



City of **Perth**

Minutes

Ordinary Council Meeting
30 July 2024

Approved for release

Michelle Reynolds
Chief Executive Officer
2 August 2024

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby certified as confirmed.

Presiding member's signature _____

Date _____

Information

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

Question Time for the Public

An opportunity is available at Council meetings for members of the public to ask a question about any issue relating to the City. This time is available only for asking questions and not for making statements. Complex questions requiring research should be submitted as early as possible to allow the City time to prepare a response.

The Presiding Person may nominate a member of staff to answer the question and may also determine that any complex question requiring research be answered in writing. No debate or discussion can take place on any question or answer.

To ask a question, please complete the Public Question Time form available on the City's website 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

The Presiding Member declared the Ordinary Council Meeting for the City of Perth open at 5:00pm.

2. Acknowledgement of Country/Prayer

The Presiding Member gave an Acknowledgement of Country:

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

The Chief Executive Officer recited a prayer:

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

3. Attendance

Members in Attendance

Lord Mayor	Basil Zempilas (Presiding Member)
Deputy Lord Mayor	Clyde Bevan
Councillors	Raj Doshi
	Brent Fleeton
	Liam Gobbert
	David Goncalves
	Viktor Ko (arrived 5:26pm)
	Catherine Lezer
	Bruce Reynolds

Officers in Attendance

Chief Executive Officer	Michelle Reynolds
General Manager Infrastructure and Operations	Allan Mason
General Manager Community Development	Kylie Johnson
General Manager Commercial Services	Steve Holden
General Manager Planning and Economic Development	Dale Page
General Manager Corporate Services	Wendy Attenborough
Chief Financial Officer	Michael Kent
Alliance Manager Council Governance and Policy	Charlie Clarke
Council Governance and Policy Officer/Minute Taker	Ebony Mackey

Public Gallery

There were approximately 8 members of the public in the gallery.

3.1 Apologies

Nil.

3.2 Leave of Absence

Nil.

3.3 Applications for Leave of Absence

Council Resolution (OCM-24/07-001)

Mover: Councillor Brent Fleeton

Seconded: Deputy Lord Mayor Clyde Bevan

That Council APPROVES the following leave of absence applications:

1. Councillor Catherine Lezer for the period 9 September 2024 to 16 September 2024, inclusive.

CARRIED UNOPPOSED (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer, and Bruce Reynolds

Against : Nil

4. Announcements by the Lord Mayor

4.1 Kagoshima Sister City Visit

The Lord Mayor mentioned last week that the City had the pleasure of hosting a delegation from Kagoshima, the City's sister city, in celebration of the 50th anniversary of this longstanding relationship. The Lord Mayor stated that the delegation included Mayor Takao Shimozuru, officials, business representatives, and members of the education sector. The Lord Mayor shared details of the relationship, which began in 1974, and was initially based on the shared latitude of 32 degrees. He stated that over the decades, it has flourished and created many direct opportunities for both cities, particularly in educational exchanges and, more recently, business collaborations.

The Lord Mayor also stated that this partnership has grown beyond friendship and ceremonial connections to become a vital business link. He highlighted that, for example, the Japanese oil and gas company Impex has more employees in its Perth office than in its Tokyo headquarters, thanks to the strong relationship fostered through this sister city partnership with Kagoshima. The Lord Mayor expressed appreciation for the invitation to celebrate the 50th anniversary in Kagoshima later in the year.

4.2 Plateful Perth Launch

The Lord Mayor expressed excitement on behalf of the City to announce that the City of Perth's winter dining festival, Plateful Perth, officially kicks off in two days on Thursday. He stated that this is the festival's second year and will run throughout August. The Lord Mayor mentioned that the program is filled with exciting events and that more businesses have signed up this year, all designed to encourage people to visit the city during the quieter winter months. He stated that it was tremendous to have a launch with some of the participating businesses, noting that the number has increased from 48 last year to 65 this year, showing significant growth in just its second year. The Lord Mayor was delighted to report that five events have already sold out and others are booking fast. He encouraged those watching or present to take advantage of the opportunities to explore more of Perth's food, beverage, and dining scene.

4.3 Corporate Business Plan 2023/24

The Lord Mayor reflected on the Corporate Business Plan for the 2023-2024 financial year, stating that the City's reputation for delivering on its commitments to create a more liveable, sustainable, and prosperous city has been reaffirmed. He stated that in the last year, the City achieved an outstanding result by delivering 90% of its corporate business plan commitments, despite ongoing supply chain challenges in the community and the wider world. The Lord Mayor noted that this result surpasses the outcomes of the past two years, where 89% and 87% of commitments were delivered, respectively.

He stated that the City also delivered 93% of projects in the \$39 million capital and Asset Renewal Program on time and on budget, which he described as an outstanding result. The Lord Mayor congratulated the CEO and their teams on behalf of the entire Council and ratepayers, acknowledging the high level of efficiency and delivery during challenging times. He stated that the City continues to outperform and he commended everyone involved for their efforts.

5. Disclosures of Interests

Name	Councillor Catherine Lezer
Item number and title	11.2 Draft Northbridge Character Area Local Planning Policy
Nature of interest	Impartiality
Interest description	<i>"For consistency and completeness, I am a Councillor on the Heritage Council of WA".</i>

Name	Councillor Catherine Lezer
Item number and title	11.3 Draft St Georges Terrace Character Area Local Planning Policy
Nature of interest	Impartiality
Interest description	<i>"For consistency and completeness, I am a Councillor on the Heritage Council of WA".</i>

Name	Councillor Catherine Lezer
Item number and title	11.4 Proposed Designation of Goderich Street Heritage Area and draft Goderich Street Heritage Area Local Planning Policy
Nature of interest	Impartiality
Interest description	<i>"For consistency and completeness, I am a Councillor on the Heritage Council of WA".</i>

Name	Councillor Catherine Lezer
Item number and title	12.1 Business Improvement Grants
Nature of interest	Indirect Financial
Interest description	<i>"A close relative and Australian Venue Co Ltd both own separate lots at 60 Royal Street, East Perth."</i>

Name	Councillor David Goncalves
Item number and title	12.1 Business Improvement Grants
Nature of interest	Impartiality
Interest description	<i>"I have previously attended performances at the Actor's Hub theatre".</i>

Name	Deputy Lord Mayor Clyde Bevan
Item number and title	12.1 Business Improvement Grants
Nature of interest	Proximity
Interest description	<i>"Within 30m of my apartment at 380 Murray Street, Perth".</i>

6. Public Participation

6.1 Responses to Public Questions Previously Taken on Notice

Nil.

6.2 Public Questions

Stuart Chapman – West Perth WA	
Q1	Is it City of Perth policy that conversations with members of the public can be recorded by rangers, without their prior knowledge, consent or permission?
Provided by the General Manager Community Development	
A1	SafeCity Rangers are equipped with body worn cameras. It is standard operating procedure, and in compliance with the <i>Surveillance Devices Act (1998) WA</i> , for their body worn camera to be able to be activated to record interactions in public places, without consent or permission.
Q2	If the answer is no, why did the rangers not inform me that my conversation was about to be recorded using body cameras on July 11, 2024 outside Council House by three different rangers?
Provided by the General Manager Community Development	
A2	This has been explained in previous response.
Q3	Does the City consider a protest of one person a march, a rally or an event? Given that a one person activity cannot be an event because under the City's own published guidelines, a low impact event consists of 50 to 999 people, does the City think a single person holding a sign is a "social gathering"?
Provided by the General Manager Community Development	
A3	As per the Thoroughfares and Public Places Local Law 2017, 2.20 Hand Held Signs - A person shall not display a hand held sign on local government property or a public place unless approved by the local government or associated with an event approved by the local government. Hand held signs in the public realm require a permit to be issued as per the local law.
Q4	If a one-person protest is not considered a march or a rally, why did Sandra Arnold direct me to pay the Marches and Rallies Application and Processing Fee of \$99 in order to obtain a permit to hold protest signs at a protest for one person?
Provided by the General Manager Community Development	
A4	To hold a hand held sign in the public realm requires a permit to be issued as per the Thoroughfares and Public Places Local Law 2017, 4.1 Application for permit. A \$99 application fee is payable on application for a permit as per the Council endorsed fees and charges schedule as part of the annual budget (2024/25 FY), in accordance with sections 6.16 to 6.19 of the <i>Local Government Act 1995</i> .
Provided by the General Manager Community Development	
Q5	When did Council decide that the mechanism for the approval for hand held protest signs required a \$99 application fee?
Provided by the General Manager Community Development	
A5	When the Thoroughfares and Public Places Local Law came into effect in 2017 and through Council endorsement of the fees and charges schedule as part of the annual budget, in accordance with sections 6.16 to 6.19 of the <i>Local Government Act 1995</i> .

Q6	What was the process for obtaining approval for a hand held sign before this fee was imposed?
Provided by the General Manager Community Development	
A6	The Thoroughfares and Public Places Local Law inclusive of clause 4.1 Application for Permit, has been in place since 2017. The City currently has a \$99 application fee as per the Council endorsed fees and charges schedule (2024/25 FY), in accordance with sections 6.16 to 6.19 of the Local Government Act 1995.
Stephen Hayes – Perth WA 6000	
Q1	Could you please explain the difference between a Council permit and Council approval?
Provided by the General Manager Community Development	
A1	Permits are issued under local laws. Council approval may be given for something which is not covered by a local law.
Q2	Does the City agree that only WAPOL has the power to set a condition for a protest?
Provided by the General Manager Community Development	
A2	The City agrees WAPOL has the authority to set conditions on a Public Assembly (protest) of three or more attendees. WAPOL does not issue a permit for a one or two-person protest.
Q3	If the answer is yes, why does the City seek to impose conditions on a one-person protest such as whether they may or may not hold a sign?
Provided by the General Manager Community Development	
A3	WAPOL does not grant approval for a protest of less than three people. A permit from the City is required for hand held signs under the Thoroughfares and Public Places Local Law 2017.
Q4	What criteria or alternatively what assessment matrix is used to approve hand held signs for a one-person protest?
Provided by the General Manager Community Development	
A4	The City assesses applications for hand held signs in accordance with the Thoroughfares and Public Places Local Law 2017 including consideration of clause 2.1 General Prohibitions.
Q5	What policy is used to inform or guide which hand held signs are approved having regard to the fact that we live in a liberal democracy and we are supposed to enjoy freedom of speech?
Provided by the General Manager Community Development	
A5	The City assesses applications for hand held signs in accordance with the Thoroughfares and Public Places Local Law 2017, including consideration of clause 2.1 General Prohibitions.
Q6	On average how many permits for handheld protest signs are issued annually, by persons paying the Marches and Rallies Application and Processing Fee of \$99?

Provided by the General Manager Community Development

A6	A permit application to hold a hand held sign for a one or two-person protest in the public realm has not been received by the City in recent years.
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7. Confirmation of Minutes

Council Resolution (OCM-24/07-002)

Mover: Deputy Lord Mayor Clyde Bevan

Seconded: Councillor Raj Doshi

That Council CONFIRMS the minutes of the Ordinary Council Meeting held on 25 June 2024 and Special Council Meeting held on 16 July 2024 as true and correct records.

CARRIED UNOPPOSED (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer, and Bruce Reynolds

Against : Nil

8. Questions by Members which due Notice has been Given

Nil.

9. Correspondence

Nil.

10. Petitions

Nil.

Council Resolution (OCM-24/07-003)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Bruce Reynolds

That the Officer Recommendation for items 11.1, 15.1, 15.2 and 15.3 be adopted en bloc, and the remaining items be dealt with separately.

CARRIED UNOPPOSED (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer, and Bruce Reynolds

Against : Nil

11. Planning and Economic Development Alliance Reports

11.1 Hay Street (William to Elder) - Streetscape Revitalisation

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.1A – Hay Street - William to Elder - Streetscape Revitalisation

Purpose

To present the draft Concept Plan for the revitalisation of Hay Street (William to Elder) and seek Council's approval to release it for community consultation.

Recommendation

That Council APPROVES the draft Concept Plan for the revitalisation of Hay Street (William to Elder) as provided at **Attachment A**, for the purposes of community consultation.

Background

1. Following the roll out of various projects in the 1990's as part of the State Government's *Perth City for People – Central Perth Access Plan*, it became evident the City's one-way street system was having a negative effect on pedestrian amenity and the local economy by:
 - a. Creating an environment which encourages the city as a through route rather than a place to visit and shop.
 - b. Encouraging higher traffic speeds which creates unpleasant street environments and affects safety.
 - c. Limiting access options which can constrain new urban development.
 - d. Limiting CAT bus routes to one direction only which can create confusion for visitors trying to navigate to and from major tourist attractions.
 - e. Increasing journey distances as drivers and cyclists negotiate the one-way network.
 - f. Requiring more traffic lanes at the expense of footpaths.
 - g. Making the streets harder to navigate for people unfamiliar with the one-way system.
 - h. Filling streets with cars at the expense of other kerbside uses like outdoor dining, trees, and street furniture.
2. The *Two-Way Street Program* was developed in the mid-2000s to address the issues resulting from the City's one-way system. The project ensures pedestrians and place making are prioritised over cars by:
 - a. Creating destinations, not through routes.
 - b. Providing permeability, legibility, choice of routes and ease of access for city residents and businesses.
3. In March 2009, Council endorsed a long-term program of works to convert one-way streets back to *two-way operations*.
4. The program ensures pedestrians and place making are prioritised over cars by creating destinations, not through *routes*. The conversions have also increased permeability, legibility, provided choice of routes and ease of access for city residents, visitors, and businesses. The program has allowed PTA to expand their CAT bus services.
5. Since the long-term program was endorsed, the City has successfully converted the following streets, many of which enabled major developments such as Elizabeth Quay and Perth City Link to proceed:
 - a. William Street (Riverside Drive to Newcastle Street) – the Town of Vincent later addressed the section north of Newcastle Street.
 - b. Beaufort Street (Barrack Street Bridge to Newcastle Street).
 - c. James Street East (Beaufort Street to Stirling Street).
 - d. Mounts Bay Road (Spring Street to William Street).
 - e. The Esplanade.
 - f. Murray Street (Barrack Street to Pier Street, and William Street to Elder Street).
 - g. Hay Street East (Barrack Street to Pier Street, and Irwin Street to Victoria Avenue).
 - h. Barrack Street (Riverside Drive to Wellington Street).

- i. Riverside Drive West.
6. Hay Street from Victoria Street to Bennet Street will reopen as a two-way street in 2025.

Discussion

7. Hay Street from William Street to Elder Street is the last remaining one-way street in Central Perth and sits within a *residential* growth area as identified in the City’s Local Planning Strategy.
8. Since the street was last upgraded (2003-2007), ad hoc changes to the parking, the lack of a holistic lighting treatment, a mix of materials and finishes and lack of consistent tree canopy have resulted in a cluttered and poor-quality public realm.
9. Overall project *objectives* include:
- a. Strategic alignment with other City strategies and plans.
 - b. Greater amenity to support the future growth of the West end of Central Perth.
 - c. Improved permeability and safety achieved through the conversion of the street to two-way traffic.
 - d. Revitalised public realm with high quality treatments and finishes befitting of a central city street in a capital city.
10. Outlined below are *the* key site issues in Hay Street West and how these have been addressed in the draft Concept Plan:

Current site issue	Draft concept design deliverable
<p>Pedestrian amenity</p> <ul style="list-style-type: none"> • Narrow footpaths throughout, in a 16 metre road reserve. • Poor street tree canopy of 7% (the City has a target of 30% for the public realm in the Urban Forest Plan). Over 60% of trees on Hay Street have reached maturity, with almost half of all 96 trees in poor health. • Poorly performing existing trees, primarily the Illawara Flame Tree (<i>Brachychiton acerifolia</i>) due to the species being a Queensland rainforest tree, poor underground planting conditions, lack of irrigation and vehicle collisions. • Mix of materials and finishes. • Lack of visual interest. • Lack of creative lighting. • Lack of afterhours activity. • Lack of biodiversity. • Ad hoc alignment and mix of light poles. • Clutter such as parking sign poles. 	<ul style="list-style-type: none"> • Opportunities to widen and declutter the footpaths. • An additional 844m² of footpath space. • Opportunity for 50+ additional street trees including replacement of existing poorly performing trees. • Water harvesting and irrigation to tree pits. • Understorey planting in key locations. • New opportunities for outdoor dining. • Co-mingling of infrastructure to minimise use of poles. • North-south movement strengthened across Hay Street into adjacent laneways and arcades. • Repurposing of existing public art and the commissioning of new elements including

	<p>opportunities to address blank walls in adjacent laneways and to highlight the entrance to Shafto Lane.</p> <ul style="list-style-type: none"> • Refresh and consolidation of pavement and footpath materials. • Additional CCTV cameras and associated infrastructure as required. • New lighting addressing both functional and creative lighting to enhance the feeling of safety and security. • Creative lighting to enhance wayfinding and provide an element of delight. • Use of multifunctional poles to co-mingle infrastructure including MRWA signage. • Understorey planting in key locations to reinforce Hay Street as a biodiversity link as identified in the City’s Urban Greening Strategy.
<p>Vehicle access</p> <ul style="list-style-type: none"> • One-way street with restricted movement. • Vehicles exiting carparks travelling the wrong side of the road. • Servicing requirements including Hotels. • Red CAT bus route restricted to one way operation which results in poor user experience. • Underutilised parking bays (with ample off-street carparking). • Vehicles hitting and damaging building awnings. 	<ul style="list-style-type: none"> • Conversion of the street to two-way traffic. • Improved property access by providing clearances from crossovers to City standards. • Provision of loading zones (and Charter vehicles) and pick up and drop off for all users including ride share and Taxis. • CAT Bus stops on both sides of the street. • Awning clashes with vehicles addressed. • Retention of kerbside use for Wesley Church. • Consolidation of kerbside parking. • Low speed, safe environment for all users of the street.

11. Given the amount of *off*-street parking bays available on Hay Street, detailed analysis of the existing on-street parking was undertaken to understand what opportunities were available to improve the streetscape by removing some of the bays and re-aligning the kerb line.
12. This parking analysis involved the collection and analysis of video surveys from weekdays and weekends (by a consultant). The data *supplied* by the consultant included the raw video footage. The internal project team then verified the data for accuracy. Additionally, site observations, land use, and known existing activities (such as loading bays outside Central Park) were considered.
13. The analysis also accounted for site conditions such as pedestrian activity, the proximity of bays to street trees, crossovers, *awnings* with evidence of damage, sightlines near pedestrian crossings, and other obstructions.
14. Some higher demand for street parking was observed in certain locations and parking has been retained in these locations, where possible, to support local businesses.
15. The table below summarises the existing parking bay types, their current supply, and how they have been addressed in the draft *Concept Plan*:

Bay Groups	Bay Type	TOTAL EXISTING	Utilisation	Draft Concept	TOTAL PROPOSED
Private Vehicles	1P	14	1-hour fee-paying bay is the most in demand bay along Hay Street.	Number of 1-hour bays has been increased.	17
	1P Small Car	3	High demand but limited supply.	The draft concept increases the size of the bays so they meet standards and can be used by a wider range of vehicles.	-
	P15	2	Average of 50% occupancy. Limited supply.	These bays have been converted to 1-hour bays.	-
	P5	14	Data showed that between William and King 43% of drivers overstayed the 5 min maximum.	The most efficient use for pick-up and drop-off purposes is to locate these outside hotels.	4
	1P ACROD	3	High weekdays use but low weekend use.	Retained.	3
Motorcycles	1P M/C	31	Lowest demand due to their oversupply; 31 of the 104 bays.	Supply reduced.	8
Commercial Activities	Loading	18	Demand was mixed. East of Cloisters Arcade and around Central Park eateries were in high demand. Other locations west of Milligan had low demand.	Reducing loading zones was necessary to create an open, inviting space for people. They have been prioritised in high demand areas to support local businesses.	10
	Taxi	8	Taxi bays (as per the rest of the city) have exclusive parking areas for this service.	Since the emergence of Ride Share services, reserving space exclusively for taxis is unsustainable. Both taxi and ride-share services can use the 5-minute bays.	-
Charter	Charter	10	Occupancy was 35% and 42% for the weekdays and weekends respectively. Charter vehicles were observed to occupy bus stops, loading zones or double park if other vehicles were within the charter bays.	Exclusive charter vehicle bays were excluded due to their substantial space requirements. Instead, a section of St Georges Terrace is proposed for exclusive use, along with shared use of loading zones.	- <i>Shared with Loading and proposed exclusive use on St Georges Terrace</i>
Bus	Bus	1	CAT bus bay.	The embayed bus bay is being converted to a stop utilising the traffic lane. This is in line with PTA guidelines for bus stops.	-
TOTAL		104			42

16. In addition to the *parking* data analysis, the following has been used to inform the draft design:

- a. Pedestrian volumes, activity, and desire lines.
 - b. Street tree health assessment by a specialised consultant.
 - c. Universal access and inclusion assessment by a specialised consultant.
 - d. Traffic data and modelling.
 - e. Best practice and lessons learnt from previous projects.
 - f. Alignment with the City’s Design and Construction standards.
 - g. Internal and key stakeholder (PTA and Main Roads WA) feedback.
17. The following key *considerations* will also underpin further design development as the plan is finalised:
- a. Ease of ongoing maintenance.
 - b. Crime prevention through environmental design.
 - c. Relevant Australian Standards and *Disability Discrimination Act (DDA) 1995*.
 - d. Traffic modelling.
 - e. Road Safety Audits.

Consultation

18. Feedback from *key stakeholders* such as, QV1; hotels; FiveEight; Wesley Church; Central Park; and Cloisters; as well as local residents; building owners and businesses is the next important step to inform a final plan.

Decision Implications

19. If Council supports the *recommendation*, the draft Concept Plan for the revitalisation of Hay Street (William to Elder) will be presented to stakeholders and the community for feedback.
20. If Council does not *support* the recommendation, the draft Concept Plan cannot be released for community consultation and finalised.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Corporate Business Plan 2022/23 - 2025/26 Local Planning Strategy Urban Greening Strategy 2023 – 2036 Transport Strategy Two Way Streets Program Urban Forest Plan 2016 Street Tree Guide Sustainability Strategy 2022-2032

	<p>Sustainability Implementation Plan</p> <p>Social, Health and Wellbeing Strategy 2023 – 2033</p> <p>Public Lighting Framework</p>
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Legislation, Delegation of Authority and Policy	
Legislation:	Nil.
Authority of Council/CEO:	Nil.
Policy:	Nil.

Financial Implications

- A cost estimate will be *prepared* after refining and finalising the concept, incorporating input from the community and key stakeholders, as well as the results of a Road Safety Audit. Additionally, feedback from Main Roads WA regarding necessary changes to the signalised intersections will be considered.
- The following budgets have been allocated to Hay Street West in the City’s Long Term Financial Plan, which will be adjusted to suit *the* cost estimate and proposed timing of delivery:

FY 2023/24	FY 2024/25	FY 2025/26	FY 2026/27	FY 2027/28
\$280,000	\$250,000	\$1,000,000	\$4,200,000	2,000,000
Preparation of a draft Concept	Final concept and detailed design	Delivery	Delivery	Delivery

Further Information

- Questions and Responses forming part of the Agenda Briefing Session held 23 July 2024 are as follows:

	Question	Response
1.	Where do trades/contractors with vans/utes park when servicing buildings in this location?	Loading zones can be utilised for this purpose. Longer stays (weeks) can be accommodated within the City’s existing parking bay booking system. Please note, this report is provided for the purpose of community consultation. Further opportunity for comment will be provided prior to final endorsement by Council.
2.	Where is the charter vehicle loading zone on St Georges Terrace proposed? I would like to see if the walking distance from the four or so hotels on Hay Street with luggage is manageable.	The location is directly west of the King Street and St Georges Terrace intersection replacing the existing taxi rank. This location is just over a minute walk from the Intercontinental Hotel. Loading zones have also been provided in Hay Street near the hotels which can accommodate pick up and drop off. Please note, this report is provided for the purpose of community consultation.

		Further opportunity for comment will be provided prior to final endorsement by Council.
3.	There is a rental car office on this part of Hay Street, I don't see a loading zone or five minute zone proposed close to that location? Often when people are returning a rental car they might need to stop briefly to locate the official drop-off entry.	Removal of these bays was to prevent further damage to the building awning. Additional parking bays have been provided in the immediate vicinity. Please note, this report is provided for the purpose of community consultation. Further opportunity for comment will be provided prior to final endorsement by Council.

Council Resolution (OCM-24/07-004)

Mover: Lord Mayor Basil Zempilas

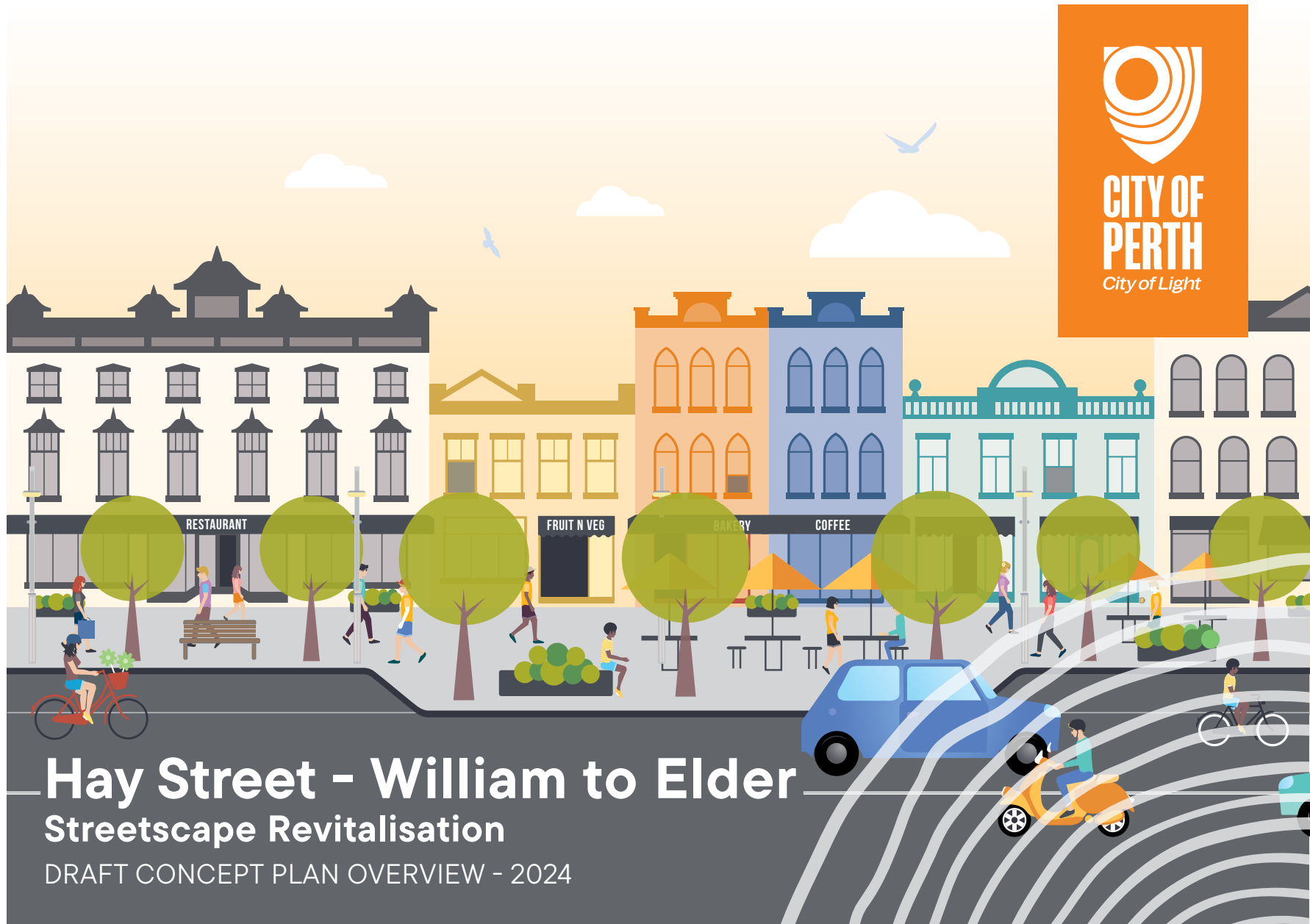
Seconded: Councillor Bruce Reynolds

That Council APPROVES the draft Concept Plan for the revitalisation of Hay Street (William to Elder) as provided at **Attachment A**, for the purposes of community consultation.

CARRIED EN BLOC (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer, and Bruce Reynolds

Against : Nil





Acknowledgment of Country

The City of Perth acknowledges the traditional custodians of the land that we are situated on, the Whadjuk people of the Nyoongar nation and Aboriginal people from other lands. We celebrate the continuing traditions, living culture, and the spiritual connection to Boorloo and the Derbarl Yerrigan. We offer our respects to Elders past and present.

Nyoongar Translation

The City of Perth kaditj kalyakool moondang-ak kaaradj midi boodjar-ak ngala nyinny, Whadjuk Noongar yoongar wer bandany Aboriginal yoongar yooarme boodjar-ool. Ngalangwoola Boorloo wer Derbal Yerrigan kalyakoort, wongin kadadjiny wer, wirn-yoodan. Ngalang kaditj Birdiya koora wer yeyi moondang-ak kaaradjiny.

Disclaimer

The information provided within this study does not claim to be comprehensive. The study is a snapshot in time. The City of Perth does not accept any responsibility or liability for any loss or other consequence which may result from any reliance on the information contained in this study.

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Introduction

Purpose of this document

The city's streets play a central role in creating its vibrancy. Streets are the city's most extensive, visible, and important public spaces. They serve as the arteries of the city, facilitating not only traffic but also fostering community interaction. Streets connect the city's fabric and help to unify its perceived image and overall experience.

Hay Street is designated as a 'City Avenue' within the city's street network hierarchy. Work completed in 2021 on Hay Street from Pier Street to Victoria Avenue, has significantly improved the pedestrian environment and permeability with the introduction of two-way traffic. The next stage of enhancement proposed for Hay Street is from William to Elder Streets; this area constitutes the physical scope of this study.

This document outlines the current conditions, key issues, and opportunities which have informed the development of a draft concept plan.



“Streets often account for 80% of public open space in cities.”

- Gehl Architects

Strategic Context

The following high level diagram outlines the relationship between various endorsed strategies which will underpin the Hay Street Project:



Two Way Streets Program

Following the rollout of various projects in the 1990s as part of the State Government's Perth City for People – Central Perth Access Plan, it became evident that the City's one-way street system was having a negative impact on pedestrian amenity and the local economy.

The Two-Way Street Program was developed in the early 2000s. The program ensures pedestrians and placemaking are prioritised by:

- Creating destinations, rather than fast-moving routes for vehicles passing through.
- Providing permeability, legibility, choice of routes, and ease of access for city residents and businesses.

The City of Perth's Two-Way Streets program is a key strategic move that will continue to drive the transformation of public space in the city.

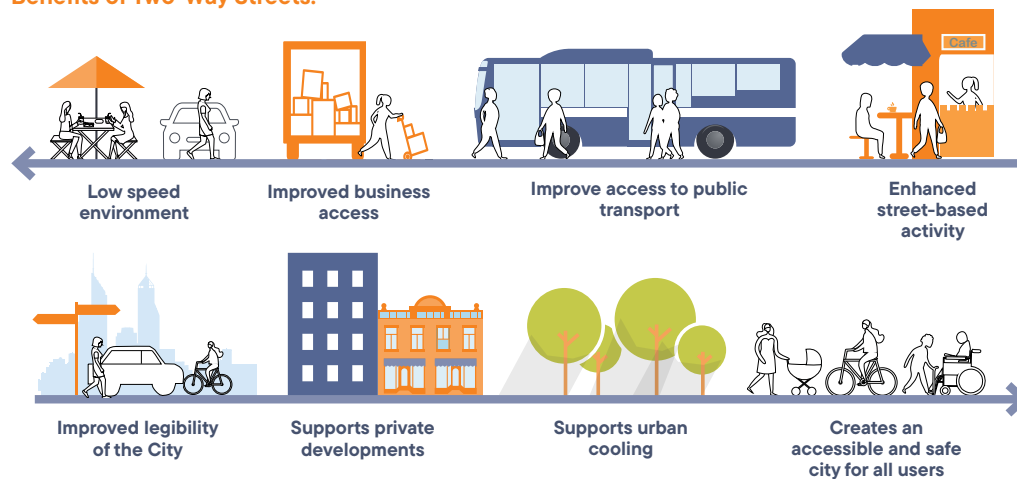


Publication: Two-way Streets Program



City of Perth's Two-Way Streets Program

Benefits of Two-Way Streets:



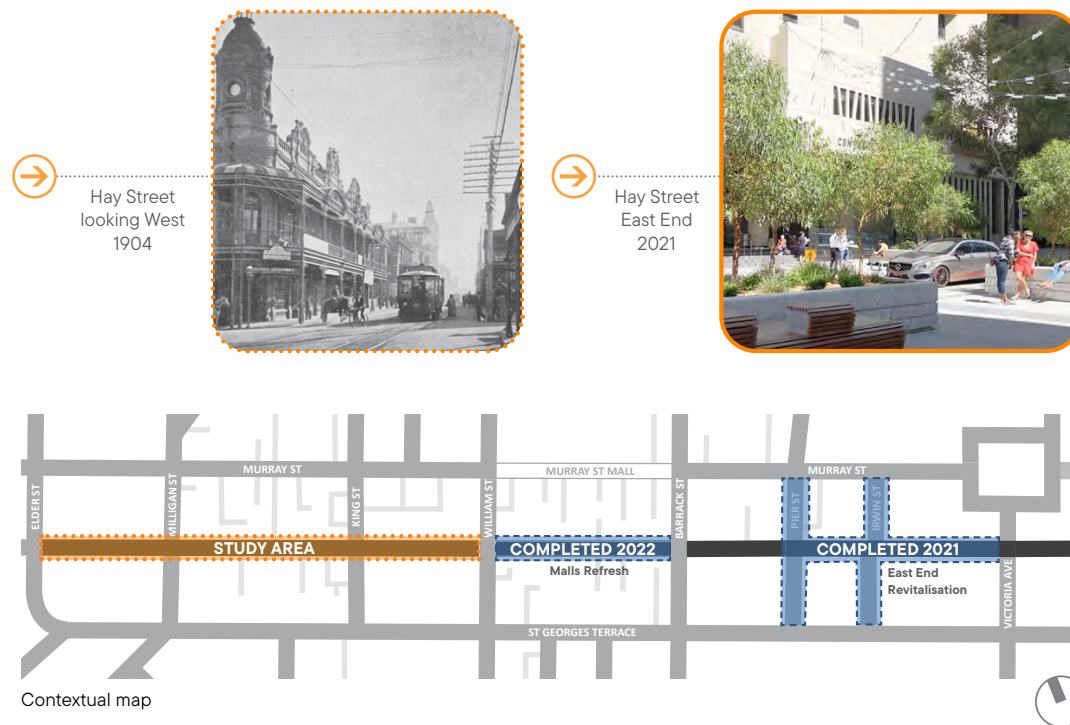
Context and History

The land in and around Central Perth holds immense cultural significance for the traditional owners, the Whadjuk Nyoongar people. Tom Bennell, a Whadjuk/Balardong Custodian, referred to Perth as Beerit, signifying pathways, owing to its vital role in meetings, travel, and trade.

The ridge line, known as Byerbrup, stretches from Mt. Eliza (Gatagup – the place down by the hillside, serving as the primary camp for the Whadjuk Nyoongar people) to Heirisson Island (Matagarup – the place of holes, recognised as a productive fishing spot). This ridge line essentially corresponds to the approximate location of present-day Hay Street (Hocking Planning and Architecture, 2011) (Collard and Jones, 2014).

At only 16 metres wide, Hay Street was built in the 1830's as part of the township's original urban structure and is one of the few streets that extends outside City of Perth boundaries. Its narrowness was intentional as it was seen as a 'back street' to service the more important prestigious St Georges Terrace. This function persists even today.

The street was named after Robert William Hay, the Permanent Under Secretary for Colonies. The portion east of Barrack Street was once called Howick Street. The section between William and Barrack Street was made a pedestrian mall in 1972, which was one of the first in Australia.



Hay Street Today

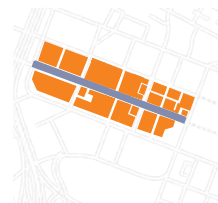
Current Snapshot

Traditional fine grain development, narrow tenancies, two or three-story historic facades, transparent shop fronts, and awnings are typical of Hay Street - William to Elder. Landmark buildings include His Majesty's Theatre, The Melbourne Hotel and QV1. Frequent pedestrian connections through laneways and arcades are provided within the street block.

The following characteristics define the street today:

- East/west route (pedestrians)
- Narrow in scale with its own microclimate
- One-way traffic west bound
- Mixed landuse with limited evening economy
- Service function
- CAT bus route
- Heritage buildings
- Permeable city grid
- Colonnaded walkways
- Indirect and inconsistent footpaths
- Bookended by the freeway

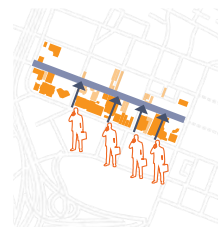
Hay Street - William to Elder



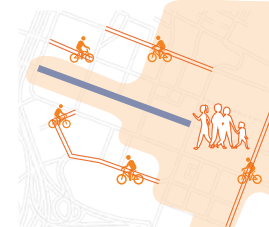
Permeable grid



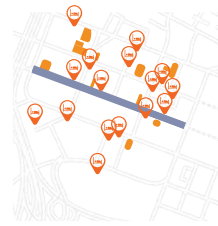
Well connected to public transport



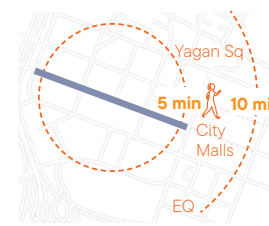
Strong relationship to the Terrace



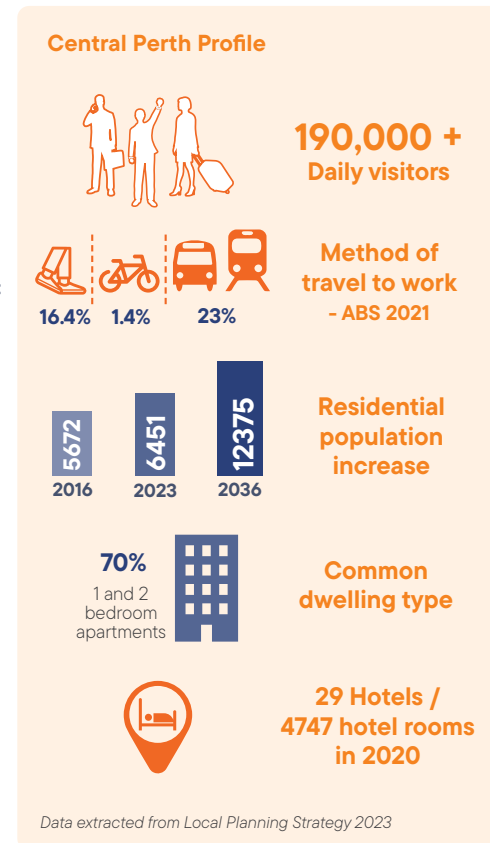
Bike connections and Pedestrian Priority Zone*



Hotels and apartments



Walking distance



*Pedestrian Priority Zone - Perth Parking Management Act

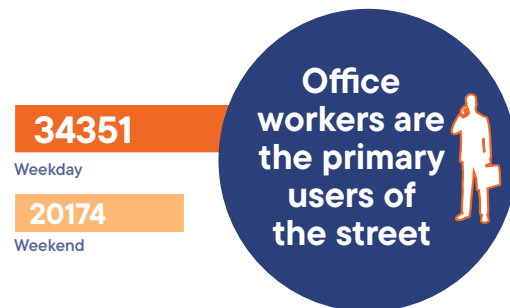
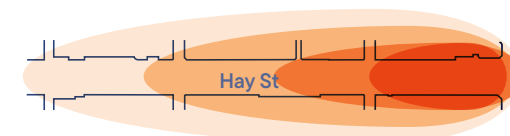
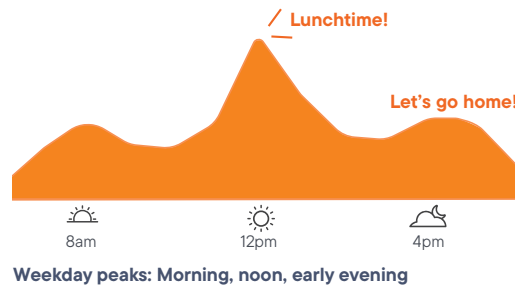
Pedestrians

Hay Street experiences significant pedestrian activity on weekdays, with the highest concentrations observed just west of William Street.

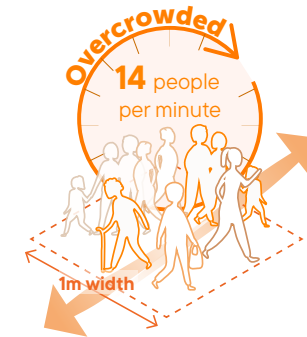
The footpaths along the street are typically narrow and convoluted, largely due to a significant portion of the street being allocated to kerbside parking and the associated clutter it brings. Colonnades delivered as part of the Hay Street Widening Policy has produced mixed results.

During weekdays, there are distinct peaks in pedestrian activity during the morning, lunchtime, and early evening highlighting that office workers in the area are the primary users of the street.

The presence of bus stops on William Street, between Murray and Hay Streets, contributes to the high pedestrian numbers at Hay Street. Pedestrian numbers notably decline sharply west of Shafto Lane, correlating with a decrease in the worker catchment area. Additionally, CAT bus services along Hay Street provide a convenient alternative to walking, further impacting pedestrian numbers.

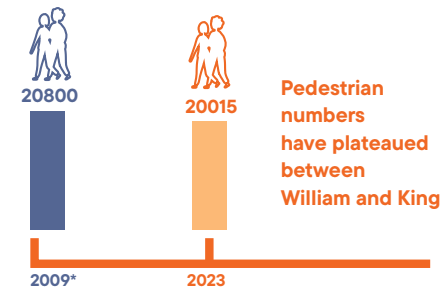


Pedestrian numbers - Hay Street - William to Elder



Hay Street experiences periods of overcrowding, with up to 14 pedestrians per minute per metre footpath width*

*The footpath width required to comfortably accommodate 12 pedestrians per minute per metre. Anything above this limit is considered overcrowding. - Source: Gehl Architects



*Data extracted from Gehl Architects - Perth 2009 Public Spaces & Public Life

2009 vs 2023 Hay Street - William to King

Councillor Catherine Lezer disclosed an Impartiality Interest in Item 11.2 (as detailed at Item 5).

11.2 Draft Northbridge Character Area Local Planning Policy

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.2A – Northbridge Character Area Location Plan Attachment 11.2B – Draft Northbridge Character Area Local Planning Policy

Purpose

For Council to consider the preparation and advertising of the draft *Northbridge Character Area Local Planning Policy (LPP)*.

Recommendation

That Council, in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions), RESOLVES to prepare and advertise the draft *Northbridge Character Area Local Planning Policy* as shown in **Attachment B** to this report.

Background

Local Planning Strategy

1. The City's *Local Planning Strategy* (Strategy) sets out the strategic direction for the future planning and development of the city, to be implemented via the new local planning scheme and supporting local planning policies. The Strategy was adopted by Council on the 13 December 2022 and endorsed by the Western Australian Planning Commission (WAPC) on 30 May 2023.
2. The Strategy identifies several character areas within the city, including the Northbridge Character Area. These areas have unique built and landscape elements that create a special sense of place.
3. The Strategy includes an action to introduce new planning provisions to ensure that important elements of the built and landscape character of the Northbridge Character Area are reinforced and enhance in new development.

Draft Local Planning Scheme No. 3

4. On 30 April 2024, the Council resolved to seek approval from the WAPC to advertise draft *Local Planning Scheme No. 3* (LPS3). Draft LPS3 will replace all existing local planning schemes within the city.
5. Under the draft LPS3, the Northbridge Character Area is zoned Capital City Entertainment and has a maximum base plot ratio of 5:1. No bonus plot ratio is available. This reflects the built form parameters proposed for the area under the draft Northbridge Character Area LPP.
6. There are approximately 100 local planning policies that support the existing local planning schemes. These are being replaced and consolidated into a set of new contemporary local planning policies that will be presented to Council in the coming months, with key policies, including the draft Northbridge Character Area LPP, intended to be advertised concurrently with the draft LPS3.

State Government Planning Framework

7. The State Government requires the Residential Design Codes (R-Codes) to be applied across the city to ensure a consistent approach to residential development throughout the State.
8. Local governments can prepare local planning policies for residential development that amend or replace certain development provisions of the R-Codes. Some variations to the development provisions only require local government approval, and some require the approval of the WAPC.

Discussion

9. The Northbridge Character Area is located in Northbridge, generally between Roe Street to the south, Aberdeen Street to the north, Parker Street to the west and William Street to the east. It abuts the William Street Heritage Area. A location plan is provided as **Attachment A**.
10. The following character statement describes the unique elements of the Northbridge Character Area:
Northbridge is the premier entertainment area of Perth, with a diverse mix of hospitality venues, retail, offices and residential and short-term accommodation. Its urban form reflects its energy with expressive architectural styles and built form that is varied yet cohesive in its general fine grain and vertical rhythms along the street. Buildings are generally low scale and built up to the street and side lot boundaries. Buildings along James, Aberdeen and Lake Streets are typically narrow with a building height of generally 2-3 storeys. Awnings along the street provide for a comfortable pedestrian environment.

Buildings along Francis Street are typically wider reflective of the warehouses within this street with a building height of 1-3 storeys. The area is highly walkable with connected streets and laneways, allowing life to happen between the buildings. Alfresco dining and outdoor seating encourages people to be outdoors.

11. The draft *Northbridge Character Area* LPP seeks to ensure that these important character elements are protected. The draft LPP is at Attachment B.
12. This character statement informs the key objectives of the policy which are:
 - a. *To encourage medium scale development with a low scale urban edge within a rich and interesting pedestrian environment.*
 - b. *To preserve and respect the traditional streetscape rhythm within the area whilst allowing for a diversity of architectural expression that supports Northbridge's diverse character and role as the premier entertainment area of Perth.*

Building Heights and Setbacks

Current

13. The Northbridge Character Area currently has a maximum street building height of 14 metres (3-4 storeys) and a maximum overall building height of 33 metres (approximately 9 storeys) for lots on the southern side of James, Francis and Aberdeen Streets. For lots on the northern side of James and Francis Streets, the maximum building height is 7 metres (approximately 2 storeys) above the street building height and then within a 45° angle height plane.

Proposed

14. The Local Planning Strategy identifies the Northbridge Character Area as a medium scale mixed use capital city entertainment area with an indicative building height of less than 12 storeys. It also identifies the area as an urban setting area with James, Francis and Lake Streets designated as pedestrian priority areas where comfortable microclimates are sought.
15. The approach of linking the achievability of plot ratio to the achievability of the City's built form objectives is an important approach that will continue under the draft LPS3 and supporting local planning policies.
16. The draft LPP proposes a maximum lower built form height of 3 storeys with nil street and side setbacks. The 3 storey height reflects the existing scale of development in the area whilst the nil setbacks reinforce the urban character of the area and maximise opportunities for interaction between the public and private realms.
17. Additional height is required to be set back from street and lot boundaries to alleviate the impact of building bulk and to provide internal amenity. Upper built form is required to be set back 7.5m from the street to clearly distinguish between the upper and lower built forms.
18. An upper built form maximum height of 12 storeys is proposed, consistent with the heights envisaged under the Strategy. However, for lots on the northern side of James and Francis Street, development is to be contained within a 40° angle height plane measured from 4 metres off the boundary of the property on the southern side of the street. The angle height plane allows sunlight access into the footpath on the southern side of the pedestrian priority streets over a portion of winter.

Building Design

19. The draft LPP building design provisions seek to maintain and enhance the unique character of the area and provide for an interesting, diverse and pedestrian friendly environment.

20. The provisions provide detailed guidance on articulation and detailing, materials and finishes, public realm interface, pedestrian shelter, vehicular access and parking and mid-block pedestrian connections.

Car Parking

21. The R-Codes Volume 2 require that car parking areas are not located within the street setback area, are not visually prominent from the street and are designed, landscaped or screened to mitigate visual impacts. The draft LPP requires car parking areas be incorporated in a building (preferably within a basement). Where they are located at or above ground, they are to be sleeved with building entry lobbies or other land uses such as habitable floorspace, offices or shops. This is to prevent blank facades to the street. Screening is not considered sufficient as the parking areas will still be visible and present an inactive land use to the street.
22. This modification to the R-Codes will require the approval of the WAPC.

Consultation

23. The draft LPP is required to be advertised for 21 days under the *Planning and Development (Local Planning Schemes) Regulations 2015* but given its relationship with the draft LPS3, the draft LPP will be advertised concurrently for 90 days. Commencement of advertising is dependent on the WAPC providing consent to advertise the draft LPS3.

Decision Implications

24. If Council supports the recommendation, the draft LPP will be advertised with draft LPS3 and the suite of key supporting policies.
25. If Council does not support the recommendation, draft LPS3 will be advertised without one of the supporting local planning policies and the Strategy will not be implemented.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<u>Local Planning Strategy</u> The draft Northbridge Character Area LPP aligns with the Local Planning Strategy.

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (Schedule 2 clause 4)

Authority of Council/CEO:	Under the LPS Regulations, the local government must resolve to prepare a local planning policy, which if supported, must be advertised in accordance with the Regulations.
Policy:	Nil.

Financial Implications

26. An amount of \$59,500 will be requested as part of the City's 2024/25 budget to advertise and undertake consultation on the new LPS3 and key supporting local planning policies.
27. This will enable community information sessions with information boards, hire of the City of Perth library auditorium, public notices, and advertisements in newspapers, as well as letters to all city ratepayers.

Further Information

28. Nil.

Council Resolution (OCM-24/07-005)

Mover: Councillor Bruce Reynolds

Seconded: Councillor Liam Gobbert

That Council, in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions), RESOLVES to prepare and advertise the draft *Northbridge Character Area Local Planning Policy* as shown in **Attachment B** to this report.

CARRIED UNOPPOSED (8/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Brent Fleeton, Liam Gobbert, Catherine Lezer, Raj Doshi, David Goncalves and Bruce Reynolds

Against: Nil.

Councillor Catherine Lezer disclosed an Impartiality Interest in Item 11.3 (as detailed in Item 5).

11.3 Draft St Georges Terrace Character Area Local Planning Policy

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.3A – St Georges Terrace Character Area Location Plan Attachment 11.3B – Draft St Georges Terrace Character Area Local Planning Policy

Purpose

For Council to consider the preparation and advertising of the draft *St Georges Terrace Character Area Local Planning Policy (LPP)*.

Recommendation

That Council in accordance with clause 4 of Schedule 2 the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions) RESOLVES to prepare and advertise the draft *St Georges Terrace Character Area Local Planning Policy* as shown in **Attachment B** to this report.

Background

Local Planning Strategy

1. The City's *Local Planning Strategy* (Strategy) sets out the strategic direction for the future planning and development of the city, to be implemented via the new local planning scheme and supporting local planning policies. The Strategy was adopted by Council on the 13 December 2022 and endorsed by the Western Australian Planning Commission (WAPC) on 30 May 2023.
2. The Strategy identifies several character areas within the city, including the St Georges Terrace Character Area. These areas have unique built and landscape elements that create a special sense of place.
3. The Strategy includes an action to introduce planning provisions to ensure that important elements of built and landscape character are reinforced and enhanced in new development in the St Georges Terrace Character Area.

Draft Local Planning Scheme No. 3

4. On 30 April 2024, the Council resolved to seek approval from the WAPC to advertise draft *Local Planning Scheme No. 3* (LPS3). Draft LPS3 will replace all existing local planning schemes within the city.
5. Under the draft LPS3, the St Georges Terrace Character Area is zoned Capital City Office and has a maximum base plot ratio of 11:1 and a maximum bonus plot ratio of 4:1.
6. There are approximately 100 local planning policies that support the existing local planning schemes. These are being replaced and consolidated into a set of new contemporary local planning policies that will be presented to Council in the coming months, with key policies, including the draft St Georges Terrace Character Area LPP, intended to be advertised concurrently with the draft LPS3.

State Government Planning Framework

7. The State Government requires the Residential Design Codes (R-Codes) to be applied across the city to ensure a consistent approach to residential development throughout the State.
8. Local governments can prepare local planning policies for residential development that amend or replace certain development provisions of the R-Codes. Some variations to the development provisions only require local government approval, and some require the approval of the WAPC.
9. A portion of the St Georges Character Area is affected by the State Government's Parliament House Precinct Policy (PHPP) and associated Metropolitan Region Scheme Clause 32 which requires development applications within the area to be referred to the Western Australian Planning Commission for determination. The City is unable to vary the provisions of the PHPP. It is currently however under review by the State Government.

Discussion

10. The St Georges Terrace Character Area is located in Central Perth along St Georges Terrace, between the Mitchell Freeway and Barrack Street and extending south to Mounts Bay Road and The Esplanade. A location plan is provided as **Attachment A**.

11. The following character statement outlines the unique elements of the St Georges Terrace Character Area:

The St Georges Terrace Character Area is defined by Perth's landmark office towers which sit on the ridge line of St Georges Terrace, creating an atmosphere of prosperity and status. High scale and medium scale buildings of glass and concrete sit amongst older masonry developments. Buildings are built to the street boundary framing the wide terrace creating an urban edge at street level, with the exception of urban plazas and spaces dotted along the terrace. Ground floor lobbies are grand and expansive in area and volume and are important threshold spaces that provide visual and physical connections to the street. Ground floor tenancies provide retail and food offerings for city workers. The traditional grid pattern of streets with frequent mid-block pedestrian connections, allows for key north-south movement to major transport hubs and provide views to the Swan River and Elizabeth Quay.

12. The draft *St Georges Terrace Character Area Local Planning Policy* (draft LPP) seeks to ensure that these important character elements are protected. The draft LPP is at **Attachment B**.
13. This character statement informs the overarching objective of the policy which is:
 - a. *To encourage high scale landmark buildings with a medium scale urban edge that emphasise the ridge line and prominence of St Georges Terrace and reflect the area's importance as the primary centre of business for Greater Perth and the State.*

Building Heights and Setbacks

Current

14. The St Georges Terrace Character Area currently has a maximum street building height (or lower built form height) of 21 metres (approximately five storeys), except for William and King Streets on the northern side of St Georges Terrace, which have a street building height (or lower built form height) of 14 metres (approximately three storeys).
15. Buildings can have nil setbacks to the street, side, and rear lot boundaries at the lower building levels, with additional height being required to be set back from street and lot boundaries. Setbacks are doubled above 65 metres (approximately 17 storeys) building height. No maximum building height (or upper built form height) limit applies.

Proposed

16. The Local Planning Strategy identifies the St Georges Terrace Character Area as a high scale mixed use capital city office area with an indicative building height of greater than 16 storeys. It is also identified as an intensification investigation area for plot ratio increases.
17. The approach of linking the achievability of plot ratio to the achievability of the City's built form objectives, along with only controlling building heights where there is a need to, is an important approach that will continue under the draft LPS3 and supporting local planning policies.
18. The draft LPP proposes a maximum lower built form height of 10 storeys with nil street and side setbacks. The 10 storey height reflects the existing street building heights and character of the area whilst the nil street and side setbacks reinforce the urban character of the area and maximise opportunities for interaction between the public and private realms.
19. The draft LPP allows for lower built form of up to three storeys to have a nil rear setback. The height at which a building can have a nil rear setback has been reduced from five storeys, to allow light into the rear of the building and to minimise large expanses of blank building facades on the boundary, creating adverse impacts on adjoining properties.

20. Additional height is required to be set back from street and side/rear lot boundaries, with these setbacks being doubled above 16 storeys. These setbacks are intended to alleviate the impact of building bulk and wind on the street, to allow views to the sky, and provide for internal amenity (ie access to natural light, ventilation, and privacy).
21. The draft LPP proposes to retain no maximum building height (or upper built form height) limits, with development only being limited by plot ratio. A high scale of development and unprescribed building height is considered appropriate given St Georges Terrace's importance as the primary centre of business for Greater Perth and the State.
22. The draft LPP also allows buildings to be set back from the street to create urban plazas and spaces, which are also characteristic of the area.
23. The building height controls under the Parliament House Precinct Policy will continue to apply to a portion of the area.

Building Design

24. The draft LPP's building design provisions seek to create an area with high quality landmark buildings with an interesting skyline that reflects the prominence of the area whilst maintaining visual interest at street level.
25. One of the key features of the St Georges Terrace Character Area is large ground floor lobbies with double height ceilings that reinforce the prestige of the area. The draft LPP requires lobbies to have a minimum 9m ceiling height to maintain this feature.
26. The provisions provide detailed guidance on articulation and detailing, roof design, materials and finishes, public realm interface, vehicular access and parking and mid-block pedestrian connections.

Car Parking

27. Car parking areas are currently required to be located in a basement or towards the rear of the site and screened from public view.
28. The R-Codes Volume 2 require that car parking areas are not located within the street setback area, are not visually prominent from the street and are designed, landscaped or screened to mitigate visual impacts. The draft LPP requires car parking areas to be located in a basement or incorporated within a building. Where they are located at or above ground, they are to be sleeved with building entry lobbies or other land uses such as habitable floorspace, offices or shops. This is to prevent blank facades to the street. Screening is not considered sufficient as the parking areas will still be visible and present an inactive land use to the street.
29. This modification to the R-codes will require the approval of the WAPC.

Consultation

30. The draft LPP is required to be advertised for 21 days under the *Planning and Development (Local Planning Schemes) Regulations 2015* but given its relationship with the draft LPS3, the draft LPP will be advertised concurrently for 90 days. Commencement of advertising is dependent on the WAPC providing consent to advertise the draft LPS3.

Decision Implications

31. If Council supports the recommendation, the draft LPP will be advertised with draft LPS3 and the suite of key supporting policies.
32. If Council does not support the recommendation, draft LPS3 will be advertised without one of the supporting local planning policies and the Strategy will not be implemented.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<u>Local Planning Strategy</u> The draft St Georges Terrace Character Area LPP aligns with the Local Planning Strategy.

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (Schedule 2 clause 4)
Authority of Council/CEO:	Under the LPS Regulations, the local government must resolve to prepare a local planning policy, which if supported, must be advertised in accordance with the Regulations.
Policy:	Nil.

Financial Implications

33. Budget of \$59,500 will be requested as part of the City's 2024/25 budget to advertise and undertake consultation on the new LPS3 and key supporting local planning policies.
34. This will enable community information sessions with information boards, hire of the City of Perth library auditorium, public notices, and advertisements in newspapers, as well as letters to all city ratepayers.

Further Information

35. Nil.

Council Resolution (OCM-24/07-006)

Mover: Councillor Liam Gobbert

Seconded: Councillor Raj Doshi

That Council in accordance with clause 4 of Schedule 2 the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions) RESOLVES to prepare and advertise the draft *St Georges Terrace Character Area Local Planning Policy* as shown in **Attachment B** to this report.

CARRIED UNOPPOSED (8/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Brent Fleeton, Liam Gobbert, Catherine Lezer, Raj Doshi, David Goncalves and Bruce Reynolds

Against: Nil.

5:26pm Councillor Viktor Ko arrived at the meeting during Item 11.4.

5:26pm Councillor Catherine Lezer disclosed an Impartiality Interest in Item 11.4 (as detailed at Item 5).

11.4 Proposed Designation of Goderich Street Heritage Area and draft Goderich Street Heritage Area Local Planning Policy

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.4A – Goderich Street Heritage Area Location Plan Attachment 11.4B – Draft Goderich Street Heritage Area Local Planning Policy

Purpose

For Council to consider resolving to:

- give notice of the proposed designation of the Goderich Street heritage area; and
- prepare and advertise the draft *Goderich Street Heritage Area Local Planning Policy* (LPP).

Recommendation

That Council:

1. In accordance with clause 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* **RESOLVES** to give to each owner of land affected, notice of the proposed designation of the Goderich Street heritage area and the proposed *Goderich Street Heritage Area Local Planning Policy*.
2. In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions) **RESOLVES** to prepare and advertise the draft *Goderich Street Heritage Area Local Planning Policy* as shown in **Attachment B** to this report.

Background

Current Heritage Protection

1. Currently there are seven places along either side of Goderich Street which have individual heritage protection by being listed on the City's Heritage List created under its local planning scheme and/or the State Register of Heritage Places.

Local Planning Strategy

2. The City's *Local Planning Strategy* (Strategy) outlines the strategic direction for the future planning and development of the city including the new local planning scheme and supporting local planning policies. The Strategy was adopted by Council on the 13 December 2022 and endorsed by the Western Australian Planning Commission (WAPC) on 30 May 2023.
3. The Strategy identified several heritage areas within the city, including the Goderich Street Heritage Investigation Area. These areas have unique built and streetscape elements that create a special sense of place.
4. The Strategy includes an action to progress the listing and planning policy provisions for the Goderich Street Heritage Investigation Area to ensure that it is adequately conserved.

Draft Local Planning Scheme No. 3

5. On 30 April 2024, the Council resolved to seek approval from the WAPC to advertise draft *Local Planning Scheme No. 3* (LPS3). Draft LPS3 will replace all existing local planning schemes within the city.
6. Under the draft LPS3, the Goderich Street heritage area is zoned Residential. On the northern side of Goderich Street, a maximum base plot ratio of 5:1 and maximum bonus plot ratio of 2:1 has been applied, whilst on the southern side of Goderich Street, a maximum base plot ratio of 3:1 and a maximum bonus plot ratio of 1.5:1 has been applied. This reflects the different built form parameters proposed for the area under the draft Goderich Street Heritage Area LPP.
7. There are approximately 100 local planning policies that support the existing local planning schemes. These are being replaced and consolidated into a set of new contemporary local planning policies that will be presented to Council in the coming months, with key policies, including the draft Goderich Street Heritage Area LPP, intended to be advertised concurrently with the draft LPS3.

State Government Planning Framework

8. The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) states that if, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, it may, by resolution, designate that area as a heritage area.
9. The Regulations state that if the local government designates an area as a heritage area, it must adopt a local planning policy for the area that sets out the following:
 - a. a map showing the boundaries of the heritage area;
 - b. a statement about the heritage significance of the area; and
 - c. a record of places of heritage significance in the heritage area.
10. The State Government has prepared *Guidelines for Heritage Areas* to assist in the identification of heritage areas and the preparation of local planning policies for these. These have been referenced in the preparation of the draft Goderich Street Heritage Area LPP.

11. The State Government requires the Residential Design Codes (R-Codes) to be applied across the city to ensure a consistent approach to residential development throughout the State. Heritage areas require some amendment or replacement of certain development provisions of the R-Codes. Some variations to the development provisions only require local government approval, and some require the approval of the WAPC.

Discussion

12. The Goderich Street Heritage Area is located in East Perth along Goderich Street between Bennett and Forrest Streets. A location plan is provided at **Attachment A**.
13. The Statement of Significance outlines that the Goderich Street Heritage Area has cultural heritage significance for the following reasons:
 - *The Goderich Street Heritage Area contains a concentration of late 19th century residential dwellings that are rare in the locality. Together they illustrate the early pattern of development of East Perth as a residential suburb.*
 - *The Goderich Street Heritage Area presents a low scale domestic street character formed largely by historic dwellings. The design and form of the historic residential properties, and the consistency of scale, setbacks and streetscape treatment, including extensive mature tree plantings, combine to create a unique sense of place.*
14. The draft Goderich Street Heritage Area LPP (provided at **Attachment B**) seeks to ensure that these important character elements are protected.
15. The Statement of Significance informs the key objectives of the policy which are to:
 - (a) *retain and conserve the cultural heritage significance of the Goderich Street Heritage Area.*
 - (b) *encourage the use and sensitive adaptation of contributory buildings.*
 - (c) *ensure that development in the Goderich Street Heritage Area does not adversely affect its cultural heritage significance.*

Contributory and Non-Contributory Buildings

16. The draft LPP identifies buildings which contribute and those which do not contribute to the cultural heritage significance of the Goderich Street Heritage Area.
17. Contributory buildings are required to be retained and conserved. The draft LPP provides guidance on the retention, conservation, adaptation and alteration of contributory buildings, including front verandas and street boundary fences, that are a particular feature of the heritage area.
18. Non-contributory buildings may be demolished subject to them not being of individual cultural heritage significance.

Building Heights and Setbacks

19. The Goderich Street Heritage Area currently has a maximum lower built form height of 29 metres (approximately eight - nine storeys) which is required to be set back from both the street and lot boundaries to create a landscape setting. Additional building height is required to be further set back from the street and lot boundaries. No maximum building height applies, with development limited by plot ratio only.

20. The draft LPP proposes a maximum lower built form height of two storeys which is required to be set back from the street and lot boundaries to correspond with contributory buildings within the street and to create a landscaped setting. Additional height is required to be further set back from the street and lot boundaries to showcase contributory buildings, alleviate the impact of building bulk on the street and provide for internal amenity (ie access to natural light, ventilation and privacy). Maximum building heights of 12-16 storeys apply on the northern side of Goderich Street, whilst maximum building heights of 6-12 storeys apply on the southern side of the street.
21. Lower maximum building heights have been applied to contributory building lots compared to non-contributory building lots to minimise the impact of building bulk on contributory buildings.
22. Lower maximum building heights have also been applied to the lots on the southern side of the street, given their shallower depth, compared to the lots on the northern side of the street. This is also intended to minimise the impact of building bulk on contributory buildings.
23. The approach of linking the achievability of plot ratio to the achievability of the City's built form objectives, is an important approach that will continue under the draft LPS3 and supporting local planning policies.
24. The majority of lots within the heritage area can achieve the maximum base plot ratios under draft LPS3. There will be some lots however, which are too small or narrow to be able to achieve these. The draft LPS3 proposes to retain the current provisions which allow for landowners of heritage places or places within heritage areas to transfer maximum base plot ratio, which is unable to be used for cultural heritage reasons, to other sites/landowners within the city for financial exchange.

Building Design

25. The draft LPP seeks to ensure that any new development respects and maintains the prominence of contributory buildings within the street. It provides detailed guidance with respect to the public realm interface, articulation and detailing, verandas, fences and walls, roof forms, materials and finishes, vehicular access and parking, landscaping and subdivision and amalgamation.

Car Parking

26. The R-Codes Volume 2 require that car parking areas are not located within the street setback area, are not visually prominent from the street and are designed, landscaped or screened to mitigate visual impacts. The draft LPP requires that car parking areas are not visible from the street or public realm. They are to be incorporated within a building (preferably within a basement) and, where located at or above ground, they must be sleeved within habitable or lettable floorspace. This is to prevent blank facades to the street. Landscaping or other screening is not considered sufficient as the parking area will still be visible and present an inactive land use to the street.
27. The R-Codes Volume 2 also allow basement parking to protrude a maximum of one metre above natural ground level. This is not considered appropriate in this heritage area as it is not in keeping with the character of the area. Any basement parking must be located below natural ground level so that it is not visible from the street.
28. These modifications to the R-Codes Volume 2 will require the approval of the WAPC.

Landscaping

29. The R-Codes Volume 1 require a minimum of 30% of the primary street setback area to be provided as soft landscaping whilst the R-Codes Volume 2 do not include a requirement for landscaping within the street setback area.

30. The draft LPP proposes that a minimum of 75% of the required street setback area comprises soft landscaping to ensure that new development respects the landscaped setting of the heritage area. The majority of lots within the area can be accessed from rear laneways, avoiding the need for street crossovers and driveways within the street setback area. This enables higher levels of landscaping to be provided within the street setback area.
31. The definition of ‘soft landscape’ in the R-Codes refers to any landscaped area with a minimum soil depth of 300mm that contains in-ground planting, including turf. The draft LPP proposes to increase the minimum soil depth to one metre which will provide sufficient soil depth for the landscaped area to be planted with large shrubs and small trees. Turf is not envisaged in the side setbacks as it is unlikely to survive in shade between buildings.
32. These modifications to the R-Codes Volumes 1 and 2 will require the approval of the WAPC.

Consultation

33. The *Planning and Development (Local Planning Schemes) Regulations 2015* state that before designating an area as a heritage area, the local government is required to:
 - a. give each owner affected by the proposed designation notification of the proposed designation and the proposed draft LPP; and
 - b. advertise the proposed designation, with a sign also being required to be erected in a prominent location within the area.
34. The proposed designation and draft LPP is required to be advertised for 21 days under the Regulations, but given its relationship with the draft LPS3, the draft LPP will be advertised concurrently for 90 days. Commencement of advertising is dependent on the WAPC providing consent to advertise the draft LPS3.

Decision Implications

35. If Council supports the recommendations, the proposed designation and draft LPP will be advertised with draft LPS3 and the suite of key supporting policies.
36. If Council does not support the recommendations, draft LPS3 will be advertised without one of the supporting local planning policies and the Strategy will not be implemented.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<u>Local Planning Strategy</u> The proposed designation of the Goderich Street heritage area and draft Goderich Street Heritage Area LPP aligns with the Local Planning Strategy.

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (Schedule 2 clauses 4 and 9).
Authority of Council/CEO:	Under the Regulations, the local government must resolve to designate a heritage area but prior to doing so, must provide notification to affected landowners and advertise the intention. The local government must also resolve to prepare a local planning policy, which if supported, must be advertised.
Policy:	Nil.

Financial Implications

37. An amount of \$59,500 will be requested as part of the City's 2024/25 budget to advertise and undertake consultation on the new LPS3 and key supporting local planning policies.
38. This will enable community information sessions with information boards, hire of the City of Perth library auditorium, public notices, and advertisements in newspapers, as well as letters to all city ratepayers.

Further Information

39. Nil.

Council Resolution (OCM-24/07-007)

Mover: Councillor Liam Gobbert

Seconded: Deputy Lord Mayor Clyde Bevan

That Council:

1. In accordance with clause 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES to give to each owner of land affected, notice of the proposed designation of the Goderich Street heritage area and the proposed *Goderich Street Heritage Area Local Planning Policy*.
2. In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions) RESOLVES to prepare and advertise the draft *Goderich Street Heritage Area Local Planning Policy* as shown in **Attachment B** to this report.

CARRIED UNOPPOSED (9/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer, and Bruce Reynolds

Against : Nil

12. Community Development Alliance Reports

5:27pm Councillor Catherine Lezer disclosed an Indirect Financial Interest in Item 12.1 (as detailed at Item 5) and departed the meeting accordingly.

5:27pm Deputy Lord Mayor Clyde Bevan disclosed a Proximity Interest in Item 12.1 (as detailed at Item 5) and departed the meeting accordingly.

5:27pm Councillor David Goncalves disclosed an Impartiality Interest in Item 12.1 (as detailed in Item 5).

12.1 Business Improvement Grants 2024/25

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Attachment 12.1A – Attachment A - Summary of Applications - Business Improvement Grants FY 2024 25

Purpose

To provide a sponsorship recommendation to Council under the Business Improvement Grant program.

Recommendation

That Council:

1. APPROVES* the following Business Improvement Grants totalling \$250,000 ex GST:

Ref	Applicant / Project	Recommendation
a.	Australian Culinary School for 1275 Hay St Alfresco Areas	\$25,000 ex GST
b.	Actors' Hub Australia for Public Interface Improvement Plan	\$25,000 ex GST
c.	Kampai Yakiniku for Kampai Perth Fitout	\$25,000 ex GST
d.	Milligan Corner for Tiisch Outdoor Dining Project	\$12,250 ex GST
e.	Radical Nominees for Business Façade Improvement	\$16,826 ex GST
f.	Berti Property Group Pty Ltd as trustee for the Lake Unit Trust for Façade, Signage and Awning Upgrade	\$25,000 ex GST
g.	Holiday Inn West Perth for Julio's Alfresco Activation	\$14,949 ex GST
h.	11:45 for 11:45 Nightclub Fit Out Works	\$25,000 ex GST
i.	Old Lane Street Eats for Façade and Lighting Upgrade	\$17,500 ex GST
j.	Samuel Luke Holroyd for First Street Façade Upgrade & Upstairs Activation	\$12,100 ex GST
k.	Laneway on Murray for The Laneway Project	\$23,441 ex GST
l.	The Hampden Hotel for The New Hampden Upgrade	\$11,370 ex GST
m.	Mrs Wen Hui Lee for Chilliz Nedlands Upgrades	\$16,564 ex GST

2. DECLINES the following Business Improvement Grants totalling \$135,925.96 ex GST:

Ref	Applicant / Project	Amount
n.	Ambassador Bar for Ambassador Bar Fitout	\$17,500 ex GST
o.	Australian Venue Co Limited for Upgrading Outdoor Bistro Side Furniture	\$25,000 ex GST
p.	Comedy Lounge for Laneway & Building Enhancement	\$15,025 ex GST
q.	Donnie Taco for Café Blinds	\$15,900.96 ex GST
r.	NEWIN for Outdoor Seating for NEWIN	\$12,500 ex GST
s.	The Island Brewhouse for Increased Patron Extension	\$25,000 ex GST
t.	King Corporate Migration for Office Subdivision	\$25,000 ex GST

*Approval subject to a suitable sponsorship agreement being entered into by the City and the applicant on terms acceptable to the City within three months.

Background

1. The City recognises that businesses and business activity contribute to the vibrancy and energy of the city. The Business Improvement Grant program aims to provide support to businesses and property owners to carry out project works that enhance the public realm, create new experiences, and encourage people to visit and stay longer.
2. In the 2024/25 financial year, one funding round is offered for business improvement projects that can be completed before 30 June 2025. As with previous years, projects that are external facing and/or activate underutilised spaces are prioritised.
3. Matched grant funding from a minimum of \$10,000 ex GST and up to a maximum of \$25,000 ex GST is available. The City can provide funding up to 50% of the total project cost within the grant limits, with the remaining amount contributed by the applicant. Grant funding is paid upon completion of the project as a reimbursement of the approved expenditure.
4. The 2024/25 budget was increased to \$250,000 following two consecutive years in which Council approved requests above the previous \$150,000 budget.
5. The City accepted applications for the Business Improvement Grant program 2024/25 from 5 March to 2 May 2024. The City received 23 applications in total with 20 progressing to assessment, and three deemed ineligible.
6. The applications were assessed by a three person assessment panel, consisting of staff from the City's administration across the Planning and Economic Development, and Community Development Alliances. Additionally, a member of the City's Development Approvals team provided the panel with relevant information to assist with the assessment.
7. Applications were assessed against the following criteria:
 - a. Demonstrates strong market potential through realistic planning and budgeting.
 - b. Can be completed before 30 June 2025.
 - c. Creates a new product or experience within the city which contributes to the overall improvement of its location.
 - d. The project or initiative contributes to the success and growth of existing or new businesses within identified key sectors, including but not limited to retail, food and beverage, and tourism.

Discussion

8. The Business Improvement Grant Program 2024/25 was a competitive round, due to the quality and quantity of the applications received in relation to the available budget.
9. The recommendations are carefully considered with the view of maintaining the integrity of the proposals. The City regularly receives more funding applications than the available budget can accommodate. Therefore, successful applications are those that best satisfy the assessment criteria.
10. Each assessment criterium has clear descriptions and a rating scale which guides the assessors when considering an appropriate score. The scores from panel members for each assessment criteria are averaged and ranked from highest to lowest.

11. The panel has recommended the full funding requests of the highest scoring applications. This ensures projects are funded for success and can be fully realised based on their proposed scope and budgets, which are evidenced by supplier quotes. Where an applicant’s funding request included GST, the panel has recommended 50% of the exclusive total project cost, as permitted under the program.
12. Mrs Wen Hui Lee (ref 1m) was the lowest scoring applicant of those recommended for approval and as such, the recommendation is based on the remaining available budget once all higher scoring applications were considered.
13. More information can be found in Attachment A – Summary of Applications – Business Improvement Grants.

Consultation

14. Nil.

Decision Implications

15. 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.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Business Improvement Grant Guidelines 2024/25 Economic Development Strategy 2022 – 2032

Legislation, Delegation of Authority and Policy	
Legislation:	Regulation 12 of the Local Government (Financial Management) Regulations 1996 .
Authority of Council/CEO:	Council Policy 4.3 Outgoing Sponsorship and Grants directs that any sponsorship application for more than \$20,000 or from a funding round be considered by Council.
Policy:	Council Policy 4.3 Outgoing Sponsorship and Grants 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

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

Account Number	1066-100-10091-7901	Operating
Account Description	Business Improvement Grants	
Total Budget	\$250,000	
Budget – This report	\$250,000	
Remaining Budget	\$0	
Budget Impact	Accommodated within proposed 2024/25 budget.	

Further Information

17. Questions and Responses forming part of the Agenda Briefing Session held 23 July 2024 are as follows:

	Question	Response
1.	Page 197 a) - Suggest the address is West Perth.	Correct. It should read West Perth. This will be updated prior to the OCM.

Council Resolution (OCM-24/07-008)

Mover: Councillor Liam Gobbert

Seconded: Councillor Bruce Reynolds

That Council:

1. APPROVES* the following Business Improvement Grants totalling \$250,000 ex GST:

Ref	Applicant / Project	Recommendation
a.	Australian Culinary School for 1275 Hay St Alfresco Areas	\$25,000 ex GST
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*Approval subject to a suitable sponsorship agreement being entered into by the City and the applicant on terms acceptable to the City within three months

.CARRIED UNOPPOSED (7/0)

For: Lord Mayor Basil Zempilas; Councillors Brent Fleeton, Liam Gobbert, Viktor Ko, Raj Doshi, David Goncalves and Bruce Reynolds

Against: Nil.

13. Infrastructure and Operations Alliance Reports

Nil.

14. Commercial Services Alliance Reports

Nil.

15. Corporate Services Reports

5:28pm Councillor Catherine Lezer returned to the meeting prior to Item 15.1.

5:28pm Deputy Lord Mayor Clyde Bevan returned to the meeting prior to Item 15.1.

15.1 Monthly Financial Statements - May 2024

Responsible Officer	Michael Kent – Chief Financial Officer
Voting Requirements	Simple Majority
Attachments	<p>Attachment 15.1A – Statement of Financial Activity P11</p> <p>Attachment 15.1B – Notes to Statement of Financial Activity P11</p> <p>Attachment 15.1C – Supplementary Notes to SFA</p> <p>Attachment 15.1D – Monthly Financial Statistics P11</p> <p>Attachment 15.1E – Statement of Financial Position P11</p> <p>Attachment 15.1F – Alliance Operating Variances P11</p> <p>Attachment 15.1G – Capital Variances P11</p> <p>Attachment 15.1H – Investment Report P11</p> <p>Attachment 15.1I – Rates Monthly Debtors Report</p>

Purpose

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

Recommendation

That Council RECEIVES the following financial reports for the period ended 31 May 2024:

- a. Statement of Financial Activity (SFA) - Attachment 15.1A.
- b. Notes on Significant Variances - Attachment 15.1B.
- c. Supplementary Notes to the Statement of Financial Activity - Attachment 15.1C.
- d. Monthly Financial Statistics - Attachment 15.1D.
- e. Statement of Financial Position - Attachment 15.1E.
- f. Alliance Operating Variances - Attachment 15.1F.
- g. Capital Variances - Attachment 15.1G.
- h. Investment Report - Attachment 15.1H.
- i. Rates Monthly Debtors Report - Attachment 15.1I.

Background

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

Understanding the Financials

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

10. A realised unfavourable year to date variance on an expenditure item, (over-expenditure) results in a decrease to the projected budget surplus.
11. The Schedule of Significant Variances (Attachment 15.3B) provides commentary on whether the nature of the variance is savings related, timing related or otherwise.
12. If a realised favourable or unfavourable variance is material in value (of significant size), it will be amended through a formal budget review process.

Discussion

13. It is a statutory requirement to present a set of Monthly Management Accounts within two months of the end of the month to which they refer.
14. The SFA by Nature & Type - Attachment 15.1A presents a whole of organisation perspective on the attainment of revenue and expenditure targets overall - classified by nature and type.
15. The headline data from the SFA is shown in Table 1 below.

Table 1:

Item Details	Annual Budget	YTD Budget	YTD Actual 23/24	Variance	F/ U
Operating Revenue	\$ 119.42 M	\$ 108.56 M	\$ 110.14 M	\$ 1.48 M	F
Rates Revenue	\$ 104.05 M	\$ 104.21 M	\$ 104.21 M	\$ 153 K	F
Cash Operating Exp	\$ 177.54 M	\$ 158.98 M	\$ 151.45 M	\$ 7.53 M	F
Non-Operating Revenue	\$ 11.25 M	\$ 6.39 M	\$ 8.09 M	\$ 1.70 M	F
Capital - Infrastructure	\$ 26.87 M	\$ 20.09 M	\$ 18.66 M	\$ 1.43 M	F
Property, Plant & Equip	\$ 20.87 M	\$ 12.65 M	\$ 11.98M	\$ 676K	F
Capital Contributions	\$ 1.25 M	\$ 0.00 M	\$ 0.00 M	\$ 0.00 M	F

16. Material operating revenue and expenditure variances from Attachment 15.1A are detailed (with explanatory comments) in the Notes on Significant Variances (Attachment 15.1B).
17. Each line item listed in the SFA by Nature & Type Attachment 15.1A can be cross referenced (using the Note reference) back to the relevant note.
18. Examining the SFA (Attachment 15.1A) in more detail; the aggregation of operating revenues and operating expenses reflects a year-to-date Net Cash Position from Operations of \$62.89M compared to a year-to-date budgeted surplus of \$53.64M. This is a favourable variance of \$9.26M at the end of the month.
19. Investing activities reflect a result of (\$22.97M) compared to a year-to-date budget of (\$26.35M). This is a favourable variance of \$3.39M.
20. Construction of infrastructure to month end is 7.1% under budget expectations at \$18.66M, against a \$20.09M year to date budget as noted at paragraph 15.
21. Acquisition of non-infrastructure to month end is \$11.98M against the year-to-date budget of \$12.65M.
22. Comments on significant capital variances are contained in Attachment 15.1G.

23. Adjusting for opening funds (Net Current Position), generates the Budget Deficiency before Rates. This then indicates the Amount Required to be Raised from Rates. The difference between the Rates amount, and the Deficiency before Rates, is the Closing Position.
24. The SFA for the period to 31 May shows that a rate yield of \$104.21M has been levied compared to the budget of \$104.05M after adjusting for interim rates.
25. The disclosed year to date SFA Closing Position of \$41.05M compares favourably to the projected year to date budget closing position of \$28.46M - reflecting the combined impact of the favourable variances noted in this report for revenues, expenses, and financing activity.
26. Contributing to this difference is a very positive investment revenue performance and slower than anticipated operating cash outflows, and revised transfers from Reserves.
27. Key financial statistics at each month end are presented graphically in Attachment 15.1D as an alternative representation of the data.
28. Significant variances were identified and addressed in the statutory Mid-Year Budget Review considered by Council at the February Ordinary Council Meeting.
29. The Net Current Position Note (Attachment 15.1C) at month end indicates a year-to-date adjusted Net Current Position value of \$52.55M which is expected to reduce to the year-end projection of \$9.23M excluding carry forward works.
30. Headline data from this month's Net Current Position report is shown in Table 2 below.

Table 2:

Item Details	June 23 Actual	June 24 Annual Budget	May 24 Actual
Current Assets	\$ 210.21 M	\$ 218.49 M	\$ 249.77 M
Current Liabilities	(\$ 35.22 M)	(\$ 41.51 M)	(\$ 36.12 M)
Unadjusted Net Assets	\$ 174.98 M	\$ 176.98 M	\$ 213.75 M
Less Restricted Items	(\$ 142.82 M)	(\$ 167.75 M)	(\$ 172.72 M)
Adjusted Net Current Position	\$ 32.16 M	\$ 9.23 M	\$ 40.93 M

31. The Net Current Asset position at month end is favourably impacted by these major factors :
 - a. A higher municipal cash balance due to a strong revenue performance, good cash collections and slower than anticipated cash outflows for capital contributions and capital works.
 - b. Yet to be expensed pre-paid parking levies which will progressively reduce to zero by year end.
32. The remaining variances are essentially timing differences attributable to 'unusual' but relatively predictable pattern of local government cashflows. That is, revenue is largely recognised at the beginning of the year - but cash collections and expenditure are phased across the whole year.
33. A Statement of Financial Position as at month end (showing 2022/23 Actual balances, the Revised 2023/24 Budget and the 2023/24 Year to Date Actual balances) is presented as Attachment 15.1E.
34. In line with recent local government financial management reporting changes, Attachments 15.1A to Attachment 15.1C form the portion of monthly management accounts that is a statutory obligation.
35. The remaining attachments 15.1D through to 15.1I are supplementary information provided to give Council additional transparency of the City's financial management performance.

36. Attachment 15.1F - Operating Variances and Attachment 15.1G - Capital Variances provide a more granular view of variances by alliance and service.
37. Attachment 15.1H - Investment Report for May 2024 presents detail of the City's cash investment portfolio in terms of performance, percentage exposure of total portfolio by credit risk, counterparty exposure and maturity profile.
38. The report indicates the City has adequate cash flow to meet its financial obligations as and when they will fall due; and it has achieved compliance with the various Investment Policy limits.
39. Attachment 15.1I - Rates Debtors provides a monthly update and analysis of rates collections by differential property rating category and overall. The 2023/24 rates notices were issued on 28 July. At the end of May, after the fourth instalment due date, 98% of the rates levied for 2023/24 have been collected.
40. The City has been advised that the WA Cricket Association has again been granted a discretionary ministerial exemption for the 2023/24 rates year. The exemption was only gazetted in May.

Consultation

Nil.

Decision Implications

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

Strategic, Legislative and Policy Implications

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

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Section 6.4(1) and (2) of the Local Government Act 1995 Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 This section of the Act and the related regulation prescribe the requirement to prepare and present to Council a Monthly Financial Report including a Statement of Financial Activity (SFA). That Statement of Financial Activity (SFA) should contain:</p> <ul style="list-style-type: none"> • Annual Budget estimates, and approved revisions to these for comparison purposes. • Actual amounts of income and expenditure to the end of the month of the SFA.

	<ul style="list-style-type: none"> Material variances between the comparable amounts and commentary on reasons for these variances. <p>The Monthly Financial Report should also contain:</p> <ul style="list-style-type: none"> A Statement of Financial Position at the end of the month. An explanation of the composition of the Net Current Position at the end of the month to which the SFA relates. <p>Any other information which the local government deems relevant.</p>
Authority of Council/CEO:	The above legislation prescribes that this report be presented to Council on a monthly basis.
Policy:	CP 2.1 Management of Investments.

Financial Implications

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

Further Information

43. In November 2023, an entry was made in the City's financial accounts for \$28.2M which relates to the de-recognition of the Perth Concert Hall (PCH) building, land, furniture and equipment assets following the City's relinquishment to the state of the management order for the venue. As the facility is no longer controlled by the City, all residual values for the PCH associated assets must be removed from the City's financial accounts. The written down (depreciated) values of the assets is required to be written out of the Statement of Financial Position, reducing the Net Equity by \$28.2M.
44. The depreciated value of the building was \$26.6M, furniture and equipment was \$1.3M, and land value was \$0.3M.
45. The total loss on disposal of \$28.2M is a non-cash cost and is therefore shown as a Loss on Disposal and also disclosed on the Statement of Financial Activity as a Non-Cash Amount excluded from Operating Activities.

Council Resolution (OCM-24/07-009)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Bruce Reynolds

That Council RECEIVES the following financial reports for the period ended 31 May 2024:

- a. Statement of Financial Activity (SFA) - Attachment 15.1A.
- b. Notes on Significant Variances - Attachment 15.1B.
- c. Supplementary Notes to the Statement of Financial Activity - Attachment 15.1C.
- d. Monthly Financial Statistics - Attachment 15.1D.
- e. Statement of Financial Position - Attachment 15.1E.
- f. Alliance Operating Variances - Attachment 15.1F.
- g. Capital Variances - Attachment 15.1G.
- h. Investment Report - Attachment 15.1H.
- i. Rates Monthly Debtors Report - Attachment 15.1I.

CARRIED EN BLOC (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer, and Bruce Reynolds

Against : Nil

15.2 Schedule of Accounts Paid - May 2024

Responsible Officer	Michael Kent – Chief Financial Officer
Voting Requirements	Simple Majority
Attachments	Attachment 15.2A – Schedule of Accounts Paid - May 2024

Purpose

For Council to note details of payments made under delegated authority for the month of May 2024.

Recommendation

That Council:

1. RECEIVES the Schedule of Accounts Paid for the period ended 31 May 2024 as attached as **Appendix 15.2A**.
2. RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$18,381,644.63
Trust Fund	0
Total - All Funds	\$18,381,644.63

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 an attachment to this report.
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 15.2A) contains the following payments made under Delegated Authority 2.14 - Payments from the Municipal & Trust Fund:

Schedule of Accounts Paid – May 2024		
Municipal Fund		
EFT & Cheque Payments	Direct Creditor Payments	14,756,994.31
Sub Total - EFT & Cheques		14,756,994.31
Direct Debits	Bank Charges and Merchant Fees	22,982.04
Sub Total - Direct Debits		22,982.04
Payroll	03/05/2024	1,818,352.68
	17/05/2024	1,756,784.84
Sub Total - Payroll		3,575,137.52
Corporate Cards		26,530.76
Sub Total - Cards		26,530.76
Total per Attachment 15.2A		18,381,644.63
Total Payments from Municipal Fund		18,381,644.63
Investments in Term Deposits		0
Trust Fund		
Trust EFT & Cheques		0
Total - Trust Funds		

Consultation

Nil.

Decision Implications

7. 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"> • Payee Name. • Amount of the Payment. • Date of the Payment. • Sufficient information to identify the transaction.
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

8. 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

9. Nil.

Council Resolution (OCM-24/07-010)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Bruce Reynolds

That Council:

1. RECEIVES the Schedule of Accounts Paid for the period ended 31 May 2024 as attached as **Appendix 15.2A**.
2. RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$18,381,644.63
Trust Fund	0
Total - All Funds	\$18,381,644.63

CARRIED EN BLOC (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer, and Bruce Reynolds

Against : Nil

15.3 Corporate Business Plan 2023/24-2026/27 Quarterly Progress Report 4

Responsible Officer	Wendy Attenborough – General Manager Corporate Services
Voting Requirements	Simple Majority
Attachments	Attachment 15.3A – Corporate Business Plan 2023/24-2026/27 Quarterly Progress Report 4 - April-June 2024

Purpose

To provide Council with an update on progress against the Corporate Business Plan 2023/24-2026/27 during the fourth and final quarter of FY2023/24, covering the period from 1 April to 30 June 2024.

Recommendation

That Council ENDORSES the Quarterly Progress Report for the Corporate Business Plan for the period from 1 April 2024 to 30 June 2024, as contained in **Attachment A**.

Background

1. Council adopted the Corporate Business Plan 2023/24-2026/27 (the CBP) at its Special Meeting held on 17 July 2023 (Council Resolution SCM-23/07-003).
2. The CBP establishes the City's priorities for the next four years, guided by the Strategic Community Plan 2022-2032. The first year of the plan, being the 2023/24 financial year, contains 71 deliverables. At its Ordinary Meeting held on 27 February 2024, Council approved the amendment of the CBP to remove the deliverable "Design for Heirisson Island toilet renewal completed" (Council Resolution OCM-24/02-019). This reduced the number of deliverables for FY2023/24 from 71 to 70.
3. Quarterly reports are provided to Council on the progress of the deliverables. To date, Council has endorsed three quarterly reports for FY2023/24, as detailed below.

Quarter	Period	Council Meeting	Council Resolution
1	1 July to 30 September 2023	OCM 21 November 2023	OCM-23/11-014
2	1 October to 31 December 2023	OCM 27 February 2024	OCM-24/02-019
3	1 January to 31 March 2024	OCM 30 April 2024	OCM-24/04-009

Discussion

4. The Quarterly Progress Report is provided in **Attachment A**. A summary of the report is provided below.
5. Of the 70 deliverables for FY2023/24, 63 (90%) have been delivered. Of that, 30 were delivered during quarter 4. Highlights are provided on page 3 of **Attachment A**.
6. The following five deliverables could not be fully achieved in FY23/24, but the City will continue its endeavours into FY24/25.

Project/program	Deliverables	Comments
CCTV network enhancements	CCTV renewal and expansion • 13 new cameras installed across the city	Twelve new cameras have been installed, with a further one to be installed in July 2024. Delivery of the final camera has been impacted by factors outside the City's control.
Public lighting enhancements	Installation of lighting upgrades • Adelaide Terrace, East Perth completed	Adelaide Terrace remains delayed awaiting Main Roads traffic signal design and approvals, which are outside the City's control. Delivery has been rescheduled for September 2024.
Bus-stop replacement	• 26 new bus shelters installed at various locations	Fabrication of all shelters is complete and 21 have been installed. Installation of the final five shelters remains delayed by Public Transport Authority inground civil works, which will not be delivered this financial year. This has pushed overall completion beyond June 2024, which is outside of the City's control.

Project/program	Deliverables	Comments
Median strip revitalisation	<ul style="list-style-type: none"> Install irrigation and complete median strip planting on Winthrop Avenue (Monash Road to Aberdare Road), and Thomas Street (Rokeby Road to Kings Park Road) 	The deliverable was not achieved due to factors outside the City's control. Elected Members were provided a CIBN in early June (116868/24) outlining the challenges, including unfavourable market conditions and increased traffic management requirements along Winthrop Avenue/Thomas Street that have prolonged work. Site preparations are complete and installation of irrigation is underway. Mulching is in progress and plant stock is expected to be delivered in July 2024.
Core Technology Systems Transformation	<ul style="list-style-type: none"> Cloud-based human resources information system upgrade - Stage 1 implemented 	The deliverable will not be achieved as the project has encountered delays with testing and integration. The project team, in collaboration with the vendor, is developing a revised schedule to bring the project back on track and reduce the risk of further delays.

- Two deliverables are unable to be progressed. Both relate to the UWA-QEII Precinct Plan, which has been impacted by a decision by the State Government to take the lead on this project and implement an Improvement Plan and Scheme over the precinct. More information is provided in **Attachment A**.
- This report is the final update on the Corporate Business Plan 2023/24-2026/27. Future reports will monitor progress against the revised Corporate Business Plan 2024/25-2027/28, considered by Council at its Special Meeting on 16 July 2024.

Consultation

- Nil.

Decision Implications

- Nil.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	A Well-Governed City
Related Documents (Issue Specific Strategies and Plans):	<p>Strategic Community Plan – Articulates the community's vision for Perth.</p> <p>Corporate Business Plan – Sets out how the City will deliver the vision in the Strategic Community Plan.</p>

Legislation, Delegation of Authority and Policy	
Legislation:	<p>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.</p> <p>Section 5.56 of the <i>Local Government Act 1995</i> requires a local government to plan for the future of the district.</p> <p>Regulation 19DA of the <i>Local Government (Administration) Regulations 1996</i> establishes the requirements for a Corporate Business Plan, including adoption and modification.</p>
Authority of Council/CEO:	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.
Policy:	Nil.

Financial Implications

11. Nil.

Further Information

12. Questions and Responses forming part of the Agenda Briefing Session held 23 July 2024 are as follows:

	Question	Response
1.	Point 6. - Suggest for consistency the date on the Median Strip Revitalisation include 2024.	Correct. The date in the final sentence should read “July 2024”. This will be updated to include ‘2024’ prior to the OCM, both in point 6 of the report and on page 8 of Attachment 15.3A.
2.	Are we able to get a Breakdown where CCTV cameras installed and if they have been installed this month, where they are going?	<p>The following CCTV Cameras have been installed in 2023/2024:</p> <p>Kakulas Crescent x Grigoroff Street Zempilas Street x Michael Close Kakulas Crescent x Newcastle Street Errichetti Place x Newcastle Street Brookfield Plaza St Georges Terrace 888 Hay Street Roe Street x Fitzgerald Street Adelaide Terrace opposite Police Headquarters. James Street x Bury Street James Street opposite Mountain Terrace Lake Street between Francis Street and Aberdeen Street Hay Street x Pier Street opposite Magistrates Court.</p> <p>The following CCTV Cameras were installed on 17 July 2024:</p> <p>St Georges Terrace x Mill Street)</p>

Council Resolution (OCM-24/07-011)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Bruce Reynolds

That Council ENDORSES the Quarterly Progress Report for the Corporate Business Plan for the period from 1 April 2024 to 30 June 2024, as contained in **Attachment A**.

CARRIED EN BLOC (8/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Catherine Lezer, and Bruce Reynolds

Against : Nil

16. Chief Executive Officer Reports

16.1 Local Government Act 1995 Reform - Caretaker Period Provisions

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Attachment 16.1A – Comparison Table - Caretaker Policy, Uniform Caretaker Provisions and Draft Guidelines Attachment 16.1B – City of Perth Caretaker Period Guideline Attachment 16.1C – CP1.5 Caretaker Period

Purpose

To review the City’s current Caretaker Period provisions against the Uniform Caretaker Period Provisions that were introduced into the *Local Government Act 1995* on 1 July 2024 and to consider replacing the Council Policy with an administrative guide.

Recommendation

That Council:

1. REVOKES Council Policy 1.5 Caretaker Period (**Attachment C**).
 2. ACKNOWLEDGES the Chief Executive Officer will publish a guideline on Caretaker Periods (**Attachment B**).
-

Background

1. As part of local government reform, the *Local Government Act 1995* (the Local Government Act) was amended on 1 July 2024 to include uniform provisions for all Western Australian local governments relating to caretaker period provisions.
2. Generally, under the uniform provisions, a caretaker period will commence from the close of the nomination period for candidates in an election and ends the day after the returning officer has declared the outcome of an election.
3. The uniform provisions include a list of 'significant acts' that may not be done by local governments, (including decisions made under delegation) during the caretaker period.
4. The City currently has in place Council Policy 1.5 Caretaker Period (the Policy)(**Attachment C**) that was adopted by Council on 27 April 2021 and was reviewed at the Ordinary Council Meeting held on 22 November 2022.
5. The Policy contains a list of 'major decisions' that may not be made during the caretaker period, which is specified in the policy as commencing at the open of nominations for specific elections.
6. It also provides guidance to the CEO and Council Members on what activities they may undertake during the caretaker period.

Discussion

7. Under the Local Government Act the elections that are subject to the caretaker period provisions are:
 - a. an ordinary election;
 - b. an inaugural election;
 - c. an election under section 4.11, 4.12, 4.13 or 4.14 of the Local Government Act;
 - i. after restructure of districts, wards or membership (s4.11)
 - ii. after reinstatement of council (s4.12)
 - iii. after all members' offices become vacant (s4.13)
 - iv. after council is dismissed (s4.14);
 - d. A fresh election (an election under section 4.15 after an election that is a relevant election under paragraph (a), (b) or (c) or this paragraph is declared invalid).
8. The Local Government Act prescribes that local governments may not make decisions on the following 'significant acts' during the caretaker period:
 - a. making a local law (including making a local law to amend or repeal a local law);
 - b. entering into, or renewing or terminating, the contract of employment of the CEO or of a senior employee;
 - c. entering into a major land transaction;
 - d. entering into a land transaction that is preparatory to entry into a major land transaction;
 - e. commencing a major trading undertaking;
 - f. entering into a contract, or other agreement or arrangement, in prescribed circumstances;
 - g. inviting tenders in prescribed circumstances;

- h. deciding to do anything referred to in paragraphs (a) to (g);
 - i. an act done under a written law or otherwise that is a prescribed act.
9. In addition to the significant acts listed a proposed amendment to the Local Government Act, to include a communications agreement between the CEO and the Council adopted under section 5.92A (not yet implemented), may not be adopted or amended in a caretaker period.
 10. Given the contradictions in the City’s current policy and the uniform provisions, it is considered that the current Policy is no longer required. An administrative guideline can be implemented to guide Council Members and the CEO on the requirements of the uniform caretaker provisions.
 11. The guideline will outline behaviours that are expected under the Local Government Act and the City’s Code of Conduct for Council Members, Committee Members and Candidates during a caretaker period.
 12. The guideline, which has been approved by the Chief Executive Officer and is provided at **Attachment B** for information only, further explains and describes activities that may be undertaken during the caretaker period.
 13. A table has been provided at **Attachment A** to outline the differences between the new uniform caretaker period provisions, the guideline, and the current Policy.

Consultation

14. Council Members were invited to contribute, on the inclusion of the Uniform Caretaker Period provisions in the Local Government Act, through the Department of Local Government, Sport and Cultural Industries reform processes.
15. The administration also sought Council Member’s feedback on the proposal to implement a guideline and received positive feedback from three Council Members. No changes were made as result of that feedback.

Decision Implications

16. If the Council chooses not to revoke Council Policy 1.5, Caretaker Period, the Policy will be inconsistent with the Local Government Act and the Act will prevail to the extent of the conflict or inconsistency.
17. If the Council considers the Policy should be retained, a review of the Policy will be undertaken and include updates to ensure it is consistent with the Act.
18. If the Council chooses to revoke the Policy, the guideline will be published to the City’s website and linked to the Council Hub.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	A Well-Governed City
Related Documents (Issue Specific Strategies and Plans):	Nil

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Local Government Act 1995</i> Section 3.73 – Restrictions on what local government may do during caretaker period.
Authority of Council/CEO:	Section 2.7(2)(b) provides for the Council to determine the local government’s Polices.
Policy:	Council Policy 1.5 Caretaker Period.

Financial Implications

19. Nil.

Further Information

20. Questions and Responses forming part of the Agenda Briefing Session on 23 July 2024 are as follows:

	Question	Response
1.	Can Councillors attend events in Caretaker period?	The new legal provisions do not prohibit elected members or candidates from attending events during a Caretaker Period. Clause 2 of the Caretaker Guideline provides guidance on maintaining compliance with the Code of Conduct for Council Members, Committee Members and Candidates while attending events.
2.	Can we include the provisions that relate to the CEO? Is there a reason why we cannot put in those provisions – if the document is going to be a guideline, we should include all provisions we intend to follow.	There are no provisions in the legislation that relate to the CEO. The Guideline will be published on the City of Perth website. The City will follow all legislative provisions included in the <u><i>Local Government Act 1995</i></u> (section 3.73) which is published on the State Law Publishers website.

Council Resolution (OCM-24/07-012)

Mover: Councillor Liam Gobbert

Seconded: Councillor Catherine Lezer

That Council:

1. REVOKES Council Policy 1.5 Caretaker Period (**Attachment C**).
2. ACKNOWLEDGES the Chief Executive Officer will publish a guideline on Caretaker Periods (**Attachment B**).

CARRIED (8/1)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, Viktor Ko, Catherine Lezer, and Bruce Reynolds

Against : Councillor David Goncalves

16.2 2024 Extraordinary Election

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Absolute Majority
Attachments	Attachment 16.2A – Written agreement from the Electoral Commissioner to conduct the 2024 extraordinary election

Purpose

To determine the method and date of conducting an extraordinary election to fill a vacancy on Council following the resignation of Councillor Brent Fleeton.

Recommendation

That Council:

1. DECLARES, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the extraordinary election;
 2. DECIDES, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the extraordinary election will be as a postal election.
 3. APPROVES the Extraordinary Election date as Friday 18 October 2024 in accordance with section 4.9(1)(b) of the *Local Government Act 1995* for a term expiring 18 October 2025.
 4. APPROVES an amendment to the 2024/25 Annual Budget (as adopted) to allocate \$85,455 from the Municipal Surplus for the purpose of conducting an Extraordinary Election to fill the vacancy on Council created by the resignation of Councillor Brent Fleeton.
-

Background

1. Councillor Brent Fleeton has resigned from his position on the City of Perth Council, effective from 5.30 pm on 31 August 2024.
2. Councillor Fleeton was elected on the 16 October 2021 and is currently (and will be at the time his resignation becomes effective) in the third year of his term (term will expire on 18 October 2025).
3. An extraordinary vacancy on Council is created when an elected member resigns from the office (section 2.32(b) of the *Local Government Act 1995* (the Act)), and an extraordinary election must be held when the office of a councillor becomes vacant (section 4.8 of the Act).
4. There is no opportunity for Council to allow this vacancy to remain until the next local government election to be held in October 2025. The earliest date for an office to become vacant and remain vacant until the Ordinary Elections to be held in October 2025 (with the approval of the Electoral Commissioner) would be the third Saturday in October 2024 (section 4.17(2) of the Act).
5. The Election Day for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with (the process requires up to 70 days after the election notice is published) but, unless the Electoral Commissioner approves, it cannot be later than four months after the vacancy occurs (section 4.9(2) of the Act).
6. A vacancy is regarded for the purposes of the extraordinary election as occurring when the CEO receives the notice of resignation (15 July 2024), even if the resignation takes effect on a later day (section 4.10 of the Act).

Discussion

7. Elections can be held in one of two ways:
 - a. A postal election where electors mail their ballot through the post or deliver it in person. Postal elections must be conducted by the Electoral Commissioner, or
 - b. An 'in-person' election where a polling booth would be operated in the City. This would need to be conducted by the local government.
8. Council is required to determine the method by which the extraordinary election will be conducted, whether to appoint a person, other than the CEO, to be the returning officer and whether to declare the Electoral Commissioner to be responsible for the election (sections 4.20 and 4.61 of the Act).
9. The Electoral Commissioner has been responsible for the conduct of previous elections for the City of Perth.
10. The Electoral Commissioner has provided written agreement to conduct a postal extraordinary election to fill the vacancy and provided a cost estimate of \$70,455 including GST (**Attachment A**).
11. The 18 October 2024 is the recommended date for the City of Perth 2024 Extraordinary Election, this date allows enough time for the electoral requirements to be complied with.

Consultation

12. The administration has consulted with the Western Australian Electoral Commission (the WAEC) to clarify the options available, costs estimate, and the agreement and availability of the WAEC to undertake the election.

Decision Implications

13. If Council supports the recommendation, the Electoral Commissioner will be responsible for the City's 2024 extraordinary election which will be held as a postal election.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	A Well-Governed City
Related Documents (Issue Specific Strategies and Plans):	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	Part 4 – 'Elections and other polls' of the <i>Local Government Act 1995</i> .
Authority of Council/CEO:	Council
Policy:	Nil.

Financial Implications

14. The Electoral Commissioner has indicated that the estimated cost of the extraordinary election is **\$70,455** (incl GST) which is based on the following assumptions:

- 16,866 electors;
- response rate of approximately 35%;
- appointment of a non-local Returning Officer; and
- count to be conducted at your office using CountWA.

Costs **not** included in the estimate:

- non-statutory advertising (ie additional advertisements in community newspapers and promotional advertising);
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns matter;
- local government staff members to issue replacement votes; and
- the cost of any casual staff to assist the Returning Officer on election day or night.

15. A further \$15,000 will be allocated for '*costs not included in the estimate*'.

16. This provides a total cost of \$85,455 for the extraordinary election. The conduct of an extraordinary election is currently unbudgeted for. A budget amendment is proposed for Council's consideration.

Further Information

Nil.

Council Resolution (OCM-24/07-013)

Mover: Deputy Lord Mayor Clyde Bevan

Seconded: Councillor Catherine Lezer

That Council:

1. DECLARES, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the extraordinary election;
2. DECIDES, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the extraordinary election will be as a postal election.
3. APPROVES the Extraordinary Election date as Friday 18 October 2024 in accordance with section 4.9(1)(b) of the *Local Government Act 1995* for a term expiring 18 October 2025.
4. APPROVES an amendment to the 2024/25 Annual Budget (as adopted) to allocate \$85,455 from the Municipal Surplus for the purpose of conducting an Extraordinary Election to fill the vacancy on Council created by the resignation of Councillor Brent Fleeton.

CARRIED BY ABSOLUTE MAJORITY (9/0)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer, and Bruce Reynolds

Against: Nil.

17. Committee Reports

Nil.

18. Motions of which Previous Notice has been Given

Nil.

19. Matters for which the meeting may be closed

Nil.

20. Urgent Business

Nil.

21. Closure

There being no further business, the Presiding Member declared the meeting closed at 5:45pm.