal benefit to:</i></p> <ul style="list-style-type: none"> <li>i. <i>City employees or Council Members;</i> <i>or</i></li> <li>ii. <i>the employees or directors of the person or body receiving or providing sponsorship or receiving a grant.</i></li> </ul>
5.	12 should the legal expenses by 12a	Project legal expenses are included in paragraph 12. with a-d referring to projects only (not expenses).
6.	18 I would be supportive of increasing the delegated amount to \$25k	Noted, this can be amended if so desired by Council.
7.	22 is the agreement between the city and the applicant or the city and the event owner?	The agreement is between the City and the applicant as provided in the application form. The application form requires certification from an appropriately authorised person from the organisation who would be entering into the agreement.

8.	14.10 can we change reference to Council Member to Elected Member for consistency?	This has been corrected.
9.	4d as per 18 in outgoing sponsorship, is this appropriate?	<p>It is not practical for the Administration check whether employees, elected members or their immediate family members are part of the organisation sponsoring an asset. The intent of this clause aligns with the aims of the policy:</p> <p><i>3. Sponsorship of assets must not, in the City's opinion:</i></p> <p><i>d. provide personal benefit to:</i></p> <p><i>i. City employees or Council Members; or</i></p> <p><i>ii. the employees or directors of the person or body providing sponsorship.</i></p>
10.	Makes reference to sponsoring assets but should it also include events?	<p>'Sponsorship asset' is defined in the policy to include:</p> <p>a. Events;</p> <p>b. Activations;</p> <p>c. Initiatives;</p> <p>d. Projects;</p> <p>e. An occasion of a kind prescribed for the purposes of this definition.</p>




































## 16.4 Repeal Local Law 2022

Responsible Officer	Michelle Antonio – General Counsel
Voting Requirements	Simple Majority
Attachments	Attachment 16.4A – City of Perth Repeal Local Law 2022 <a href="#">↓</a> 

### Purpose

For Council to consider a draft Repeal Local Law.

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### Committee Recommendation

That Council:

1. APPROVES local public notice of the proposal to make the *City of Perth Repeal Local Law 2022* (Attachment 16.4A) being given in accordance with sections 3.12(3)(a) of the *Local Government Act 1995*.
  2. NOTES the purpose and effect of the *City of Perth Repeal Local Law 2022* as detailed in this report.
-

## Background

1. At its meeting held on 31 May 2022, Council considered an update on the City's Local Laws Review, upon recommendation from the Policy and Legislation Committee. Council resolved as follows:  
*That Council SUPPORTS the immediate commencement of the review and possible repeal of the:*
  1. *Air-Conditioning Units Local Law 2004,*
  2. *Special Events Local Law 2007,*
  3. *Repeal Local Law 2004, and*
  4. *Repeal Local Law 2009**("the four local laws") in accordance with the Local Government Act 1995 (WA).*
2. This report proposes the immediate advertising by public notice of the City's intention to repeal **the four local laws** by the making of the *City of Perth Repeal Local Law 2022* (Attachment 16.4A).

## Discussion

3. The purpose and effect of the proposed *City of Perth Repeal Local Law 2022* is:
  - a. Purpose - To repeal the *City of Perth Special Events Local Law 2007, City of Perth Air-Conditioning Units Local Law 2004, City of Perth Repeal Local Law 2004* and *City of Perth Repeal Local Law 2009*.
  - b. Effect - The *City of Perth Special Events Local Law 2007, City of Perth Air-Conditioning Units Local Law 2004, City of Perth Repeal Local Law 2004* and *City of Perth Repeal Local Law 2009* are repealed.

### *Special Events Local Law 2007*

4. The *Special Events Local Law 2007* was originally introduced to respond to anti-social behaviour on Australia Day however it has not been enforced since 2010.
5. The *Local Government Property Local Law 2005*, which provides a framework for the regulation of activities and facilities on the City's property, is considered adequate for management of any events on City property on Australia Day.
6. Consequently, the *Special Events Local Law 2007* is operationally redundant, and is proposed to be repealed.

### *Air-Conditioning Units Local Law 2004*

7. The *Air-Conditioning Units Local Law 2004* allows the City to regulate the installation of air-conditioning units which overhang streets or footpaths. This local law was considered as one which may overlap with and/or contain inconsistencies with the *Local Government (Uniform Local Provisions) Regulations 1996* (WA) (Uniform Provisions) and / or the *City of Perth Planning Scheme No 2* (CPS2).
8. The provisions in the *Air-Conditioning Units Local Law 2004* are almost entirely replicated in other instruments, specifically the *Planning and Development Act 2005* (WA) and the CPS2. Additionally, the Uniform Provisions in combination with the *Thoroughfares and Public Places Local Law 2007* largely overlap with the field of operation of the *Air-Conditioning Units Local Law 2004*. Consequently, the local law is redundant, except for a very narrow set of circumstances, which may potentially be addressed by CPS2.

9. Repeal of the *Air-Conditioning Units Local Law 2004* will result in a minor and technical loss of regulatory power. However this loss is not considered to have operational consequences and is proposed to be repealed.

*Repeal Local Law 2004 and Repeal Local Law 2009*

10. The *Repeal Local Law 2004* and *Repeal Local Law 2009* (“**the Repeal Local Laws**”) repealed a number of by-laws and local laws which were considered to be redundant at the relevant time. The Repeal Local Laws have no impact on the day-to-day operations of the City.
11. Given that repealing legislation has no ongoing utility, WALGA has advised that standard practice is for such laws to be excluded from the statutory review process carried out by local governments under **the Act**.
12. However, to ensure the City has a streamlined and tidied local law suite which is accessible to the public and removes the maintenance requirement for unnecessary enactments, **the Repeal Local Laws** are proposed to be repealed.

### Consulation

13. Section 3.12 of **the Act** sets out the procedure for making a local law including a repeal local law.
14. The public notice, for a period of 6 weeks, is to state that the City proposes to make a local law (including the purpose and effect). Public submissions may be received and considered.
15. A copy of the *City of Perth Repeal Local Law 2022* and the public notice is to be given to the Minister for Local Government and to any person requesting it.
16. The public submission received and feedback from the Minister are to be considered by Council before it makes the *City of Perth Repeal Local Law 2022*.

### Decision Implications

17. If Council does not resolve to give local public notice and/or the person presiding does not give notice to the meeting of the purpose and effect of the *City of Perth Repeal Local Law 2022* the City will have failed to follow the procedure required by 3.12 of **the Act** for making a local law.

### Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan

Legislation, Delegation of Authority and Policy	
Legislation:	The process to make or amend a local law is set out under section 3.12 of the <i>Local Government Act 1995</i> .
Authority of Council/CEO:	Section 3.12 of the <i>Local Government Act 1995</i> allows a local government to make, amend or repeal local laws.
Policy:	Nil.

## Financial Implications

18. The 2022/23 annual budget includes provision for minor costs associated with advertising and gazettal.

## Further Information

Nil.



## 16.5 Health Local Law 2000

Responsible Officer	Michelle Antonio – General Counsel
Voting Requirements	Simple Majority
Attachments	Confidential Attachment 16.5A – Scoping Study ( <i>Confidential in accordance with Section 5.23(2)(d)</i> )

### Purpose

For Council to consider postponing the review of the *Health Local Law 2000*.

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### Committee Recommendation

That Council DEFERS the review of the *Health Local Law 2000* until the Department of Health concludes its implementation of the *Public Health Act 2016* and introduces all required regulations.

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## Background

1. At its Ordinary Council Meeting held 3 November 2020, Council resolved to review all its local laws.
2. At its Ordinary Council Meeting held 30 March 2021, Council instructed the CEO to undertake extensive and targeted consultation in relation to its local laws.
3. Following internal consultation:
  - a. Local laws were categorised and summarised as a part of a Scoping Study (Confidential Attachment 16.5A); and
  - b. Prioritisation of the *Health Local Law 2000* was identified for legislative and operational reasons.
4. The implementation of the *Public Health Act 2016* will have significant impact on the City's *Health Local Law 2000*.
5. The implementation of the *Public Health Act 2016*, currently underway by the Department of Health, significantly affects the legislative basis for the *Health Local Law 2000* and provides a rationale to postpone the review.

## Discussion

6. Review of the *Health Local Law 2000* ought to be deferred until the Department of Health concludes its implementation of the *Public Health Act 2016* and introduces all required regulations.
7. The State Government is in the process of producing regulations that will supersede a majority of the local law as advised previously in the Scoping Study.
8. The State Government has undertaken significant consultation processes and most items are advised as being at the stage of preparing drafting instructions, preparation of replacement guidelines or confirmed to be repealed.
9. A tentative timeline for the new regulations is the end of 2022 as the State's advice is that implementation is due to occur between mid and late 2022. Consultation on the regulations themselves has not yet occurred.
10. Once the new regulations are finalised and the remaining Parts of the *Public Health Act 2016* are commenced, the *Health (Miscellaneous Provisions) Act 1991* will be repealed. This will repeal the legislative basis for the City of Perth's current *Health Local Law 2000* (and any other local government Health Local Laws made under the *Health (Miscellaneous Provisions) Act 1911*).
11. The:
  - a. relevant areas of the *Health Local Law 2000*;
  - b. advised intent of the State; and
  - c. current status

indicates that the majority of the *Health Local Law 2000* will not be required in any local law post the State's introduction of regulations and guidelines under the *Public Health Act 2016*. Such areas to be addressed in state regulations and guidelines include:

- i. Sanitary Conveniences,
- ii. Housing;
- iii. Water Supply;



- iv. Lodging Houses
- v. Offensive trades;
- vi. Management of morgues;
- vii. Pest control;
- viii. Infectious diseases; and
- ix. Car parks ventilation.

12. This leaves only a limited number of areas to be addressed by local laws such as:

- a. Disposal of refuse;
- b. Nuisances; and
- c. Keeping of Animals.

13. Given:

- a. the level of progression of the State’s reform;
- b. redundancy of the majority of the Health Local Law areas following the commencement of the remaining provisions of the *Public Health Act 2016*; and
- c. the potential for template local laws to be adopted for the remaining areas not made redundant

It is proposed to postpone a review of the *Health Local Law 2000* to avoid unnecessary resource allocation and budget.

## Consultation

Nil.

## Decision Implications

14. If Council does not approve deferral the City will proceed with the review and budget allocation increase will be sought accordingly.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	Corporate Business Plan

Legislation, Delegation of Authority and Policy	
Legislation:	Sections 3.12 and 3.16 of the <i>Local Government Act 1995</i> (WA)
Authority of Council/CEO:	Council has previously directed for all local laws to be reviewed. Council authority is sought for the deferral.
Policy:	Nil.

## Financial Implications

15. Postponing the review of the *Health Local Law 2000* will delay incurring costs in association with the local law and avoid allocation of resources and costs to unnecessary work.

## Further Information

Nil.

## 16.6 Update on Review of Parking Local Law 2017

Responsible Officer	Michelle Antonio – General Counsel
Voting Requirements	Simple Majority
Attachments	Nil.

### Purpose

For Council to consider the amendment of the *Parking Local Law 2017* rather than a full review.

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### Committee Recommendation

That Council:

1. REQUESTS the Chief Executive Officer to prepare amendments to the *Parking Local Law 2017* rather than conducting a review and redraft of the existing local law.
  2. APPROVES the level of public engagement being limited to that required to meet requirements of the *Local Government Act 1995*.
-

## Background

1. At its Ordinary Council Meeting held 3 November 2020, Council resolved to review all its local laws.
2. At its Ordinary Council meeting held 30 March 2021, Council requested the CEO to undertake extensive and targeted consultation in relation to its local laws.
3. Following internal consultation:
  - a. local laws were categorised and summarised as part of a Scoping Study (refer Confidential Attachment 16.5A); and
  - b. Prioritisation of *Parking Local Law 2017* was identified for operational and legislative reasons.
4. The amendment, rather than a full review and drafting of an entire new Parking Local Law, has been recommended by the General Manager Commercial Services.

## Discussion

5. The *Parking Local Law 2017* is not currently due for its statutory review, having been adopted by Council on 14 February 2017. Its mandated review date is not until 14 February 2025.
6. Despite this, due to:
  - a. several operational issues;
  - b. community interest; and
  - c. legislative change;
 the local law has been identified as benefitting from some amendment.
7. Rather than a full redraft and a new local law it is proposed the following issues within the current local law be amended:

Clause	Issue
1.6 Terms Used bicycle crossing	The definition of bicycle crossing claims to have the meaning given in the <i>Road Traffic Code 2000</i> . There is no definition of bicycle crossing in the <i>Road Traffic Code 2000</i> – a new definition is required.
1.6 Term Used charter vehicle	The definition of a charter vehicle refers to an omnibus licence under the <i>Transport Co-ordination Act 1966</i> . The definition requires amendment as the <i>Transport (Road Passenger Services) Act 2018</i> which commenced in mid-2019 means there is no longer an omnibus licence.  A new definition is required.
1.6 Terms Used commercial vehicle	The definition of a commercial vehicle is considered difficult to interpret and communicate to the public. New terminology and a new definition may aid in clearly demonstrating to the public who may park in loading zones.
1.6 Terms Used Fee collection machine	The definition of fee collection machine does not include alternative fee collection methods i.e. at licence plate recognition facilities and parking payment applications (App). An amendment is required.
1.6 Terms Used	The definition of GVM (which stands for “gross vehicle mass”) is claimed to have the meaning given in the <i>Road Traffic Code 2000</i> . The definition

GVM	is actually in the <i>Road Traffic (Vehicles) Act 2012</i> – a new definition is required.
1.6 Terms Used service vehicle	The definition of service vehicle claims to have the meaning given in the <i>Road Traffic Code 2000</i> . There is no definition of service vehicle in the <i>Road Traffic Code 2000</i> – a new definition is required.
1.6 Terms Used unattended	The word “metres” has an Americanised spelling (meters).
1.6 Terms Used valve stem reading	There is currently no definition of valve stem reading in the local law. The JSCDL has required one to be inserted in another local law – a new definition is required.
Clause 2.3(2)(a) No stopping areas	For consistency with the <i>Road Traffic Code 2000</i> , and for safety and traffic management reasons, it is proposed to remove any exemptions for stopping and parking vehicles which is not permitted by the <i>Road Traffic Code 2000</i> .
Clause 2.18 Parking on local government property	An amendment is required to provide that a person must not park contrary to a sign, even if the area is set aside for parking.
Clause 3.13(2) Charter vehicle zones	It is proposed to redraft the clause for clarity.
Clause 4.1 Payment of fees	An amendment is proposed to indicate that signs providing payment information may be variable but still effective (e.g. electronic displays with alternative information)  An amendment is proposed to, where the facility requires, enter licence plate information into the ticket machine or the use of an App.
Clause 4.5(1)(a) Display of parking tickets and parking limits	Amendments to the clause required to: <ul style="list-style-type: none"> <li>• Ensure the ticket is required to be displayed right side up so that its relevant details are readable</li> <li>• Remove the reference to “purchasing” a ticket so it is clear tickets are required even when parking is free (so that officers can effectively monitor drivers who overstay time limits).</li> </ul>
Clause 4.6 Reserved fee paying zones	The current wording on the hoods that get placed on ticket machines (when the bays are reserved or unavailable) does not align with the current local law.
Clause 4.8 Use of counterfeit or altered parking tickets	The enforcement of this clause can be challenging when people display an altered or counterfeited parking ticket but it is not clear which has occurred (alteration or counterfeiting). An amendment is suggested to aid enforcement.
Clause 5.2 Stopping or parking in a parking station	An amendment is suggested to detail to stopping restrictions in licence plate recognition zones.

Clause 6.1 Classes and application for parking permit	It is proposed to add an offence where a person makes a false or misleading statement in respect of their parking permit application.
Clause 6.3 Exemption for permit holders	<p>The City has used e-permits in recent years. The local law requires that e-permits are displayed but an e-permit does not require display. Provision for this and a definition of e-permit will clarify.</p> <p>Additionally, an amendment is proposed to clarify that a permit may also be an exemption from payment in areas where ticket display is not required (as the current provision indicates the exemption is only from displaying a ticket).</p>
Clause 6.5 Use of counterfeit or altered parking permit	The enforcement of this clause can be challenging when people display an altered <i>or</i> counterfeited permit but it is not clear which has occurred (alteration or counterfeiting). An amendment is suggested to aid enforcement.
Clause 7.11 Interfere with or damage local government property	An amendment is suggested to specifically add “fee paying machine” to items which must not be damaged.
Throughout local law	Remove terms that are not relevant to the City of Perth (bus way, transit lane, truck ways).
New provision – car share bays	The City has received multiple proposals over time for the City to set aside bays for “car share” providers which hire out cars for people to drive (rather than an Uber). Making provisions in the local law will assist in the provision of these bays.
New provision – temporary parking for people with disabilities	While parking for people with disabilities is generally covered by the <i>Local Government (Parking for People With Disabilities) Regulations 2014</i> there is a gap for temporary parking bays established for event parking. These temporary bays may not have both road markings and a permissive parking sign due to their temporary nature. Due to this, there are challenges with enforcement where persons park in these bays without a disability parking permit and a new clause for these limited circumstances is proposed.
New provision – electric vehicles	<p>Electric vehicle bays are a limited resource within CPP facilities. CPP has received complaints about individuals with non-electric vehicles using these bays so that owners of electric vehicles are unable to use this resource.</p> <p>It is proposed to add a requirement that only electric vehicle may use electric vehicle charging bays and they must plug in the charger. This will ensure the limited resource is available for drivers which need the bays.</p> <p>Definitions will also be required.</p>
New provision – recreational bays	Some of the parking bays near parks are allocated for the use of individuals using the park. Having such bays assist in ensuring access to these facilities and the allocation and signage reduces the fees payable

	by the City under the Perth Parking Levy. The local law does not have a clause to make this provision enforceable. It is proposed to draft a clause with an associated definition and a penalty.
Schedule 1 - Notices	The form of the notices is prescribed in the <i>Local Government (Functions and General) Regulations 1996</i> . Therefore, removal of the form and reference to the regulations is recommended.
Schedule 2 - Modified Penalties	Insert a penalty for clause 3.3(2) (verge complaints) which is missing a modified penalty.  Insert an appropriate penalty for any new provisions.
Misc. Other	As identified or recommended by external drafting counsel.

## Consultation

8. Stakeholder engagement to occur consistent with sections 3.16 and 3.12 of the *Local Government Act 1995*.

## Decision Implications

9. If Council does not approve this approach either:
- further budget allocation will be required to allow for a full review and redraft to include consideration of all regulatory amendments since 2017; or
  - Council can defer the review of the *Parking Local Law 2017* until the statutory due date being 14 February 2025.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	Corporate Business Plan Local Law Reviews are an identified item within the Corporate Business Plan.

Legislation, Delegation of Authority and Policy	
Legislation:	Sections 3.12 and 3.16 of the <i>Local Government Act 1995</i> (WA)
Authority of Council/CEO:	Section 3.16(2)(a) of the <i>Local Government Act 1995</i> provides that the notice to the public of the review is to include that the local government proposes to review the local law. Council support for the proposal to review is sought.
Policy:	Nil.

## Financial Implications

10. The financial implications of the recommendation(s) are accommodated within the existing budget subject to:
- a. The amount of legislative drafting required being (roughly) limited to the number of issues currently identified (noting that the legislative process will require the local government to consider submissions);
  - b. The stakeholder engagement proposed is limited to statutory requirements as detailed in this report;
  - c. No further legal advice or further drafting revisions being required.

Account Number	1039-100-10-10587-7210	Operating
Account Description	Parking Local Law	
Total Budget	\$15,000	
Budget – This report	\$15,000	
Remaining Budget	\$0	
Budget Impact	\$15,000	

## Further Information

Nil.



## 17. Motions of which Previous Notice has been Given

This item will be dealt with at the Ordinary Council Meeting.

## 18. Matters for which the meeting may be closed

*In accordance with Section 5.23(2)(c) and Section 5.23(2)(e) of the Local Government Act 1995, the following Item 19.1 and its attachments are confidential.*

### 18.1 Shop 16, City Station Concourse - Preferred Tenant

Responsible Officer	Steve Holden – General Manager Commercial Services
Voting Requirements	Simple Majority
Attachments	Confidential Attachment 18.1A – Selection Criteria Evaluation Matrix Confidential Attachment 18.1B – Commercial Terms Comparison Confidential Attachment 18.1C – Cashflow Analysis

*In accordance with Section 5.23(2)(e) of the Local Government Act 1995, the following Item 19.2 and its attachment are confidential.*

### 18.2 Tamala Park Regional Council Landholdings

Responsible Officer	Steve Holden – General Manager Commercial Services
Voting Requirements	Simple Majority
Attachments	Confidential Attachment 18.2A – Market Advice and Valuation Review

**19. Urgent Business**

This item will be dealt with at the Ordinary Council Meeting.

**20. Closure**