



CITY of PERTH

Lord Mayor and Councillors,

NOTICE IS HEREBY GIVEN that the next Ordinary Meeting of the Council of the City of Perth will be held in the Council Chamber, Level 9, Council House, 27 St Georges Terrace, Perth on **Tuesday, 22 September 2015 at 6.00pm.**

Yours faithfully

GARY STEVENSON PSM
CHIEF EXECUTIVE OFFICER

17 September 2015

VISION STATEMENT

Perth is renowned as an accessible city. It is alive with urban green networks that are safe and vibrant. As a global city, there is a diverse culture that attracts visitors. It provides city living at its best. Local and global businesses thrive here. Perth honours its past, while creating a sustainable future.



BUSINESS

1. **Prayer**
2. **Declaration of Opening**
3. **Apologies**
Cr Davidson
4. **Question Time for the Public.**
5. **Members on Leave of Absence and Applications for Leave of Absence**
6. **Confirmation of Minutes:**
Special – 20 August 2015
Ordinary Council – 1 September 2015
7. **Announcements by the Lord Mayor**
8. **Disclosure of Members' Interests**
9. **Questions by Members of which due notice has been given**
10. **Correspondence**
11. **Petitions**
12. **Matters for which the Meeting may be Closed**

In accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting will be required to be closed to the public prior to discussion of the following:

Item No.	Item Title	Reason
9	Proposed Street Names for the Roads within the Elizabeth Quay Precinct	5.23(2)(e)(iii)

In accordance with Section 5.23(2) of the *Local Government Act 1995*, should an Elected Member wish to discuss the content of the confidential schedule/s listed below, it is recommended that Council resolve to close the meeting to the public prior to discussion of the following:

Schedule No.	Item No. and Title	Reason
Schedule No. 5	Item No. 4 – Proposed Entry of 55-59 Goderick Street, East Perth in the City Planning Scheme No. 2 Register of Places of Cultural Heritage Significance	Section 5.23(2)(b)

Schedule 13	Item No. 9 – Proposed Street Names for the Roads within the Elizabeth Quay Precinct	Section 5.23(2)(e)(iii)
Schedule No. 14 and 15	Item No. 11 - Arts and Cultural Sponsorship 2015/16 – Civic Partnership – Perth International Arts Festival	Section 5.23(2)(e)(ii)
Schedule 16	Item 13 – Tender 117-14/15 – Testing and Maintenance of Emergency and Exit Lights, Fire Protection Systems and Equipment – Various Sites	Section 5.23(2)(e)(iii)
Schedule 20	Item 14 – Tender 11 15/16 – Comprehensive Maintenance Services for Lifts and Escalators – Various Car Parks	Section 5.23(2)(e)(iii)

13. Reports (refer to Index of Reports on the following pages)

14. Motions of which previous notice has been given

15. Urgent Business

16. Closure

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's Council meeting. 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 staff in attendance tonight.

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 in order to allow the City sufficient time to prepare a response.
- The Presiding Person may nominate a Member or officer to answer the question and may also determine that any complex question requiring research be answered in writing. No debate or discussion is allowed to take place on any question or answer.
- To ask a question please write it on the white Question Sheet provided at the entrance to the Council Chamber and hand it to a staff member before the meeting begins. Alternatively questions can be forwarded to the City of Perth prior to 3.00pm on the day of the meeting, by:-
 - Letter: Addressed to GPO Box C120, Perth, 6839;
 - Email: governance@cityofperth.wa.gov.au.
- Question Sheets are also available on the City's web site: www.perth.wa.gov.au.

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any Member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

Any plans or documents contained in this agenda may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and the express permission of the copyright owner(s) should be sought prior to their reproduction.

EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



CITY of PERTH

The City of Perth values the health and safety of its employees, tenants, contractors and visitors. The guide is designed for all occupants to be aware of the emergency procedures in place to help make an evacuation of the building safe and easy.

BUILDING ALARMS

Alert Alarm and Evacuation Alarm.

ALERT ALARM

beep beep beep

All Wardens to respond.

Other staff and visitors should remain where they are.



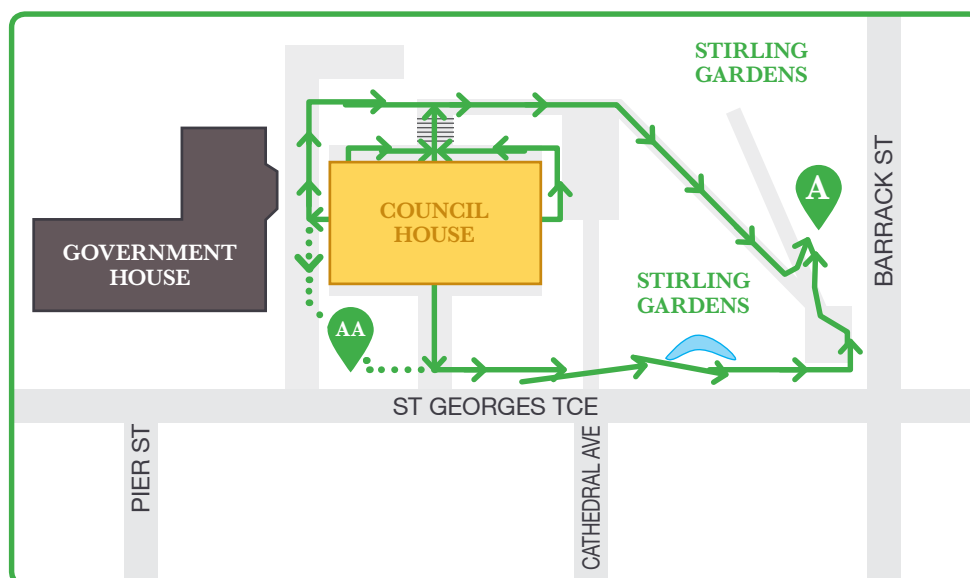
EVACUATION ALARM/PROCEDURES

whoop whoop whoop

On hearing the Evacuation Alarm or on being instructed to evacuate:

1. Move to the floor assembly area as directed by your Warden.
2. People with impaired mobility (those who cannot use the stairs unaided) should report to the Floor Warden who will arrange for their safe evacuation.
3. When instructed to evacuate leave by the emergency exits. **Do not use the lifts.**
4. Remain calm. Move quietly and calmly to the assembly area in **Stirling Gardens** as shown on the map below. Visitors must remain in the company of City of Perth staff members at all times.
5. After hours, evacuate by the nearest emergency exit. **Do not use the lifts.**

EVACUATION ASSEMBLY AREA



Assembly Area

Alternate Assembly Area

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PLANNING COMMITTEE REPORTS

ITEM NO: 1

SUBMISSION TO THE ON-DEMAND TRANSPORT GREEN PAPER

**PLANNING COMMITTEE
RECOMMENDATION:**

(APPROVAL)

That Council endorses the proposed City of Perth submission to the Department of Transport's On-Demand Transport Green Paper, and for Council officers to continue to liaise with the State Government as this policy area is further progressed.

BACKGROUND:

FILE REFERENCE:	P1007594
REPORTING UNIT:	Transport
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	25 August 2015
MAP / SCHEDULE:	Schedule 1 - City of Perth Submission to the On-Demand Transport Green Paper

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

In July 2015 the Department of Transport released a Green Paper titled *On-Demand Transport; A discussion paper for future innovation*. The paper has been developed to initiate a public conversation on the issue and to gather feedback from relevant interest groups and stakeholders that will inform policy and legislative reform on the issue.

Given the role that on-demand transport plays in the wider transport context of the City of Perth, it is considered appropriate for Council to provide the State Government with feedback on the Green Paper and to seek to be involved in any further policy development or reform in this area.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications

Corporate Business Plan

Council Four Year Priorities: Getting Around Perth
S3 Proactive planning for an integrated transport system, including light rail, that meets community needs and makes the sustainable choice the easy choice.

DETAILS:

On-demand transport is defined in the Green Paper as *‘a user-oriented form of transport characterised by flexible routing and scheduling of small/medium vehicles operating between pickup and drop-off locations according to a passenger’s needs’*.

Taxis are the most common and obvious form of on-demand transport, however the term also captures charter transport such as airport transfers, limousines and also new on-demand services such as Uber. The Green Paper presents a case for legislative reform, guided by the following objectives:

- ensure safe vehicles and safe drivers for the community;
- deliver a safer, more flexible, responsible, innovative and customer service focussed on-demand transport industry;
- transform the regulatory environment to support industry reform and improved service delivery, while reducing the cost of regulation;
- support industry to assess and address its own risks; and
- directly link regulatory requirements to the industry bottom line through a chain of accountability that will improve patron service.

The Green Paper positions the need for reform within the context of:

- significant population growth in Perth, and the ability for on-demand transport options to compliment traditional, fixed transport systems;
- cultural shifts affecting transport choices, which are increasing demand for niche, flexible and convenient on-demand transport options;
- new technology that is making on-demand transport models more viable;
- changes in people’s attitudes to transport, from a past era that prioritised ownership to a new era that places a higher priority on accessibility and flexibility; and
- growing community and industry calls for reform, to enable innovation and a more rapid rate of progress in the on-demand transport sector.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

COMMENTS:

The On-Demand Transport Green Paper comes at a time of rapid change in this sector of the passenger transport industry. This change has the potential to greatly improve people's transport choice in Perth. Like any change, it may also bring with it challenges and disrupt traditional approaches to how the public sector facilitates and manages such transport services.

The City of Perth should be generally supportive of the intent of the On-Demand Transport Green Paper. The following points summarise the City's submission to the Green Paper (Schedule 1):

- *The City of Perth greatly values the role that on-demand transport services play in contributing to an accessible City.*
- *A more accommodating and flexible governance arrangement that allows for innovation and does not stifle progress is encouraged.*
- *Community safety and confidence in the on-demand transport sector are paramount.*
- *The City of Perth is supportive of any reform measures that seek to ensure on-demand transport can continue to complement the City's public transport systems.*
- *A more integrated and strategic approach to planning for on-demand transport services is encouraged.*
- *Support for a collaborative approach to planning for change in the on-demand transport sector.*

ITEM NO: 2

CREATION OF MALL RESERVE – LOT 9003 DEPOSITED PLAN 76163 - KINGS SQUARE

**PLANNING COMMITTEE
RECOMMENDATION:**

(APPROVAL)

That Council:

- 1. in accordance with Section 59 of the Land Administration Act 1997, advertises its intention to change the purpose of Lot 9003 on Deposited Plan 76163 (coloured orange on Schedule 2), Kings Square, from 'Road Reserve' to 'Mall Reserve';***
- 2. in the event that no submissions are received, authorises the Chief Executive Officer to apply to the Minister for Lands for the creation of the Mall Reserve.***

BACKGROUND:

FILE REFERENCE: P1029786#09
REPORTING UNIT: Properties
RESPONSIBLE DIRECTORATE: Community and Commercial Services
DATE: 1 September 2015
MAP / SCHEDULE: Schedule 2 – Kings Square Titling - Lots Map

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

At its meeting held on **21 July 2015** Council;

“Approved the acceptance of the first phase of contributed assets for the Perth City Link – Kings Square private development being Telethon Avenue, Mall Reserve and KS2 Wellington Street frontage.”

Initially the 'Mall' has come to the City as a Road Reserve and subject to Section 59 of the Land Administration Act 1997, the City intends to request the Minister for Lands to reserve the land for the purpose of passage by:

- (a) pedestrians;
- (b) vehicles used by the holders of the freehold in, and occupiers of, land adjoining that land; and
- (c) other vehicles permitted access to that land under local laws made under the *Local Government Act 1995*, and for any other compatible purpose.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section 59 of the *Land Administration Act 1997*

Integrated Planning and Reporting Framework Implications

Corporate Business Plan

Council Four Year Priorities: The planning and integration of major infrastructure and developments to maximise their net benefit and minimise risk and future costs to the City

S1.3 Establish site specific agreements and manage transition of Perth City Link Precinct

DETAILS:

In order to create a "Mall Reserve" the Land Administration Act 1997 requires the local government to advertise the purpose and details of the request in the prescribed manner and send copies of that advertisement to the holders of the freehold in, and occupiers of, land adjoining the land in question, to suppliers of public utility services on the land in question and to the Planning Commission.

The advertisement must specify a period of not less than 35 days from the day of that advertisement during which submissions relating to the request may be lodged with the local government.

After the expiry of the period, the local government must send to the Minister its request, together with copies of any submissions lodged with it during that period and its comments on those submissions.

The Minister may, after receiving and considering a request and any accompanying submissions and comments sent to the Minister either:

1. Grant the request and place the care, control and management of the mall reserve with the local government.
2. Direct the relevant local government to reconsider the request; or
3. Refuse the request.

The Department of Lands is aware of and supports the proposal.

A Mall Management Agreement between the City of Perth and Dexu Funds Management Ltd was signed in July 2015.

FINANCIAL IMPLICATIONS:

The City's Asset Custodians and Maintainers have estimated that the servicing and maintenance of the Mall Reserve will be \$37,320 in the first year plus \$10,000 compliance replacement costs in the first four years.

These costs have been factored into the respective business unit 2015/16 budget.

All figures quoted in this report are exclusive of GST.

COMMENTS:

The proposal is supported. The creation of the reserve as a Mall is the most appropriate designation of the area as it gives the City the ability to control alfresco dining, enforce no smoking policies and is a safer environment for pedestrians as this area was intended to be used.

ITEM NO: 3

146–152 (LOTS 2–8) BARRACK STREET, PERTH – PROPOSED ‘NEW TECHNOLOGY’ ABOVE ROOF SIGN WITH THIRD PARTY ADVERTISING CONTENT

**PLANNING COMMITTEE
RECOMMENDATION:**

(REFUSAL)

That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council REFUSES the application for the proposed ‘new technology’ above roof sign with third party advertising content at 146-152 (Lots 2–8) Barrack Street, Perth as indicated on the Metropolitan Region Scheme Form One dated 3 July 2015 and as shown on the plans received on 10 July 2015 for the following reasons:

- 1. the proposed sign does not comply with City Planning Scheme No. 2 Policy 4.7 – Signs given that:**
 - 1.1 above roof signs are not permitted anywhere within the city;**
 - 1.2 the sign is not designed as an integral part of the building, and will be excessive in scale and inconsistent with the style of the building on which it will be located;**
 - 1.3 ‘new technology’ signs are generally not permitted within heritage areas while the sign is proposed to be located at the entry to the Barrack Street Conservation Area;**
 - 1.4 the sign will detrimentally impact on local amenity, the streetscape and the Barrack Street Conservation Area and contribute to visual clutter given existing signage in the locality;**

(Cont’d)

- 1.5** *the third party advertising content of the sign would be detrimental to the visual quality and amenity of the locality and particularly the Barrack Street Conservation Area;*
- 1.6** *the sign is considered to be inappropriately located as it is intended to be viewed by passing motorists and pedestrians entering an intersection, where it could create a safety hazard;*
- 1.7** *the structural components of the sign are likely to adversely impact upon the visual amenity of the occupants of adjacent buildings viewing the sign from above and behind.*

BACKGROUND:

SUBURB/LOCATION:	146-152 (Lots 2-8) Barrack Street, Perth
FILE REFERENCE:	2015/5267
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	City Planning and Development
DATE:	27 August 2015
MAP / SCHEDULE:	Schedule 3 – Map and coloured perspective for 146-152 Barrack Street, Perth
LANDOWNER:	Platinum Pacific Pty Ltd
APPLICANT:	TPG Town Planning Urban Design and Heritage
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Citiplace (P5) (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	\$800,000

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

SITE HISTORY:

The subject site is located on the south east corner of Barrack and Wellington Streets, Perth with frontages of approximately 20 metres and 19 metres to Barrack Street and Wellington Street respectively.

Approval was granted on 27 June 2000 for the development of a three storey building with retail and office uses on the site. The site is currently occupied by a single storey building which was constructed as the first stage of this approval. The building currently accommodates a restaurant and an internet café

DETAILS:

The applicant seeks development approval to erect a 'new technology', above roof sign at the subject site. The sign is intended to be a 'state of the art' digital sign located on the roof of the building on the site, approximately 900mm from the building façade. It is intended to be one continuous sign facing both Barrack and Wellington Streets, curving around the north-west corner of the building. The actual sign is intended to have a face which is 24.7 metres in length and 3.35 metres in height. It is to be supported on a charcoal grey mesh structure, extending its length at both ends by 1 metre and its height by 1.5 metres. Therefore the combined dimensions of the sign and the mesh structure are to be 26.7 metres in length and 4.85 metres in height.

The decorative corner parapet on the building is intended to be removed to accommodate the sign.

The applicant has not provided plans and elevations of the supporting structures for the sign. He has indicated that the owner has advised that the exact structural components of the sign will not be determined until after planning approval has been obtained due to the significant cost of establishing the best way to affix it to an old building. It has been indicated that they will comprise:

- *'Steel catwalks top and bottom;*
- *Horizontal and vertical members supporting sub-structure;*
- *Cantilever members supporting walkways;*
- *Cabinet construction steel and aluminium (corrosion resistant).'*

The applicant has indicated that the sign will display variable static advertising content that will change instantaneously but not move, flash or pulsate. Content is intended to change on a daily basis with the applicant indicating that *'it is anticipated to provide ongoing information to the city in terms of signage content'*.

LEGISLATION / POLICY:

Legislation *Planning and Development Act 2005;*
 Heritage of Western Australia Act 1990
 City Planning Scheme No. 2

Policy
Policy No and Name: 4.7 Signs

COMPLIANCE WITH PLANNING SCHEME:

Development Requirements

The subject site is located within the City Centre Use Area of the Citiplace Precinct (P5) under the City Planning Scheme No. 2 (CPS2). The Precinct will be enhanced as the retail focus of the State providing a range of retail and related services more extensive than elsewhere in the metropolitan region. Building facades will incorporate interesting architectural elements thereby contributing to a lively, colourful and stimulating environment.

The Statement of Intent for the Citiplace Precinct does not specify any development provisions for signage.

The site also falls within the Barrack Street Conservation Area declared under Clause 31 of CPS2. While the building on the site is identified as a non-heritage building, it is recognised that new works to the building have the capacity to disrupt and detract from the Conservation Area if not managed appropriately.

The CPS2 Signs Policy (4.7) sets out the requirements for the erection and management of signs on or adjacent to buildings within the city, providing guidelines for their acceptable design and location.

Under the Signs Policy the proposed sign falls within the following definitions:

“Above Roof or Sky Sign” means an advertising sign that protrudes above the normal roof line or building parapet and is not a roof sign.

Animated or “New Technology” Signs means any sign or its contents that moves, and includes flashing or “chasing” lights, as well as video signs, and signs which are defined in the outdoor advertising industry as “trivisions”, “variable message”, “changing message” and “fibre optic” signs.

Third Party Advertising or General Advertising is a sign:

- *displaying the name, logo, or symbol of a company or other organisation that does not own or substantially occupy the site or building on which the advertisement is located; or*
- *for a product or service not provided on the site on which the advertisement is located; or*
- *for a product or service that does not form part of the signage displaying the name, logo or symbol; of a company or other organisation that owns or substantially occupy the site or building on which the advertisement is located; or*
- *for an activity or event not occurring on the site on which the advertisement is located.”*

The proposal's compliance with the Signs Policy is detailed in the following comments section.

The Council, pursuant to Clause 43 of CPS2, is to have ‘regard’ to the strategic and statutory planning framework when making determinations. Variations to the Signs Policy can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:-

- '47(d)(i) if approval were to be granted, the development would be consistent with:*
- (A) the orderly and proper planning of the locality;*
 - (B) the conservation of the amenities of the locality; and*
 - (C) the statement of intent set out in the relevant precinct plan; and*
- (ii) the non-compliance would not have any undue adverse effect on:*
- (A) the occupiers or users of the development;*
 - (B) the property in, or the inhabitants of, the locality; or*
 - (C) the likely future development of the locality'.*

COMMENTS:

Public Consultation

As the application proposes an above roof sign it was advertised to a total of 58 adjacent landowners from 30 July to 17 August 2015. These included the owners of properties at 128 to 138 and 141 to 151 Barrack Street and 346 to 420 and 379 Wellington Street, Perth.

One submission was received on behalf of the owner of 379 Wellington Street and some of the owners of 138 Barrack Street, Perth. This submission indicates that these owners object to the sign. The reasons for this are summarised as follows:

- The sign does not meet the objectives or general provisions of the Signs Policy and is a sign which is not permitted under the Policy.
- The proposed sign is a significant sign in terms of its size, location and context and is not consistent with the built form on the site. It is a third party advertising sign which under the Signs Policy should enhance the area, but it will not enhance the Barrack Street Conservation Area or the important vista along Barrack Street to Barrack Square.
- The proposed sign does not meet the requirements of the Signs Policy as it is an above roof sign which is not permitted, it is located in a Conservation Area and it will have a significant impact on the amenity of the area including the amenity of the residents at 138 Barrack Street.
- The sign is counter productive to the heritage grants recently allocated for properties within the Barrack Street Conservation Area.
- The approval of the sign would encourage the proliferation of third party advertising in inappropriate areas such as the Barrack Street Conservation Area.

The applicant has provided the following response to the submission:

'Irrespective of what the appropriate sign type description is determined to be, we consider that the proposed sign is appropriate at this location as it is not unduly obtrusive and sits comfortably in a context already featuring significant signage including on the opposite side of Wellington Street and the wall sign directly behind.'

Signs Policy

Specific design criteria as well as general policy and performance criteria are applicable to above roof signs, 'new technology' signs and third party advertising as follows:

Above Roof Signs

The proposed sign is intended to be installed on the roof of the single storey building on the site, extending to an overall height of 4.85 metres above the roof and parapet lines and is therefore defined as an above roof sign under the Signs Policy. The Policy states that: '*Above roof or sky signs are not permitted anywhere within the City of Perth.*'

'New Technology' Signs

The following specific design criteria are relevant to animated or 'new technology' signs:

- a) *The content of an Animated or "New Technology" sign must also receive the approval of Council.*

As the sign is intended to display general advertising and would be regularly changing compliance with this criterion is not practical. This can however be addressed by imposing a condition on any approval issued requiring the submission of an advertising strategy for approval, detailing the content, management and maintenance of the sign.

- b) *Animated or "New Technology" signs are only permitted within the 'City Centre' Scheme Use Area of Precinct 5 (Citiplace), and the 'City Centre' Scheme Use Area of Precinct 1 (Northbridge).*

The sign complies with this requirement, intended to be located in the Citiplace Precinct.

- c) *An Animated or "New Technology" sign must be compatible with the character of the streetscape within which it is proposed. Such signs will generally not be permitted within a designated heritage area, or on or adjacent to a heritage place.*

The sign is not considered to be compatible with the character of the streetscape. It will dominate the building and the street corner which is at an important entry to the retail core of the city. It will also impact on the vista down Barrack Street which includes the Town Hall and the Bell Tower. As indicated the site falls within the Barrack Street Conservation Area and a new technology sign is not compatible with the heritage character of this area, noting that the Council recently endorsed heritage grants for buildings within the Conservation Area to further enhance its heritage character and value. The appropriateness of the sign in the streetscape is discussed further later in the report.

- d) *An Animated or "New Technology" sign must be designed as an integral part of a building or structure, but will not generally be approved where it takes the form of a pylon sign.*

The curved and modern design of the sign will not complement or integrate with the design of the building. Rather than having regard for the existing detailing on the building, it is proposed to remove the building's decorative corner parapet. The size of the sign is excessive and will dominate the single storey building. The proposed height of the sign and associated structure is greater than the height of the building, the building's façade being 4.4 metres high and the proposed sign and supporting structure being a total of 4.85 metres high.

While elevations of the support structures for the sign have not been prepared, the information provided refers to metal catwalks and supports. It would appear that these structures are not intended to be concealed and given the size and location of the sign above the roof, it is unlikely that their visual impact at the rear of the sign could be appropriately minimised as required by the Signs Policy.

- e) *The most appropriate locations for Animated or "New Technology" signs include plazas and public spaces where their contents can be viewed by gathered or passing pedestrians, but should not be able to be viewed by passing motorists, for whom may be a distraction and therefore a safety hazard. An Animated or "New Technology" sign may be constructed and located as to create a landmark in its immediate locality.*

The sign will be located at a major intersection within the city and not within a plaza or public space where people can gather and view the images over a period of time as intended by the Policy. While people gather in this location, it is solely to cross the traffic intersection.

The sign is designed to attract the attention of passing pedestrians and motorists and will potentially be a distraction; and therefore a safety hazard. However it is noted that Main Roads Western Australia recommends that for signs with variable content a minimum dwell time of 45 seconds in streets with a 50km per hour speed limit can be imposed so as not to create a traffic hazard. This requirement could be imposed as a condition of any development approval issued, along with restrictions on fading and scrolling messages and any content which could be mistaken for a traffic signal or sign. While this would reduce the safety hazard created by the sign to some degree, this is difficult to quantify and it is considered that there will be an impact on public safety.

- f) *The contents of an Animated or "New Technology" sign may move but not flash or pulsate in a manner likely to cause a hazard or nuisance to motorists or the occupants of neighbouring properties.*

The applicant has indicated that sign is not intended to flash or pulsate and a condition of any development approval issued could address this.

Third Party Advertising

The Signs Policy states that: *'Third party or general advertising will only be permitted where, having regard to the character of the area in which the sign is to be situated, the Council is satisfied that the visual quality, amenity and safety of the area will be enhanced, or at the very least, not diminished.'*

It is considered that the sign will not enhance the visual quality, amenity and safety of the area and in fact will likely diminish the visual quality and amenity and may impact on safety.

The Council has generally discouraged third party advertising throughout the city to avoid a proliferation of signage and visual clutter. In this instance there is already a large third party advertising billboard on the Metropolitan Region Scheme Railway Reserve at the north east corner of the intersection and a large banner sign with third party advertising on the building on the adjacent site to the east (379 Wellington Street). Both of these signs have been in place for several years and a development application has recently been received to renew and modify conditions of approval for the large banner sign. Because of the size and location of the proposed sign wrapping around both street facades it will dominate the south east corner of the intersection and will lead to visual clutter when considered in combination with the existing signs in the locality.

The applicant has indicated that the sign will fit comfortably in the context of the existing significant signage. However the intent of the Policy is to avoid a proliferation of signage in a single location and given the proposed sign will be digital and wrap around the corner of the intersection it will be brighter and more conspicuous, and the cumulative impact when considered in combination with the existing signage will be inappropriate.

Metal catwalks and supports for the sign would be visible from adjacent buildings including the multiple dwellings located at the adjoining property at 138 Barrack Street, reducing the visual amenity for their occupants.

Response to Location and Contribution to Local Character

The Signs Policy requires that all signs should be compatible with the style, scale and character of the surrounding streetscape and the predominant uses in the locality. Signs are required to respond to the character of the street and the prevailing building style as well as making a positive contribution to its setting, recognising that signs that are detrimental to their neighbour's amenity or are out of character with the streetscape ultimately reduce the quality of the street as a whole. Consideration should also be given to the number and type of existing signs in the locality so as to avoid visual clutter. Enhancement of the desired environmental character of an area should be the primary consideration when judging the appropriateness of a new sign.

The Signs Policy requires signs within Conservation Areas to be discrete and complement the area. While the building on which the sign is to be located is a non-heritage building, the Policy recognises that new works to the building have the capacity to disrupt and detract from the Conservation Area if they are not managed appropriately.

It is considered that the sign is not compatible with the character of the streetscape or the locality. The sign will dominate a key entry to the Barrack Street Conservation Area and detract from its visual qualities. It is a modern large scale sign which is

inconsistent and incompatible with the streetscape which comprises a visually cohesive collection of buildings developed between the 1890's and the inter-war period.

As indicated it is considered that the sign will lead to visual clutter when considered in combination with the existing signage on the building to the east and the MRS Railway Reserve to the north. The supporting structures will also be detrimental to the amenity of neighbouring properties as discussed.

Further while the building on the site may not make a significant contribution to the streetscape in its current form, it can be argued that the revenue which will be derived from the proposed signage will potentially serve to extend the viability and life of the building in its current form and delay its completion (i.e. the two additional storeys as approved in 2000) to a more appropriate scale of development on this corner site, or alternatively redevelopment of the site in a manner which would provide an appropriate entry to the central core of the city and the Conservation Area. Redevelopment could deliver a modern building compatible with the Conservation Area which incorporates appropriately scaled signage integrated with the design of the building.

Variety and Interest

The Signs Policy recognises that signage can play an important part in the interest and appeal of a building, especially in shopping areas, and supports variety in design. However it also requires signage to be appropriate to the building and aim to attract attention in a way which is well thought out and well designed. Signs erected on or adjacent to buildings should be an integral part of the design and scale of the building and have regard to the material finishes, colours and fenestration of the building, ensuring that architectural features of the building are not obscured. Within Conservation Areas signs should be discrete.

While the proposed sign is intended to be high quality, utilising state of the art digital technology, its curved and modern design does not complement or integrate with the building design. The roof of the building is not a traditional or intended location for a sign and the scale of the sign in relation to the building is excessive rather than discrete.

Community Expectations

In recent times it has become apparent that community expectations regarding certain signage, particularly 'new technology' and animated signs, has shifted. A review of the Signs Policy is currently underway to address these changes in expectations and various aspects of the policy which are now outdated. A draft policy is intended to be presented to the Council in the near future. In the interim it is important that any approvals issued should be consistent with the existing policy and not pre-empt or prejudice the direction of the new policy. In contrast the proposed sign conflicts with the existing policy.

Safety

The Signs Policy requires that signs be located and designed so as not to cause a hazardous distraction to motorists, pedestrians or other road users. As discussed above the sign is designed to attract the attention of passing pedestrians and motorists and will potentially be a distraction; and therefore a safety hazard. However a condition can be imposed on any approval issued to ensure compliance with the dwell and transition times for variable sign content recommended by the Main Roads Western Australia for a street of this nature to address safety for motorists and pedestrians.

Design, Construction and Maintenance

Signs are required to be simple, clear and efficient with structural components and wiring concealed and/or the visual impact of the components minimised. The applicant has indicated that it is within the Council's authority to impose a condition of development approval requiring that the structural components of the sign comply with this requirement. However it is not appropriate to impose a condition when it is not clear what the outcome will be and if the condition can be satisfactorily met. It is considered unlikely that the structural component of the sign could be appropriately concealed or visually minimised to the City's satisfaction.

Conclusion

Being an above roof sign, the proposed sign is not permitted anywhere within the city under the Signs Policy. It also does not meet the criteria for 'new technology' signs or third party advertising applicable under the Policy. It is considered to be excessive in scale with no regard for the design of the building or its location at an important intersection within the city and at an entry to the Barrack Street Conservation Area. It will be detrimental to the visual amenity and heritage character of the locality and adversely impact on the amenity of adjacent buildings. It is therefore recommended that the application be refused.

ITEM NO: 4

PROPOSED ENTRY OF 55-59 GODERICH STREET, EAST PERTH IN THE CITY PLANNING SCHEME NO. 2 REGISTER OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

**PLANNING COMMITTEE
RECOMMENDATION:**

(APPROVAL)

That Council:

- 1. in accordance with Clause 30 of the City Planning Scheme No. 2:***
 - 1.1 declares 55-59 Goderich Street, East Perth to be of cultural heritage significance and worthy of conservation;***
 - 1.2 gives notice of the above declaration to the landowners and occupiers of the place, the State Heritage Office and the Western Australian Planning Commission;***
- 2. in accordance with Clause 32 of the City Planning Scheme No. 2 records 55-59 Goderich Street, East Perth in the City Planning Scheme No. 2 Register of Places of Cultural Heritage Significance.***

BACKGROUND:

FILE REFERENCE:	P1023133
REPORTING UNIT:	Strategic Planning
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	2 September 2015
MAP / SCHEDULE:	Schedule 4 – Map and external photographs Confidential Schedule 5 – Internal photographs Schedule 6 – City of Perth Heritage Place Assessment

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The property at 55-59 Goderich Street, East Perth (the place) comprises three individually titled properties that together contain a row of adjoining single storey brick terrace houses constructed circa 1880 in the Victorian Georgian architectural style (Schedule 4).

On **21 July 2015** Council, in response to receiving a request from one landowner to include the place in the City Planning Scheme No. 2 Register of Places of Cultural Heritage Significance (CPS2 Heritage Register), resolved to state its intention to declare the place to be significant and worthy of conservation. The report presented to Council noted that the other two landowners are supportive of the heritage registration, and demonstrated that the place has cultural heritage significance for the following reasons (Heritage Assessment at Schedule 6):

- Aesthetic significance as an example of an early cottage dating from the nineteenth century, prior to the period of commercial expansion that followed the gold rush.
- Aesthetic significance as an integral component of a group of residential buildings representing the pattern of settlement in Perth from the late nineteenth century, prior to the period of commercial expansion that followed the gold rush.
- Historic significance because it reflects the way of life of the working people of Perth in the late nineteenth and early twentieth century.
- A representative example of a residential property in Perth dating from the late nineteenth to early twentieth century. The place represents the changing character of the Perth community from the gold rush settlement period to the period of settlement by various ethnic communities, to the present.

Whilst all three landowners are in favour of the heritage registration, the CPS2 requires the landowners and occupiers to be given 14 days to make a written submission to Council about the proposed declaration. This period also allowed the City to request internal inspections to inform the condition and integrity of the place. Details of the submissions received and the results of the internal inspection are detailed below (photographs are included at Confidential Schedule 5).

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	City Planning Scheme No. 2.
Integrated Planning and Reporting Framework Implications	Corporate Business Plan S9 Promote and facilitate CBD living. 9.2 Review the City's approach to Conservation of Heritage Places Strategic Community Plan Council Four Year Priorities: Community Outcome Healthy and Active in Perth. A city with a well-integrated built and green environment in which people and close families chose a lifestyle that enhances their physical and mental health and take part in arts, cultural and local community events.

DETAILS:

Landowner and Occupier Submissions

In response to Council's request for submissions the nominating landowner advised that they are supportive of the heritage registration subject to the place being recognised as three separate properties, specifically with respect to any future heritage grant applications made. This is to ensure that the funding amount and frequency cap provisions included in revised Council Policy 6.1 Heritage Grants are applied equally to all three landowners. The City confirmed that any future grant applications would be considered on the basis that the place comprises three separate properties given that they are individually rated.

The other two landowners reconfirmed their original position that they are supportive of their property being included in the CPS2 Heritage Register. The one non-landowner occupier did not make a submission.

Internal Inspection

The internal inspection revealed that the three properties are relatively intact. All three properties reflect a similar layout, with entry hall, symmetrical rooms, fire places with timber surrounds, timber floorboards, timber framed double hung sash windows and matching concertina doors with solid timber panelled doors. All three properties have undergone internal modifications at the rear to accommodate modern bathroom and kitchen facilities, however in all cases evidence of the original rear wall and openings remain (Schedule 6).

Graded level of significance

The State Heritage Office's *Criteria for the Assessment of Local Heritage Places and Areas*, which provides a practical guide to identifying, grading and documentation local places, states that each heritage place should be graded with a level of significance based on its values, condition, integrity and authenticity. The four levels of significance are associated with desired outcomes to assist in the future management of a place.

Level of Significance	Description	Desired Outcome
Exceptional	Essential to the heritage of the locality. Rare or outstanding example.	Retain and conserve.
Considerable	Very important to the heritage of the locality. High degree of integrity/authenticity.	Conservation is highly desirable.
Some/Moderate	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.	Conservation is desirable.
Little	Does not fulfil the criteria for entry into the local Heritage List.	Photographic record prior to development or demolition.

It is noted that CPS2 Heritage Register does not acknowledge levels of significance to individual places, and that all places are subject to Planning Policy 4.10 Heritage which provides guidance applicable to development affecting heritage places. Special planning policies also apply to places included in conservation areas.

Notwithstanding the above, awarding a level of significance can assist the Council in making a decision on whether the place meets the threshold for entry into the CPS2 Heritage Register.

Based on the results of the internal inspection the property has been assessed as having a high level of integrity (retains its original residential function) and medium level of authenticity (fabric is in-part original state). All three properties are in good condition. This suggests that the place be awarded with a level of considerable significance.

This information forms part of the City's Heritage Place Assessment (Schedule 6) and will inform the assessment of any future Development Applications for the heritage place.

FINANCIAL IMPLICATIONS:

If the place is included in the CPS2 Heritage Register the three individual property landowners will be eligible to apply for the City's heritage grants, heritage awards and heritage rate concession.

COMMENTS:

The heritage assessment demonstrates that the place has sufficient cultural heritage significance to warrant inclusion in the CPS2 Heritage Register, and three owners of the place are supportive of the proposed registration.

If included in the CPS2 Heritage Register the place will be subject to the benefits and controls of the CPS2 Heritage policies, and the owner will be eligible to apply for the heritage program incentives noted above. Retention and conservation of the place will be encouraged as part of any future development applications.

ITEM NO: 5

23 (LOTS 22 AND 23) EMERALD TERRACE, WEST PERTH – TEN LEVEL RESIDENTIAL DEVELOPMENT CONTAINING 22 MULTIPLE DWELLINGS AND 23 CAR PARKING BAYS

**PLANNING COMMITTEE
RECOMMENDATION:**

(APPROVAL)

*That in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council **APPROVES BY AN ABSOLUTE MAJORITY** the application for a ten level residential development containing 22 multiple dwellings and 23 car parking bays at 23 (Lots 22 and 23) Emerald Terrace, West Perth, as indicated on the Metropolitan Region Scheme Form One dated 2 February 2015, and as shown on the plans received on 24 August 2015, subject to:*

- 1. the development being constructed with high quality and durable materials and finishes and to a level of detailing that is consistent with the elevations and perspectives received on 24 August 2014, with the final details of the design and a sample board of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;*
- 2. air conditioner condensers not being permitted on residential balconies where they affect the use or enjoyment of the balcony or can be viewed from the street and any proposed external building plant, lift overruns, piping, ducting, water tanks, transformers and fire booster cabinets being located or screened so that they cannot be viewed from the street and to minimise any visual and noise impact on the adjacent developments, including any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted for approval by the City prior to applying for a building permit;*

(Cont'd)

3. *the proposed development being designed and constructed in such a manner that existing and future noise levels occurring between dwellings and from external noise sources and mechanical plant and equipment that could potentially affect future occupiers, can be successfully attenuated in accordance with the City Planning Scheme No. 2 – Residential Design Policy. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and shall be submitted for approval by the City prior to applying for the relevant building permit;*
4. *a Waste Management Plan satisfying the City's waste collection requirements being submitted for approval by the City prior to applying for the relevant building permit;*
5. *the dimensions of all car parking bays, aisle widths, ramps and circulation areas complying with the Australian Standard AS/NZS 2890.1/2004;*
6. *a minimum of one car bay being allocated to each multiple dwelling within the development, with all on-site residential car bays being for the exclusive use of the residents of the development and their visitors;*
7. *store room/s located adjacent to a car parking bay/s being allocated to the same multiple dwelling as the car parking bay/s to the City's satisfaction;*
8. *all stormwater being contained on-site with details of the stormwater drainage being submitted for approval by the City prior to applying for a building permit;*
9. *in the event of the development not proceeding within six months of the demolition of the existing building on the site, the site is to be aesthetically fenced or landscaped to the satisfaction of the City in order to preserve the amenity of the area, prevent unauthorised car parking and reduce dust and sand being blown from the site and shall be maintained in a clean and tidy state;*

(Cont'd)

10. *the works referred to in Condition 9, being secured by a bond/deed of agreement between the landowner/applicant*

and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant;

- 11. a detailed landscaping and reticulation plan incorporating substantial trees being submitted and approved by the City prior to applying for a building permit, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard;***
- 12. the existing vehicle crossover which is not required to provide access to the development being removed and the verge area being reinstated by the developer to the City's specifications and at the owner's expense prior to occupation of the building;***
- 13. a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:***
 - 13.1 delivery of materials and equipment to the site;***
 - 13.2 storage of materials and equipment on the site;***
 - 13.3 parking arrangements for contractors and subcontractors;***
 - 13.4 any dewatering of the site; and***
 - 13.5 other matters likely to impact on the surrounding properties.***

BACKGROUND:

SUBURB/LOCATION:	23 Emerald Terrace, West Perth
FILE REFERENCE:	2015/5045
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	2 September 2015
MAP / SCHEDULE:	Schedule 7 - Map and coloured perspectives for 23 Emerald Terrace, West Perth
LANDOWNER:	M Cube Emerald Properties Pty Ltd
APPLICANT:	ArchiApps Pty Ltd
ZONING:	(MRS Zone) Urban (City Planning Scheme Precinct) West Perth (P10) (City Planning Scheme Use Area) Office/Residential
APPROXIMATE COST:	\$10 million

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

SITE HISTORY:

The subject site comprises a total area of 740m² and has a 20.5 metre frontage to Emerald Terrace. The site currently contains a single storey former residential building which is currently used for office purposes. The site is bordered by two storey office buildings to the north, three and single storey office developments to the west and a three storey residential development to the north.

DETAILS:

Approval is sought to demolish the existing building on the site and to construct a ten level residential development containing 22 multiple dwellings and 23 car parking bays on the subject site. The details of the proposed development are as follows:

Basement Level	This level contains 16 car parking bays accessed via a ramp from the ground level parking area, 10 residential store rooms, lift and lobby, booster and sprinkler pump rooms and fire exit stairwell.
Ground Floor Level	This level contains seven car parking bays accessed via Emerald Terrace, 7 bicycle racks, entry lobby, gymnasium, cleaner's toilet, landscaped areas, lifts and lobby, bin store and fire exit stairwell.
First to Seventh Floor Levels	These levels each contain two 2-bedroom/2-bathroom residential apartments (86m ²) with balconies (21m ²) and one 1-bedroom/1-bathroom residential apartments (53m ²) with balcony (17m ²), two store rooms, air-conditioning plant room, passageway, fire exit stairwell, lifts and lift lobby.
Eighth Floor Level	This level contains one 3-bedroom/3-bathroom residential apartment (150m ²) with balconies (128m ² and 7m ²), air-conditioning plant room, foyer, water tank room, fire exit stairwell, lifts and lift lobby.
Roof Level	This level contains a lift over-run.

The development is proposed to be constructed and finished using a mix of materials including painted and rendered fibre-cement compressed sheeting, rendered concrete and brickwork, stone cladding, aluminium framed glazing, frameless glass and steel balustrading and aluminium and timber screen panels.

LEGISLATION / POLICY:

Legislation

Planning and Development Act 2005
City Planning Scheme No.2

Policy

Policy No and Name: 3.1 - Design of Residential Development
4.1– City Development Design Guidelines
4.7- Landscaping Requirements
4.9 – Residential Design Policy
5.1 - Parking Policy
5.3 – Bicycle Parking and End of Journey Facilities

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject site is located within the Office/Residential use area of the West Perth Precinct (P10) of the City Planning Scheme No. 2 (CPS2). This area will provide for a wide range of office and residential activities together with restaurants (including cafes) and other uses which serve the immediate needs of the work force and residents and add to the area's vitality and attraction. The development of independent residential uses will be strongly encouraged.

Multiple Dwellings ('Residential') is a Preferred ('P') use within the Office/Residential use area of the West Perth Precinct (P10). It is considered that the proposed use would be consistent with the intent of the Precinct and will be compatible with the surrounding land uses.

Development Requirements

Buildings within the Office/Residential use area shall be set in landscaped surrounds to create an open spacious character quite distinct from the continuous built edge of the primary office district in the city centre. Buildings shall be well set back from boundaries and evoke a sense of prestige, which should be further enhanced by permanent, in ground landscaping.

The proposal's compliance with the CPS2 development requirements is summarised below:

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:	2.0:1 (1,480m ²)	2.0:1 (1,480m ²)
Maximum Building Height:	28 metres	29 metres
Setbacks:		
Front (Emerald Terrace)	4.1 metres to entry feature, 4.6 metres to main building	4.5 metres
Side (north)	Nil to pergola structures over	4 metres

Development Standard	Proposed	Required / Permitted
Side (south) Rear (west)	driveway, 4 metres to main building 3.6 metres to 4 metres 2.2 metres to 3 metres	4 metres 3 metres
Car Parking: Residential	 23 bays	 21 bays (minimum) 42 bays (maximum)
Bicycle Parking: Bicycle Bays	 7 bays	 7 bays (minimum) or can be located within residential stores (minimum dimension 2.2m and area of 5m ²)
Landscaping:	22% of site (160m²)	25% of site (185m ²)

Variations to the setback and landscaping provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:

'47(3)(c)(i) if approval were to be granted, the development would be consistent with:

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

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

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

COMMENTS:

Consultation

Given the proposed variations to the setback (front, side and rear) requirements of CPS2, the application was advertised to the owners of potentially affected

surrounding properties for a period of 14 days, closing on 16 April 2015. These included the owners of the adjacent properties at 17 Emerald Terrace and 1195-1201 Hay Street, the properties directly opposite at 20 and 22 Emerald Terrace and properties to the rear at 50-56, 58-60 and 62 Colin Street and 1205 Hay Street.

Four submissions were received during the advertising period including:

- Three from owners of apartments within the residential development adjacent at 17 Emerald Terrace; and
- One from the owner of the office development to the rear at 58-60 Colin Street.

The following summary and quotes, grouped under appropriate headings, covers the issues raised in the submissions. (Note these are addressed in the planning assessment following later in the report):

Access via rear Right of Way

“Use of the ROW by a substantial number of occupants of the Proposed Apartment Building, in addition to being far in excess of that originally contemplated and for the purpose for which the ROW was granted (access to a single residential property) would, self-evidently, significantly reduce the amenity and value of 58 Colin”

“The ROW was not designed or constructed to cope with the traffic flow which would be generated by the Proposed Apartment Building. HPPL queries what upgrade obligations may be imposed on the Developer and what maintenance obligations may be imposed on the owners of the apartments in the Proposed Apartment Building”

“If vehicular access is also required to 23 Emerald Terrace, a 4.0m Right of Way is already in place to the rear of Lot 40 but this will need to be re-negotiated with the owner and amended to allow for properly designed vehicular access with clear sightlines and passing ability into 23 Emerald Terrace.”

Bulk and Scale

“The fact that the proposed height of the building of 23m is three times the height of the average building (8.5m average) along Emerald terrace whilst being the same width (ie 12m) of the smallest. It is suggested that this conflicts with the existing scale and massing along the street and makes a negative contribution to the streetscape.”

“It is our view that the proposed development will create a discontinuity in the existing streetscape because of its height relative to surrounding buildings in Emerald Terrace as this proposed development is of an inconsistent scale compared with all other building along Emerald Terrace.”

“The proposed development does not reflect the vertical emphasis of three and four storey developments along Emerald Terrace. No development along Emerald Terrace currently exceeds four storeys and from the southern end of and part way along Emerald Terrace, the proposed development exceeds the vertical emphasis by a number of storeys.”

“The proposed development overbears the tree-lined vista of Emerald Terrace and places too much emphasis on the built form from a distance and from immediately adjacent to the proposed development, whereas the existing three and four storey construction along this narrow one-way street sits in harmony with the trees and gardens”

“The proposed development will not be of a human scale.”

“A residential development of 8 storeys completely inappropriate in the narrow confines of Emerald Tce. It will lead to increased traffic in a narrow one-way street and the height of the proposal and proximity to the existing building at 17 Emerald Tce is such that it will significantly interfere with the sunshine and amenity available to existing occupants.”

Overshadowing and Loss of Privacy

“The fact that the proposed building is located to the north of 17 Emerald Terrace and by virtue of its height, will cast a shadow on north-facing apartments. This will rob these apartments of their current direct sunlight which does not comply with the design principle of maximising sunlight penetration into adjoining properties.”

“The scale of the Proposed Apartment Building will cause significant overshadowing on, and overlooking from, the Proposed Apartment Building to 58 Colin (and adjacent properties in both Emerald Terrace and Colin Street)”

“The proposed development's Levels 1, 2 and 3 bedroom windows for the rear apartments look directly at the large balconies and windows of Apartments 8 and 13 at 17 Emerald Terrace. The horizontal distance between windows of the two buildings will be around 13m and the sight-lines are uninterrupted. Consideration should be given to providing additional privacy by incorporating privacy/perforated screens on the bedroom windows of the rear apartments of the proposed development which direct the view towards the Goldfields building rather than directly to Apartments 8 and 13.”

“Because of the height of the proposed development, it will adversely impact on sunlight onto the balconies of Apartments 8 and 13. It will also reduce the available light into Apartments 3, 6 and 11. This will be accentuated in winter months. Reducing sunlight in this part of 17 Emerald Terrace is contrary to the design principle of maximising sunlight penetration. Reducing the height of the building will address this.”

“The proposed plans show that the building is 3.6 m off the southern boundary which is an encroachment into the required setback area which I understand should be 4 metres. Please could you lodge my complaint and ensure the plans are modified to meet the requirements.”

Lack of Visitor Car Parking

“On-street parking is a premium resource already within the area and therefore visitor parking should be provided within the proposed development. It has not been

allowed for and under the current ground floor and basement layout, cannot be accommodated. Reducing the number of apartments in this complex, whilst maintaining the current on-site parking arrangement, would allow for visitor parking.”

“There are currently 10 on-street parking spaces providing up to three hours parking within 150m of the proposed development along Emerald Terrace and there are currently 10 on-street parking spaces providing up to three hours parking within 150m of the proposed development along Colin Street. These parking spaces are highly utilised on week days by visitors to commercial premises along these two streets. It is therefore suggested that on-street facilities will not adequately provide for visitors and therefore visitor spaces should be provided for within the proposed development.”

Construction Issues

“A Dilapidation Survey needs to be undertaken prior to construction commencing, and agreed to with the Council of Owners of 17 Emerald Terrace, and a survey should be undertaken from time to time during basement excavation and construction and again on completion”

“Dust control during excavation and earthworks needs to be strictly adhered to.”

“Construction vehicles should access the site from Emerald Terrace and not the rear driveway as the rear driveway is a shared private driveway owned by a party not involved in the proposed development and in favour of two parties not involved in the development. Construction vehicle parking should not be allowed on Emerald Terrace given the limited street-parking already. Emerald Terrace road surface should be reinstated to new on completion. Because it's a narrow one way street, temporary parking on Emerald Terrace or the footpaths should not be tolerated nor should idling vehicles as this causes a noise disturbance along Emerald Terrace.”

“The rear section of the existing dividing wall will need to be rebuilt as the shed structure to be demolished forms the dividing wall.”

Design Advisory Committee

At its meeting held on 2 April 2015, the City of Perth’s Design Advisory Committee (DAC), having considered the design for the proposed development advised that:-

- “1. it notes the simple form of the proposed building but is unable to support the current design as it is considered that the façade design is poorly composed; the internal unit design is not well resolved; and the roof form is inappropriate for the building and its context;*
- 2. additional in-ground landscaping should be reinstated in the south-east portion of the front setback area, incorporating substantial trees with appropriate canopy and scale; and*
- 3. it notes the potential for a redesigned roof to incorporate usable spaces for residents and/or green roof elements.”*

The applicant subsequently met with the City's officers and submitted revised plans that aim to address the abovementioned issues. The planning assessment section below details the extent to which the revised plans respond to the design matters raised by the DAC.

Building Design, Materials and Finishes

As outlined above, the DAC raised various design concerns in relation to the original proposal. The proposed design of the development has subsequently been modified to address the specific concerns of the DAC. In particular, the addition of contrasting materials and finishes and refinement of the types and location of glazing have assisted in breaking up the expanse of the development and adding interest to its design. Through the process of revising the design the applicant has been able to incorporate additional floor area. This has resulted in a net increase of one unit however the maximum plot ratio for the site has not been exceeded.

It is considered that the revised development is contemporary in design with a variety of materials, finishes and colours being used to accentuate features and minimise the impact of different elements of the building. The façades of the building have been sufficiently articulated with vertical elements, varied window typologies and angled horizontal features to reduce the overall bulk of the building.

In accordance with DAC's comments, the applicant has also revised the internal layouts of the apartments to improve their efficiency and amenity for future occupants. This has been achieved by increasing the dimensions of living areas, reducing the amount of internal walls to 'open' the apartment spaces and internalising bathroom and laundry areas to ensure habitable areas gain better access to natural light and ventilation.

In response to the DAC's concerns in relation to landscaping, the applicant has simplified the design of the south eastern portion of the front setback area. The previous convoluted arrangement of services and retaining walls has been modified to accommodate sufficient area for the planting of substantial vegetation.

In relation to the DAC's comments regarding the potential to redesign the roof to incorporate usable spaces for residents or green elements, the roof area has been redesigned. The previous skillion design which was not supported by the DAC, has been replaced to a flat arrangement and the previous roof space has been converted to a penthouse apartment. Whilst the redesign does not achieve the communal use or greenspace envisioned by the DAC, it does provide for an improved design response with the recessed roof line capping the building facades and 'completing' the development.

Building Height and Setbacks

The proposed development is compliant with respect to overall building height as it proposes a maximum building height of 28 metres whereas a maximum of 29 metres is permitted for the site under CPS2.

There are a number of variations proposed to the setback requirements of CPS2. The required 4.5 metre front setback is generally maintained to the Emerald Terrace Street boundary with the exception of an architectural entry element located over the ground floor entry area which is setback 4.1 metres. The encroachment is not considered to detract from the existing streetscape and will not be dominant or imposing from the adjacent pedestrian street environment. The variation can therefore be supported based on the design being consistent with the requirements of Clause 47 of CPS2.

Variations are also proposed to the north and south four metre side setback requirements of CPS2. The proposed northern side setback variation is considered to be acceptable given the reduced nil setback only applies to the ground floor level and the main building is setback to the four metre standard. The ground floor pergola structures screening the driveway and car parking area are lightweight and do not add to the bulk and scale of the northern elevation. It is also noted that no objections were received from the adjoining landowner/s to this proposed setback variation.

The proposed southern side setback of 3.6 metres to levels one to eight is, by contrast, a more significant variation, which is also subject to an objection from the adjoining landowner/s. The variation is contained within the central portion of the development's southern elevation. This area contains the lift and stairwell core, store rooms and air conditioning enclosures which are inactive spaces and not considered to create issues in terms of privacy/overlooking for the adjoining property. Given the variation is minor (0.4 metres) and contained centrally within the site, there are minimal impacts in terms of increased overshadowing as opposed to a fully compliant development. A review of the proposal's overshadowing extent has confirmed that the reduced setback will only have a negligible impact on the existing adjacent residential development. It is considered that the variation can be supported as the setback variation would not compromise the requirements of Clause 47 of CPS2.

A 2.2 metre setback from the main building is proposed for a portion of the rear boundary however the majority of the building achieves the 3 metre setback requirement of CPS2. The proposed setback variation is considered acceptable given the irregular shape of the rear boundary and the encroachments only impact on the adjacent Right of Way which abuts the site. The setback variation can therefore be supported in accordance with Clause 47 of CPS2.

Amenity Impacts and Orderly and Proper Planning

It is evident from the range of issues raised within the submissions received that there is concern from adjacent landowners that the proposed development, due to its scale, bulk and dwelling density, will have a detrimental impact on the character and amenity of the locality, devaluing the surrounding properties and resident's enjoyment of the area.

It is acknowledged that much of the concern has arisen as the proposal will be the first major scale redevelopment within the locality. The development is however compliant with the plot ratio and maximum height requirements of CPS2 with only limited variations to setbacks and is considered to contribute to the relevant activity, vitality and population targets of the City's 'Urban Design Framework'.

The issues relating to the use of the existing rear Right of Way that originally provided access to the proposed development (via 50-56 and 58-60 Colin Street) have been resolved by the applicant. All vehicular access to the proposed development is now from Emerald Terrace with all vehicular connections to the rear Right of Way having been eliminated from the revised plans. Some limited pedestrian access to the Right of Way has been maintained and is supported on the basis that the subject property has legal access to the existing laneway and provides pedestrian access to public transport facilities along Colin Street.

The concerns raised in relation to a perceived loss of privacy are acknowledged however the proposed development is compliant with CPS2 requirements with respect to the setback of major openings and windows. It is also noted that the adjoining development at 17 Emerald Terrace is setback between 1.5 metres and 18 metres (with no major openings apart from balconies within the front setback area) and 19 metres from the common boundary with the subject site. Therefore the potential for overlooking and loss of privacy is minimal, particularly given its inner city context.

The matters raised in relation to future construction implications of the development are noted and common to all major development within the City. Construction issues can be addressed through standard conditions of approval and managed at the building permit stage.

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

Car Parking

The development is compliant with respect to resident car parking bay provision as prescribed by the City's Parking Policy (5.1). However, the Policy also states that visitor parking should be provided in residential areas where it can be expected that existing on-street facilities will not adequately provide for visitors to the development. It is considered that the expected demand for visitor parking from the development can be adequately provided for by the presence of on-street bays adjacent to the site. There is also a high level of public transport availability in the area including high frequency public transport services which are located within 400 metres of the site.

Landscaping

The proposed development provides for approximately 22% of the site as landscaped area, which represents a variation to the 25% requirement of CPS2. The variation is considered to be minor given it only represents a shortfall of 3% (or 22m²). The shortfall is also offset by the proposed addition of vegetation to the steel framed pergolas within the driveway and rear car parking area on the ground floor which will provide for a 'vertical garden'. The variation to landscaping provision is therefore supported based on the quality and functionality of landscaping being consistent with the requirements of Clause 47 of CPS2.

Conclusion

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

It is considered that the proposed development will add to the residential living environment in this area of West Perth. The development generally complies with the requirements of CPS2, with the proposed setback variations being supported in accordance with Clause 47 of CPS2.

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

ITEM NO: 6

**248-260 (LOTS 4, 5 AND 6) HAY STREET, EAST PERTH –
ALTERATIONS AND ADDITIONS TO THE CARLTON HOTEL
INCLUDING THE CONSTRUCTION OF A SIX-LEVEL MIXED USE
DEVELOPMENT CONTAINING 82 HOTEL ROOMS, DINING, RETAIL
AND ENTERTAINMENT USES**

**PLANNING COMMITTEE
RECOMMENDATION:**

(APPROVAL)

That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application for alterations and additions to the Carlton Hotel including the construction of a six-level mixed use development containing 82 hotel rooms, dining, retail and entertainment uses at 248-260 (Lots 4, 5 and 6) Hay Street, East Perth, as indicated on the Metropolitan Region Scheme Form One dated 22 May 2015, and as shown on the plans received on 5 August 2015 and 4 September 2015, subject to:

- 1. the development being constructed with high quality materials and finishes and to a level of detailing that is consistent with the elevations received on 5 August 2015 and the perspectives received on 4 September 2015, with particular attention to the durability of external treatments and compatibly with the existing heritage building, with final details of the design and a sample board of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;*
- 2. the south opening to the west elevation being retained as a window opening, as this is an area of exceptional significance (beneath the vertical 'Carlton Hotel' in the 3D perspective);*
- 3. the section of remnant brick wall to the east entrance being interpreted in the finished floor treatment, and a wall nib of 450mm being retained;*

(Cont'd)

4. *the existing French doors to the first floor verandah being retained for possible future re-use in new development in consultation with the State Heritage Office and to the satisfaction of the City;*
5. *paint investigations into the original colour scheme being undertaken to inform the final colour scheme of the external facades;*
6. *the steel frame shade structure to the west beer garden being relocated further north behind the first window on the facade return to the west elevation, to minimise impact on the views to the hotel;*
7. *a program of monitoring any structural movement and potential vibration impacts on Carlton Hotel being implemented at the commencement of works. Should any impact occur, the City and the State Heritage Office is to be notified immediately and advised on a recommended course of action by a qualified structural engineer;*
8. *the following being provided in consultation with the Executive Director of the State Heritage Office and being submitted to the City for approval prior to applying for a Demolition and/or Building Permit:*
 - 8.1 *further information relating to the impact on the fabric as a result of the installation of services;*
 - 8.2 *further elevations detailing the proposed approach to the removal and interpretation of internal walls and fabric of the former cocktail bar, back bar and upstairs lounge;*
 - 8.3 *the number of adapted openings to the east elevation being reduced to minimise impact to original fabric. This is to be informed by a survey of existing openings, previous changes and proposed use;*
 - 8.4 *consideration being given to more substantial retention of internal walls and fabric of the former cocktail bar, back bar and upstairs lounge to interpret the hotel's original configuration and in order to retain significant original fabric;*

(Cont'd)

- 8.5 a Dilapidation Report for Carlton Hotel completed by a suitably qualified structural engineer;**
- 8.6 a standard archival record of the Carlton Hotel being prepared according to the Guide to Preparing an Archival Record, superseding the information contained in the Heritage Impact Statement which is not a sufficient record of this information;**
- 8.7 an interpretation plan that includes a thematic approach based on the place's cultural significance, and strategies to interpret those themes. This should include but not be limited to the hotel being the first in the state to have purpose-built garages, and the association with architectural firm Eales and Cohen. It should also include details of implementation, including timeframes and responsibility; and**
- 8.8 a schedule of materials and colours;**
- 9. the owner making arrangements to enter into a Heritage Agreement with the Heritage Council and the City that will be binding on current and future owners, to provide for the ongoing conservation and maintenance of the place, prior to applying for a building permit. The Heritage Agreement is to include a schedule of conservation works to the Carlton Hotel that outlines the proposed methodology, materials and finishes, as well as timeframes for completion;**
- 10. final details of the development's compliance with conditions 2 to 9 above being submitted to the City prior to applying for the relevant demolition licence and/or building permit;**
- 11. any proposed external building plant, air conditioner condensers, lift overruns, piping, ducting, water tanks, transformers and fire booster cabinets being located or screened so that they cannot be viewed from the street and to minimise any visual and noise impact on the adjacent developments, including any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted and approved prior to applying for a building permit;**

(Cont'd)

12. *the recommendations contained in the Waste Management Plan prepared on 18 May 2015 by Low Impact Development Consulting being implemented by the operators of the hotel and tavern developments on an on-going basis and to the satisfaction of the City;*
13. *a Hotel Management Plan addressing the operation of the hotel in accordance with the provisions of the City's Special Residential (Serviced and Short Term Accommodation) Policy, including but not being limited to the following:*
 - a) *company name and relevant experience of management/operator;*
 - b) *type or extent of room service to be offered;*
 - c) *cleaning and laundry services, where applicable;*
 - d) *opening hours for guest check-ins and check-out including the method of reservations / bookings;*
 - e) *security of guests and visitors;*
 - f) *control of noise and other disturbances; and*
 - g) *a complaints management service;*

being submitted and approved by the City prior to the occupancy of the hotel with the management plan being implemented by the hotel proprietor/manager on an on-going basis and to the satisfaction of the City;
14. *the recommendations and noise management measures contained in the draft Acoustic Report prepared on 2 July 2015 by Herring Storer Acoustics, regarding the proposed hotel and tavern refurbishment, being implemented in full with the relevant building permit plans being certified by a qualified acoustic consultant confirming the development can achieve compliance with the relevant noise legislation;*
15. *any music or other entertainment within the external restaurant and tavern courtyard areas shall be strictly background noise levels only at 60 dB(A) one metre away from the speakers at all times;*

(Cont'd)

16. *a Management Plan for the tavern, detailing control of noise, patron behaviour and hours of operation, being submitted and approved prior to the tavern / small bar use coming into operation, with the management plan being implemented by the proprietor / manager of the premises on an on-going basis;*
17. *on-site stormwater disposal/management being to the City's specifications with details being submitted to the City for approval prior to applying for a building permit;*
18. *a Vehicular, Service and Delivery Access Plan, outlining the management strategies to deal with the dropping off and picking up of hotel guests via taxi or other transport; strategies for advising guests upfront of limitations in private car parking in the locality; and including arrangements for on-site servicing of the building, being submitted and approved by the City prior to the occupation of the hotel building with the plan being implemented by the hotel proprietor/manager thereafter to the satisfaction of the City;*
19. *any additional signage for the development being integrated with the design of the building with any signs not exempt from approval under the City's Planning Policy 4.6 – Signs being subject to a separate application for approval;*
20. *the design of the rear bin store being modified to accommodate a 1.5 metre visual truncation to the adjacent right of way to provide for suitable sight lines for vehicles and pedestrians;*
21. *the design of the development within the front south western portion on Lot 6 accommodating 3.66 metres of future widening of the adjacent Hay Street road reserve to the satisfaction of the City in accordance with the City's Hay Street Pedestrian Walkway and Road Reserve Widening Policy 6.7 with the road widening to be set aside as a separate lot for future acquisition and transfer to the City;*

(Cont'd)

- 22. *written agreement between the owner of the site and the City confirming the future Hay Street widening arrangements contained within condition 21 above being finalised prior to applying for a building permit;***
- 23. *arrangements being made for the subject lots to be amalgamated into one lot on one Certificate of Title prior to occupation of the building(s); and***
- 24. *a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:-***
 - a) the delivery of materials and equipment to the site;***
 - b) the storage of materials and equipment on the site;***
 - c) the parking arrangements for the contractors and subcontractors;***
 - d) any dewatering of the site; and***
 - e) other matters likely to impact on the surrounding properties.***

BACKGROUND:

SUBURB/LOCATION:	248-260 (Lots 4, 5 and 6) Hay Street, East Perth
FILE REFERENCE:	2015/5186
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	City Planning and Development
DATE:	1 September 2015
MAP / SCHEDULE:	Schedule 8 – Map and coloured perspectives for 248-260 Hay Street, East Perth
LANDOWNER:	Ablebay Holdings Pty Ltd
APPLICANT:	Scanlan Architects
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Goderich (P14) (City Planning Scheme Use Area) Town Centre
APPROXIMATE COST:	\$5 million

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

SITE HISTORY:

The site has a total area of 2,462m² and is located on the north side of Hay Street. The site currently contains the Carlton Hotel which was constructed in 1928 and is listed on the State Register of Heritage Places and the City's Register of Places of Cultural Heritage Significance.

At its meeting held on **22 February 2011** Council granted conditional approval for the redevelopment of the site for bar ('Entertainment') and café ('Dining') uses and for the construction of a 19 storey mixed use development containing 59 hotel rooms, 81 multiple dwellings and 98 car parking bays. The approval was not acted upon and has since lapsed.

DETAILS:

Approval is sought for the partial demolition and refurbishment of the existing 'Carlton Hotel' building and associated structures, refurbishment of the public bar including new outdoor beer gardens and the upgrading of existing 28 hotel rooms, and the addition of a six level hotel building including 54 new hotel rooms and associated facilities.

Details of the proposed redevelopment are as follows:

Ground Floor Level	This level contains a tavern, beer garden, café/restaurant, alfresco dining areas, hotel lobby and reception area, shop, back of house storage and facilities for the tavern and hotel, amenities, bicycle parking racks, fire exit stairwell, lifts and lift lobby.
First Floor Level	This level contains 30 hotel rooms, fire exit stairwell, lifts and lift lobby.
Second and Third Floor Levels	These levels each contain 18 hotel rooms, fire exit stairwell, lifts and lift lobby.
Fourth Floor Level	This level contains 8 hotel rooms, communal terrace area, fire exit stairwell, lifts and lift lobby.
Fifth Floor Level	This level contains 8 hotel rooms, fire exit stairwell, lifts and lift lobby.

The development is proposed to be constructed and finished using a mix of feature off-form concrete, composite timber cladding, face brick, flush finished render, curtain wall glazing, glass balustrading and perforated screens.

LEGISLATION / POLICY:

Legislation *Planning and Development Act 2005*
City Planning Scheme No.2

Policy
Policy No and Name: 4.1 - City Development Design Guidelines
 4.5 - Plot Ratio
 4.6 - Signs

- 4.10 - Heritage
- 5.3 - Bicycle Parking and End of Journey Facilities
- 6.3 - Goderich Design Policy

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject site is located in the 'Town Centre' use area of the Goderich Precinct 14 of City Planning Scheme No. 2 (CPS2). The Goderich Precinct will be further developed as a residential neighbourhood accommodating a wide range of residential and employment opportunities serviced by activities which support these uses. The town centre on Hay Street will be further consolidated and enhanced as a community focus providing residents, visitors and nearby workers with a range of shopping, commercial and community facilities.

'Dining', 'Retail (General)' and 'Special Residential' are preferred ('P') uses and 'Entertainment' is a contemplated ('C') use within the Town Centre use area of the Goderich Precinct 14. It is considered that the retention and adaption of the existing hotel for entertainment, accommodation and dining uses complies with the Statement of Intent of the Precinct and will support the existing and future residential developments within the Precinct.

Development Requirements

Within the Town Centre use area, generally only shops, showrooms and restaurants will be permitted to front Hay Street, although a range of residential and commercial uses will be permitted on upper levels, or to the rear. Residential and visitor accommodation in this area of the Precinct are encouraged.

New development along the shopping 'strip' in Hay Street will have a nil street setback and be of a low scale along the street frontage and incorporate a shop front design with pedestrian weather protection over the footpath. Additional building height will be setback from all lot boundaries. Building heights shall be tailored to provide for adequate levels of sunlight penetration into the street. Development shall also have regard to the existing development and complement historic buildings. In general the pedestrian environment in Hay Street, is to be improved to promote this street as a major pedestrian route.

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

Development Standard	Proposed	Required
Maximum Plot Ratio	1.0:1 (2,462m ²)	4.0:1 (9,848m ²)
Maximum street building height:		
<u>Hay Street</u>	11 metres (existing)	14 metres

Development Standard	Proposed	Required
Maximum building height:	21 metres with all buildings contained within the height plane	Additional height above the street building height within a 45 degree angled height plane measured from Hay Street
Setbacks:		
<u>Front (Hay Street)</u>	Nil (with development on the western portion of the site 19.1 metres)	Nil up to a height of 14 metres
<u>Side (east)</u>	1.5 metres (existing building) to 18 metres	Nil (no openings) 4 metres (with openings)
<u>Side (west)</u>	Nil (ground floor shop) to 4 metres	Nil (no openings) 4 metres (with openings)
<u>Rear (laneway)</u>	Nil (bin store) to 3 metres (amenities and loading area); 4 metres (main building)	Nil (no openings) 4 metres (with openings)
Car Parking:	Nil	37 bays (maximum)
Bicycle Parking:		
Special Residential	Nil	28 bays (minimum)
Commercial	11 bicycle parking bays	2 bays (minimum)

Variations to the setbacks and bicycle parking provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:

‘47(3)(c)(i) if approval were to be granted, the development would be consistent with:

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

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

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

COMMENTS:

Consultation

The application was not advertised to the adjoining landowners for comment as the development does not propose any significant variations to the Scheme provisions that are considered to negatively impact on adjoining properties.

Design Advisory Committee

At its meeting held on 25 June 2015, the City of Perth’s Design Advisory Committee (DAC), having considered the design for the proposed development advised that it:-

- “1. supports the location of the beer garden adjacent to Hay Street in terms of providing street activation but considers that there should be improved definition or enclosure of the beer garden at the street frontage and with more detailing of the landscaping of this area being required;*
- 2. considers that more attention should be given to defining the entry to the new hotel building, perhaps through the inclusion of a loggia that also offers weather protection to guests and the use of permanent, strengthened landscaping between the adjoining car park and the entry;*
- 3. requests that more detail be provided in regard to confirmation of materials, finishes and construction techniques for the new hotel;*
- 4. considers that the scale of the wrap-around screen and sign element on the new hotel is inappropriate and should be reviewed;*
- 5. considers that the colour of the rear fire escape stairs should be consistent with the colour pallet for the rest of the new development on the site.”*

The applicant subsequently liaised with the City’s officers and submitted revised plans which aim to address the abovementioned issues. The planning assessment section below details the extent to which the revised plans respond to the design matters raised by the DAC.

Heritage

The application was formally referred to the Heritage Council of Western Australia (HCWA) for comment as the subject site is listed on the HCWA’s State Register of Heritage Places (Place Number: 2161) and the CPS2 Places of Cultural Heritage Register.

In its letter dated 13 August 2015, the HCWA, having considered the application advised that it is supported subject to the following conditions:

- “1. The south opening to the west elevation shall be retained as a window opening, as this is an area of exceptional significance (beneath the vertical 'Carlton Hotel' in the 3D perspective).*
- 2. The number of adapted openings to the east elevation shall be reduced to minimise impact to original fabric. This is to be informed by a survey of existing openings, previous changes and proposed use.*
- 3. Consideration shall be given to more substantial retention of internal walls and fabric of the former cocktail bar, back bar and upstairs lounge to interpret the hotel's original configuration and in order to retain significant original fabric.*
- 4. The section of remnant brick wall to the east entrance shall be interpreted in the finished floor treatment, and a wall nib of 450mm shall be retained.*
- 5. Existing French doors to the first floor verandah shall be retained for possible future re-use in new development.*
- 6. Paint investigations into the original colour scheme shall be undertaken to inform the final colour scheme of the external facades.*
- 7. The steel frame shade structure to the west beer garden shall be relocated further north behind the first window on the facade return to the west elevation, to minimise impact on the views to the hotel.*
- 8. The following information being provided to the satisfaction of the Executive Director of the State Heritage Office prior to the application for a Demolition and/or Building Permit:*
 - a. Further information relating to impact on the fabric as a result of the installation of services.*
 - b. Further elevations detailing the proposed approach to the removal and interpretation of internal walls and fabric of the former cocktail bar, back bar and lounge.*
 - c. A Dilapidation Report for Carlton Hotel shall be completed by a suitably qualified structural engineer and is to be submitted to the State Heritage Office for advice.*
 - d. A program of monitoring any structural movement and potential vibration impacts on Carlton Hotel shall be implemented at the commencement of works. Should any impact occur, the State Heritage Office is to be notified immediately and advised on a recommended course of action by a qualified structural engineer.*
 - e. A standard archival record of the Carlton Hotel shall be prepared according to the Guide to Preparing an Archival Record. The information contained in the Heritage Impact Statement is not a sufficient record of this information.*
 - f. An interpretation plan that includes a thematic approach based on the place's cultural significance, and strategies to interpret those themes. This should include but not be limited to the hotel being the first in the state to have purpose-built garages, and the association with architectural firm*

- Eales and Cohen. It should also include details of implementation, including timeframes and responsibility.*
- g. *A schedule of materials and colours.*
9. *Before the application for a building permit the owner is to enter into a Heritage Agreement with the Heritage Council that will be binding on current and future owners, to provide for the ongoing conservation and maintenance of the place. The Heritage Agreement is to include a schedule of conservation works to the Carlton Hotel that outlines the proposed methodology, materials and finishes, as well as timeframes for completion."*

In addition, the SHO advised of the following findings in their assessment:

"Although substantial demolition is occurring to the place, including the entire west wing, first floor verandah, and rear additions, these are areas of lower significance and may be adapted, developed or removed as required for a sustainable future use.

Overall, the proposal has a positive outcome that will retain and conserve much of the original significant fabric and will ensure the ongoing use of the place as a hotel."

Any approval should be conditioned to comply with the HCWA's conditions of support, as detailed above with details of the development's compliance and approval of the HCWA, being submitted to the City prior to the issue of the relevant demolition and building permits.

Building Design, Materials and Finishes

The proposed design of the development was generally supported by the DAC as outlined above, with the new building and structures of the development providing appropriate levels of compatibility and contrast to the retained heritage building within the site. However the DAC did raise some concerns with respect to certain elements of the design and the applicant has modified the development's design to address these matters.

In particular, additional steel framed canopy structures and masonry planters have been added to the alfresco dining and beer garden area located adjacent to the Hay Street frontage. The additional features maintain the previous level of street activation however provide for an improved built form response to the street and definition of the function of the space in relating to the adjacent heritage listed building. It is considered that the improved definition of the space will also assist in the management of patrons within the liquor licenced areas.

In accordance with DAC's comments, the applicant has improved the presence and functionality of the elongated entrance to the rear hotel development. A covered walkway and better defined landscaping component have been added to improve weather protection for guests arriving and leaving the premises and to differentiate the entry space from the adjacent car parking area.

Responding to the DAC's concerns regarding the inappropriate scale of the screening and sign element on the façade of the new hotel element, the applicant

has refined its scale to be more appropriate to the new building and its setting. In addition, the rear fire escape stairwell has been modified to a colour and finish which is consistent with the development in accordance with DAC's comments.

The applicant has provided some additional detail with respect to the construction type, materials and finishes of the development. The additional detail responds to some of the DAC's concerns however it is noted that these will be further refined at the detailed design stage. In view of DAC's comments, it is considered appropriate to ensure by way of condition, that final details of the new development in particular, be submitted and approved prior to applying for a building permit.

Building Height and Setbacks

In accordance with the City's Goderich Street Design Policy (6.3), the site has a maximum street building height of 14 metres with additional height above this contained within a 45 degree angled height plane measured from Hay Street. The proposed development is compliant in this respect given the retained heritage building has a street building height of 11 metres and the maximum height of development on the site is 21 metres , all within the prescribed height plane.

The Policy requires new development along this portion of Hay Street to be constructed with a nil setback in order to provide for a consistent and 'shopping strip' streetscape. The retained heritage building complies with this requirement however the new hotel development to the rear of the site represents a variation as it is setback 19 metres from the frontage. The variation can be supported noting the heritage significance of the existing Carlton Hotel and the desire to ensure that new development does not negatively impact on the cultural significance of the place. In particular the siting of the new development to the rear has facilitated a design that is sympathetic to the heritage building and its curtilage. The use of this large front setback area for dining and alfresco purposes will ensure the site sufficiently engages with the street.

A variation is also proposed to the eastern four metre side setback requirement of the Policy. The existing hotel building is setback approximately 1.5 metres from the eastern boundary, with the proposed new hotel development setback approximately 18 metres from the same boundary. As previously discussed, the existing hotel building is listed on the HCWA's State Register of Heritage Places and the CPS2 Places of Cultural Heritage Register with the existing building required to be retained in accordance with the relevant listing requirements. The proposed variation can therefore be supported in accordance with the provisions of Clause 47 of CPS2 given the bulk and scale of the existing building is not being altered adjacent to the eastern boundary.

Road Widening

Lot 6 of the subject site is subject to road widening of 3.66 metres as detailed in the City's Hay Street Pedestrian Walkway and Road Reserve Widening Policy (6.7). The previous proposal approved by Council at its meeting held on **22 February 2011** was modified to accommodate this acquisition. The current application however does not account for future acquisition noting the location of minor structures related to the

external courtyard within the frontage area as recommended by the DAC. The structures are not major and can therefore be removed when future road widening occurs.

Under the provisions of the Policy, where an area of road widening was included for the purposes of calculating plot ratio, it is to be set aside as a separate lot and ceded free of cost and transferred to the City of Perth, without payment or compensation. Given the proposed area does not contribute to plot ratio, Section 5.3 requires that in cases where the road widening area is not included in the site area calculations, the road widening is to be set aside as a separate lot for future acquisition and transfer to the City.

In addition the previous proposal allowed for a portion of the north-west corner of the site for the widening of the right of way. This has not been proposed as part of the development however City officers recommend an appropriate visual truncation be factored into the design of the rear bin store by way of condition on any approval to provide for suitable sight lines. Future widening of laneway can be investigated as part of any future redevelopment noting the current proposal is a medium term project as per the landowners advice.

Given the previous arrangements with the landowner/applicant and the City, it is considered appropriate that any approval be conditioned to require a written agreement between the owner of the site and the City confirming the above future Hay Street widening arrangements prior to applying for the relevant building permit.

Noise

The applicant submitted an Acoustic Report in support of the proposed works which is considered to be a draft assessment in relation to proposed noise mitigation measures and potential for the development to comply with the associated noise regulations. It is therefore considered appropriate that the relevant building permit plans be certified by an acoustic consultant to confirm that the proposed development contains the appropriate acoustic requirements to achieve compliance with the relevant noise legislation.

Bicycle Parking

A minimum of 30 bicycle parking bays is required under the City's Bicycle Parking and End of Journey Facilities Policy (5.3). Eleven bicycle racks are proposed to be located on the ground level to the rear of the hotel development. The minimum bicycle parking requirement of 30 bays, with 28 being attributed to the hotel development, is however considered onerous given the hotel guests and patrons are unlikely to be arriving by bicycle and these facilities will be mainly used by staff of the hotel and tavern. Given the anticipated low demand and the availability of alternative general storage areas should demand be exceeded, it is considered that the variation to the Policy provisions can be supported.

Conclusion

The proposed redevelopment will facilitate the refurbishment of the existing heritage listed Carlton Hotel development and provide additional hotel accommodation within

the Goderich Precinct. In response to the concerns of the Design Advisory Committee, the applicant has provided revised plans and elevations to improve the overall presentation and quality of the design.

The development generally complies with the requirements of CPS2, with the proposed setback and bicycle parking variations being supported in accordance with Clause 47 of CPS2. Other aspects of the development including materials/finishes can be conditioned to address the Council's requirements.

Given the above, it is recommended that the proposed development be supported subject to relevant conditions. The recommendations of the HCWA are also supported and should form conditions of approval in this case.

ITEM NO: 7

860 (LOTS 2, 11 AND 12) HAY STREET, PERTH – ALTERATIONS AND ADDITIONS TO AN EXISTING BETTING AGENCY - TAB

PLANNING COMMITTEE RECOMMENDATION:

(APPROVAL)

That Council, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application for alterations and additions to an existing betting agency - TAB at 860 (Lots 2, 11 and 12) Hay Street, Perth, as indicated on the Metropolitan Region Scheme Form One dated 20 July 2015, and as shown on the plans received on 21 July 2015, subject to:

- 1. final details of the external materials, colours and finishes of the new shopfront being submitted to the City for approval prior to applying for a building permit; and***
- 2. any new signage for the tenancy not exempt from approval under the City's Planning Policy 4.6 – Signs being subject to a separate application for approval.***

BACKGROUND:

SUBURB/LOCATION:	860 (Lots 2, 11 and 12) Hay Street, Perth
FILE REFERENCE:	2015/5291
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	4 September 2015
MAP / SCHEDULE:	Schedule 9 – Map for 860 Hay Street, Perth
LANDOWNER:	Yee Sang Investment Pty Ltd
APPLICANT:	Modus Design Pty Ltd
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Citiplace (P5) (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	\$50,000

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

SITE HISTORY:

The ground floor tenancy of the subject site is currently tenanted by an agency of the Totalisator Agency Board ('TAB') which provides betting and gaming services to the general public. The upper floor tenancy is vacant and has been untenanted for an extended period of time.

DETAILS:

Approval is sought to refurbish the existing TAB tenancy by removing the existing recessed shopfront glazing, extending the current floor slab and ceiling elements out to the building line and installing new glazing and an entrance suite adjacent to the Hay Street frontage. Improvements to accessibility also form part of the proposal with the installation of a new internal ramp to comply with the relevant Australian Standard(s).

The proposal seeks to address the existing recessed shop front (approximately four metres in depth by seven metres in width) which currently provides a semi-concealed area which the applicant has advised is regularly used for antisocial activities, particularly after hours, and for littering purposes. The recessed area is also currently not ideal for the safety of after hours suppliers who are required to unlock and access the premises.

LEGISLATION / POLICY:

Legislation *Planning and Development Act 2005*
City Planning Scheme No.2

Policy
Policy No and Name: 4.1– City Development Design Guidelines
 6.7 - Hay Street Pedestrian Walkway and Road Reserve
 Widening Policy

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject site is located in the City Centre Use Area in the Citiplace Precinct 5 under City Planning Scheme No. 2 (CPS No.2). The intent of the Citiplace Precinct is to offer a wide range of general and specialised retail uses as well as a mix of other uses such as entertainment, commercial, medical, service industry, residential and minor office. The refurbishment works associated with the current betting agency ('Entertainment') use are considered to be consistent with the precinct intent.

Development Requirements

New development within the Precinct will have a nil street setback and be of a low scale along the street frontage with any additional building heights being setback from all lot boundaries. Shop fronts will be continuous, complementing traditional shop fronts and will provide awnings or verandahs over footpaths to provide weather protection for pedestrians. The proposal is compliant with respect to these requirements

The proposed extension of the frontage represents a minor increase in plot ratio floor area of 28m² and results in the total floor area of the building on the site increasing to 497m². The proposal is therefore compliant with respect to plot ratio given the site has a maximum plot ratio of 5.0:1.0 (or 3,900m² of floor area).

The property is subject to the City's Hay Street Pedestrian Walkway and Road Reserve Widening Policy (6.7). The Policy objectives are to:

- (a) provide a base for rationalising the land tenure of the pedestrian environment;
- (b) provide a base for the preservation of long term options for footpath widening;
- (c) avoid adverse road widening impacts on individual buildings that contribute to desired streetscape character;
- (d) improve pedestrian and property security, by promoting the development of visible and interactive building facades and pedestrian spaces;
- (e) improve the overall quality of the pedestrian environment, including its visual interest, safety, comfort, convenience and efficiency;
- (f) increase the extent of pedestrian shelter, in a form that is consistent with the preservation of desired streetscape character.

The TAB shopfront has been setback to be consistent with the road widening requirements implemented since the 1950's in accordance with By-laws and as guided by the former Hay Street Guidelines. However, no road widening or colonnade lot was ever established. The variation to the Hay Street widening provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:

'47(3)(c)(i) if approval were to be granted, the development would be consistent with:

- (A) the orderly and proper planning of the locality;*
 - (B) the conservation of the amenities of the locality; and*
 - (C) the statement of intent set out in the relevant precinct plan; and*
- (ii) the non-compliance would not have any undue adverse effect on:*
- (A) the occupiers or users of the development;*
 - (B) the property in, or the inhabitants of, the locality; or*
 - (C) the likely future development of the locality'.*

COMMENTS:

Consultation

The application was not advertised to the adjoining landowners for comment as the development does not propose any significant variations to the CPS2 provisions that are considered to negatively impact on adjoining properties.

Hay Street Pedestrian Walkway and Road Reserve Widening Policy

The subject site is subject to road widening (approximately one metre) as detailed in the City's Hay Street Pedestrian Walkway and Road Reserve Widening Policy (6.7). While the minority of properties on the northern side of this section of Hay Street have been colonnaded, the Policy states that existing colonnading should be retained along this street block and specifically identifies that the City should acquire the land to the existing building façade of 860 Hay Street. The proposal seeks to remove the recessed shopfront, and does not include any provision of setbacks to glazing from the front boundary to accommodate future colonnading and therefore represents a variation to the Policy.

Further colonnades are, as a general principle however, no longer encouraged as colonnades generally do not complement the more traditional streetscape that predominates along Hay Street. The Policy also acknowledges that the flow and security of colonnaded areas is to be improved by discouraging the creation of "dead ends" and unsafe "dark spots", by "re-positioning isolated recessed shop fronts to the property line to provide a uniform building line". As the ground floor of the buildings either side of the TAB tenancy are built up to the traditional street boundary alignment (i.e. have not been colonnaded) and a colonnade lot has not been created to the front of 860 Hay Street, it is considered desirable to realign the TAB shopfront to address the Policy's safety and amenity objectives.

The variation can be further supported in this instance noting that no major structural building works are proposed as part of the refurbishment and any major future redevelopment of the site could facilitate the widening requirements of the Policy. The building also retains its existing canopy to provide pedestrian shelter over the footpath.

Building Design

The design of the proposed alterations and addition is supported on the basis that it will effectively bring the tenancy 'to the street' which is consistent with ground floor developments adjoining the site and within the locality. It is noted that the current frontage configuration of the tenancy with a recessed entry, whilst providing effective universal access, is not in accordance with current principles of Crime Prevention Through Environmental Design (CPTED). The refurbishment works will provide for a secure frontage and eliminate the current 'entrapment' area which has the potential for anti-social behaviour, particularly after hours.

Heritage

The subject site not listed on the City's CPS2 Places of Cultural Heritage Significance Register. The upper floor façade is currently covered by a steel screening element which is not considered to contribute to the streetscape. The current condition or quality of the original façade behind the screen is not known however, archive photos have revealed it was consistent in design with the adjoining properties' facades.

It is noted that neither the subject property, nor the adjoining properties, are heritage listed. However, when viewed in the broader context it is noted that the property is one of eight buildings along this section of Hay Street that together present an intact upper floor streetscape that positively contributes to the character of the street, and which are worthy of investigation by the City. This investigation will form part of future business planning by the City.

Whilst upper level works are not proposed as part of the subject application, it is recommended that the landowner be encouraged to investigate if the original façade remains, and if so consider the restoration of the upper level façade.. This will be communicated to the landowner as part of this development approval process.

Conclusion

The proposed refurbishment works are considered to be an improvement on the existing configuration and façade of the current TAB tenancy in Hay Street. The proposed variation to the Hay Street Pedestrian Walkway and Road Reserve Widening Policy (6.7) can be supported in accordance with the objectives of the Policy and Clause 47 of CPS2.

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

ITEM NO: 8

CITY OF PERTH SUBMISSION ON THE DRAFT HERITAGE BILL 2015 (REVIEW OF THE HERITAGE OF WESTERN AUSTRALIA ACT 1990)

PLANNING COMMITTEE RECOMMENDATION:

(APPROVAL)

That Council endorses the submission to the State Heritage Office on the Draft Heritage Bill 2015 as detailed in Schedule 10

BACKGROUND:

FILE REFERENCE:	P1021248
REPORTING UNIT:	Strategic Planning
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	3 September 2015
MAP / SCHEDULE:	Schedule 10 – City of Perth Submission 2015 Schedule 11 – Review of City of Perth Submissions and Heritage Bill response Schedule 12 – State Heritage Office Fact Sheet for Local Government

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

In April 2011 the Heritage Minister announced a review of the Heritage of Western Australia Act 1990 (the Act) as an initiative of the State Cultural Heritage Policy, which outlines the objectives and focus of the Government in the area of cultural heritage.

The review of the Act involved two phases of public consultation:

1. The release of a Consultation Paper seeking comment on the role of the Heritage Council and the objects and functions of the Act;
2. The release of a Discussion Paper to address stakeholder feedback from phase (1) with an exploration of current practice and approaches of other jurisdictions.

On **10 June 2011** the City of Perth provided comment to the Heritage Council of Western Australia (HCWA) on phase 1. At its meeting held on **6 December 2011** the Council resolved to provide advice to HCWA on phase 2.

On 12 August 2015 the Heritage Minister released the Draft Heritage Bill 2015 (Heritage Bill) for stakeholder and community consultation. The Heritage Bill is the culmination of the 2011 review.

The Heritage Bill has been reviewed in the context of the Council's previous submissions. Schedule 10.

The State Heritage Office's (SHO) fact sheet on the Heritage Bill for local governments is at Schedule 12.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Heritage Act of Western Australia 1990
Integrated Planning and Reporting Framework Implications	Corporate Business Plan S9 Promote and facilitate CBD living 9.2 Review of the City's approach to Conservation of Heritage Places

Strategic Community Plan

Council Four Year Priorities: Community Outcome Healthy and Active in Perth. A view with a well-integrated built and green environment in which people and close families chose a lifestyle that enhances their physical and mental health and take part in arts, cultural and local community events.

DETAILS:

The Heritage Bill is a complete rewrite of the Act, and is a result of 180 submissions received through the release of the Discussion and Consultation Papers in 2011.

The Heritage Bill is considered to have addressed the majority of the issues previously raised by the City as outlined in Schedule 11. Specifically, the Heritage Bill:

- Responds to stakeholder feedback;
- Is written in plain English;
- Is logically structured;
- Strengthens and tightens important areas of the legislation including: Definitions, the Functions of the HCWA.
- Reduces the current two part registration process, involving interim and permanent registration, into one process;
- Includes new sections to assist Local Government and the HCWA in the conservation of place including stopping demolition by neglect;

- Ensures greater transparency for Local Government and ratepayers of the State Heritage Registration decision making process, particularly decisions made by HCWA and Minister;
- Enables the greater use of Regulation to guide the implementation of the legislative requirements set out in the Draft Heritage Bill.

Overall, the Heritage Bill is significantly improved compared to the current Heritage Act 1990. There are however two areas where extra refinement of the Heritage Bill is required:

1. It is considered that the Heritage Bill presents an opportunity for the State Government to lead by example in relation to the ongoing management and care of its assets. The State owns approximately 32 properties within the City of Perth. As such, consideration should be given that State Government apply the same standards and rigour it seeks to apply to private owners. This ensures transparency and leadership in dealing with heritage conservation
2. In making the Heritage Bill legible there is a greater reliance on using Regulations to guide the application of the Act. Regulations to be drafted will include:
 - a. how building permits are to be treated;
 - b. what would be exempt from referral to the HCWA;
 - c. what constitutes detrimental effect from development abutting a heritage site; and
 - d. timeframes in which the HCWA is to render its advice.

There is an implied process of consultation and engagement in the development of these Regulations and the City of Perth and Local Government generally should be actively consulted in the development of these regulations.

The City's submission at Schedule 10 further details the City's response to the Heritage Bill.

FINANCIAL IMPLICATIONS:

There are no direct financial implications attached to this report. HCWA currently does not charge for Heritage Agreements. This is proposed to change which has implications for the City and private landowners implementing the City's heritage incentives through the City Planning Scheme.

These costs are yet to be determined, how they would be borne, and by whom, would need to be determined if this change were to be implemented.

COMMENTS:

The authors of the Heritage Bill (the Minister for Heritage, HCWA and the SHO) should be complimented on producing a new piece of legislation that is:

- Written in plain English;
- Transparent;
- Legible; and a
- A refinement of the existing Heritage Act 1990 based on comment from stakeholders including the Council.

Further clarification is required on how the HCWA propose to develop Regulations to deliver the Heritage Bill, specifically the level of engagement of the City of Perth and local government in this process.

In addition to the above, Part 9 of the Heritage Bill which relates to how the State Government manages their own heritage buildings needs further clarification. Currently the Bill includes mechanisms (including penalties) which require privately owned heritage places to be properly maintained and conserved. This however does not apply where properties are owned by the State Government. It is considered that the Heritage Bill presents an opportunity for the State Government to lead by example in relation to the ongoing management and care of its assets.

The City's submission on the Heritage Bill is detailed in full at Schedule 10.

Submissions on the Heritage Bill 2015 close on Friday, 25 September 2015. The HCWA will review the submissions and deliver final drafting instructions to the Office of Premier and Cabinet, who will then create a final Bill. This document will be taken to Cabinet to seek approval to introduce it to Parliament. It is understood that the aim is to get the Heritage Bill introduced to Parliament in November 2015.

CONFIDENTIAL ITEM NO: 9

PROPOSED STREET NAMES FOR THE ROADS WITHIN THE ELIZABETH QUAY PRECINCT – CONFIDENTIAL REPORT

**PLANNING COMMITTEE
RECOMMENDATION:**

**(ADVICE TO METROPOLITAN
REDEVELOPMENT AUTHORITY)**

That Council advises the Metropolitan Redevelopment Authority that it:

- 1. supports the use of the proposed theme to be used for the naming of new roads and public realm areas within Elizabeth Quay, to create a narrative that is relevant to the location and to the development of Elizabeth Quay;***
- 2. considers that the specific names proposed do not convey a clarity on the theme and recommends that, if the Minister for Lands endorses the use of the proposed names, the Metropolitan Redevelopment Authority should include some interpretive information at Elizabeth Quay in order to explain the significance of the names;***
- 3. notes the advice detailed within the Confidential Report and Confidential Schedule 13.***

BACKGROUND:

FILE REFERENCE:	P1002137-4
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	1 September 2015
MAP / SCHEDULE:	Confidential Schedule 13 – Map of Elizabeth Quay Precinct

In accordance with Section 5.23(2)(e)(ii) of the *Local Government Act 1995*, this item is confidential and will be distributed to the Elected Members under separate cover.

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 15 September 2015.

MARKETING, SPONSORSHIP AND INTERNATIONAL RELATIONS COMMITTEE REPORTS

ITEM NO: 10

ARTS AND CULTURAL SPONSORSHIP 2015/16 – ASSOCIATE PARTNERSHIP – PERTH INSTITUTE OF CONTEMPORARY ARTS

**MARKETING, SPONSORSHIP, (APPROVAL)
AND INTERNATIONAL
RELATIONS COMMITTEE
RECOMMENDATION:**

That Council:

- 1. approves cash Arts and Cultural Sponsorship - Associate Partnership, of \$27,400 (excluding GST) to Perth Institute of Contemporary Arts (PICA) for sponsorship of the Dead Ringer exhibition;***
- 2. notes that Perth Institute of Contemporary Arts will provide the following event and sponsorship benefits to the City of Perth:***
 - 2.1 'Dead Ringer' a group visual arts exhibition, which is free for the public to attend, to be held at PICA from Friday, 13 November 2015 to Sunday, 27 December 2015;***
 - 2.2 acknowledgement as 'Exhibition Partner' of the supported exhibition;***
 - 2.3 inclusion of the City of Perth crest and acknowledgement as 'Exhibition Partner' on promotional material and publications relating to the supported exhibition;***
 - 2.4 acknowledgement of the City of Perth in all radio and print advertisements;***

(Cont'd)

- 2.5 acknowledgement of the City of Perth as a supporting partner on the PICA website (updated annually);**
- 2.6 display of City of Perth banner (supplied by the City of Perth) at PICA for the exhibition launch event;**
- 2.7 verbal acknowledgement of the City of Perth's support in the official opening speech;**
- 2.8 verbal acknowledgement of the City of Perth's support in all related public programs and events connected to the supported exhibition;**
- 2.9 9 (double) invitations for Elected Members and guests to attend the exhibition's public launch;**
- 2.10 5 (double) invitations for City of Perth representatives to attend the exhibition's public launch as required;**
- 2.11 opportunity for interested City of Perth staff to attend a private tour of the exhibition during standard opening hours;**
- 2.12 invitation for the Lord Mayor to attend related Art1000 events, including PICA Salon Vernissage;**
- 3. notes that on completion of the project Perth Institute of Contemporary Arts is required to provide to the City of Perth:**
 - 3.1 an acquittal report within three months of project completion;**
 - 3.2 an audited financial report of Perth Institute of Contemporary Arts at the end of the relevant financial year.**

BACKGROUND:

FILE REFERENCE:	P1031290
RESPONSIBLE DIRECTORATE:	Community and Commercial Services
DATE:	6 August 2015
MAP / SCHEDULE:	N/A

The Committee recommendation to the Council for this report was resolved by the Marketing, Sponsorship and International Relations Committee at its meeting held on 8 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

Perth Institute of Contemporary Arts (PICA) has applied for arts and cultural sponsorship of \$30,000 (excluding GST) to support the presentation of *Dead Ringers* a major group exhibition, as part of its annual visual arts program at PICA's Central and West End Galleries and Screen Space from Friday, 13 November 2015 to Sunday, 27 December 2015.

PICA is an Australian public company incorporated in 1989 as a registered charitable institution and deductible gift recipient.

PICA is both a producing and presenting institution that operates an annual program of changing exhibitions, seasons in contemporary dance, theatre, performance and a range of interdisciplinary projects.

PICA has identified its purpose as:

PICA's purpose is to foster the development of, and engagement with, contemporary arts and ideas.

PICA's mission is:

To support innovation, experimentation, collaboration and transformation by creating defining moments for artists, art forms and audiences.

PICA's key goals over the next three years are to:

- be a creative catalyst for art-form development;
- become recognised locally, nationally and internationally as a generator of new art, ideas and ways of learning;
- inspire more artists and audiences to visit, live and work in Perth;
- provide a creative hub where artists, audiences and art forms collude and collide; and
- be a flexible, responsive and sustainable organisation.

Past support

The City of Perth has provided sponsorship to Perth Institute of Contemporary Arts for nine years. Sponsorship history is as follows:

Year	Amount provided	Description of supported program
2006/07	\$ 7,550	Public and Education Program 2007
2007/08	\$30,000	Performance Program 2008
2008/09	\$30,000	Performance Program 2009
2009/10	\$26,350	Special Project-Burning Daylight
2009/10	\$30,000	Performance Program 2010
2010/11	\$31,365 \$ 5,000	Visual Arts Program (2 exhibitions 2011) Hatched For Holidays- Youth Mentoring Program
2011/12	\$35,000	Visual Arts Program (2 exhibitions 2012)
2012/13	\$40,000	Visual Arts Program (2 exhibitions 2013)
2013/14	-	No application
2014/15	\$35,000	Visual Arts Program (2 exhibitions 2014)
Requested 2015/16	\$30,000	Major Visual Arts Program (1 exhibition 2015)
Proposed 2015/16	\$27,400	Major Visual Arts Program (1 exhibition 2015)

An acquittal report for the 2014 supported activity has been provided. The 2014 Annual Report with audited financial statements has been received. This information has been reviewed and demonstrates a satisfactory acquittal of the City's previous funding.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Policy

Policy No and Name:

Strategic Community Plan

Council Four Year Priorities: Healthy and Active in Perth
S15 Reflect and celebrate the diversity of Perth

18.1 – Arts and Culture

18.8 – Provision of Sponsorship and Donations

Eligibility:

Policy 18.1 establishes the principles for the City of Perth supporting Arts and Culture and these principles are used to determine the level of consistency with the program or event proposed for sponsorship funding.

Policy 18.8 establishes eligibility and assessment criteria for the City's assessment of sponsorship applications requiring the applicant to demonstrate alignment with the policy and objectives according to category of sponsorship.

Applicant Eligibility Criteria	
<i>Category of Sponsorship: Associate Partnership</i>	
<i>The applicant must:</i>	
Have formally identified arts and/ or culture as its primary purpose.	Criterion Met
Be a formally constituted not-for-profit, benevolent or charitable organisation.	Criterion Met
Be an Australian legally constituted entity.	Criterion Met
<i>The applicant must not be:</i>	
A government authority, agency or department.	Criterion Met
An individual.	Criterion Met
An applicant that has previously submitted unsatisfactory or incomplete reports.	Criterion Met
An applicant that has outstanding debts to the City of Perth.	Criterion Met
An applicant that has already received support from the City of Perth for this project or any City of Perth sponsorship in the same financial year.	Criterion Met
Project Eligibility Criteria	
<i>The project must:</i>	
Provide a public outcome within the City of Perth boundaries.	Criterion met
Occur with the specified timeframe.	Criterion met
<i>The project must not be:</i>	
For profit or commercial purposes.	Criterion met
For fundraising.	Criterion met
An award ceremony or industry specific presentation.	Criterion met
Training, workshops, research or professional development.	Criterion met

DETAILS:

Project Summary

Dead Ringer is a major group exhibition that brings together Australian and International, Indigenous and non-Indigenous artists to identify apparitions, simulations and doubles that populate contemporary culture.

Dead Ringer is curated by PICA curator Leigh Robb. Robb is the former Associate Director at the Thomas Dane Gallery in London and recent recipient of a curatorial residency in Tokyo, he has been PICA Curator since 2009.

Twenty artists have been invited to exhibit as part of *Dead Ringer*. Their works negotiate the extremes of portraiture through film, painting, photography, installation, 3D printing, hypnosis and transcendental meditation. Drawing on theories of quantum

entanglement, parallel worlds, stolen identity and exact duplicates, *Dead Ringer* will include work by award winning international artists including British artist and Director Steve McQueen (*Twelve Years a Slave*); New York-based artist, Glenn Ligon, (*Learn to Read*: Tate Modern, London); South African Mime Artists and Puppeteer, Mongi Mthombeni (*Ubu and the Truth Commission*); and British documentary film maker Leo Macquire (*Gypsy Blood*).

Works from leading Indigenous artists, Brook Andrew, Lena Nyadbi and Churchill Cann will also be exhibited alongside Martu film maker Curtis Taylor and 2015 WA Indigenous Art Awards winner Megan Cope. The exhibition aims to connect leading and emerging Australian Indigenous and non-Indigenous art practice with international artists. *Dead Ringer* was conceived to create more opportunities for Indigenous contemporary artists to present their work alongside their non-Indigenous Australian and International peers. Didactic texts for the exhibition will be translated into the Noongar language.

A number of new works have been commissioned for the exhibition including new commissions by WA Artists Curtis Taylor, Rachel Dease, Kynan Tan and Ron Nyisztor. *Dead Ringer* will include works borrowed from high profile collections including Murdoch University and Wesfarmers.

A suite of public and learning programs, designed to encourage participation in the arts will complement the exhibition, including artist-led talks, a curatorial tour, a lecture by Emily Brink, Associate Professor at University of Western Australia and specialist in 18th and 19th century art, a torch-lit afterhours tour guided by performer and storyteller Finn O'Branagan and a themed dance session.

Venues

PICA's Central and West End Galleries and Screen Space.

Times and dates

Event	Date	Cost
Dead Ringer exhibition	Friday, 13 November 2015 to Sunday, 27 December 2015	FREE
Dead Ringers Exhibition Launch, performance	Friday, 13 November 2015	FREE
Artists and Apparitions: Artist-led talks	Saturday, 14 November 2015	FREE
Body Doubles: A Curatorial Tour	Saturday, 14 November 2015	FREE
Ghost Prints: The legacy of Victorian Portrait Photography	Thursday, 19 November 2015	\$20
Spooks & Spectres: Tales from Parallel Worlds	Tuesday, 1 December 2015	\$20
No Lights No Lycra x Dead Ringer	Thursday, 10 December 2015	\$10

Ticket Prices

The exhibition, artist-led talks and curatorial tour are free to attend. The associated program range in price from \$10 to \$20.

ASSESSMENT:

Arts and Cultural Sponsorship Guidelines and in accordance with Policy 18.8 and Policy 18.1.

The identified objective of an *Arts and Cultural Associate Partnership* is to support arts and cultural activities that:

- Invest in the development and presentation of local arts and cultural activity;
- Enhance the profile of the city of Perth as a pre-eminent cultural destination;
- Enhance the corporate profile of the City of Perth; and
- Contribute to the economy of the city.

PICA is one of Australia's leading centres for the development and presentation of contemporary art. Located in the Cultural Centre in Northbridge, PICA's year-round program of free exhibitions, performance and cross-disciplinary art attracts many thousands of people to the area with its recurrent program of cultural activity and as a centre for discussion and proliferation of new ideas.

The local economy benefits from regular and ongoing cultural programming which ensures that the Cultural Centre, easily accessible from Northbridge and the city's retail precincts, provides an active, vibrant and interesting destination to visit.

The project must demonstrate shared objectives as an Associate Partner.

Through this category of sponsorship the City supports recurring arts and cultural programs by established partners.

Dead Ringers is a major exhibition in the PICA's Annual Program, the involvement of high profile and celebrated artists, exhibiting together with emerging and local artists is likely to garner a high level of national media exposure.

PICA has commissioned new work from a number of emerging artists as part of this exhibition, providing an important opportunity for the artists to extend their art practice. This investment in the development of local arts and cultural activity creates opportunities for artists work to be recognised locally, nationally and considered alongside international peers.

PICA anticipates approximately 19,800 visitors will attend the free exhibition, and 200 visitors will attend the associated ticketed activities throughout the season, using the City's parking facilities and visiting, in increased numbers, nearby businesses and cultural facilities.

A recent audience survey undertaken by PICA indicates that 63% of PICA visitors come into the city to visit PICA specifically; they state that whilst in the city they will spend money on shopping, eating, drinking and visiting other city galleries and attractions.

The survey identifies that currently 30% of PICA visitors are from 'out-of-town'. Due to its broad appeal, PICA has stated that this exhibition is likely to attract a diverse audience locally, nationally and internationally and enhance the profile of the City of Perth as a pre-eminent cultural destination.

The local economy benefits from regular and ongoing cultural programming which ensures that the Cultural Centre, which is easily accessible from Northbridge and the city's retail precincts, provides an active, vibrant and interesting destination to visit.

The project must be of high artistic quality/cultural relevance.

PICA is a leading centre for the development and presentation of contemporary art in Australia, PICA has a proven record in the presentation of high quality and innovative new work across a broad range of art forms.

Showcasing 20 artists, including internationally recognised artists from a broad range of artforms, *Dead Ringer* is an ambitious project that will engage a large and diverse audience.

A recent audience survey indicates that the majority of PICA's audiences are young, highly educated and come from culturally diverse backgrounds. 54% of attendees are aged 34 or under and 79% had a tertiary degree or higher. The survey indicates that visitors come to PICA to be inspired, and that they see PICA as a place to learn and broaden their understanding of contemporary arts. In particular, *Dead Ringer* will appeal to a young audience interested in screen-based culture.

PICA will actively promote participation in, and engagement with *Dead Ringers* through its schools education program Spark_Lab. The Spark_Lab program for young people and their teachers promotes the values of cultural innovation and cultivating creativity and encouraged audience development of cultural activities. PICA offer free activity packs as part of the Perth City Playground Pass initiative during the school holidays.

The organisation must have an established relationship with the City of Perth and has demonstrated a high standard of service and program delivery.

As part of its application for sponsorship, PICA has submitted a copy of the 2014 Annual report, providing evidence that the organisation has generally met and exceeded most of its performance indicator benchmarks, performing well in the production and presentation of creative output. This includes development of new work, artist's residency projects and creative partnerships with interstate or international counterparts.

The organisation is committed to a high standard of presentation. Director Amy Barrett-Lennard and the professional staff have a high level of expertise and strong industry networks.

PICA has an experienced Communications Manager who develops and implements specific marketing and promotional campaigns for each project. PICA has provided an outline of its marketing plan with its application for sponsorship. The City's crest and acknowledgement as "Exhibition Partner" will feature on promotions and marketing including the exhibition catalogue, six metre external banner, light box poster, PICA Guide (circulation 10,000), e-newsletters (circulation 7,000) and email invitations (circulation 7,000).

PICA has submitted key personnel biographies with its application for arts and cultural sponsorship.

Applicant must demonstrate a financial contribution to the project derived from other sources.

PICA has provided a summarised project budget indicating a confirmed financial contribution from the Department of Culture and the Arts core funding, and a confirmed contribution from Australia Council core funding. PICA anticipates additional income will be derived from private donations, ticket and catalogue sales.

Acknowledgement

For \$27,400 (excluding GST) the applicant will be required to provide the benefits as outlined in the recommendation section of this report.

It is to be noted that partnership agreements with event and program organisers specifically include the condition that no invitations/tickets/passes benefits additional to the arrangement detailed in this report, are to be offered and thus received by the City and its representatives.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	15C480007901
BUDGET ITEM:	Recreation and Culture – Other Culture – Donations and Sponsorship
BUDGET PAGE NUMBER:	10
BUDGETED AMOUNT:	\$ 1,411,043
AMOUNT SPENT TO DATE:	\$ 755,278
PROPOSED COST:	\$ 27,400
BALANCE:	\$ 628,365

All figures quoted in this report are exclusive of GST

COMMENTS:

The application was measured against the criteria outlined in the Arts and Cultural Sponsorship Guidelines for Associate Partnerships and meets all essential criteria.

PICA's exhibitions are free for the public to attend and consistently provide value to the community who are able to engage with the arts in a unique gallery environment. This environment encourages innovation, experimentation and discussion. The supporting ticketed programs provide an opportunity for people who are interested in accessing more specific educational or professional development opportunities to engage with the work at a deeper level.

The recommended investment of \$27,400 represents a contribution of \$1.37 per person based on audience estimates. This amount is consistent with the average contribution over a three year period. Whilst the contribution represents an increased share of total program budget, this level of support is considered cost effective in comparison to other comparable visual arts programs.

PICA's program is uniquely positioned within the Arts and Cultural Sponsorship Program to be a leader of new trends in contemporary art practice and is successful in meeting the objectives of this program.

Whilst PICA have historically applied for support of two annual program exhibitions, this application for *Dead Ringers* was considered to meet the program objectives to a high level, with a strong emphasis on local artist development, multi-disciplinary programming and audience development.

Application of the Caretaker Policy

The decision Council may make in relation to this item should be considered in the context of the City of Perth Caretaker Policy which states that a major policy decision includes;

"Decisions relating to the City entering into a sponsorship arrangement with a total City contribution that would constitute substantial expenditure unless that sponsorship arrangement has previously been granted "in principle" support by the Council and sufficient funds have been included in the Council's annual budget to support the project."

The Chief Executive Officer has exercised his authority in accordance with the Caretaker Policy to have the matter presented to Council, as the Perth Institute of Contemporary Arts (PICA) has had year on year previous support by Council and is appropriately budgeted, as such this sponsorship arrangement does not conflict with the City of Perth Caretaker Policy.

ITEM NO: 11

ARTS AND CULTURAL SPONSORSHIP 2015/16 – CIVIC PARTNERSHIP – PERTH INTERNATIONAL ARTS FESTIVAL

**MARKETING, SPONSORSHIP (APPROVAL)
AND INTERNATIONAL
RELATIONS COMMITTEE
RECOMMENDATION:**

That Council:

- 1. approves cash Arts and Cultural sponsorship - Civic partnership, of \$365,000 (excluding GST) to the Perth International Arts Festival for sponsorship of the 2016 Perth International Arts Festival (Perth Festival) ;***
- 2. notes that Perth International Arts Festival will provide a free public arts event for the people of Perth as part of the event;***
- 3. notes that Perth International Arts Festival will provide the following sponsorship benefits to the City:***
 - 3.1 written acknowledgement of the City of Perth on sponsor's page of the 2016 Perth Festival brochure (circulation 145,000) and inclusion in the West Australian's The West Guide to the Festival;***
 - 3.2 inclusion of the City of Perth crest on event programs, publicity kits and press releases for aligned projects;***
 - 3.3 inclusion of the City of Perth crest or line acknowledgement on printed materials (posters, press advertisements and outdoor advertisements) pertaining to aligned projects;***
 - 3.4 a dedicated half-page of the City of Perth partnership in event programs of aligned projects (if produced) and one full-page acknowledgment in the 2016 Perth Festival brochure;***

(Cont'd)

- 3.5 *inclusion of a Welcome from the Lord Mayor in the main 2016 Perth Festival brochure;***
- 3.6 *on screen acknowledgement of the City's support during the 2016 Perth Festival Program Launch;***
- 3.7 *verbal acknowledgment of the City's support by a Perth International Arts Festival representative at the Perth Festival Program Launch and associated functions of aligned project launches;***
- 3.8 *acknowledgement of the City of Perth as Perth International Arts Festival's Civic Partner where appropriate;***
- 3.9 *line acknowledgement of the City of Perth in eNews pertaining to aligned projects;***
- 3.10 *screening of a television commercial (to be provided by the City of Perth) at each Lotterywest Festival Films Screening at Somerville;***
- 3.11 *inclusion of the City of Perth crest on all co-branded sponsor acknowledgement signage produced by PIAF for display at the associated venues;***
- 3.12 *inclusion of the City of Perth crest on the partner's page in addition to all event pages of aligned programs on the Perth Festival website including a hyperlink to the City of Perth website;***
- 3.13 *up to 180 complimentary tickets to selected events to allocate as per Corporate Procedure PR077 Invitations Ticket Allocations;***
- 3.14 *9 double invitations for City of Perth Elected Members to attend associated networking functions including, but not limited to, the Perth Festival Program Launch, Festival Opening Event and Media and Sponsor Networking Event and each make a selection of up to 15 non-transferable double passes to attend 2016 Perth Festival ticketed events, unallocated passes remain with the event organiser;***

(Cont'd)

3.15 5 double invitations for City of Perth representative staff to attend associated networking functions including, but not limited to, the Perth Festival Program Launch, Festival Opening Event and Media and Sponsor Networking Event and each make a selection of up to six non-transferable double passes to attend 2016 Perth Festival ticketed events as required, unallocated passes remain with the event organiser;

4. notes that the City is to be provided with an acquittal report for the supported project within three months of completion of the 2016 Perth International Arts Festival and an audited annual financial report of Perth International Arts Festival within six months of the conclusion of the relevant financial year.

BACKGROUND:

FILE REFERENCE: P1030175
RESPONSIBLE DIRECTORATE: Community and Commercial Services
DATE: 26 August 2015
MAP / SCHEDULE: Confidential Schedule 14 – Aligned Program 2016
Confidential Schedule 15 – Program Highlights 2016 –
Distributed to Elected Members under separate cover.

The Committee recommendation to the Council for this report was resolved by the Marketing, Sponsorship and International Relations Committee at its meeting held on 8 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The Perth International Arts Festival (PIAF) has applied for sponsorship to support the presentation of the 2016 Perth Festival. The Festival will take place between Thursday, 11 February 2016 and Sunday, 6 March 2016.

The Perth International Arts Festival is the longest running multi- arts celebration in the Southern Hemisphere. In 2015 the Festival reached more people than ever before, an estimated 1,790,702 people, due to the PIAF's most ambitious public art event to date. *The Giants* event was widely viewed an example of how an arts event can 'transform a city' and alter the routine activities of daily life. While this event provided an insight to what is possible in Perth, the expectation for the 2016 Festival is to return to scale comparable to earlier years, with some increase in line with yearly trends quoted at around 500,000 people (reported 377,434 in 2014).

PIAF and the City of Perth have a strong and long standing partnership spanning over sixty years. Each year the festival brings new experiences and every four years, under a new Artistic Director a fresh creative vision and new opportunities for the cultural development of the Perth community.

Perth International Arts Festival's mission is:

"To be recognised as one of the greatest festivals of the world. We will showcase clarity of vision and artistic confidence. We will deliver a significant quality of diverse and high quality arts experiences that are unmissable, irresistible, transformational and unforgettable."

As stated by PIAF, the goals for the Festival are to:

- achieve the Artistic Directors Vision;
- stimulate cultural life in Western Australia;
- be competitive with and distinctive from other international festivals; and
- be valued by more people.

Artistic Director, Wendy Martin's vision for Perth International Arts Festival 2016-2019 is identified below.

"Bringing energy, ideas and arts to the city, and inspiring and engaging our audiences, Perth International Arts Festival provides a unique moment in our year to experience outstanding work by the leading artist and thinkers from our region and across the globe."

We celebrate the role that artists play in creating extraordinary ways for us to see, understand and re-imagine our world.

We will present free and ticketed events in our venues, in our streets, on our beaches, in parklands and in hidden corners of our built and natural environment, connecting with the widest possible audience and transforming our city and our regions into a stage.

We are committed to:

- *presenting and commission work by the world's leading visionary artists;*
- *raising the profile of Western Australia artists by presenting their work in the context of the international arts festival;*
- *creating opportunities for dynamic exchanges between Australian and international artists; and*
- *building a diverse and engaged audience by creating projects with the community that will resonate with the lives of people living in Western Australia today.*

Driven by a sense of place and bound to its people, its landscape and its location, the same characteristics that define Perth and Western Australia will distinguish our Festival.

We explore:

- *Our stories;*
- *Our rich Indigenous culture;*
- *Our splendid isolation;*
- *Our central position on the Indian Ocean Rim;*
- *Our climate and natural environment; and*
- *Our diverse cultural community.*

We will embrace the broadest definition of culture and place values of learning and participation at the heart of what we do. Responding to the ideas of the world's great artists and the daring work they make, Perth International Arts Festival will be a big, bold adventure for all of us."

Past support

The City of Perth has provided sponsorship for the *Perth International Arts Festival* for more than sixty years. The table below identifies support received in the past ten years.

Year	Sponsorship Amount	Supported Program
2005/06	\$300,000	Perth International Arts Festival
2006/07	\$300,000	Perth International Arts Festival
2007/08	\$309,000	Perth International Arts Festival
2008/09	\$419,043	Perth International Arts Festival
2009/10	\$325,423	Perth International Arts Festival
2010/11	\$333,559	Perth International Arts Festival
2011/12	\$342,232	Perth International Arts Festival
2012/13	\$350,788	Perth International Arts Festival
2013/14	\$359,558	Perth International Arts Festival
2014/15	\$368,578	Perth International Arts Festival
<i>Requested 2015/16</i>	<i>\$365,000</i>	<i>Perth International Arts Festival</i>
<i>Proposed 2015/16</i>	<i>\$365,000</i>	<i>Perth International Arts Festival</i>

A comprehensive partnership report and acquittal report for the 2015 Perth International Arts Festival has been received. This information has been reviewed and demonstrates a satisfactory acquittal of the City's previous funding and fair self-assessment of the project's success in meeting a range of cultural, community and

activation outcomes. The 2015 Annual Report has been received, audited financial statements of the 2015/16 Financial Year will be provided when available.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications Policy

Strategic Community Plan

Council Four Year Priorities: Healthy and Active in Perth
S15 Reflect and celebrate diversity in Perth

Policy No and Name: 18.1 – Arts and Culture
18.8 – Provision of Sponsorship and Donations

Eligibility:

Policy 18.1 establishes the principles for the City of Perth supporting Arts and Culture and these principles are used to determine the level of consistency with the program or event proposed for sponsorship funding.

Policy 18.8 establishes eligibility and assessment criteria for the City's assessment of sponsorship applications requiring the applicant to demonstrate alignment with the policy and objectives according to category of sponsorship.

Applicant Eligibility Criteria	
<i>Category of Sponsorship: Major /Civic Partnership</i>	
<i>The applicant must:</i>	
Have formally identified arts and/or culture as its primary purpose.	Criterion met
Be a formally constituted not-for-profit, benevolent or charitable organisation.	Criterion met
Be an Australian legally constituted entity.	Criterion met
<i>The applicant must not be:</i>	
A government authority, agency or department.	See below
An individual.	Criterion met
An applicant that has previously submitted unsatisfactory or incomplete reports.	Criterion met
An applicant that has outstanding debts to the City of Perth.	See below
An applicant that has already received support from the City of Perth for this project or any City of Perth sponsorship in the same financial year.	Criterion met
Project Eligibility Criteria	
<i>The project must:</i>	
Provide a public outcome within the City of Perth boundaries.	Criterion met
Occur with the specified timeframe.	Criterion met
<i>The project must not be:</i>	
For profit or commercial purposes.	Criterion met
For fundraising.	Criterion met
An award ceremony or industry specific presentation.	Criterion met
Training, workshops, research or professional development.	Criterion met

The Perth International Arts Festival was founded by the University of Western Australia in 1953. The Perth International Arts Festival is a business operation of the University of Western Australia, which is incorporated under *The University of Western Australia Act 1911*.

The University of Western Australia is registered with the Australian Charities and Not-for-profits Commission.

Operations of the Perth International Arts Festival are governed by a Festival Board which is appointed and responsible to the University Senate. The formally identified role of the Festival is stated below:

- To promote and encourage the arts, and the study of the arts, and for these purposes to organise, promote, manage and conduct festivals of music, drama and other entertainments in Perth annually or at such longer intervals as may be determined by the board;
- To encourage and employ persons, firms or companies to present and produce such performances and events in Perth and in other cities and territories of Australia as may tend to promote and encourage the arts in Australia; and
- To raise money for the purposes of the Festival by grants, guarantees, gifts or donations and to accept the same and to conform so far as it lawfully may to any conditions upon which such grants, guarantees, gifts or donations may be made or granted.

The Perth international Arts Festival provides an annual report which is presented in a format that is independent from the University's other operations.

DETAILS:

Project Summary

The Festival will include a large scale cultural event, a spectacle of sight and sound and a celebration of Western Australia.

In 2016 the Festival Gardens will appear in a new location and over a four year period the gardens will take shape, opening up a new space, growing and evolving as community hub and opening up opportunities for other cultural activities to set up temporarily between festivals.

PIAF's crafted program of multi-arts events will be presented over 24 days. This year's festival will include works of theatre, visual arts, literature, new media, performance, circus, fine music, contemporary music and film from around the world.

A table of the aligned activity of events which take place in the city's boundaries has been provided within the confidential schedule together with some of the 2016 Festival highlights.

The 2016 program is subject to a media embargo pending the official program launch on Wednesday, 4 November 2015.

Venues

Some of the venues for the 2016 Festival program include:

- Perth Concert Hall;
- Langley Park ;
- State Theatre Centre;
- His Majesty's Theatre; and
- University of Western Australia.

At the time of preparing this report, preliminary discussions and a tentative booking of applicable City of Perth sites has occurred, however have not been approved or finalised. The potential for road closures or traffic management has not been discussed. Consultation with relevant technical staff from PIAF and City of Perth will continue as required.

Times and dates

Perth International Arts Festival will run for three weeks from Thursday, 11 February 2016 to Sunday, 6 March 2016.

Ticket Prices

The overall festival includes a combination of ticketed and free events estimated to attract 500,000 people. The percentage of attendances to free events aligned to this sponsorship is approximately 68.8%.

The free opening celebration is the Festival's largest event and anticipated to attract around 30,000 people based on similar events presented during the Festival in past years.

Of the ticketed performances, the audience is contributing to a cost of a ticket which is heavily subsidised through corporate and government supporters to ensure that outstanding international standard work is accessible to Perth audiences.

ASSESSMENT:

The application was measured against the objectives and criteria outlined in the *Arts and Cultural Sponsorship Guidelines* and in accordance with Policy 18.8 and Policy 18.1.

The identified objective of an *Arts and Cultural Major Partnership* is to support arts and cultural activities that:

- Facilitate the dynamic celebration of the city through major arts and cultural festivals and activities;

- Enhance social well being and encourage community;
- Provide support for the city's key arts and cultural organisations to provide high quality arts and cultural experiences; and
- Contribute to the economy of the city.

The project must demonstrate shared objectives as a Major/Civic Partner.

Perth International Arts Festival is Australia's longest running cultural festival which adds to Perth's reputation as a highly desirable cultural destination nationally and internationally.

The festival program is represented in some of the city and state's premiere cultural venues and provides a stimulus for cultural activity to expand to the streets, parks and temporary venues.

As demonstrated by the proposed program, PIAF remains committed to the continued provision for free events and has a strong emphasis on community engagement, new commissions and interactive work.

Perth Festival boosts the economy and positively impacts on local retail and hospitality operators. The event increases visitation to Perth for its duration and encourages, interstate and international guests and visitors.

Informed by audience surveys, PIAF reports that cultural visitors have large discretionary spend and over the last three years have demonstrated a strong likelihood to attend ticketed events while booking accommodation and exploring Perth's local restaurants and bars.

Perth Festival references an Economic Impact Report from Metrics Consulting commissioned by Tourism Western Australia noting that \$37.6 million was spent in the City of Perth as a result of *The Giants* in 2015 and \$3.6 million of new money entered Western Australia from interstate and international visitors. These figures were widely quoted in the media after the Festival.

The project must be of high artistic quality/cultural relevance.

PIAF's program is artistically diverse and offers opportunities for all people to engage with the Festival and provides the calibre of programming expected by the Festival patrons. The quality of the each annual program is benchmarked alongside Australia's major arts festivals.

In 2016 the Festival program includes presentations from international artists from South Africa, France, Belgium, United Kingdom, Brazil, Japan, India, United States, Germany; Australian exclusive presentations by artist from Chile, India, Denmark, and a world premiere. The majority of events in the festival program will be presented within the City's boundaries.

This year's application proposes the City's investment to be aligned with the Festival's opening celebrations, collaborative and participatory work all with strong

connections with leading Western Australian and Australian artists. These projects meet the City's Arts and Culture Policy and program objectives to a high degree.

The 2015 Festival associated productions, presentations and commissioned works received 13 nominations and won nine at the recent Helpmann Awards, including *The Incredible and Phenomenal Journey of The Giants to the Streets of Perth*, by Royale De Luxe being awarded *Best Special Event*, *The Rabbits* created in association with Western Australian company Barking Gecko Theatre Company was also recognised.

The annual Helpmann Awards, established in 2001, recognise distinguished artistic achievement and excellence across the many disciplines of Australian live performance sectors.

A significant component of the supported program should be free or low cost.

This sponsorship will be invested into the aligned program attracting in total around 56,560 people. The estimated percentage of attendances to free events aligned to this sponsorship is 68.8%.

In accordance with the objectives of this category of sponsorship, cultural and community celebration remains a core focus of the City's investment and support for delivery of the Festival's opening event represents the largest proportion of the budget provided.

The organisation must have an established relationship with the City of Perth and has demonstrated a high standard of service and program delivery.

PIAF has a professional management team with considerable experience in the successful delivery of this festival.

PIAF has set the following key performance indicators to measure the outcomes of its strategic plan:

- Beneficiary Performance Indicator (Reach) – PIAF will record attendances for all events;
- Economic Impact - based on new model developed in association with KPMG;
- Artistic Vibrancy - based on the Australia Council Model; and
- Brand Salience - based on net promoter score

As in previous years, PIAF will provide the City of Perth a comprehensive artistic evaluation, attendance figures, marketing summary and impact report at the conclusion of the festival.

Applicants must demonstrate a financial contribution to the project derived from other sources.

PIAF has provided budget information in relation to the delivery of the aligned program.

The budget includes both confirmed and unconfirmed contributions from Government and corporate supporters. PIAF has also anticipated box office revenue and a confirmed contribution of \$971,188 from Lotterywest. Confirmation of the remaining sponsors (representing 25.7% of the project budget) is intended by the end of September. The Festival has named these sponsors and requested that this information remain confidential.

The requested contribution from the City of Perth represents approximately 11% of the aligned project budget. This is representative of a proportion of the cost of the entire festival which is substantially supported by other major partners.

Acknowledgement

City of Perth funding of \$365,000 would secure the sponsorship acknowledgement benefits outlined in the recommendations sections 3.1 to 3.15 of this report.

Partnership agreements with event and program organisers will specifically include a condition that no invitations/ tickets/ passes benefits additional to the arrangement detailed in this report, are to be offered and thus received by the City and its representatives.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	121-254-7901
BUDGET ITEM:	Recreation and Culture – Other Culture – Donations and Sponsorship
BUDGET PAGE NUMBER:	10
BUDGETED AMOUNT:	\$ 1,411,043
AMOUNT SPENT TO DATE:	\$ 782,678
PROPOSED COST:	\$ 365,000
BALANCE:	\$ 263,365

All figures quoted in this report are exclusive of GST

COMMENTS:

The amount of \$365,000 in Arts and Cultural Sponsorship of the *2016 Perth International Arts Festival* is recommended in accordance with the budget allocation. This allocation has been considered in the context of 2015/16 budget constraints.

The recommendation reflects a slight decrease (\$3,578) from 2014/15 (\$368,578) to ensure the City can meet anticipated 2015/16 budget requests in the context of modest variations between programs and existing commitments. This variation was discussed with the applicant prior to submitting the proposal, with the opportunity to select the aligned events in the context of this change.

The Festival has significant support from the State Government, business and the community and the recommendation reflects the City's ongoing commitment to the

event, for which its community is a major benefactor in the areas of cultural development, employment, community well-being and city vibrancy.

Application of the Caretaker Policy

The decision Council may make in relation to this item should be considered in the context of the City of Perth Caretaker Policy which states that:

“Decisions relating to the City entering into a sponsorship arrangement with a total City contribution that would constitute substantial expenditure unless that sponsorship arrangement has previously been granted “in principle” support by the Council and sufficient funds have been included in the Council’s annual budget to support the project.”

The Chief Executive Officer has exercised his authority in accordance with the Caretaker Policy to have the matter presented to Council, as the Perth International Arts Festival has had year on year previous support by Council and is appropriately budgeted, as such this sponsorship arrangement does not conflict with the City of Perth Caretaker Policy.

FINANCE AND ADMINISTRATION COMMITTEE REPORTS

ITEM NO: 12

PAYMENTS FROM MUNICIPAL AND TRUST FUNDS – AUGUST 2015

FINANCE AND ADMINISTRATION COMMITTEE (APPROVAL)
RECOMMENDATION:

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 August 2015, be received and recorded in the Minutes of the Council, the summary of which is as follows:

FUND	PAID
Municipal Fund	\$ 13,976,037.56
Trust Fund	\$ 85,094.46
TOTAL:	\$ 14,061,132.02

BACKGROUND:

FILE REFERENCE:	P1031101-18
REPORTING UNIT:	Finance Services
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	31 August 2015
MAP / SCHEDULE:	TRIM ref. 150088/15

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Community Outcome Capable and Responsive Organisation A capable, flexible and sustainable organisation with a strong and effective governance system to provide leadership as a capital city and deliver efficient and effective community centred services.

COMMENTS:

Payments for the month of August 2015 included the following significant items:

- \$1,763,036.10 to Doric Contractors Pty Ltd for the July 2015 progress claim in relation to the Perth City Library and Public Plaza project.
- \$391,770.45 to Octagon BKG Lifts for the first progress claim for the State Library Car Park Lift Upgrade and other sundry lift repairs.
- \$282,201.70 to the Perth Convention Bureau for Corporate Sponsorship for 2015-2016.

ITEM NO: 13

TENDER 117-14/15 – TESTING AND MAINTENANCE OF EMERGENCY AND EXIT LIGHTS, FIRE PROTECTION SYSTEMS AND EQUIPMENT – VARIOUS SITES

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council:

- 1. accepts the most suitable tender, being that submitted by ARA Fire Protection Services Pty Ltd for the provision of testing and maintenance of emergency and exit lights, fire protection systems and equipment at various City of Perth sites (Tender 117-14/15) for a period of two years, with an option of a further two years, at a lump sum total cost of \$87,686.00 (excluding GST) per annum;***
- 2. accepts the offer of ARA Fire Protection Services Pty Ltd for call outs and reactive maintenance at an approximate annual cost of \$290,866.00 (excluding GST);***
- 3. authorises the Chief Executive Officer to execute and vary the Tender Contract.***

BACKGROUND:

FILE REFERENCE:	P1031596
REPORTING UNIT:	Properties
RESPONSIBLE DIRECTORATE:	Community and Commercial Services
DATE:	11 August 2015
MAP / SCHEDULE:	Confidential Schedule 16 - Tender Evaluation Matrix for Tender 117-14/15 Schedule 17 – Comparative Pricing for Tender 117-14/15 Schedule 18 – Revised Pricing for Tender C 117-14/15 Schedule 19 – Revised Pricing for Tender F & G 117-14/15

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

Tender 117-14/15 – Testing and Maintenance of Emergency and Exit Lights, Fire Protection Systems and Equipment – Various Sites was advertised in The West Australian newspaper on Wednesday, 3 June 2015.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 3.57 of the *Local Government Act 1995*
Part 4 of the *Local Government (Functions and General) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Corporate Business Plan**
Council Four Year Priorities: Capable and Responsive Organisation
A capable, flexible and sustainable organisation with a strong and effective governance system to provide leadership as a capital city and deliver efficient and effective community centred services.

Policy
Policy No and Name: 9.7 – Purchasing Policy

DETAILS:

43 sets of tender documents were collected or downloaded during the tender period.

The tender closed at 2:00pm on Thursday, 18 June 2015, with the following tenders received:

Tenderer	Total Lump Sum (excluding GST)
Kyte Holdings Pty Ltd (trading as FCF Fire & Electrical – WA South)	\$52,580.00
Firesafe Service & Maintenance Pty Ltd	\$80,349.00
ARA Fire Protection Services Pty Ltd	\$87,686.00
Fire Shield Services Pty Ltd	\$95,108.00
Grosvenor Engineering Group Pty Ltd	\$101,932.00
Essential Fire Services Pty Ltd	\$104,740.00
Fire Suppression Services Pty Ltd	\$172,491.50
Grama Bazita Service & Maintenance Pty Ltd	\$230,449.50
Burke Air Pty Ltd	\$272,057.52

The City's current provider did not submit a tender response for the works.

Evaluation

Tenders were then assessed against the following criteria:

- Experience and Demonstrated Ability;
- Compliance with Tender Documentation (including Sub-Contractor Compliance);
- Resources; and
- Quality Assurance.

The tender evaluation matrix is attached as Confidential Schedule 16.

The submission from Kyte Holdings Pty Ltd (trading as FCF Fire & Electrical – WA South) was lacking in sufficient detail for evaluation; as such they evaluated poorly and were not considered further.

The submissions from Grama Bazita Pty Ltd, Burke Fire Pty Ltd, Firesafe Service & Maintenance Pty Ltd, Essential Fire Services Pty Ltd, Fire Shield Pty Ltd and Fire Suppression Services Pty Ltd did not provide sufficient detail against the quality assurance criteria and evaluated poorly overall because of this deficiency. Therefore these six companies were not considered further.

The submission from Grosvenor Engineering Group Pty Ltd was deemed to be a fair offer across the selection criteria, however they did not evaluate with an overall score that was deemed to be a good offer. As such they were not put forward to price comparison.

The remaining company, ARA Fire Protection Services Pty Ltd provided a conforming submission and demonstrated a good understanding of the scope of works required. The company satisfactorily addressed all criteria and received a good score in the qualitative matrix as a result and was therefore considered for price comparison.

FINANCIAL IMPLICATIONS:

The City's various expenditure accounts hold sufficient budget to cover the routine maintenance and repairs at the facilities.

The table below outlines the expected savings to the City from the new contract.

	Current Costs	Proposed Costs	Savings
Preventative Maintenance	\$78,917.40	\$77,191.72	\$1,725.68
Call Outs & Reactive Maintenance	\$261,779.40	\$199,295.99	\$62,483.41
Totals	\$340,696.80	\$276,487.71	\$64,209.09

All figures quoted in this report are exclusive of GST.

COMMENTS:

To ensure a competitive process the pricing from all submissions was evaluated, the offer from ARA Fire Protection Services Pty Ltd was deemed good value to the City.

The City sought clarification on the general hours of work as those provided in the submission by ARA Fire Protection Services Pty Ltd differed from the tender request of 6:00am to 6:00pm. The company agreed to these hours, however there was a slight adjustment to the Schedule of Rates C and F for normal working hours. ARA Fire Protection Services Pty Ltd also revisited the equipment replacement costs in the Schedule of Rates G, this saw a reduction in the price per unit replacement. The revised pricing is attached as Schedule 18.

ARA Fire Protection Services Pty Ltd has demonstrated a full understanding of, and has the capacity to undertake the works involved. It is therefore recommended that ARA Fire Protection Services Pty Ltd be appointed to provide testing and maintenance of emergency and exit lights, fire protection systems and equipment at various City of Perth sites.

ITEM NO: 14

TENDER 11-15/16 – COMPREHENSIVE MAINTENANCE SERVICES FOR LIFTS AND ESCALATORS - VARIOUS CAR PARKS

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council:

- 1. accepts the most suitable tender, being that submitted by ThyssenKrupp Elevator Australia Pty Ltd for the Comprehensive Maintenance Services for Lifts and Escalators – Various Car Parks (Tender 011 15/16) for a period of two years with an option to extend for a further period of three years as per the Schedule of Rates detailed in attached Schedule 21 including CPI increases where applicable; and***
- 2. authorises the Chief Executive Officer to execute and vary the Tender Contract.***

BACKGROUND:

FILE REFERENCE:	P1031719
REPORTING UNIT:	Commercial Parking
RESPONSIBLE DIRECTORATE:	Community & Commercial Services
DATE:	24 August 2015
MAP / SCHEDULE:	Confidential Schedule 20– Tender Evaluation Matrix Schedule 21 – Schedule of Rates

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

Tender 11- 15/16 Comprehensive Maintenance Services for Lifts and Escalators – Various Car Parks was advertised in the West Australian on Saturday, 25 July 2015. Tenders closed at 2.00pm on Tuesday 11 August 2015, with the following tenders received:

- Kone Elevators Pty Ltd

- ThyssenKrupp Elevator Australia Pty Ltd
- City Lifts Pty Ltd

The tender invited for suitably qualified and experienced organisations to make tender submissions for the provision of Comprehensive Maintenance Services for Lifts and Escalators – Various Car Parks for a period of two (2) years with an option for an extension for a further period of three (3) years.

The City operates off-street parking services at 35 locations within the City of Perth boundaries. Ten car parks are multi-storey with vertical transportation systems that require scheduled preventative maintenance to minimise breakdowns and ensure continuous service to car park patrons. The services also include attending to any faults or repair work that may arise.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Section 3.57 of the <i>Local Government Act 1995</i> Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i>
Integrated Planning and Reporting Framework Implications	Corporate Business Plan Council Four Year Priorities: Community Outcome Capable and Responsive Organisation S19 Improve the customer focus of the organisation 19.1 Review and Update the City of Perth Emergency Management Plan

Policy

Policy No and Name: 9.7 - Purchasing

DETAILS:

Tenderers were required to respond to the selection criteria provided in the tender specification, complete the Form of Tender and the attached pricing schedules.

The tender evaluation comprised of a three stage process as follows:

1. Compliance assessment
2. Qualitative evaluation and shortlisting
3. Pricing evaluation

Compliance assessment

The submissions were assessed for compliance. The tender evaluation panel (Panel) found that City Lifts Pty Ltd had not provided responses to most of the selection criteria and excluded it from the evaluation process.

The submissions from Kone Elevators (Pty) Ltd (Kone) and ThyssenKrupp Elevator Australia Pty Ltd (ThyssenKrupp) were found to have met the compliance requirements of the tender and progressed to the qualitative evaluation stage.

Qualitative evaluation

The qualitative evaluation entailed assessing each of the submissions against the selection criteria followed by shortlisting for price evaluation.

The criteria were as follows:

- Appreciation and Methodology of the Work
- Experience of Company & Personnel
- Availability of Spare Parts
- Quality Control Procedures

The results of the qualitative assessments were as follows:

ThyssenKrupp

The Panel found ThyssenKrupp was well-established in Australia with offices in all the states. It has a staff compliment of 54 in its Western Australia operations. It provided details of how it intended to carry out the services as well a transition plan. It also provided a list of technical staff; some trained and experienced to service 3rd party equipment. ThyssenKrupp demonstrated that it has an extensive inventory management system for spare parts for all major lift systems, and access to 3rd party equipment spares. ThyssenKrupp provided details of its quality control procedures and is ISO 9001:2008 accredited. The Panel was in agreement that ThyssenKrupp had met all the key selection criteria for the tender; however, it was scored slightly low for Experience of Company criterion as it did not provide full details of its current contracts as had been requested in the tender. Further information was sought from ThyssenKrupp post the qualitative evaluation process in order to conduct reference checks with current clients. The feedback from the reference checks indicated ThyssenKrupp fared well in its performance in an industry that appears to be experiencing high staff turnovers.

Kone

Kone demonstrated that it has a wealth of experience in lift maintenance spanning nearly 100 years with 22 location representations in Australia and New Zealand. Kone has a Western Region team that is Perth based and headed by a General Manager. The Panel found the team to possess the necessary qualifications and experience in lift maintenance. Kone demonstrated that it has a good appreciation of the extent of the services required and processes in place for carrying out the works. It also submitted its Quality Control Procedures and was ISO 9001 certified. The Panel agreed that Kone had generally met all criteria; however, it scored slightly low on the availability of spare parts criterion as the details provided were found to be limited. Kone's clients included Curtin University, Public Transport Authority, and it is the current City of Perth service provider.

The Panel agreed that both Kone and ThyssenKrupp had demonstrated that they have sufficient capacity and capabilities to meet the requirements of the contract and should be progressed for Pricing Evaluation.

Pricing Evaluation

ThyssenKrupp submitted the lowest total annual tender price of \$139,354 fixed for the first 3 years of the contract. It also offered cheaper hourly labour rates than Kone for call outs on Monday to Saturday; however, it was more expensive than Kone for callouts on Sundays and Public Holidays. Due to limited number of callouts during Public Holidays and Sundays, the Panel found the tendered rates by ThyssenKrupp to be more competitive, and agreed that it had the provided best price overall.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CL 09B 13000 7214
BUDGET ITEM:	Property Maintenance (2015/16 Budget)
BUDGET PAGE NUMBER:	42
BUDGETED AMOUNT:	\$201,745 (Lift Maintenance 2015/16 Budget)
AMOUNT SPENT TO DATE:	\$ 52,590
PROPOSED COST:	\$201,745 (Annual cost includes amount spent to date , scheduled maintenance of \$104,515 [\$139,354/12 x 9] + \$44,640 for callouts & unplanned breakdowns)
BALANCE:	\$ 0
ANNUAL MAINTENANCE:	\$201,745
ESTIMATED WHOLE OF LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

COMMENTS:

Based on the results of the qualitative selection criteria and price evaluation, the panel found the submission from ThyssenKrupp Elevator Australia Pty Ltd providing best value for money and most advantageous to the City.

ITEM NO: 15

RECOMMENCEMENT OF LOCAL LAW MAKING PROCEDURE – CITY OF PERTH THOROUGHFARES AND PUBLIC PLACES AMENDMENT LOCAL LAW 2015 AND REPEAL OF THE CITY OF PERTH SIGNS LOCAL LAW 2005

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council:

- 1. in accordance with Section 3.13 of the Local Government Act 1995, approves the City of Perth recommencing the local law making procedure for the City of Perth Thoroughfares and Public Places Amendment Local Law 2015 due to the proposed change to Clause 7(b) of the Amendment Law which is considered to be significantly different from the originally advertised Amendment Local Law;***
- 2. in accordance with Section 3.12 of the Local Government Act 1995, gives State-wide public notice of its intention to make the City of Perth Thoroughfares and Public Places Amendment Local Law 2015, as detailed in Schedule 24, the purpose and effect being:***
 - 2.1 Purpose: To amend the City of Perth Thoroughfares and Public Places Local Law 2007;***
 - 2.2 Effect: To implement amendments to the City of Perth Thoroughfares and Public Places Local Law 2007 that ensure the local law remains operable and to implement revised penalties as appropriate contemporary deterrents;***
- 3. in accordance with Section 3.16(4) of the Local Government Act 1995, by AN ABSOLUTE MAJORITY, repeals the City of Perth Signs Local Law 2005;***

(Cont'd)

4. ***notes that the suggestions received from the Department of Local Government and Communities in response to the original public notice period have been considered and incorporated into the proposed City of Perth Thoroughfares and Public Places Amendment Local Law 2015.***

BACKGROUND:

FILE REFERENCE:	P1015922-2
REPORTING UNIT:	Governance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	20 August 2015
MAP / SCHEDULE:	Schedule 22 – Schedule of Submissions (received during original public notice period) Schedule 23 – Proposed City of Perth Thoroughfares and Public Places Amendment Local Law 2015 Schedule 24 – <i>City of Perth Thoroughfares and Public Places Local Law 2007</i> (Principal Local Law) showing the effect of the proposed Amendment Local Law 2015 Schedule 25 – Suggested Amendments from the Department of Local Government and Communities and City of Perth Responses

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

At its meeting held on **17 March 2015**, Council resolved its intention to make the proposed *City of Perth Thoroughfares and Public Places Amendment Local Law 2015* (the proposed Amendment Local Law). The original *City of Perth Thoroughfares and Public Places Local Law 2007* is referred to as the Principal Local Law.

The purpose and effect of the proposed Amendment Local Law, as endorsed by Council at its meeting held on **17 March 2015**, addresses drafting issues within the Principal Local Law affecting its application and interpretation in the contemporary environment, and to increase selected penalties to act as appropriate deterrents.

State-wide public notice of the proposed Amendment Local Law was published in The West Australian newspaper on Wednesday, 25 March 2015 (TRIM 54826/15). The public notice was exhibited on the City's notice boards, the City of Perth website and through social media, seeking public submissions on the proposed Amendment Local Law.

In accordance with Section 3.12(4) of the *Local Government Act 1995*, after the last day for submissions, Council is required to consider any submissions received and may resolve by an absolute majority to make the local law or to make a local law that is not significantly different from the proposed Amendment Local Law as advertised. At the end of the public notice period, two submissions were received by the City of Perth (refer to Schedule 22). Further consideration of the proposed change to Clause 7(b) of the Amendment Local Law, also the subject of concerns raised by one submitter, has prompted the City of Perth to not proceed with the proposed amendment to Clause 7(b). Further information regarding Clause 7(b) is provided in the Details section of this report.

Given that this is likely to be considered by Parliament's Joint Standing Committee on Delegated Legislation as a "significantly different" change to the proposed Amendment Local Law that was originally advertised, in accordance with Section 3.13 of the *Local Government Act 1995*, the City of Perth is required to recommence the local law making procedure by issuing a State-wide public notice of its intention to make the City of Perth Thoroughfares and Public Places Local Law 2015.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Sections 3.12, 3.13 and 3.16 of the <i>Local Government Act 1995</i> <i>City of Perth Thoroughfares and Public Places Local Law 2007</i>
Integrated Planning and Reporting Framework Implications	Corporate Business Plan Council Four Year Priorities: Community Outcome Capable and Responsive Organisation A capable, flexible and sustainable organisation with a strong effective governance system to provide leadership as a capital city and deliver efficient and effective community centred services.

DETAILS:

Clause 7(b) – General Prohibitions regarding Activities in Thoroughfares and Public Places

As originally advertised, the intent of the proposed change to Clause 7(b) of the Principal Local Law was to remove the current prohibition of cyclist movements through the City's Malls (Hay Street and Murray Street). This proposal was guided by the City's commitment to its Cycle Plan 2029, which was adopted by Council at its meeting held on **9 October 2012** along with the Cycle Plan Implementation Program 2012 – 2017. It is noted that:

- The Hay and Murray Street malls were designated as Pedestrian Priority Zones, where the use of City of Perth advisory signage reinforces pedestrian priority

and the expectation of slow speed cycling, which were included within the Cycle Plan 2029.

- Appropriate signage would have been placed in the malls to indicate that the malls are “dual use” for pedestrians and cyclists and detailing that cyclists should slow down and abide by a set speed limit of 5 kilometres per hour (applicable to all vehicles in the malls); pedestrians would have right of way; and that cyclists and pedestrians enter and use the malls at their own risk, and that the City “accepts no responsibility or liability for any loss, injury or damage occurring in the malls.”
- Cyclists are already utilising the Hay and Murray Street malls. Whilst cyclists tend to utilise the wider, central area of the malls while travelling at slow speed and pedestrians have full visibility of cyclists as they enter and exit north-south routes such as Piccadilly Arcade, City Arcade-Trinity Arcade, and Plaza Arcade; this is a contravention of the Principal Local Law as it exists. It is noted that there are difficulties with enforcement due to the mobile nature of the cyclists.
- The proposed amendment to Clause 7(b) would have permitted cyclists to utilise the malls as a connection between William and Barrack Streets, as well as directly access businesses located in the malls.

However, further consideration of the proposed change has noted that the following concerns with the proposal:

- There is potential increased risk of collisions between cyclists and pedestrians regardless of any preventative measures that are put in place.
- There is potential risk of conflict occurring between cyclists travelling the east-west route and pedestrians travelling north-south routes (through plazas) in the malls.
- There are greater difficulties enforcing the compliance of cyclists’ behaviour within the malls. The current Local Law is definitive on the prohibition of cycling, but the proposed amendment is more subjective in nature, for example, what constitutes unsafe behaviour and the problems associated with monitoring speed limits.
- There is potential for Wellington Street to be used as an option for cyclists travelling the east-west route however, the viability of this option requires significant investigation, budget considerations and is yet to be determined.

Stakeholder Consultation undertaking during the Initial Public Notice Period

In addition to the requirements of Section 3.12 of the *Local Government Act 1995*, legal opinion obtained by the City regarding the proposed Amendment Local Law (TRIM 239968/14) advised that:

- In accordance with Section 61 of the *Land Administration Act 1997*, the City is required to consult with the owners and lessees of the freehold lots and the providers of any public utility services located on the Malls.
- Part 4.7.1.4 of the Crown Land Administration and Registration Practice Manual suggests that the proposed Amendment Local Law is required to be submitted to the Minister for Lands for consideration.

Letters advising of the public notice period together with a copy of the proposed Amendment Local Law were sent to the property owners and lessees of 152 affected properties in the Hay and Murray Street Malls. A copy of the public notice and the proposed Amendment Local Law were also sent to the Minister for Lands, and the main public utilities of Synergy, Water Corporation, Alinta Gas and Telstra.

In accordance with Section 3.12 of the *Local Government Act 1995*, a copy of the public notice and the proposed Amendment Local Law were also provided to the Minister for Local Government and the Minister for Health.

At the close of the submission period, two responses were received by the City of Perth (refer to Schedule 22). One submitter objected to Clause 7(b) of the Amendment Local Law, which would result in a change to Clause 2.1(i) of the Principal Local Law to formalise cyclist movements in the Hay and Murray Street Malls. The other submitter objected to the new Clause 11 in the proposed Amendment Local Law, which would result in a new clause inclusion 2.18 into the Principal Local Law which discourages the use of bunting for the purposes of permanent advertising.

The Minister for Health's office advised on 8 June 2015 that it would not be providing any comments regarding the proposed Amendment Local Law. The Minister for Lands' office advised on 9 June 2015 that it would not be providing any comments.

Commentary regarding the advertised Amendment Local Law was received on 15 May 2015 by email (TRIM 80662/15) from the Department of Local Government and Communities (DLGC) on behalf of the Minister for Local Government. The commentary relates to minor formatting and redrafting of various clauses in the advertised Amendment Local Law to be in line with current legislative drafting practices. The DLGC's suggestions relate to drafting standards only and have been incorporated into the proposed Amendment Local Law (refer to Schedule 25 for details on the DLGC's suggestions).

FINANCIAL IMPLICATIONS:

The initial public notice advertising cost for the proposed City of Perth Thoroughfares and Public Places Amendment Local Law 2015 was \$650. The recommencement of the local law making process will require approximately the same amount to be spent on advertising.

The gazettal and final public notice requirements for the proposed Amendment Local Law, once resolved by Council, are estimated to be \$2,500. These costs can be accommodated with existing operating budgets.

All figures quoted in this report are exclusive of GST.

COMMENTS:

The change to Clause 7(b) of the proposed Amendment Local Law is shown below.

The strikethrough below indicates what was previously advertised and the underlining indicates the proposed change.

Existing Clause in Principal Local Law	Proposed Amended Clause (As Originally Advertised)	Proposed Amended Clause – Showing Minor Alteration (To be Re-Advertised)
<p>“PART 2 - ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES</p> <p>General prohibitions</p> <p>2.1 A person shall not –</p> <p>(i) within a mall, an arcade or verandah of a shopping centre, ride any bicycle or wheeled recreational device;”</p>	<p>“7. Clause 2.1 amended</p> <p>Clause 2.1 is amended as follows:</p> <p>(a) in paragraph (f) delete “unless at the direction of the City;”;</p> <p>(b) in paragraph (i) after “within” delete “a mall” and insert “an”;</p> <p>(c) in paragraph (k) –</p> <p>(i) delete the word “pedestrian”;</p> <p>(ii) after the word “mall” insert “reserve”;</p> <p>(iii) delete the note at the end of that paragraph.”</p>	<p>“7. Clause 2.1 amended</p> <p>Clause 2.1 is amended as follows:</p> <p>(a) in paragraph (f) delete “unless at the direction of the City;”;</p> <p>(b) in paragraph (i) after “within” delete “a mall” and insert “an”;</p> <p><u>in paragraph (i) after “mall”, insert “an”;</u></p> <p>(c) in paragraph (k) –</p> <p>(i) delete the word “pedestrian”;</p> <p>(ii) after the word “mall” insert “reserve”;</p> <p>(iii) delete the note at the end of that paragraph.”</p>

The originally advertised change to Clause 7(b) of the proposed Amendment Local Law was intended to give effect to the formalisation of cyclist movements in the Hay and Murray Street Malls by removing the existing prohibition in the Principal Local Law. However, the City of Perth Executive Leadership Group has further considered this proposal and it is now considered that, due to the potential risk and enforcement issues, Clause 7(b) should not be amended.

Given that the use of the Hay and Murray Street Malls as an east-west route was endorsed by the Council at its meeting held on **9 October 2012**, it is considered to be important that alternative options are investigated by the City of Perth in the near future.

Future Reviews of the Principal Local Law

Officers note that future reviews of this local law will require the following to be addressed:

- The interchangeable use of the terms “City” and “local government” will be consistently applied to this and subsequent local laws.
- The application of the local law in Metropolitan Redevelopment Authority project areas.
- Officers have observed that the Principal Local Law requires restructuring for ease of use and clarity. The DLGC have also suggested that, given that the consolidated local law is not gazetted, and is therefore not the official version, consideration should be given to repealing and replacing the local law. The City agrees with the DLGC’s suggestion and will investigate it as a part of the next statutory review of this local law.

Application of the Caretaker Policy

The decision the Council may make in relation to this item could constitute a ‘Major Policy Decision’ within the context of the City of Perth Caretaker Policy, however, an exemption should be made because, the process relating to the amendment local law being made had been initiated prior to the 2015 Caretaker Period taking effect and a delay would impact legislative timeframes as noted in Section 5.8 of the DLGC’s “Local Government Operational Guidelines – Number 16 – November 2011 – Local Laws.”

ITEM NO: 16

ROE STREET CAR PARK USE OF ROOFTOP FOR EVENTS

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council:

- 1. approves the Artrage Rooftop Movie event to be conducted on the rooftop of the Roe Street Car Park for the 2015/16 season from 19 October 2015 until 31 March 2016;***
- 2. notes that the event organiser will provide the following partnership benefits to the City:***
 - 2.1 payment of parking bay license fees of \$31,205.34;***
 - 2.2 inclusion of the City of Perth Parking logo in all print promotional material and publications including posters and flyers, performance programs and advertisements;***
 - 2.3 inclusion of the City of Perth Parking logo on electronic media including website, e-news and Facebook page;***
 - 2.4 CPP digital advertisement screened nightly throughout the season;***
 - 2.5 improvements to directional signage on ground level to increase traffic to both Rooftop Movies and the City of Perth car park and other additional signage as approved by the City;***
 - 2.6 provision for complimentary tickets for City of Perth representatives, staff and elected members including:***
 - (a) 50 complimentary tickets to assorted Rooftop Movies Screenings;***
 - (b) 20 complimentary tickets to mini-festivals;***
 - (c) 10 complimentary tickets to concerts;***
 - (d) 6 complimentary tickets to Rooftop Movies Launch night;***

(Cont'd)

3. *notes that following conclusion of the 2015/16 Rooftop Movie season a review is to be conducted to determine the most appropriate use of the rooftop of the Roe Street Car Park and discussions held with Artrage regarding subsequent Rooftop Movies seasons and the possibility of utilising alternative venues;*
4. *notes that all planning, health and legislative approvals will be required before Artrage can commence the use of the upper level of the Roe Street Car Park for events;*
5. *notes that Artrage will be required to update and comply with relevant Hazard and Risk Assessment documents, address all Occupational Safety and Health (OSH) related issues associated with the event and to provide Security and Traffic Management Plans to be approved by the City;*
6. *notes that Artrage must have Parts 4 and 5 above in place 3 weeks prior to the start of the Rooftop Movies.*

BACKGROUND:

FILE REFERENCE:	P1028024
REPORTING UNIT:	Commercial Parking
RESPONSIBLE DIRECTORATE:	Community and Commercial Services
DATE:	9 September 2015
MAP / SCHEDULE:	N/A

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

At its meeting held on **31 January 2012**, Council approved use of the Roe Street Car Park for a trial operation of a rooftop open air cinema to be operated by Artrage for the period from 7 February 2012 until 30 April 2012.

After the trial season, season one of the Rooftop Movies ran from 10 December 2012 to 18 April 2013, season two from 24 October 2013 to 12 April 2014 and season three from 30 October 2014 to 11 April 2015.

Throughout this period Artrage has used the rooftop of Roe Street car park to screen outdoor movies, morning yoga sessions and a New Year's Eve party.

City of Perth Parking (CPP) was a partner of the event. Advertising and other promotions were used to offset the costs associated with Artrage hiring this space.

A review has been undertaken to ascertain if the above use is appropriate for a further season and financially advantageous.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications

Corporate Business Plan

Council Four Year Priorities:

- S13 Development of a healthy night time economy
- 13.1 Develop a Night Time Economy Strategy

Organisational Development Plan:

- G11 Community Engagement

Strategic Community Plan

- Council Four Year Priorities: Community Outcome
- S13 Development of a healthy night time economy

DETAILS:

The City has for some years promoted the use of the upper stories of several of the City's car parks to conduct events when there is an availability of parking bays. Rooftop Movies managed by Artrage has operated three seasons on the upper level of the Roe Street Car Park occupying 67 parking bays.

In previous years, it was suitable to hold an event on the Roe Street rooftop over an extended period as the demand for parking particularly on weekdays was low. However, with the nearing completion of the Kings Square, Perth City link and other developments it is expected that the demand for parking in the area and particularly the Roe Street car park which is located directly opposite the Kings Square development will increase significantly as more commercial tenants and retailers move into the area.

In previous seasons the Rooftop Movies have been successful in stimulating vibrancy and bringing people into the city. The report provided identifies a drop from 30,960 to 29,340 patrons visiting the movies throughout the 2014/15 season and a decline in the average nightly attendance to from 227 to 217.

It is noted that the City also provides sponsorship and partnership of other Artrage events including the Fringe World festival. (In 2014/15 this amount was \$72,531).

In commercial terms, the loss of income from the use of the 67 bays as an event space had minimal impact on patronage by movie goers parking in the Roe Street car park. The table below provides a comparison of night car park patronage during the event and for a normal period 30 days just prior to the event and for a longer period earlier in the year.

Rooftop Movie - Patronage Analysis (Night, Entry between 6pm to 12am)

Patronage Analysis Rooftop Movie Period Vs Normal Business Period

	Night time Patronage 6pm to 12 midnight	Average Patronage/ Night
1	Rooftop Movie Period Patronage 30/10/2014 to 11/04/2015	572
2	Normal Business Period Patronage Prior to Event 25/09/2014 to 25/10/2014 (30 days)	591
	Variance	-3.28%
	Night time patronage 6pm to 12 Midnight	Total Patronage
1	Rooftop Movie Period Patronage 30/10/2014 to 11/04/2015 (164 days)	84,443
2	Normal Business Period Patronage 15/05/2014 to 25/10/2014 (164 days)	79,870
	Variance	5.89%

It should be noted that generally the Roe Street car park has a history of reaching its capacity in terms of patronage on Friday and Saturday nights. This must be taken into consideration when deciding whether it is a viable option to reduce the Roe Street car park by 65 parking bays over this high use period.

Rooftop Movies will this year occupy 65 bays as 2 bays have been leased to Vodafone on a permanent basis for telecommunications equipment.

Following the conclusion of the 2015/16 Rooftop Movie season a further review is to be conducted to determine the most appropriate use of the rooftop of the Roe Street Car Park including whether events that extend over a long period are suitable when demand for parking is expected to be high.

A number of risks may impact the Roe Street car park operations if the Artrage Rooftop Movie events occur for the 2015/16 period. Below is a risk management table addressing the potential risks.

Risk Management Table

Risk Description	Likelihood	Consequence	Risk Rating	Mitigation
Lack of patrons	Unlikely	Loss of revenue	Medium	Artrage will be providing advertising benefits to CPP
Increased parking demand due to nearby developments	High	Complaints from the public	Medium	Providing alternative parking options via CPP App, signage and website

Patrons falling over 1 metre wall on top level of car park	Unlikely	Death	Low	Artrage to provide security to manage people on in the area
Evacuation in an emergency	Unlikely	Bodily injury to patrons or CPP staff	Low	Evacuation plan is in place. CPP will communicate the evacuation plan to Artrage Clear signage in car park building

The City receives the following partnership benefits from the Rooftop Movies:

Inclusion in the Rooftop Movies printed program, website, e-news and Facebook page will once again form the basis of the marketing campaign for Rooftop Movies.

City of Perth Parking logo recognition:

- Rooftop Movies website with click-through to CPP website
- Rooftop Movies posters
- Rooftop Movies printed programs
- Rooftop Movies tickets purchased online
- Rooftop Movies signage
- Rooftop Movies e-newsletters
- Rooftop Movies outdoor & print advertising

City of Perth Parking Advertising:

- City of Perth Parking digital advertisement screened nightly throughout the season (<10 seconds duration)

Ticketing for staff and elected members:

- 50 complimentary tickets to assorted Rooftop Movies Screenings
- 20 complimentary tickets to mini-festivals
- 10 complimentary tickets to concerts
- 6 complimentary tickets to Rooftop Movies Launch night

Artrage has agreed to pay any outstanding fees from previous years as part of the approvals process.

Caretaker Policy Statement

The decision the Council may make in relation to this item could constitute a 'Major Policy Decision' within the context of the City of Perth Caretaker Policy, however, an exemption should be made because the event has occurred over a number of years and requires approval to proceed by the proposed dates.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	09112000XXXX
BUDGET ITEM:	CPP – Undercover Car Park Operations
BUDGET PAGE NUMBER:	43
BUDGETED AMOUNT:	\$ 1,649,371
AMOUNT SPENT TO DATE:	\$
PROPOSED COST:	\$ 190,598
BALANCE:	\$ 1,458,773

All figures quoted in this report are exclusive of GST.

COMMENTS:

The City has reviewed operational and financial implications and the information from previous seasons of the Rooftop Movies at Roe Street Car Park.

City staff will continue to work closely with Artrage to ensure the success of the Rooftop Movies season for 2015/16.

Analysis is ongoing in order to assess the change in demand for parking in the area in light of the nearing completion of Kings Square, Perth City Link and other nearby developments and how this will impact on future parking demands for the Roe Street Car Park and the surrounding area in 2015/16 and beyond.

ITEM NO: 17

2016 MEMORABILIA AND SOCIAL HISTORY EXHIBITION - WILD LIFE

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council approves a social history exhibition WILD LIFE, commemorating the popular Wild Life shows that were undertaken at the Perth Town Hall yearly from 1946 and throughout the 1950s, at a cost of \$55,000.

BACKGROUND:

FILE REFERENCE: P1031835
REPORTING UNIT: Community Facilities
RESPONSIBLE DIRECTORATE: Community & Commercial Services
DATE: 28 August 2015
MAP / SCHEDULE: N/A

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The City periodically presents major social history exhibitions which provide public access to the City's cultural collections and encourage research into the social history of Perth. The exhibitions are successful community engagement projects that share personal accounts of life in Perth in the past and an opportunity to capture and retell stories for the benefit of future generations. The exhibitions attract visitors and tourists that are interested in the story of Perth and draw people into the city for social connection, recreation and education.

The next proposed exhibition will be held at the Perth Town Hall and is inspired by the past activities of the Western Australian Naturalist Club and their ground-breaking Wild Life Shows that took place throughout the 1950's at the Perth Town Hall.

Examples of past major exhibitions undertaken by the City are listed below.

Year	Exhibition Title
2013	50 Years: Council House 1963-2013
2011	1962: The City of Light and the Commonwealth Games
2010	The Coolbaroo Club and The Coffee Pot: two extraordinary places in 1950's Perth.
2009	Nightsoil, Hatpins and Health Inspectors, Cleaning Up the City of Perth 1910 - 1915
2008	Perth City Council 1939-1945, WWII

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications

Strategic Community Plan Vision 2029+

Healthy and Active in Perth

S15 Reflect and celebrate diversity in Perth.

Policy

Policy No and Name: 18.1 – Arts and Culture
18.2 – Collection Management Policy

DETAILS:

An exhibition WILD LIFE is proposed to be held at the Perth Town Hall for three weeks from 27 June 2016 until 20 July 2016. It will be open daily from 9.00am – 5.00pm and will be free to the public.

This exhibition will explore the legacy of the WA Naturalist Club (1924 - present) and its impact on education, research and the modern environmental movement in WA.

Exhibition material will be drawn from the archives of the WA Naturalists Club, City of Perth Collections, National Trust and State Library WA Collections; and local history documents, photographs and exhibits from groups involved in managing WA's flora and fauna.

In the post war years Club President, and Western Australian conservationist, Vincent Serventy gauged the growing public interest in WA native flora and fauna and the need to make knowledge about natural history more accessible. In 1946 the Gould League, the Wildflower Society and many government departments, conservation groups and individuals were invited to participate in the first Wild Life Show. These Shows became extraordinarily popular with the public, especially children, as they provided access to engage with native flora and fauna.

The WA Naturalists Club has agreed to collaborate on the exhibition and make it as vibrant as possible. The aim will be to present an exhibition which represents (as much as possible) the original Wild Life shows in the Perth Town Hall. It is intended that displays will include live animals, birds and insects brought into the Town Hall and removed each day by professional animal handlers.

The exhibition falls within the July school holidays in 2016 and to acknowledge the impact of the early educational work the City will offer a series of free morning workshops for children. It is also hoped several lectures for the general public and a book launch will be programmed as part of the event.

This period also includes NAIDOC week (3 to 10 July) and falls just after World Environment Day (5 June). These associated activities offer cross promotional or programming opportunities with other community and cultural groups.

This project aligns well with the City's Arts and Cultural Policy and the key aims of the project are to:

- present a public exhibition and re-creation of a city attraction at the Perth Town Hall, based on popular recurring events that took place there in the 1950's;
- reflect on the social significance of the Perth Town Hall its role as a civic building, by researching and documenting how it has been used by the community over time.
- research and produce a publication to document the exhibition and associated history of the Wild Life Exhibitions that took place in the Perth Town Hall in the 1940's and 1950's.
- provide a means for the community to contribute to a shared story about life in Perth in the past and the earlier development of Western Australia and the story of our connection to our State's unique flora and fauna.

This exhibition is intended to stimulate broad community interest including national and international visitors to the Perth Town Hall, pre-primary and primary school students and members of the general public interested in conservation issues, local history and the history of the City of Perth. The event will be included in the City Playground Pass.

It is anticipated that 5,000 people will visit the exhibition and approximately 2,000 copies of the publication will be produced.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CL 15970000
BUDGET ITEM:	Recreation and Culture – Other Culture – Community Arts Program
BUDGET PAGE NUMBER:	10
BUDGETED AMOUNT:	\$45,850
AMOUNT SPENT TO DATE:	\$ 0
PROPOSED COST:	\$55,000 (includes \$22,750 in 16/17)
BALANCE:	\$13,600

All figures quoted in this report are exclusive of GST.

The project has been budgeted and planned within the existing operating budget for the Community Arts Programme, the expenditure will be incurred over two financial years. The budget for the first stage of the project including research, design and publications has been approved as part of the 2015/16 operational budget. The second stage of the project, exhibition implementation and display is intended to be incorporated into the 2016/17 operational budget.

COMMENTS:

The proposed exhibition will highlight the cultural and social significance of one of Perth's treasured buildings, the Perth Town Hall. The exhibition and associated publication will be informed by the stories of the people of Perth and the past contributions of community groups that have inspired a strong connection to the natural environment and cultural identity that remains today.

Numerous opportunities to collaborate with community and cultural organisations in creating a public program to support the exhibition could add new dimension and context for the benefit of contemporary audiences. The key stakeholder relationship is with the WA Naturalist Club, who have expressed an interest in contributing to the project should the exhibition proceed.

ITEM NO: 18

THE CITY OF PERTH REPRESENTATIVE ON THE ST GEORGES CATHEDRAL CIVIC SPACE MANAGEMENT COMMITTEE FOR CATHEDRAL SQUARE

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council agrees to authorise the Chief Executive Officer, or his nominee, to represent the City on the St Georges Cathedral Civic Space Management Committee.

BACKGROUND:

FILE REFERENCE: P1029451
REPORTING UNIT: Community and Commercial Services Directorate
RESPONSIBLE DIRECTORATE: Community and Commercial Services Directorate
DATE: 26 August 2015
MAP / SCHEDULE: Schedule 26 – Map of Cathedral Square

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 15 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The land outlined in Schedule 26 is bordered by St Georges Terrace, Barrack Street, Hay Street and Pier Street. This area is undergoing a transformation as new buildings are being built and the Old Treasury building is being refurbished into a hotel. This parcel of land is also where the Perth Town Hall is located and the new City of Perth Library is being constructed.

A significant portion of the land in this precinct is owned by the Perth Diocesan Trustees with the City leasing a portion of this land for the new Library and a portion of the Plaza on a 99 year lease.

The land on which the Perth Town Hall is located is State owned land however the City has care, control and management of this land in perpetuity.

Mirvac Pty Ltd and FJM Property Pty Ltd (hotel developers) have a 99 year lease on the land owned by the State Government. Panoramic House on the corner of Pier and Hay Streets is owned freehold by the Public Trustee.

In the middle of the precinct there is a new plaza being built which is a public space and the shared responsibility of 5 signatories to the St George's Cathedral Precinct Civic Space Management Deed (Deed). The signatories are the City of Perth, the Perth Diocesan Trustees, Public Trustees, Mirvac (Old Treasury) Pty Ltd and the Hotel Developer FJM Property Pty Ltd.

The City's building contractor Doric has been contracted to build the Plaza on behalf of the five signatories. Once built the Plaza will be a civic space that the Management Committee, which the City will be part of, will have the responsibility to manage and maintain for the term of the Deed.

The area is now referred to as Cathedral Square as agreed by the parties to the Deed and by Council resolution on the **7 April 2015**.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	St Georges Cathedral Precinct Civic Space Management Deed
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Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Community Outcome MAJOR STRATEGIC INVESTMENTS The planning and integration of major infrastructure and developments to maximise their net benefit and minimise risk and future costs to the City. S1 Ensure that major developments effectively integrate into the city with minimal disruption and risk.
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Policy No and Name: 10.2 – Delegates on Boards, Authorities and Committees

DETAILS:

As part of the Deed the signatories are required to establish a Management Committee to collaboratively build, manage and control the Plaza. This Committee has been working together for the length of the project.

The Committee has appointed a Neighbourhood Manager for Cathedral Square to manage the day to day affairs of the Plaza and she will implement the resolutions of the Committee under section 8.12 of the Deed.

The duration of the Deed is for 99 years and it stipulates that these meetings must be held at least once every 3 months prior to the date of completion and at least every 6 months after the date of completion.

Currently the Committee has been meeting approximately once a month since the commencement of the project and as the plaza construction nears completion

decisions need to be made regarding the finances such as budget, sinking funds, administration funds and contributions amounts.

The contribution percentage for the City is outlined in the Deed under section 7, each party to the Deed has to contribute 20% of the total cost.

Under section 8.2 of the Deed the City is able to nominate one representative and this representative has one voting right on decisions regarding the plaza area.

In July 2012 Frank Edwards the former Chief Executive Officer of the City of Perth nominated the Director Services Units to represent the City as a member to this Deed and the Planning and Development Directorate's, Directorate Projects Manager as an alternative.

Both representatives have been attending meetings since the implementation of the Management Committee.

The Director will be retiring early next year and therefore will no longer be able to represent the City on this Committee. The alternative representative is the Directorate Project Manager for the Planning and Development Directorate and once the plaza construction is complete the representative role is no longer considered appropriate under this position description.

The project is finalising its construction phase and the Management Committee is moving its focus to the activation, maintenance and management of the Plaza area, it is therefore necessary for the City to nominate a new representative to this Committee.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CL 12B9 4000 7214
BUDGETED AMOUNT:	\$120,000
AMOUNT SPENT TO DATE:	\$ 0
PROPOSED COST:	\$ 45,750 (3 quarter payments this financial year)
BALANCE:	\$ 74,250
ANNUAL MAINTENANCE:	1 year (1/10/15-30/09/16) \$305,000 – City's share \$61,000 2 year (1/10/15-30/09/16) \$267,500 – City's share \$53,500 with costs ongoing for 99 years.

All figures quoted in this report are exclusive of GST.

The Deed outlines the contractual obligations between the signatories. The management and maintenance expenses for the Plaza are to be shared between the five signatories to the Deed. Costs are to be divided amongst the five signatories on an even spread of 20% each signatory.

The proposed figure for the first year, which is calculated to start on the 1 October 2015 through to the 30 September 2016, is a total of \$305,000 p.a. The City's share will be paid quarterly which equates to \$15,250 per quarter.

The second year proposed figure for the same time period is \$267,500 which the City's share is \$13,375 per quarter.

The Council has approved the operational budget for property maintenance of \$120,000 for Cathedral Square in the 2015/16 Budget.

The figures are estimates as the full years budget has not yet been endorsed by the Management Committee as required under clause 11 of the Deed.

There are no financial implications to agree to nominate a representative however the City will contribute 20% towards the total cost of the budget amount agreed to by the Committee. The other 80% of costs are to be borne by the other signatories to the Deed.

COMMENTS:

As the construction of the Plaza is nearing completion the roles of the representatives will be changing to a role of activation, maintenance and management rather than that of construction.

The City's current nominated representatives, the Director and the Directorate Projects Manager are considered to no longer be the best fit for the role of representative as the Director will be retiring from the City in early 2016 and the Directorate Projects Manager role is in the Planning and Development Directorate.

The City's obligations in the Deed are for 99 years in which many changes will occur within the City's administration and therefore the representatives will change over time.

The Deed outlines that the parties must nominate a representative member in writing and that the parties must use all reasonable endeavours to ensure that its representative member attends all meetings.

It is recommended that the CEO be endorsed by the Council to represent the City at the Management Committee or to delegate the representative role to an employee of the City.

WORKS AND URBAN DEVELOPMENT COMMITTEE REPORTS

ITEM NO: 19

BEAUFORT STREET TWO-WAY TRANSPORT REVIEW AND IMPROVEMENTS (ROE TO NEWCASTLE STREET)

**WORKS AND URBAN
DEVELOPMENT COMMITTEE
RECOMMENDATION:**

(APPROVAL)

That Council:

- 1. endorses the development of safety and traffic flow improvements to Beaufort Street as detailed in this report titled “Beaufort Street Two-Way Transport Review and Improvements (Roe to Newcastle Street); and***
- 2. approves the project to be further developed and constructed as programmed.***

BACKGROUND:

FILE REFERENCE:	P1022459-2
REPORTING UNIT:	Transport
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	10 August 2015
MAP / SCHEDULE:	Schedule 27 – Draft Concept Plan, Pedestrian Crossing Schedule 28 – Beaufort Street Two-Way Transport Review

The Committee recommendation to the Council for this report was resolved by the Works and Urban Development Committee at its meeting held on 8 September 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

Beaufort Street, between Roe and Newcastle Streets, was converted from one-way to two-way traffic operation on 7 April 2013. Shortly after, William Street in Northbridge (Roe to Newcastle Street) was converted to two-way operation on 21 April 2013. The completion of City of Vincent’s two-way conversion of Beaufort Street, between Newcastle and Brisbane Streets, followed in May 2013.

Subsequent to the conversion to two-way, the operation of Beaufort Street has been monitored and also input received from stakeholders, particularly in regard to crossing provision for pedestrians.

This report summarises the major findings and recommendations of the Beaufort Street Two-Way Review and sets out the way forward in terms of the recommended infrastructure improvements.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications

Corporate Business Plan

Council Four Year Priorities: Getting Around Perth
S4 Enhanced accessibility in and around the City
including parking
4.2 Deliver Two-Way Street Program

DETAILS:

Review of Two-Way Operation

From its commencement on 7 April 2013, the operation of Beaufort Street Two-Way has been continually monitored and reviewed through manual observations, timings of traffic signals, discussions with Main Roads Western Australia (MRWA) and analysis of recorded data including bus journey time information provided by the Public Transport Authority.

The analysis indicates:

- 14% reduction in average northbound vehicle speeds. Southbound vehicle speeds are similar to northbound;
- 32% reduction in northbound traffic volumes, although total two way levels are similar to the previous one way level;
- No significant change in the number of crashes along the length; and
- 14% reduction in northbound bus journey times.

Review of Safety

In February 2010, during the design for the two way scheme, a Road Safety Audit recommended that consideration be given to the provision of a pedestrian crossing at James Street. However, this was not included in the approved design for construction. A post-construction Road Safety Audit reiterated the previous Audit recommendations. Additionally a number of complaints have been received from pedestrian users of Beaufort Street regarding the safety of pedestrians crossing in the vicinity of James Street, particularly with the location of key generators such as the Cultural Centre and bus stops.

Morning and evening peak period manual surveys of pedestrians crossing Beaufort Street at James Street were undertaken and identified that upwards of

350 pedestrians currently cross Beaufort Street at this uncontrolled location in the busiest peak hour, to board and alight from buses and walk east/west along James Street. This level of pedestrian activity throughout the day, together with the volume of traffic on Beaufort Street combines to satisfy the MRWA warrant requiring consideration of a signal controlled crossing in this location.

In addition to this, it should be noted the recently approved mixed-use development of the former 'Mega-Mart' site on the south-east corner of the Beaufort and James Street intersection is expected to, once complete, generate a significant number of pedestrian trips across Beaufort Street to access the Cultural Centre and Perth Train Station. This is likely to exacerbate the existing situation and increase the need for a signal controlled pedestrian crossing.

Proposed Schemes

James Street Signal Controlled Pedestrian Crossing

In order to address the safety concerns for pedestrians currently crossing Beaufort Street and to reduce the potential for accidents, the design of the pedestrian crossing would involve the following (also refer to Schedule 27):

- installation of traffic signals, including outreach mast arms to prevent blocking of traffic signals by buses within the bus lanes;
- installation of pedestrian ramps and push buttons;
- civil modifications to the north east corner of the Beaufort and James Street intersection;
- modifications to the Cultural Centre service vehicle access opposite James Street intersection;
- modifications to existing road markings and signage to enforce traffic regulations approaching the crossing;
- no modifications to existing bus stops and shelter locations on the western side of Beaufort Street;
- removal of three on street parking bays on the south side of James Street to facilitate the civil modifications on north east corner of the Beaufort and James Street intersection. (It is to be noted that these parking bays are due to be removed to facilitate vehicle access to the approved mixed use development of the former 'Mega-Mart' site on the corner of Beaufort and Roe Streets); and
- reinstatement of footpath on the north side of James Street fronting The Court building.

A broad consultation process has been undertaken with both major stakeholders and immediate community stakeholders. The City of Perth has developed plans for the pedestrian crossing with the full assistance and collaboration of the Metropolitan Redevelopment Authority (MRA), WA Museum, MRWA, Public Transport Authority (PTA) and Department of Treasury (DoT). A series of meetings to discuss the most suitable location and design of the pedestrian crossing have been held and all parties are now in support of the project and its location as put forward. Some existing street

furniture and entry statements on the threshold to the Cultural Centre are required to be relocated. The MRA accept that this needs to occur and they are currently estimating the cost involved.

Community stakeholder consultation has been undertaken with the owner of The Court located on the corner of Beaufort and James Streets whom has expressed support for the project, subject to the construction not affecting the James Street Festival towards the end of November 2015.

The City of Perth has also consulted with WA Police at Curtin House on Beaufort Street and received full support for the project.

The Transport Consultant working on behalf of Mega-Mart site land owner is fully aware of the project and has passed on the details of the project to the land owner. The project should not compromise the approved development of the site.

Aberdeen and Newcastle Streets Traffic Signal Modifications

A regular review of the performance of both Aberdeen Street and Newcastle Street intersections with Beaufort Street has determined that the volume of vehicles turning right from Beaufort Street within the peak morning and evening periods is very low, at around 40 vehicles per hour in each direction. At the intersection with Newcastle Street this value also includes scheduled bus services. The heaviest demand is north/south and east/west.

Changes to improve efficiency at these intersections may benefit pedestrians, buses and general traffic by reducing the overall cycle time. This increases the number of times pedestrians may cross within any given cycle of the signals.

It should be noted that the Public Transport Authority has offered to pay for the detailed design of the traffic signal infrastructure modifications which shall become an asset of MRWA.

Overall Transport Impacts

Micro-simulation modelling undertaken for the proposed signal controlled pedestrian crossing has shown the maximum queue length in the PM peak is six vehicles in the northbound direction. This will result in a queue length of no more than 40 metres which can be accommodated within the 105 metre distance between the pedestrian crossing and the Roe Street intersection. Coordination of the two sets of infrastructure shall be reviewed and coordinated with MRWA. The pedestrian crossing itself shall operate with a good level of service with limited delay to pedestrians and vehicles including buses.

Analysis of the proposed intersection signal modifications at Aberdeen Street and Newcastle Street intersections shall be progressed within the City's own transport model. The desired outcomes are improvements to bus journey times and reliability on Beaufort Street, reduced pedestrian wait times and improved traffic flow/congestion on Newcastle Street.

Program

Subject to Council approval of the Draft Concept Design for the proposed pedestrian crossing and given authorisation to proceed, the City will prepare the detail design documentation. At the same time, officers shall progress further investigations into potential intersection efficiency improvements and aim to implement these measures prior to or at the same time as the pedestrian crossing installation. Tenders for the construction are expected to be called during November 2015.

It is intended that the construction works shall commence in January 2016, following the Barrack Street Two-Way works (between St Georges Terrace and Wellington Street) to minimise disruption on this corridor and to avoid any clash with the James Street Festival at the end of November 2015.

A significant risk to the scheduled program is the requirement for a new unmetered power supply for the new traffic signal controlled pedestrian crossing to be provided by Western Power, which is a typically lengthy process. The above program should provide sufficient time to secure the power supply connection subject to the application commencing straight away. Nonetheless this element of the project has the potential to delay commencement of construction. A close watch shall be kept on this potential risk.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CW1793
BUDGET ITEM:	Transport, Streets, Roads, Bridges, Depot: Beaufort Street – Pedestrian Crossing
BUDGET PAGE NUMBER:	19
BUDGETED AMOUNT:	\$300,000
AMOUNT SPENT TO DATE:	\$ 0
PROPOSED COST:	\$295,000
BALANCE:	\$ 5,000

ANNUAL MAINTENANCE:	Traffic signal infrastructure and signage/line marking shall be maintained by MRWA as these are their assets.
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Road resurfacing to be included within scheduled City of Perth maintenance regime.

The estimated cost of the pedestrian crossing project including the proposed intersection modifications (excluding the works to be undertaken by MRA and the contribution from PTA) is approximately \$295,000 including preliminaries and contingency. A final cost estimate will be undertaken on completion of the detailed design documentation.

COMMENTS:

Following a review of the current two-way operation of Beaufort Street, between Roe and Newcastle Streets, and on the basis of the recommendations from an independent road safety audit and requests from stakeholders, it has been established that improvements to pedestrian safety and traffic flow efficiency are necessary in the form of a new signal controlled pedestrian crossing just north of James Street and signal phase sequence modifications to the intersections with Aberdeen Street and Newcastle Street.

These measures shall provide a safer location for pedestrians to cross Beaufort Street, improve bus journey times and reliability and also help to reduce the incidences of frustration related and red light running type accidents.

In order to provide these much needed improvements on Beaufort Street, it is requested that these proposed measures be endorsed by Council, noting construction provisionally scheduled to commence during January 2016 to minimise disruption and to avoid the James Street Festival at the end of November 2015.

OTHER REPORTS

LATE ITEM NO: 20

OPTIONS FOR THE RESOLUTION OF THE APPLICATION FOR REVIEW BEFORE THE STATE ADMINISTRATIVE TRIBUNAL REGARDING THE COUNCIL'S REFUSAL FOR USE OF UNIT 8, 90 TERRACE ROAD, EAST PERTH AS A 'LOCAL SHOP'

This Item will be distributed under separate cover.

SCHEDULES
FOR THE COUNCIL
MEETING
TO BE HELD ON
22 SEPTEMBER 2015

City of Perth Submission to the
ON-DEMAND TRANSPORT GREEN PAPER

The Department of Transport's On-Demand Transport Green Paper (July 2015) is supported for its ambition to foster a successful and innovative on-demand sector of the transport industry.

The City of Perth greatly values the role that on-demand transport services play in contributing to an accessible City.

The City of Perth greatly values the role that on-demand transport services play in contributing to an accessible City. This sector of the passenger transport industry has developed rapidly in recent years as changes in technology have enabled new operational approaches, and shifts in consumer expectations of transport service have influenced change. The State Government's Green Paper on these issues sets out a logical and needed path for change, and it is hoped that this will enable the on-demand transport sector to continue serving people living, working and visiting the City of Perth.

A more accommodating and flexible governance arrangement that allows for innovation and does not stifle progress is encouraged.

In order to enable the on-demand transport sector to be relevant and contribute to accessibility in the City of Perth, there is a need for any government control or intervention to be as minimal and as flexible as possible. As has been seen with the rise of on-demand transport services such as Uber, change in this sector is likely to be fast and sometimes unpredictable. The benefits are potentially significant as these new services fill gaps in the city's existing transport systems and encourage competition, progress and innovation in the existing market. Therefore, a more accommodating and flexible governance arrangement that allows for innovation and does not stifle progress is encouraged.

Mobile and 'location aware' technology has enabled the on-demand transport sector to evolve beyond the scope of existing and previous legislative structures designed to govern operations and operators, further highlighting the need for flexible policy and legislation.

Community safety and confidence in the on-demand transport sector are paramount.

It is critical that any change to legislation or policy regarding the on-demand transport sector places a significant emphasis on ensuring community safety. This issue is particularly relevant to the mechanisms that govern driver licensing, insurance and liability. The City of Perth encourages the Department of Transport to maintain its emphasis on community safety through the ongoing analysis of options for legislative change. This will be essential to ensure community confidence in the on-demand sector, and ongoing success of the sector.

The City of Perth is supportive of any reform measures that seek to ensure on-demand transport can continue to complement the City's public transport systems.

From the City of Perth's perspective it is critical that on-demand transport services are managed in a way that enables them to positively contribute to transport choice in Perth. Taxis play an important role in servicing the central city, complimenting the structured public transport system by providing flexible travel options, especially outside of peak times (on weekends, late at night, etc). The need for effective, reliable and efficient on-demand transport is only likely to increase as the City's economy continues to spread outside of the traditional CBD business hours, and as consumers increasingly seek transport services more aligned to their needs and preferences.

The City of Perth is supportive of any reform measures that seek to ensure on-demand transport can continue to complement the City's public transport systems and improve accessibility in Perth. In this context, it is important that on-demand transport services are available, safe, reliable and effective, irrespective of the operational structure or legislative arrangement that governs such services.

A more integrated and strategic approach to planning for on-demand transport services is encouraged.

A more integrated and strategic approach to planning for on-demand transport services is encouraged, so as to recognise the role that on-demand services play alongside more structured public transport, and the potential impact public transport improvement projects may have on the on-demand sector. This should specifically recognise the committed Forrestfield Airport Rail project (due for completion by 2020), which will have a significant impact on how taxi and airport shuttle buses connect the City and the Airport.

Support for a collaborative approach to planning for change in the on-demand transport sector.

The City of Perth supports the Department of Transport's collaboration on the On-Demand Transport Green Paper, and encourages a similar open and collective approach to future planning in this area of policy. The operational details regarding for pick up / drop car parking are key issues for the City. Given the City of Perth's expertise in this area and ability to manage such operational issues, ongoing collaboration is encouraged.

WAPC REF: 143700 (15/12/11 - Expiry 15/12/15)
22/10/14

To be created: March 2015
Legislation: S168 of Planning and Development Act
Vested in City of Perth: March 2015
Completion of Construction: March 2015
Hand Over to City & Public Access: March 2015
Completion of Maintenance Period: March 2016

To be created: April 2015
Legislation: S152 of Planning and Development Act
Vesting: City of Perth: April 2015
Completion of Construction: July 2015
Maintenance Period Ends: July 2016

To be created: April 2015
Legislation: S152 of Planning and Development Act
Vesting: City of Perth: April 2015
Completion of Construction: July 2015
Completion of Maintenance/ Defects Period: July 2016

Completion of Construction: July 2015

To be created: July 2015
Legislation: Devision 2 Part 5 of Land Administration Act
(Waiting on Department of Lands advice)
Vesting: City of Perth July 2015
Outdoor Eating Area Permit Required: July 2015
Completion of Construction: March 2015
Completion of Maintenance/ Defects Period March 2016

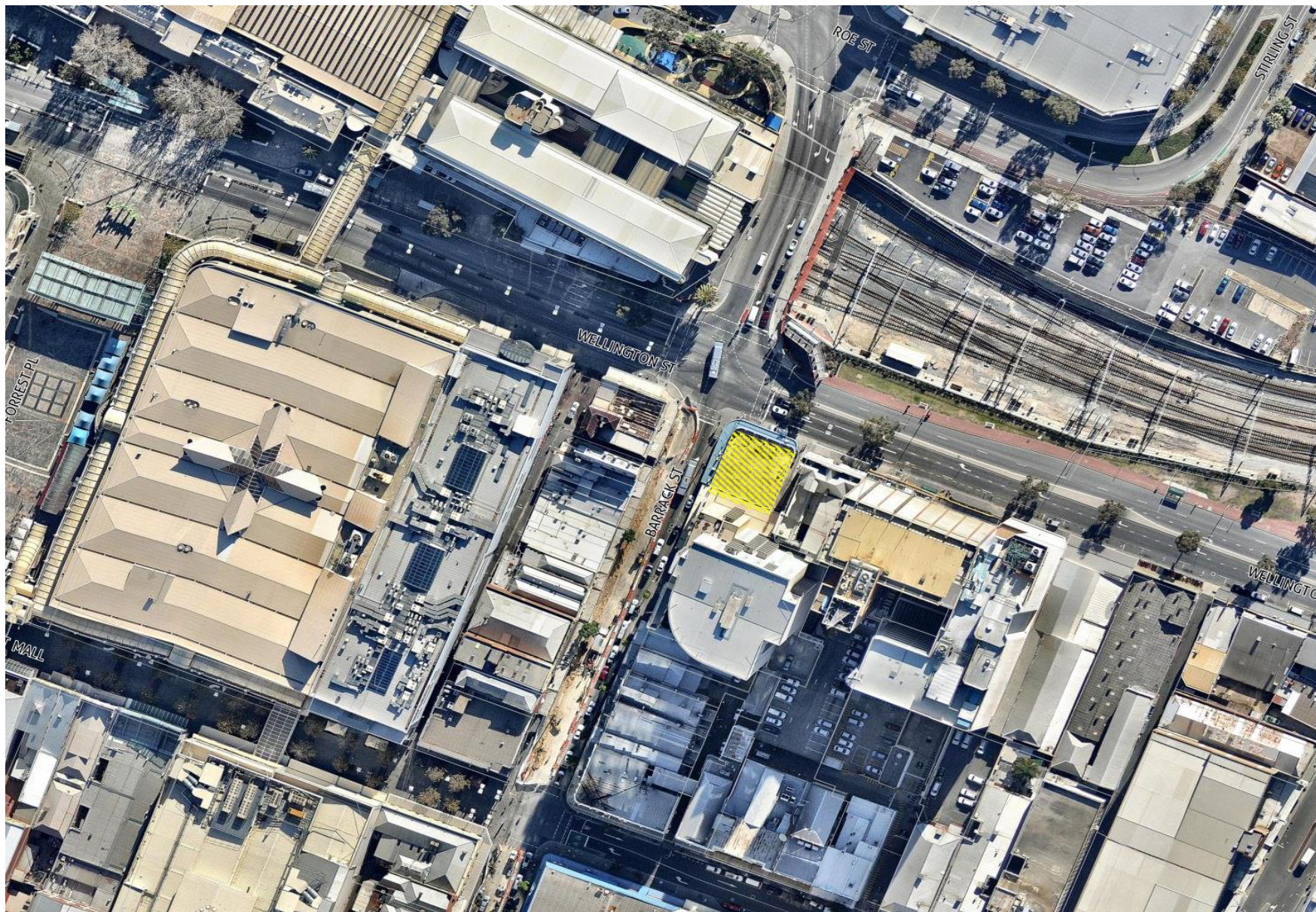
B = Tenure/ Access to be resolved with PTA



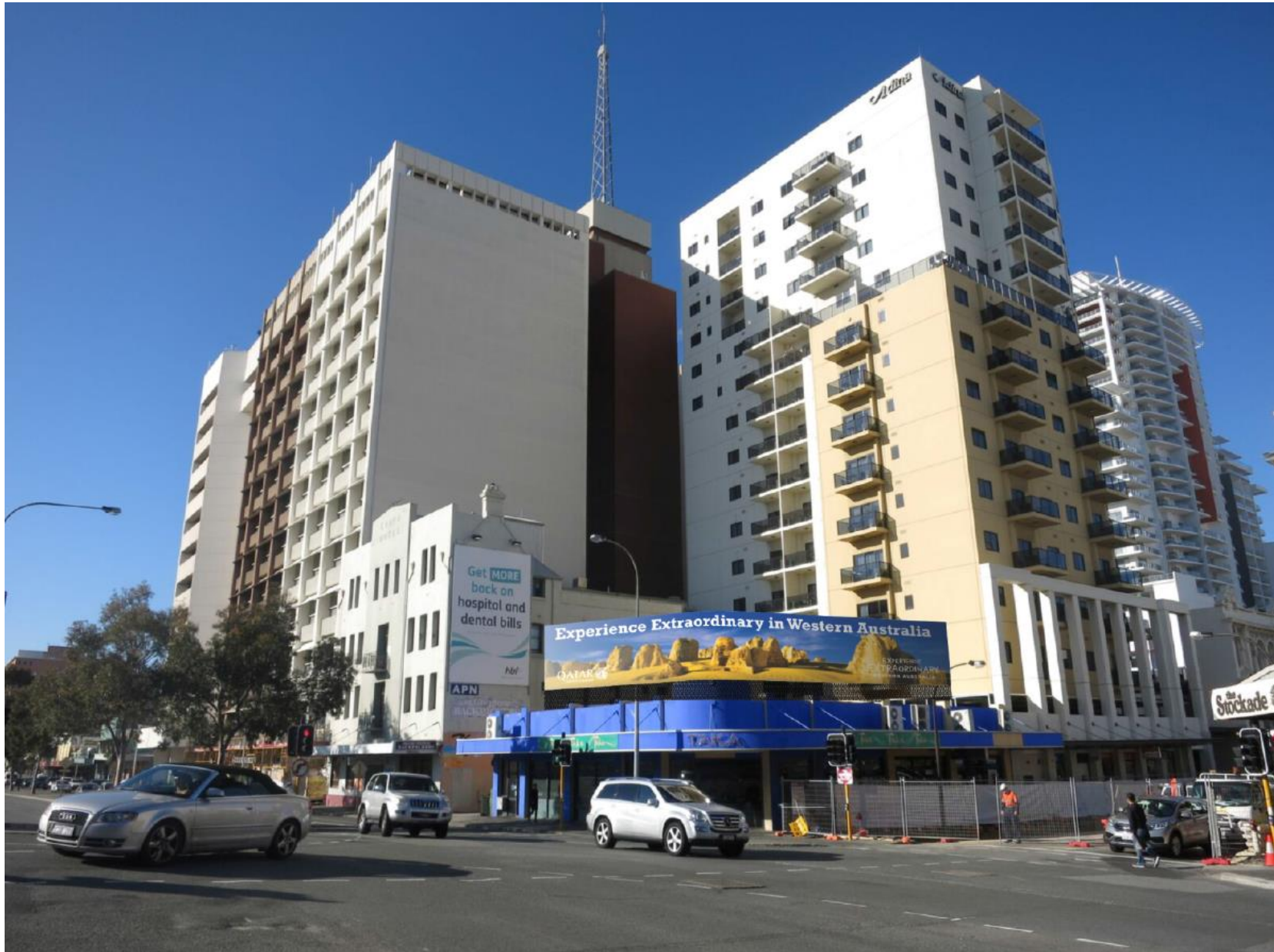
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2015/5267 - 146-152 (LOTS 2-8) BARRACK STREET, PERTH



2015/5267 - 146-152 (LOTS 2-8) BARRACK STREET, PERTH

SCHEDULE 4

Map and External Photographs



CONFIDENTIAL SCHEDULE 5

ITEM 4 – PROPOSED ENTRY OF 55-59 GODERICH
STREET, EAST PERTH IN THE CITY PLANNING SCHEME
NO. 2 REGISTER OF PLACES OF CULTURAL HERITAGE
SIGNIFICANCE

FOR THE PLANNING COMMITTEE MEETING

15 SEPTEMBER 2015

DISTRIBUTED TO ELECTED MEMBERS UNDER
SEPARATE COVER



City of Perth - Heritage Place Assessment

Three Houses, 55-59 Goderich Street, East Perth WA 6004

Place Details

Place Name:	House 55-59 Goderich Street
Street Number:	55-59
Street Name:	Goderich Street
Suburb Town:	East Perth
Postcode:	6004
Construction Year::	1880
Date Source:	Visual assessment
Place Type Description:	Building(s) or Group
Original Use :	Single Storey Residence
Walls	Brick/pained brick
Roof 1 General:	Metal/zincalume
Architectural Style 1 General:	Victorian Georgian (c.1840-c.1890)
Historical Notes:	Prior to the 1890's central Perth was characterised by numerous small shops and businesses located in amongst residential premises which included boarding houses and cottages. Following the gold rush of the 1890's there was substantial redevelopment of the centre of the city with the result that very few cottages or other small buildings from the earlier period remain extant.
Description Notes:	Row of single storey residential buildings with medium pitched gable roof. Double hung sash windows. Verandah partly infilled. Columns (classical) not original
External Condition Notes:	Good
Integrity Notes:	High level of integrity (retains original residential function)
Authenticity Notes:	Medium level of authenticity (fabric is in-part original state – houses restored with alterations to verandah and former brick façade has been rendered)
Statement of Significance:	<p>The place is of aesthetic significance as an example of an early cottage dating from the nineteenth century, prior to the period of commercial expansion that followed the gold rush.</p> <p>The place is of aesthetic significance as an integral component of a group of residential buildings representing the pattern of settlement in Perth from the late nineteenth century, prior to the period of commercial expansion that followed the gold rush.</p> <p>The place is of historic significance because it reflects the way of life of the working people of Perth in the late nineteenth and early twentieth century.</p> <p>The place is a representative example of a residential property in Perth dating from the late nineteenth to early twentieth century. The place represents the changing character of the Perth community from the gold rush settlement period to the period of settlement by various ethnic communities, to the present.</p>



2015/5045; 23 EMERALD TERRACE, WEST PERTH



15/5045; 23 EMERALD TERRACE, WEST PERTH



15/5045; 23 EMERALD TERRACE, WEST PERTH



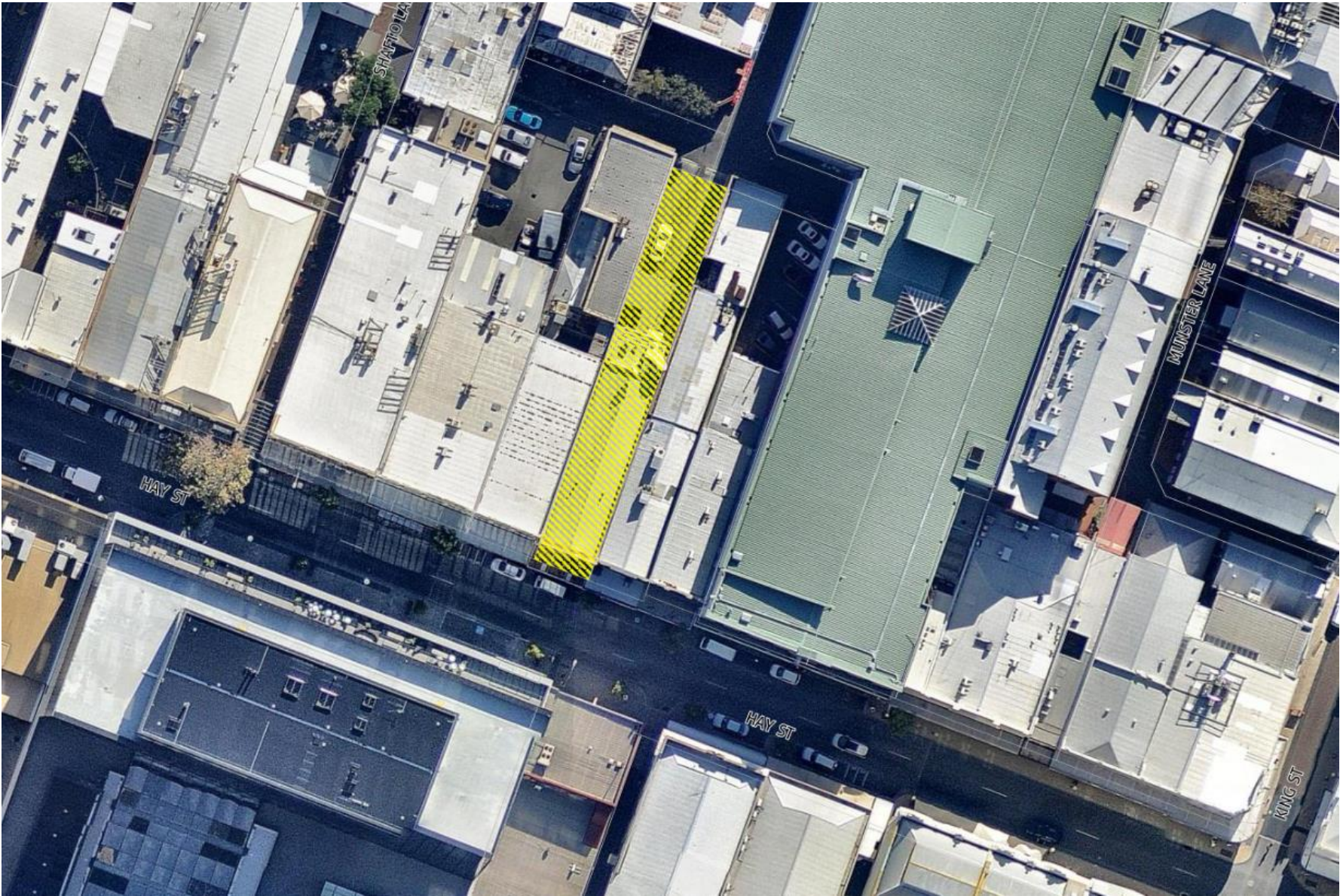
15/5045; 23 EMERALD TERRACE, WEST PERTH



2015/5186; 248-260 HAY STREET, EAST PERTH



2015/5186; 248-260 HAY STREET, EAST PERTH (PERSPECTIVE)



2015/5291; 860 HAY STREET, PERTH

CITY OF PERTH'S SUBMISSION 2015

**DRAFT HERITAGE BILL 2015
(REVIEW OF THE HERITAGE ACT OF WESTERN AUSTRALIA ACT 1990)**

CITY OF PERTH SUBMISSION

Introduction

The Council of the City of Perth welcomes the Draft Heritage Bill 2015 and the opportunity to comment on it. The current Act has been operational for 25 years and has seen Western Australians consolidate their understanding of the concepts of cultural heritage.

The Heritage Council of Western Australia, the State Heritage Office and the Minister for Heritage should be commended for engaging with stakeholders, be it at sometimes on a very tight timeframe, to produce a Bill that achieves substantial reform.

Comments on the Bill

The Council of the City of Perth supports the following in relation to the Heritage Bill 2015:

- The language and the structure of the Heritage Bill is very user friendly following a logical framework.
- The Heritage Bill uses definitions that are consistent with national and international practice. This ensures best practice is applied across Western Australia and in a consistent manner.
- The Heritage Bill moves away from the current Act's requirement that the HCWA members represent certain interests or groups and sets out the necessary skills and expertise that members of the HCWA should have to be eligible for appointment. This ensures that representation on HCWA is skills based thus providing the best possible advice to the Minister and decisions to the SHO and Local Government..
- Under Section 13 Functions of the HCWA are increased and are clearly articulated. For example significant changes include:
 - *To provide and facilitate the provision of financial and ... other conservation incentives*
 - *Prevent the deterioration or injudicious treatment of a place i.e. demolition by neglect*
 - *To acquire, own, lease or manage property*

It is important to clearly set out the Functions of the HCWA to enable greater transparency and interpretation of the legislation ensuring greater flexibility and resilience over time.

- Registration of State Heritage Places - Part 3 Section 29 – 48 of the Bill
- The current process of Interim and then Permanent Registration has been simplified into a single step to enable the Permanent Registration of a place. This new approach is more efficient, reducing costs and time taken in assessing documentation at the City of Perth.
- As set out in the Heritage Bill there will no longer be the requirement of the HCWA to seek comment from the Local Government and for the Local Government to be involved in the decision making process. It is understood that this matter will be addressed through the development of Regulation and as the City of Perth and all Local Government are a key stakeholder it is imperative that they are consulted in their development.
- Greater transparency is provided around the registration process through Section 17 which outlines the relationship between the Minister and the HCWA. Transparency of processes is clearly outlined requiring all directions received by the HCWA from the Minister to be published in the Annual Report.
- Section 32 Factors Relevant to cultural heritage significance: This Section clearly articulates and therefore clarifies through 9 separate criteria what the HCWA has regard to when determining if a place has cultural heritage significance. This approach is consistent with National and International standards (HERCON) which is regarded as the benchmark of assessing cultural heritage significance. Under the current Act 1990 Section 47 (2) highlights 3 broad areas that the Council should have regard to.
- Part 4 Section 58 establishes the ability to apply a Repair Order. This is a new section within the Bill ensuring that the place is protected from damage or deterioration due to fire, weather or other causes, securing the place from vandalism or maintaining or repairing the place - demolition by neglect. This is an important addition to the Act to ensure owners don't allow places to run down.
- Part 6 of the Green Bill retains the HCWA ability to offer financial incentives. The incentives on offer remain the same however the increased Functions set out in Section 13 (e) provide the opportunity or flexibility in the Bill to increase the type of incentives on offer without legislative change.
- Section 72 under Part 6 makes allowance for an owner to seek a revaluation for land tax without a Heritage Agreement. Any new approaches to incentives

need to be fully explored by the City to determine the implications on property and benefit to owners

- Part 8 Section 90 Local Heritage Surveys – This section enables the Municipal Heritage Inventory (MHI) prepared under S45 of the existing Act to be incorporated under the new Bill. The intent and purpose of the MHI has changed now resulting in a Local Heritage Survey that is for the benefit of the LGA and does not address Model Scheme text features as these are provided under the Planning and Development Act 2005.

The Council of the City of Perth does not support the following in relation to the Heritage Bill 2015:

- The insertion of Section 84 (4) (d) which makes provision for the HCWA through Regulation to seek the payment of fees for the preparation or operation of a Heritage Agreement to which it is not a party. The HCWA does not currently seek payment. The City has entered into eight Heritage Agreements to date in relation to the implementation of Transfer Plot Ratio through its City Planning Scheme No. 2 and if the HCWA imposes any costs it would look at passing the costs onto the applicant. This would have a negative impact on the incentive.
- Part 9 of the Heritage Bill deals exclusively with State Government heritage. Private and Government owned property are treated differently under the legislation, yet it is not clear in the Heritage Bill why this is proposed.

Section 95 of Part 9 goes some way to ensuring that Government take a leadership role by specifying that guidelines need to be prepared concerning property that is State Government owned and on the State Register. However S 95(3) states that guidelines [in relation to state owned places on the state heritage register] under this section do not have legislative effect.

Section 58 does not allow the HCWA to issue a repair order on Crown land or place owned by a public authority except in the concurrence with the relevant Minister of that public authority.

Section 65 does provide the HCWA with power to assess all developments (including those of the Crown) however this does not address the ongoing care and maintenance of place under its management.

It is considered that the Heritage Bill presents an opportunity for the State Government to lead by example in relation to the ongoing management and care of its assets. As such, consideration should be given that State Government apply the same standards and rigour it seeks to apply to private owners. This ensures transparency and leadership in dealing with Heritage Conservation.

As an absolute minimum the State Government should complete a condition report of all places that are listed on the State Register and that report be made public on an annual basis for public scrutiny through the Annual report of the HCWA.

The Council of the City of Perth recommends further consultation is required by the HCWA in relation to the following issue:

- Though the Heritage Bill is a lot more transparent and legible than the current legislation there is a greater reliance on Regulations to be developed to outline process. It is critical that any Regulations that have implications on the City of Perth (and local government generally) are developed in consultation and in a timely manner.

REVIEW of CITY OF PERTH SUBMISSIONS and HERITAGE BILL RESPONSE

CoP Consultation Paper Submission 10/6/2011	Council Discussion Paper Submission 6/12/2011	Heritage Bill Response to City Submissions
		Part 2 The Council - including its Constitution Membership, Functions and Powers of the Council
<p>It is noted that the number of places listed in the State Register has increased on an annual basis since the inception of the Act. What needs to be carefully considered are the implications to this increasing heritage place portfolio and the ability to fund the anticipated outcomes, such as the level of funding attributed to grants, one of the primary incentives offered to owners.</p> <p>This has broad implications to what are the expectations of the Act and the review, and the service levels expected of the Office of Heritage by the owners of heritage places and the broader community. Such an outcome of this consideration would be answering the issue of ensuring the long term sustainability of an effective and efficient heritage presence within Western Australia.</p>	<p>Consideration of the operational funding necessary to effectively implement the current Act be included in the review, to ensure the service levels expected by the owners of heritage places and the broader community, and any future initiatives resulting from the review can be met.</p>	<p>Part 2. The Heritage Bill does not address funding specifically as this is a matter of Government policy - however the extended Functions set out in Section 13 (e) and Powers in Section 14 open the possibility of creating alternate funding options that the HCWA could consider and seek State Government funding. Any new program established could then be managed through Regulation.</p>

CoP Consultation Paper Submission 10/6/2011	Council Discussion Paper Submission 6/12/2011	Heritage Bill Response to City Submissions
<p>What are the roles of the Heritage Council of WA and Office of Heritage in delivering effective outcomes for the heritage of Western Australia?</p> <p>Is there an opportunity to refocus the functions of Heritage Council of WA from operational to more strategic?</p>		<p>Part 2 Sections 10 - 28</p> <p>The Heritage Bill moves away from the current Act's requirement that the HCWA members represent certain interests or groups and sets out the necessary skills and expertise that members of the HCWA should have to be eligible for appointment.</p> <p>Under Section 13 Functions of the HCWA are increased and are clearly articulated.</p> <p>Significant changes include:</p> <ul style="list-style-type: none"> (e) <i>To provide and facilitate the provision of financial and ... other conservation incentives</i> (g) <i>Prevent the deterioration or injudicious treatment of a place i.e. demolition by neglect</i> (i) <i>To acquire, own, lease or manage property</i> <p>It might be perceived that there is a conflict of interest as the HCWA would be the regulator and potentially the developer, however the HCWA is not a planning authority.</p>

CoP Consultation Paper Submission 10/6/2011	Council Discussion Paper Submission 6/12/2011	Heritage Bill Response to City Submissions
		<p>As the only State heritage regulator, the HCWA functions need to be clearly defined to enable discussion and refinement of the role and functions of those organisations that don't have a regulatory function, such as the National Trust to occur. There is currently substantial overlap in the Objects and Functions of the HCWA and the Trust.</p>
		<p>Part 3 The State Register of Heritage Places including the Register, entry amendments</p>
<p>There is a need to review the approach and mechanisms for listing of places on the Heritage Register.</p> <p>The role of local government – how local planning schemes respond to heritage in a consistent manner, greater clarification of the role of the Heritage Act, what opportunities exist to clarify the role and opportunities to add value to the work of local government by the Heritage Council of WA and Office of Heritage.</p> <p>The roll and purpose of the Minister and local government authorities in the listing</p>	<p>The role of the Minister for Heritage in registration and removal the State Heritage Register, and whether an independent review of places from a body such as the State Administrative Tribunal should be considered;</p>	<p>Part 3 The State Register of Heritage Places Section 29 – 48 deal with the establishing the register, entry of places.</p> <p>There are four main changes to note within this Part of the Heritage Bill</p> <ol style="list-style-type: none"> 1. The current process of Interim and then Permanent Registration has been simplified into a single step to enable the permanent registration of a place. This new approach is more efficient, reducing costs and time taken. 2. As set out in the Bill there will no longer

CoP Consultation Paper Submission 10/6/2011	Council Discussion Paper Submission 6/12/2011	Heritage Bill Response to City Submissions
<p>process.</p> <p>Identifying opportunities to increase transparency in all functions especially when the Minister is removed from processes.</p>		<p>be the requirement of the HCWA to seek comment from the Local Government and for the Local Government to be involved in the decision making process. It is understood that this matter will be addressed through Regulation ensuring that LGA's as a key stakeholder are consulted. The form of this process takes in the Regulation should be discussed with LGA's.</p> <p>However greater transparency is provided around the registration process through Section 17 which outlines the relationship between the Minister and the HCWA. Transparency of processes is clearly outlined requiring all directions received by the HCWA from the Minister to be published in the Annual Report.</p> <p>3. Section 32 Factors relevant to cultural heritage significance clearly articulates through 9 separate points what the HCWA has regard to when determining if a place has cultural heritage significance. Under the current Act 1990 Section 47 (2) highlights 3 broad areas that the HCWA should have regard to.</p>

CoP Consultation Paper Submission 10/6/2011	Council Discussion Paper Submission 6/12/2011	Heritage Bill Response to City Submissions
		4. The role of the State Administrative Tribunal has been clearly defined within the Bill. New sections clearly setting out the rights of appeal by owners in Sections 55 – protection order, S62 repair order, S71 work permits, S80 modification of written law, S89 heritage agreements and S99 acquisition and compensation.
		Part 4 Protection Orders and repair orders
Ensure that demolition by neglect does not occur.	The proposal to address demolition by neglect is supported and that such a process should include appropriate safeguards such as rights of review and hardship clauses.	Part 4 Section 58 establishes the ability to apply a Repair Order. This is a new section within the Bill dealing with demolition by neglect. This is an important addition to the Act to ensure owners don't allow places to run down.
		Part 5 Matters affecting places of heritage interest
	The call-in powers for places abutting or in close proximity to a state registered place should be reviewed to ensure a clear rationale of when and why the call-in power is used.	Part 5 Section 65 Matters affecting places of heritage interest have not changed. However there is the opportunity to work with the SHO and the HCWA to ensure these matters are clarified through Regulation that establishes clear criteria of what should be referred to the

CoP Consultation Paper Submission 10/6/2011	Council Discussion Paper Submission 6/12/2011	Heritage Bill Response to City Submissions
		HCWA for advice.
		Part 6 Support for Conservation
	Financial assistance to local governments in managing their heritage assets should be explored as part of the review process, with consideration of what incentives and support can be offered to local governments.	Part 6 of the Heritage Bill retains the HCWA ability to offer financial incentives. The incentives on offer remain the same however the increased Functions set out in Section 13 (e) provide the opportunity or flexibility in the Bill to increase the type of incentives on offer without legislative change.
		Section 72 does make allowance for an owner to seek a revaluation for land tax with or without a Heritage Agreement.
		Part 8 Local Heritage Surveys
	Supports the removal of the requirement for local governments to prepare a Municipal Heritage Inventory from the Heritage of Western Australia Act 1990, the focus on the draft Model Scheme Text of the Planning and Development Act 2005, and Statement of Planning Policy 3.5 –	Part 8 Section 90 Local Heritage Surveys – This section enables the MHI prepared under S45 under the existing Act to be incorporated under the new Bill. The intent and purpose of the MHI has changed now resulting in a Local Heritage Survey that is for the benefit of the LGA and does not address Model Scheme text features

CoP Consultation Paper Submission 10/6/2011	Council Discussion Paper Submission 6/12/2011	Heritage Bill Response to City Submissions
	<p>Historic Heritage Conservation, to ensure local governments plans for heritage assets within their districts.</p>	<p>as these are provided under the Planning Act 2005.</p> <p>Regulations will be developed around consultation for the Local Heritage Survey.</p> <p>Section 91 (4) (a) makes provision that the Survey be provided to the HCWA.</p> <p>There is no legal requirement to review the Survey.</p>
		<p>Part 9 State Government heritage</p>
<p>Heritage buildings under the care and control of State Government departments. Are there opportunities to lead by example by ensuring annual property condition reports?</p>	<p>The review should examine the provision 'Duty of Public Authorities to Assist in Conservation of Registered Places' to clarify the requirements of the current clause that decisions be consistent with advice of the Heritage Council. In addition ensure that Government manage, maintain and report on its property portfolio, including consideration of how best to ensure a transparent and accountable process.</p>	<p>Part 9 The State Government own about 1/3 of all places on the State Register. Part 9 sets out the State Governments role in managing its assets.</p> <p>Part 9 does not regulate but states under Section 95 (3) .Guidelines [in relation to state owned places on the state heritage register] under this section do not have legislative effect.</p> <p>Section 58 does not allow the HCWA to issue a repair order on Crown land or place owned by a public authority except in the concurrence with the relevant Minister of that</p>

CoP Consultation Paper Submission 10/6/2011	Council Discussion Paper Submission 6/12/2011	Heritage Bill Response to City Submissions
		<p>public authority.</p> <p>Section 65 does provide the HCWA with power to assess all developments (including those of the Crown) however this does not address the ongoing care and maintenance of place.</p>



ABOVE: The former Royal WA Institute for the Blind now the Western Australian Ballet Centre, Maylands. Photography, Jon Green

LOCAL GOVERNMENTS AND THE HERITAGE BILL 2015 (EXPOSURE DRAFT)

The *Heritage Bill 2015 (Exposure Draft)*, or Green Bill, will result in modern heritage legislation that is open, transparent, simple to operate and easy to understand, and reflects best practice in the recognition and protection of heritage places.

Informed by the feedback received in the two phases of public consultation conducted in 2011, the Green Bill retains features of the current Heritage Act that have served heritage well during the past 25 years. However, it addresses the shortcomings of the Act by introducing new features that reflect contemporary heritage management principles and practice.

The Green Bill strikes a necessary balance between recognising local heritage places without interfering with local planning schemes and policies.

WHAT'S NEW IN THE GREEN BILL FOR LOCAL GOVERNMENTS?

Part 8. Identifying local heritage places

The Green Bill retains the local heritage 'inventories' required under Section 45 of the current Act, but renames them 'Local Heritage Surveys'.

This is to promote a move from the common name of 'municipal inventory' which was removed from the current Act by amendments in 1996. The term 'survey' better describes the intent of this document information as a resource based on input from the local community.

Local Heritage Surveys may include places rather than just buildings. As requested by local governments in submissions to the 2011 Heritage Act review, the purposes of Local Heritage Surveys are expressly stated:

- Identifying places of cultural heritage significance to the local district
- Assisting the local government in making and implementing decisions that respect cultural heritage values
- Providing a cultural and historical record of the district
- Providing an accessible public record of places of cultural heritage significance to the district
- Assisting a local government in preparing a heritage list or list of heritage areas under a local planning scheme.

The Heritage Council will publish guidelines to assist local governments in compiling and updating surveys. Statutory timeframes for review and update have been removed to allow local governments to maintain the survey in line with their own needs and practices.

To ensure continuity through the transition to a new Act, an existing Section 45 inventory is deemed to be a Local Heritage Survey.

Part 5. Development referrals

The Green Bill retains the current Act's Section 11 referral provisions, revised for clarity. A new feature allows regulations to exempt certain places and works from referral where appropriate.

As with the current Act, local governments are required to refer planning applications and other proposals that 'may affect' a registered place to the Heritage Council, and the Heritage Council must provide its advice. In recognition of the statutory time constraints within the planning process, the Green Bill requires that Heritage Council advice is given within a time period prescribed in the Regulations.

The final decision on the proposal remains with the local government but must be 'consistent' with the Heritage Council's advice, unless there is 'no feasible and prudent alternative'. This aspect of the referral process remains unchanged from the current Act.

Regulations may also be used to establish a variety of matters associated with referrals, such as forms and cover sheets to be used when making referrals, particular issues and sources of information the Heritage Council is to consider when assessing referrals, issues to be addressed in the Heritage Council's advice, and so on.

Other features

The objectives of the Green Bill continue to encompass all of the State's cultural heritage places, not just places of 'State' cultural heritage significance, although the primary responsibility of the Heritage Council continues to be the State Register of Heritage Places.

As with the current Act, local governments continue to be recognised as key stakeholders in the process of assessing places for potential inclusion in the State Register.

Experience of working in local government will remain an area of expertise that qualifies a person for membership on the Heritage Council, per Clause 12(3)(b).

The Heritage Council's functions expressly include providing advice and assistance to local governments, per Clause 13(j). The Heritage Council will also have more flexibility in providing financial assistance to local governments for heritage purposes, per Clause 75, which will assist in the administration of current programs such as the Heritage Advisory Service Subsidy.

The current Act's provisions regarding heritage agreements are retained in Part 7 of the Green Bill. Local governments will continue to be able to enter into heritage agreements in respect of local heritage places.

HOW TO GET INVOLVED

The 'Heritage Bill 2015 (Exposure Draft) Information Paper' provides a comprehensive summary of all the new features of the Green Bill. The Information Paper is available on the State Heritage website at stateheritage.wa.gov.au

The feedback received from this Information Paper will inform the final draft of the *Heritage Bill 2015* that will be introduced to Parliament.

How to participate:

Submissions to the Green Bill may be made public. When making a submission, please indicate the issue and what part/s of the Green Bill you are commenting on.

Comments under 500 words can be submitted through an easy online portal on the State Heritage website: stateheritage.wa.gov.au

More detail submissions should be sent via

Email: info@stateheritage.wa.gov.au
Please use the words 'Heritage Green Bill' in the Subject field

Post: The Executive Director
State Heritage Office
PO Box 7479
Cloisters Square
PO WA 6850

In Person: State Heritage Office
Bairds Building
Level 2, 491 Wellington Street
PERTH WA 6000

Submissions close 5pm, Friday 25 September 2015.

CONFIDENTIAL SCHEDULE 13
ITEM 9 – PROPOSED STREET NAMES FOR THE ROADS
WITHIN THE ELIZABETH QUAY PRECINCT

FOR THE COUNCIL MEETING

22 SEPTEMBER 2015

DISTRIBUTED TO ELECTED MEMBERS UNDER
SEPARATE COVER

CONFIDENTIAL SCHEDULE 14 AND 15
ITEM 11 – ARTS AND CULTURAL SPONSORSHIP 2015/16
– CIVIC PARTNERSHIP – PERTH INTERNATIONAL ARTS
FESTIVAL

FOR THE COUNCIL MEETING

22 SEPTEMBER 2015

DISTRIBUTED TO ELECTED MEMBERS UNDER
SEPARATE COVER

CONFIDENTIAL SCHEDULE 16
ITEM 13 – TENDER 117-14/15 – TESTING AND
MAINTENANCE OF EMERGENCY AND EXIT LIGHTS, FIRE
PROTECTION SYSTEMS AND EQUIPMENT – VARIOUS
SITES

FOR THE COUNCIL MEETING

22 SEPTEMBER 2015

DISTRIBUTED TO ELECTED MEMBERS UNDER
SEPARATE COVER

Schedule 3 "117-14/15 Testing & Maintenance Emergency & Exit Lights Fire Protection Systems & Equipment - Various Sites Schedule of Rates"

Item Number	Service Description	Grama Bazita		Burke Fire		Firesafe Service & Maintenance		ARA Fire Protection Services		Fire Shield Services		FCF Fire & Electrical		Grosvenor Engineering Group		Essential Fire Services		Fire Suppression Services	
		Rate (excl GST)	Rate (incl GST)	Rate (excl GST)	Rate (incl GST)	Rate (excl GST)	Rate (incl GST)	Rate (excl GST)	Rate (incl GST)	Rate (excl GST)	Rate (incl GST)	Rate (excl GST)	Rate (incl GST)	Rate (excl GST)	Rate (incl GST)	Rate (excl GST)	Rate (incl GST)	Rate (excl GST)	Rate (incl GST)
	Schedule A - Part A Lump Sum Pricing - Fire Protection and Fire Detection																		
	TOTAL	\$143,074.00	\$157,381.40	\$207,961.59	\$228,757.48	\$52,303.00	\$57,533.30	\$63,197.00	\$69,516.70	\$81,423.00	\$89,565.30	\$35,480.00	\$39,028.00	\$80,800.00	\$88,880.00	\$84,036.00	\$92,439.60	\$155,054.00	\$170,559.40
		We have included a sum of \$15808.00/yr for the \$500 repair allowance in our maintenance sum above																	
	Schedule B - Part A Lump Sum Pricing - Fire Doors																		
	TOTAL	\$12,919.00	\$14,210.90	\$45,997.20	\$50,596.92	\$10,336.00	\$11,330.00	\$7,560.00	\$8,316.00	\$6,365.00	\$7,001.50	\$4,940.00	\$5,451.00	\$6,282.00	\$6,910.20	\$5,728.00	\$6,300.80	\$8,137.60	\$8,951.36
		We have included a sum of \$4000/yr for the \$500 repair allowance in our maintenance sum above.																Site reports will incur extra cost - 50 doors \$209 50 75 doors \$253 75 up \$297	
	Schedule C - Part A Day Work Rates Price Breakdown (excl GST)																		
	Engineer																		
	Normal Working Hours	\$150.00		\$140.00		\$120.00		\$118.50		N/A		\$85.00		\$98.00				\$250.00	
	Outside Normal Working Hours	\$150.00		\$190.00		\$175.00		\$165.00		N/A		\$166.00		\$152.00				\$275.00	
	Flat Weekend Rate	\$150.00		\$170.00		\$175.00		\$165.00		N/A		\$160.00		\$152.00				\$300.00	
	Supervisor																		
	Normal Working Hours	\$109.00		\$145.00		\$120.00		\$145.00		\$92.00		\$85.00		\$98.00		\$185.00		\$130.00	
	Outside Normal Working Hours	\$140.00		\$195.00		\$175.00		\$192.00		\$120.00		\$16.00		\$152.00		\$490.00		\$162.50	
	Flat Weekend Rate	\$140.00		\$175.00		\$175.00		\$192.00		\$120.00		\$160.00		\$152.00		\$490.00		\$195.00	
	Apprentice																		
	Normal Working Hours	\$78.00		\$95.00		\$90.00		\$96.00		\$55.00		\$50.00		\$68.00		N/A		\$100.00	
	Outside Normal Working Hours	\$118.00		\$140.00		\$115.00		\$127.00		\$70.00		\$50.00		\$98.00		N/A		\$125.00	
	Flat Weekend Rate	\$118.00		\$130.00		\$115.00		\$111.00		\$70.00		\$50.00		\$98.00		N/A		\$140.00	
	Manager																		
	Normal Working Hours	\$150.00		\$145.00		N/C		\$169.00		\$95.00		\$85.00		\$98.00		\$185.00		\$130.00	
	Outside Normal Working Hours	\$150.00		\$175.00		N/C		\$221.00		\$120.00		\$160.00		\$152.00		\$490.00		\$162.50	
	Flat Weekend Rate	\$150.00		\$175.00		N/C		\$221.00		\$120.00		\$160.00		\$152.00		\$490.00		\$195.00	
	Other																		
	Tradesman/Technician																		
	Normal Working Hours	\$88.00				N/A		\$97.50		N/A		N/A		\$98.00				\$115.00	
	Outside Normal Working Hours	\$135.00				N/A		\$129.50		N/A		N/A		\$152.00				\$140.00	
	Flat Weekend Rate	\$135.00				N/A		\$129.50		N/A		N/A		\$152.00				\$175.00	
	Percentage Mark-Up applied to materials	10.00%		20.00%		12.50%		15.00%		10.00%		12.50%		20.00%		20.00%		55.00%	
	Schedule D - Part A Fire Equipment Replacement Cost Schedule (excl GST)																		
	Extinguisher - Water <9.0lt	\$198.00		\$127.20		\$60.00		\$201.00		\$160.00		\$130.00		\$198.00		\$170.00		\$140.00	
	Extinguisher - Wet Chemical <7.0lt	\$290.00		\$180.00		\$255.00		\$293.00		\$220.00		\$210.00		\$260.00		\$235.00		\$210.00	
	Extinguisher - Foam <9.0lt	\$218.00		\$132.50		\$135.00		\$215.00		\$120.00		\$138.00		\$220.00		\$180.00		\$175.00	
	Extinguisher - Powder ABE <9.0kg	\$160.00		\$111.00		\$115.00		\$149.00		\$110.00		\$100.00		\$155.00		\$94.00		\$120.00	
	Extinguisher - Powder BE <9.0kg	\$173.00		\$141.00		\$110.00		\$162.00		\$11.00		\$100.00		\$190.00		\$94.00		N/A	

	Extinguisher - Carbon Dioxide <5.0kg	\$275.00				\$125.00		\$233.00		\$215.00		\$185.00		\$250.00		\$236.00		\$325.00	
	Extinguisher - Vaporizing Liquid	\$485.00		N/A		\$965.00		\$1,850.00		\$16.00		\$190.00		N/A		\$235.00		N/A	
	Fire Blanket	\$75.00		\$20.00		\$18.00		\$75.00		\$55.00		\$30.00		\$85.00		\$83.00		\$41.25	
	Fire Hose Reel	\$1,120.00		\$682.00		\$195.00		\$257.00		\$565.00		\$290.00		\$315.00		\$949.00		\$425.00	
	Fire Hydrant - Single Head	\$475.00		\$550.00		\$135.00		\$420.00		\$285.00		POA		\$220.00		\$450.00		\$215.00	
	Fire Hydrant - Twin Head	\$680.00		\$550.00		\$165.00		\$560.00		\$570.00		POA		\$440.00		\$560.00		\$430.00	
	Schedule E - Part B Lump Sum Pricing - Emergency and Exit Lighting																		
	TOTAL	\$74,456.90	\$81,902.59	\$18,098.73	\$19,908.60	\$17,710.00	\$19,481.00	\$16,929.00	\$18,621.40	\$7,320.00	\$8,052.00	\$12,160.00	\$13,074.00	\$14,850.00	\$16,335.00	\$14,976.00	\$16,473.60	\$9,300.00	\$10,032.00
		We have included a sum of \$54661.00/yr for the \$500 repair allowance in our maintenance sum above.																	
	Schedule F - Part B Day Work Rates Price Breakdown (excl GST)																		
	Engineer																		
	Normal Working Hours	\$150.00		\$140.00		\$105.00		\$118.50		N/A		\$85.00		\$98.00				\$250.00	
	Outside Normal Working Hours	\$150.00		\$190.00		\$145.00		\$165.00		N/A		\$160.00		\$152.00				\$275.00	
	Flat Weekend Rate	\$150.00		\$170.00		\$145.00		\$165.00		N/A		\$160.00		\$152.00				\$300.00	
	Supervisor																		
	Normal Working Hours	\$109.00		\$145.00		\$105.00		\$145.00		\$92.00		\$85.00		\$98.00		\$185.00		\$130.00	
	Outside Normal Working Hours	\$140.00		\$195.00		\$145.00		\$192.00		\$120.00		\$160.00		\$152.00		\$490.00		\$162.50	
	Flat Weekend Rate	\$140.00		\$175.00		\$145.00		\$192.00		\$120.00		\$160.00		\$152.00		\$490.00		\$195.00	
	Apprentice																		
	Normal Working Hours	\$78.00		\$95.00		\$95.00		\$96.00		\$55.00		\$55.00		\$68.00		N/A		\$100.00	
	Outside Normal Working Hours	\$118.00		\$140.00		\$115.00		\$127.00		\$70.00		\$110.00		\$98.00		N/A		\$125.00	
	Flat Weekend Rate	\$118.00		\$130.00		\$115.00		\$127.00		\$70.00		\$110.00		\$98.00		N/A		\$140.00	
	Manager																		
	Normal Working Hours	\$150.00		\$145.00		N/C		\$169.00		\$95.00		\$85.00		\$98.00		\$185.00		\$130.00	
	Outside Normal Working Hours	\$150.00		\$175.00		N/C		\$221.00		\$120.00		\$160.00		\$152.00		\$490.00		\$162.50	
	Flat Weekend Rate	\$150.00		\$175.00		N/C		\$221.00		\$120.00		\$160.00		\$152.00		\$490.00		\$195.00	
	Other																		
	Tradesman/Technician																		
	Normal Working Hours	\$88.00				N/A		\$97.50		N/A		N/A		\$98.00				\$115.00	
	Outside Normal Working Hours	\$135.00				N/A		\$129.50		N/A		N/A		\$152.00				\$140.00	
	Flat Weekend Rate	\$135.00				N/A		\$129.50		N/A		N/A		\$152.00				\$175.00	
	Percentage Mark-Up applied to materials	10.00%		20.00%		12.50%		15.00%		10.00%		12.50%		20.00%		20.00%		55.00%	
	Schedule G - Part B Emergency Lighting Replacement Cost Schedule (excl GST)																		
	Emergency Luminaire - Spitfire	\$170.00		\$185.00		\$115.00		\$460.00		\$165.00		\$190.00		\$140.00		\$330.00		\$140.00	
	Emergency Luminaire - Typical 18 W Flourescent Baton	\$318.00		\$275.00		\$152.00		\$490.00		\$205.00		\$220.00		\$122.50		\$330.00		\$205.00	
	Emergency Luminaire - Typical 36 W Flourescent Baton	\$359.00		\$275.00		\$165.00		\$515.00		\$205.00		\$180.00		\$154.00		\$432.00		\$220.00	
	Emergency Luminaire - Single Spotlight	\$196.00		\$250.00		\$184.00		\$520.00		\$26.00		\$220.00		\$188.40		\$45.00		\$140.00	
	Emergency Luminaire - Twin Spotlight	\$234.00		\$275.00		\$203.00		\$458.00		\$260.00		\$240.00		\$220.00		\$550.00		\$320.00	
	Exit Sign	\$228.00		\$205.00		\$115.00		\$460.00		\$185.00		\$22.00		\$27.50		\$399.00		\$175.00	

CITY OF PERTH
FORM OF TENDER
TENDER NO. 117-14/15
TESTING AND MAINTENANCE OF EMERGENCY AND EXIT LIGHTS, FIRE PROTECTION
SYSTEMS AND EQUIPMENT – VARIOUS SITES

Schedule C

Part A Day Work Rates Price Breakdown (excl GST)

Item / Description	Day Rates	Per Hour
Engineer	Normal Working Hours	\$165.00
	Outside Normal Working Hours	\$165.00
	Flat Weekend Rate	\$165.00
Supervisor	Normal Working Hours	\$192.00
	Outside Normal Working Hours	\$192.00
	Flat Weekend Rate	\$192.00
Apprentice	Normal Working Hours	\$127.00
	Outside Normal Working Hours	\$127.00
	Flat Weekend Rate	\$127.00
Manager	Normal Working Hours	\$221.00
	Outside Normal Working Hours	\$221.00
	Flat Weekend Rate	\$221.00
Other - Tester	Normal Working Hours	\$129.50
	Outside Normal Working Hours	\$129.50
	Flat Weekend Rate	\$129.50
Percentage Mark-up applied to materials		15 %

CITY OF PERTH
FORM OF TENDER
TENDER NO. 117-14/15
TESTING AND MAINTENANCE OF EMERGENCY AND EXIT LIGHTS, FIRE PROTECTION
SYSTEMS AND EQUIPMENT – VARIOUS SITES

Schedule F Part B Day Work Rates Price Breakdown (excl GST)

Item / Description	Day Rates	Per Hour
Engineer	Normal Working Hours	\$165.00
	Outside Normal Working Hours	\$ 165.00
	Flat Weekend Rate	\$ 165.00
Supervisor	Normal Working Hours	\$ 192.00
	Outside Normal Working Hours	\$ 192.00
	Flat Weekend Rate	\$ 192.00
Apprentice	Normal Working Hours	\$ 127.00
	Outside Normal Working Hours	\$ 127.00
	Flat Weekend Rate	\$ 127.00
Manager	Normal Working Hours	\$ 221.00
	Outside Normal Working Hours	\$ 221.00
	Flat Weekend Rate	\$ 221.00
Other	Normal Working Hours	\$ 129.50
	Outside Normal Working Hours	\$ 129.50
	Flat Weekend Rate	\$ 129.50
Percentage Mark-up applied to materials		15 %

Schedule G Part B Emergency Lighting Replacement Cost Schedule (excl GST)

Equipment Replacement	\$ Price per replacement
Emergency Luminaire – Spitfire	\$ 280.00
Emergency Luminaire – Typical 18 W Fluorescent Baton	\$340.00
Emergency Luminaire – Typical 36 W Fluorescent Baton	\$ 340.00
Emergency Luminaire – Single Spotlight	\$ 410.00
Emergency Luminaire – Twin Spotlight	\$ 410.00
Exit Sign	\$ 290.00

CONFIDENTIAL SCHEDULE 20
ITEM 14 – TENDER 11-15/16 – COMPREHENSIVE
MAINTENANCE SERVICES FOR LIFTS AND ESCALATORS
- VARIOUS CAR PARKS

FOR THE COUNCIL MEETING

22 SEPTEMBER 2015

DISTRIBUTED TO ELECTED MEMBERS UNDER
SEPARATE COVER

Schedule XX - Schedule of Rates

Tender No: 011 14/15

Tender Title: Comprehensive Maintenance Services for Lifts and Escalators - Various Car Parks

		ThyssenKrupp	Kone
	Car park	Annual Price Fixed for 3 yrs	Annual Price
1	Pier Street	\$24,061.04	\$26,963.00
2	Elder Street	\$20,947.41	\$31,426.00
3	Concert Hall	\$12,635.36	\$11,865.00
4	Mayfair	\$9,769.93	\$11,505.00
5	Cultural Centre	\$12,365.07	\$11,505.00
6	Citi place	\$16,810.60	\$18,216.00
7	His Majesty's	\$16,854.82	\$17,476.00
8	Roe Street	\$10,473.71	\$13,480.00
9	Regal Place	\$15,436.30	\$13,923.00
		\$139,354.24	\$156,359.00

	ThyssenKrupp			Kone		
Standard Hourly Labour rates	Hourly rate	Minimum hours applicable (if applicable)	Call out fee (if applicable)	Hourly rate	Minimum hours applicable (if applicable)	Call out fee (if applicable)
Normal hours Monday-Friday	\$202.00	2		\$245.00	1	\$445 1st 2hrs
After hours Monday-Friday	\$270.00	2		\$305.00	1	\$754 1st 2hrs
Normal hours Saturday	\$270.00	2		\$305.00	1	\$754 1st 2hrs
After hours Saturday	\$339.00	2		\$305.00	1	\$754 1st 2hrs
Normal hours Sunday	\$339.00	3		\$305.00	1	\$754 1st 2hrs
After hours Sunday	\$339.00	3		\$305.00	1	\$754 1st 2hrs
Normal hours Public holiday	\$339.00	3		\$305.00	1	\$754 1st 2hrs
After hours Public Holiday	\$339.00	3		\$305.00	1	\$754 1st 2hrs

Emergency Response	Hourly rate	Minimum hours applicable (if applicable)	Call out fee (if applicable)	Hourly rate	Minimum hours applicable (if applicable)	Call out fee (if applicable)
During Normal Hours	\$202.00	2	2	\$445.00	1	
Outside Normal Hours	\$202.00	3	3	\$754.00	2	

SUMMARY OF SUBMISSIONS – *Proposed City of Perth Thoroughfares and Public Places Amendment Local Law 2015*

SUBMISSION	SUMMARY OF COMMENTS	CITY OF PERTH RESPONSE AND DETERMINATION
<p>Submission No. 1</p> <p>Mr V Tana Property Owner – 22/68 St Georges Terrace, Perth and 3/731 Hay Street Mall, Perth</p> <p>(TRIM 51770/15)</p>	<p>Strongly objects to the proposed amendment to Clause 2.1(i) in relation to formalising cyclist movements in the Hay and Murray Street Malls. States that regardless of signage, there is a risk of cyclists injuring pedestrians.</p>	<p><u>Response</u></p> <p>Acknowledged submission (TRIM 51772/15) and objection to the proposed Clause 2.1(i) amendment noted.</p> <p><u>Determination</u></p> <p>The proposed change to Clause 2.1(i) of the local law will allow for cyclist movements in the Hay and Murray Street Malls as identified in the City of Perth Cycle Plan 2029 which was adopted by Council at its meeting held on 9 October 2012.</p>
<p>Submission No. 2</p> <p>Ms K Howard Submitter / Interested Party</p> <p>(TRIM 59086/15)</p>	<p>Queried clause 2.18 in the proposed Amendment Local Law in relation to the prohibition of bunting. States that bunting is decorative, festive, does not impact on space and that the City should be encouraging its use.</p>	<p><u>Response</u></p> <p>Acknowledged submission (TRIM 62632/15) and objection to the proposed clause 2.18 noted. Provided information to Ms Howard as follows:</p> <ul style="list-style-type: none"> • Clause 2.18 is included in the existing, to be repealed Signs Local Law. It is understood that the intent of the original clause was to discourage the use of bunting as a permanent advertising device due to the potential of these

TRIM 54787/15

SUBMISSION	SUMMARY OF COMMENTS	CITY OF PERTH RESPONSE AND DETERMINATION
		<p>signs to become unsightly and undesirable due to weather conditions.</p> <ul style="list-style-type: none"> • The City does not actively discourage the use of bunting at events held in its jurisdiction. This is due to the temporary nature of bunting used at events for decorative or directional purposes. <p><u>Determination</u></p> <p>The expressed use of bunting as a temporary (event) advertising / directional signage, or as a permanent advertising device will be fully investigated and addressed in a future review of the local law.</p>

*Local Government Act 1995***CITY OF PERTH****THOROUGHFARES AND PUBLIC PLACES AMENDMENT LOCAL LAW 2015**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on **<insert date>** to make the following local law.

1. Citation

This local law may be cited as the *City of Perth Thoroughfares and Public Places Amendment Local Law 2015*.

2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal Local Law

This local law amends the *City of Perth Thoroughfares and Public Places Local Law 2007* as published in the *Government Gazette* on 2 March 2007, and as amended in the *Government Gazette* on 29 February 2008 and 3 September 2013.

4. Repeal

The *City of Perth Signs Local Law 2005* as published in the *Government Gazette* on 12 December 2005, and as amended on 29 February 2008 is repealed.

5. Arrangement deleted

Following the enactment clause, delete the “Arrangement”.

6. Clause 1.6 amended

Clause 1.6 is amended as follows:

(a) In the definition of “**local government property**” –

(i) in paragraph (c), after the words “within section 3.53 of the Act;” insert “and”; and

(ii) after paragraph (c), insert:

“(d) includes a Rest Centre and a public amenity facility;”.

(b) In the definition of “**wheeled recreation device**” –

- (i) at the end of subsection (ii), delete “and”;
- (ii) in subsection (iii), delete “,” and insert “; and”; and
- (iii) after subsection (iii), insert:

“(iv) an electronic personal transporter,”.

(c) In the definition of “**carriageway**” after the words “*Road Traffic Code 2000.*”, delete the words:

Note: *The Road Traffic Code 2000 defines a carriageway to mean a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately;*

(d) In the definition of “**intersection**” after the words “*Road Traffic Code 2000.*”, delete the words:

Note: *The Road Traffic Code 2000 defines an intersection to mean-*

- (a) *the area where two or more carriageways meet; or*
- (b) *the area within which vehicles, travelling by, on or from different carriageways may come into conflict.*

(e) Delete the definition of “**pedestrian mall**”; and

(f) Insert each of the following definitions in alphabetical order:

“**advertising sign**” means a sign used for the purpose of advertisement but does not include any such sign erected or affixed by the local government;

“**electronic personal transporter**” means a vehicle that has one or two wheels, that balances itself and is built to be powered primarily or entirely by an electric motor that forms part of the vehicle;

“**handheld sign**” means a sign held or carried by a person but does not include an election sign;

“**mall reserve**” has the meaning given to it in the *Land Administration Act 1997*;

“**portable sign**” means a portable free standing advertising sign;

“**public amenity facility**” means facilities or items offered by the City for the hire or use by the general public in and on local government property;

“real estate sign” means a portable sign which is used to direct persons to and for the purposes of advertising a residential home open;

7. Clause 2.1 amended

Clause 2.1 is amended as follows:

- (a) in paragraph (f) delete “unless at the direction of the City,”;
- (b) in paragraph (i) after “mall”, insert “an”;
- (c) in paragraph (k) –
 - (i) delete the word “pedestrian”;
 - (ii) after the word “mall” insert “reserve”;
 - (iii) delete the note at the end of that paragraph.

8. Clause 2.2 amended

Clause 2.2 is amended as follows:

- (a) in subclause 2.2(1)(c):

After the words “as a thoroughfare” insert “for the purposes of an event, works or other activities;”
- (b) in subclause 2.2(1)(j):

After the words “over the thoroughfare;” insert “or, use a hoist or crane or other thing from a vehicle to any building, structure or land abutting a thoroughfare;”
- (c) in subclause 2.2(1)(k):

After the words “adjoining the thoroughfare;” insert “or, for the removal of materials from a building site to a vehicle or other thing on a thoroughfare;”
- (d) at the end of subclause 2.2(1)(l):

Delete “or”;
- (e) at the end of subclause 2.2(1)(m):

Insert “or”.
- (f) insert new subclause 2.2(1)(n):

“(n) install a full or part road closure on any road or portion of road.”.

9. Clause 2.4 amended

Clause 2.4 is amended as follows:

After the word “wastewater” insert a comma and then “stormwater,”.

10. Clause 2.5 amended

Clauses 2.5(2)(a) and 2.5(2)(b) are amended as follows:

Replace references to “licence” with “permit” and “*Local Government (Miscellaneous Provisions) Act 1960*” with “*Building Act 2011*”.

11. New clauses inserted

(a) Clause 2.16 is renumbered as Clause 2.20;

(b) After Clause 2.15 insert the following:

“Advertising signs and portable direction signs

2.16 (1) A person shall not, without a permit –

(a) erect or place an advertising sign on a thoroughfare; or

(b) post any bill or paint, place or affix any advertisement on a thoroughfare.

(2) Notwithstanding subclause (1), a person shall not erect or place an advertising sign –

(a) on a footpath;

(b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.75 metres;

(c) on or within 600mm of a carriageway;

(d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or

(e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

(3) In determining an application for a permit for the purpose of clause 2.16(1), the local government is to have regard to –

- (a) any other written law regulating the erection or placement of signs within the district;
- (b) the dimensions of the sign;
- (c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
- (d) whether or not the sign will create a hazard to persons using a thoroughfare; and
- (e) the amount of public liability insurance cover, if any, to be obtained by the applicant.

Portable Signs

- 2.17 (1) A person may place or erect real estate signs on a thoroughfare on an infrequent or occasional basis only to direct attention to a residence that is for sale during the hours of a home open;
- (2) A person may place or erect community information signs on a thoroughfare on an infrequent or occasional basis, only to direct attention to a place, activity or event during the hours of that activity or event, if the activity or event has been approved by the City, inclusive of the said community information signs.
- (3) A person shall not erect, maintain or display a sign, or suffer or permit a sign to be erected, maintained or displayed or to remain so as to obstruct the view from a street or public place of traffic in a street or public place.

Bunting

- 2.18 A person shall not erect bunting on any street, hoarding, wall, building, fence or structure on a public place.

Hand held signs

- 2.19 A person shall not display a hand held sign on local government property or a public place unless approved by the City or associated with an event approved by the City.”

12. Clause 4.3 amended

Clause 4.3 is amended as follows:

- (a) Insert new subclause 4.3(h):

“(h) the imposition of a bond to repair any resulting damage to a thoroughfare or public place; and”

(b) Insert new subclause 4.3(i):

“(i) require the submission of a construction management plan to mitigate any nuisance or congestion and to ensure safety to a thoroughfare or public place.”

(c) At the end of subclause 4.3(f), delete “and”;

(d) At the end of subclause 4.3(g), delete “.” and insert “;”.

13. First Schedule amended

Delete the First Schedule and insert:

“First Schedule – Offences and Modified Penalties [Clauses 7.3 and 7.4]

City of Perth Thoroughfares and Public Places Local Law 2007

Item No.	Offence Clauses	Modified Penalty \$
1	2.1(a)	125
2	2.1(b)	250
3	2.1(c)	125
4	2.1(d)	500
5	2.1(e)	125
6	2.1(f)	350
7	2.1(g)	125
8	2.1(h)	125
9	2.1(i)	125
10	2.1(j)	250
11	2.1(k)	100
12	2.2(1)(a)	125
13	2.2(1)(b)	125
14	2.2(1)(c)	125
15	2.2(1)(d)	250
16	2.2(1)(e)	250
17	2.2(1)(f)	500
18	2.2(1)(g)	350
19	2.2(1)(h)	125
20	2.2(1)(i)	250
21	2.2(1)(j)	500
22	2.2(1)(k)	500
23	2.2(1)(l)	250
24	2.2(1)(m)	125
25	2.2(1)(n)	500
26	2.3(1)	125
27	2.4	125
28	2.5(1)	250
29	2.6(2)	350

Item No.	Offence Clauses	Modified Penalty \$
30	2.7(1)	125
31	2.8	125
32	2.9	125
33	2.14(2)	125
34	2.16	100
35	2.17(3)	100
36	2.19	100
37	2.18	100
38	2.20	350
39	3.1(1)	250
40	3.2(2)(a)	125
41	3.2(2)(b)	125
42	3.2(2)(c)	125
43	3.2(2)(d)	125
44	3.2(3)	125
45	3.4	125
46	3.5(2)	125
47	4.1(1)	250
48	4.5	250
49	4.10	125
50	7.1	125

The Common Seal of the)
City of Perth was affixed)
on **<insert date>**)
by the authority of the)
Council in the presence of)

THE RT HON THE LORD MAYOR
MS LISA-M. SCAFFIDI

CHIEF EXECUTIVE OFFICER
MR GARY STEVENSON PSM

(Extract from the Government Gazette No 39, 2 March 2007)

Local Government Act 1995

CITY OF PERTH

THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on 30 January 2007 to make the *Thoroughfares and Public Places Local Law 2007*, as set out below.

ARRANGEMENT

PART 1 – PRELIMINARY

1.1 Title

1.2 Commencement

1.3 Purpose and intent

1.4 Repeal

1.5 Application

1.6 Definitions

PART 2 – ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES

2.1 General prohibitions

2.2 Activities allowed with a permit

2.3 No possession and consumption of liquor on thoroughfare

2.4 Discharging in public places

2.5 Temporary crossings – permit required

2.6 Removal of redundant crossing

2.7 Approved verge treatments to be installed

2.8 Obligations of owner or occupier

2.9 Notice to owner or occupier

2.10 Existing verge treatments – transitional provisions

2.11 Power to carry out public works on verge

2.12 Assignment of property numbers

2.13 Fencing adjoining public places - Item 4(1) of Division 1, Schedule 3.1 of Act

2.14 Signs erected by the City

2.15 Transitional provisions relating to signs

2.16 No driving on closed thoroughfare

PART 3 – OBSTRUCTING ANIMALS VEHICLES OR SHOPPING TROLLEYS

3.1 Leaving animals or vehicles in a public place or on local government property

3.2 Prohibitions relating to animals

3.3 Shopping trolley to be marked

3.4 Person not to leave shopping trolley in public place

3.5 Retailer to remove abandoned shopping trolley

3.6 Retailer taken to own shopping trolley

PART 4 – PERMITS

4.1 Application for permit

4.2 Decision on application for permit

4.3 Conditions which may be imposed on a permit

4.4 Security for restoration and reinstatement

4.5 Compliance with conditions

4.6 Amendment of permit conditions

4.7 Duration of permit

4.8 Renewal of permit

4.9 Transfer of permit

4.10 Production of permit

4.11 Cancellation of permit

PART 5 – OBJECTIONS AND APPEALS

5.1 Application of Part 9 Division 1 of Act

PART 6 – MISCELLANEOUS NOTICES

6.1 Notice to redirect or repair sprinkler

6.2 Hazardous plants

6.3 Notice to repair damage to thoroughfare

6.4 Notice to remove thing unlawfully placed on thoroughfare

PART 7 – ENFORCEMENT

7.1 Offence to fail to comply with notice

7.2 City may undertake requirements of notice

7.3 Offences

7.4 Infringement provisions and modified penalties

7.5 Forms

7.6 Authorised persons

FIRST SCHEDULE**PART 1 - PRELIMINARY****Title**

1.1 This local law may be cited as the *Thoroughfares and Public Places Local Law 2007*.

Commencement

1.2 This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

Purpose and intent

- 1.3 (1) The purpose of this local law is to provide for the regulation, management and control of activities in thoroughfares and public places throughout the district.
- (2) The effect of this local law is to establish the requirements with which any persons using or in thoroughfares and public property within the district, must comply.

Repeal

1.4 The *City of Perth Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* as published in the *Government Gazette* on 1 November 2000 including amendments, is repealed on the day that this local law comes into operation.

Application

1.5 This local law applies throughout the district.

Definitions

1.6 In this local law unless the context requires otherwise-

“**Act**” means the *Local Government Act 1995*;

“advertising sign” means a sign used for the purpose of advertisement but does not include any such sign erected or affixed by the local government;

“**applicant**” means a person who applies for a permit;

“**authorised person**” means a person authorised by the City under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

“**bicycle**” means a vehicle with two or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor)-

- (a) including a pedicab, penny-farthing and tricycle; but
- (b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating);

“**built-up area**” has the meaning given to it in the *Road Traffic Code 2000*;

“**bulk rubbish container**” means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the City’s regular domestic rubbish collection service;

“**carriageway**” has the meaning given to it in the *Road Traffic Code 2000*;

Note: The Road Traffic Code 2000 defines a carriageway to mean a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately.

“**CEO**” means the Chief Executive Officer of the City;

“**City**” means the local government of the City of Perth;

“**commencement day**” means the day on which this local law comes into operation;

“**Council**” means the Council of the City;

“**crossing**” means a crossing giving access from a public thoroughfare to-

- (a) private land; or
- (b) a private thoroughfare serving private land;

~~“**direction sign**” means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;~~

“**district**” means the district of the City;

~~“**electronic personal transporter**” means a vehicle that has one or two wheels, that balances itself and is built to be powered primarily or entirely by an electric motor that forms part of the vehicle;~~

“**footpath**” has the meaning given to it in the *Road Traffic Code 2000*;

~~**Note:** The *Road Traffic Code 2000* defines a footpath to mean an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians.~~

“**garden**” means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

~~“**handheld sign**” means a sign held or carried by a person but does not include an election sign;~~

“**intersection**” has the meaning given to it in the *Road Traffic Code 2000*;

~~**Note:** The *Road Traffic Code 2000* defines an intersection to mean-~~

~~(a) the area where two or more carriageways meet; or~~

~~(b) the area within which vehicles, travelling by, on or from different carriageways may come into conflict.~~

“**kerb**” includes the edge of a carriageway;

“**lawn**” means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the City;

“**liquor**” has the meaning given to it in section 3 of the *Liquor Licensing Act 1988*;

“**local government property**” means anything except a thoroughfare-

- (a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an “otherwise unvested facility” within section 3.53 of the Act and;

(d) includes a Rest Centre and a public amenity facility;

“lot” has the meaning given to it in the *Planning and Development Act 2005*;

“mall reserve” has the meaning given to it in the Land Administration Act 1997;

“owner” or “occupier” in relation to land does not include the City;

“pedestrian mall” means any road or portion of a road that is gazetted as a pedestrian mall;

“permissible verge treatment” means a type of beautification or treatment work undertaken to the verge and includes any reticulation pipes and sprinklers;

“permit” means a permit issued under this local law;

“permit holder” means a person who holds a valid permit;

“person” does not include the City;

“portable direction sign” means a portable free standing direction sign;

“portable sign” means a portable free standing advertising sign;

“premises” for the purpose of the definition of “public place” in this clause means a building or similar structure, but does not include a car park or a similar place;

“public amenity facility” means facilities or items offered by the City for the hire or use by the general public in and on local government property;

“public place” includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include-

(a) premises on private property from which trading is lawfully conducted under a written law; and

(b) local government property;

“real estate sign” means a portable sign which is used to direct persons to and for the purposes of advertising a residential home open;

“Regulations” means the *Local Government (Functions and General) Regulations 1996*;

“retailer” means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop;

“shopping trolley” means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods;

“smoke” has the meaning given to it in the *Tobacco Products Control Act 2006*;
(Clause 1.6 amended by Amendment Local Law 2013 on 03/09/13)

“street tree” means any tree planted or self sown within the road reserve or on the verge, of an appropriate species and in an appropriate location, for the purposes of contributing to the streetscape;

“thoroughfare” means a road, pedestrian mall or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end, but does not include a private thoroughfare which is not under the management control of the City;

“tobacco product” has the meaning given to it in the *Tobacco Products Control Act 2006*;
(Clause 1.6 amended by Amendment Local Law 2013 on 03/09/13)

“utility” means any public or private body which provides a service, such as electricity, gas, water, drainage, sewerage, telecommunications or traffic control, and has equipment on, in or under a public place for that purpose;

“vehicle” includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a bicycle or wheeled recreational device;

“verge” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath;

“wheeled recreational device” means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play –

(a) including –

- (i) in-line skates, rollerskates, a skateboard or similar wheeled device;
- (ii) a scooter being used by a person aged 12 years of age or older; **and**
- (iii) a unicycle; **and**
- (iv) **an electronic personal transporter.**

but not including a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy; and

“wheeled toy” means a child’s pedal car, a tricycle, a scooter or a similar toy, but only if it is being used by a child under 12 years of age.

PART 2 - ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES

General prohibitions

2.1 A person shall not –

- (a) plant any plant other than lawn on a thoroughfare within 6 metres of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless –
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the City; or
 - (ii) the person is acting under the authority of a written law;
- (c) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2 metres of a carriageway;
- (d) damage a street tree or remove a street tree or part of a street tree irrespective of whether the street tree was planted by the owner or occupier of the lot abutting the thoroughfare or by the City, unless –
 - (i) the removal of the street tree is authorised by the City in writing; or
 - (ii) the person is acting under authority of written law;

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- (e) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (f) ~~unless at the direction of the City,~~ damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence, street furniture, planter box (including planting), or any structure erected on a thoroughfare by the City or a person acting under the authority of a written law;
- (g) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare;
- (h) use or allow to be used a bicycle or wheeled recreational device on a thoroughfare so as to cause a nuisance or to endanger, or unduly obstruct or hinder any other person or vehicle lawfully using the same area;
- (i) within a mall, ~~an~~ arcade or verandah of a shopping centre, ride any bicycle or wheeled recreational device;
- (j) on a public place use anything or do anything so as to create a nuisance; and
- (k) smoke any tobacco product within any ~~pedestrian~~ mall ~~reserve~~, which is not an 'outdoor eating area' as defined by the *Tobacco Products Control Act 2006*.

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Note: ~~Smoking in outdoor eating areas is regulated by section 107B of the Tobacco Products Control Act 2006.~~

~~(Clause 2.1 amended by Amendment Local Law 2013 on 03/09/13)~~

Activities allowed with a permit

- 2.2 (1) A person shall not, without a permit –
- (a) dig or otherwise create a trench through or under a kerb or footpath;
 - (b) subject to this Part, throw, place or deposit any thing on a verge except for removal by the City under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the City;

- (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare for the purposes of an event, works or other activities;
- (d) cause any obstruction to a water channel or a water course in a thoroughfare;
- (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
- (f) damage a thoroughfare;
- (g) light any fire or burn any thing on a thoroughfare;
- (h) fell any tree onto a thoroughfare;
- (i) unless installing, or in order to maintain, a verge treatment-
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
- (j) provide, erect, install or use in or on any building, structure or land abutting a thoroughfare any hoist, crane or other thing for use over the thoroughfare or, use a hoist or crane or other thing from a vehicle to any building, structure or land abutting a thoroughfare;
- (k) stop and use any part of a thoroughfare for the delivery of materials to a building site adjoining the thoroughfare or, for the removal of materials from a building site to a vehicle or other thing on a thoroughfare;
- (l) place or cause to be placed on a thoroughfare a bulk rubbish container, sea container, scaffolding, portable toilets or other materials associated with a building site or property adjoining the thoroughfare; or
- (m) interfere with the soil of, or any thing in a thoroughfare or take any thing from a thoroughfare; or
- (n) install a full or part road closure on any road or portion of road;

- (2) The City may exempt a person from compliance with subclause (1) on the application of that person.

No possession and consumption of liquor on thoroughfare

- 2.3 (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless –
- (a) that is permitted under the *Liquor Licensing Act 1988* or under another written law; or
 - (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Discharging in public places

- 2.4 Unless authorised in accordance with a permit issued under this local law or authorised under any other written law, a person must not allow any material including dust, wastewater, **stormwater**, waste, mud, concrete, paint, oil or chemicals to be blown, conveyed, deposited or discharged in, on or across a public place or local government property.

Temporary crossings – permit required

- 2.5 (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains, footpath, existing materials and street trees, where –
- (a) a crossing does not exist; or
 - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The “**person responsible for the works**” in subclause (1) is to be taken to be –
- (a) the builder named on the building **licence permit** issued under the ~~*Local Government (Miscellaneous Provisions) Act 1960*~~ ***Building Act 2011***, if one has been issued in relation to the works; or
 - (b) the registered owner of the lot, if no building **licence permit** has been issued under the ~~*Local Government (Miscellaneous Provisions) Act 1960*~~ ***Building Act 2011*** in relation to the works.

- (3) If the City approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

Removal of redundant crossing

- 2.6 (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the City.
- (2) The City may give written notice to the owner or occupier of a lot requiring her or him to-
- (a) remove any part of or all of a crossing which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal, within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

Approved verge treatments to be installed

- 2.7 (1) An owner or occupier of land which abuts on a verge shall not on that part of the verge directly in front of her or his land, install a verge treatment unless authorised in writing by the City.
- (2) An application to install a verge treatment shall be forwarded to the City and include –
- (a) the address of the property adjoining the verge where the proposed treatment is to be installed; and
 - (b) a plan to a scale of 1:100 detailing the type and location of the treatment or treatments proposed to be installed, including the location of any footpaths, crossings, street trees, manholes, gullies or service pits which are serviced from time to time.
- (3) In determining an application to install a verge treatment, the City is to have regard to –
- (a) any relevant City policies or standards in relation to the type of treatments to be installed; and

- (b) any pedestrian or vehicle safety considerations in regards to the proposed treatment.
- (4) The owner or occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.8.

Obligations of owner or occupier

- 2.8 An owner or occupier who installs or maintains a verge treatment approved by the City shall –
- (a) only install the verge treatment approved by the City;
 - (b) keep the verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
 - (c) not place any obstruction on or around the verge treatment; and
 - (d) not disturb a footpath on the verge.

Notice to owner or occupier

- 2.9 The City may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this local law.

Existing verge treatments – transitional provisions

- 2.10 (1) In this clause “**former provisions**” means the local law of the City which permitted certain types of verge treatments, whether with or without the consent of the City, and which was repealed by this local law.
- (2) A verge treatment which –
- (a) was installed prior to the commencement day; and
 - (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions, is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

Power to carry out public works on verge

- 2.11 Where the City or an utility empowered to do so under a written law disturbs a verge, the City or the utility –
- (a) is not liable to compensate any person for that disturbance;
 - (b) may backfill with sand, if necessary, any garden or lawn; and
 - (c) is not liable to replace or restore any –
 - (i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or
 - (ii) sprinklers, pipes, reticulation or other equipment.

Assignment of property numbers

- 2.12 (1) In this clause, unless the context requires otherwise –
- “Number” means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.
- (2) The City may assign a Number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

Fencing adjoining public places - Item 4(1) of Division 1, Schedule 3.1 of Act

- 2.13 The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act –
- (a) a public place, as defined in clause 1.6; and
 - (b) local government property.

Signs erected by the City

- 2.14 (1) The City may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

Transitional provisions relating to signs

- 2.15 Where a sign erected on a public place has been erected under a local law of the City repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.14(1) if –
- (a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and
 - (b) the condition of use specified is not inconsistent with any provision of this local law.

Advertising signs and portable direction signs

2.16 (1) A person shall not, without a permit –

(a) erect or place an advertising sign on a thoroughfare; or

(b) post any bill or paint, place or affix any advertisement on a thoroughfare.

(2) Notwithstanding subclause (1), a person shall not erect or place an advertising sign –

(a) on a footpath;

(b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.75 metres;

(c) on or within 600mm metres of a carriageway;

(d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or

(e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

(3) In determining an application for a permit for the purpose of clause 2.16(1), the local government is to have regard to –

(a) any other written law regulating the erection or placement of signs within the district;

(b) the dimensions of the sign;

(c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;

(d) whether or not the sign will create a hazard to persons using a thoroughfare; and

(e) the amount of public liability insurance cover, if any, to be obtained by the applicant.

Portable signs

2.17 (1) A person may place or erect real estate signs on a thoroughfare on an infrequent or occasional basis only to direct attention to a residence that is for sale during the hours of a home open;

(2) A person may place or erect community information signs on a thoroughfare on an infrequent or occasional basis, only to direct attention to a place, activity or event during the hours of that activity or event, if the activity or event has been approved by the City, inclusive of the said community information signs;

(3) A person shall not erect, maintain or display a sign, or suffer or permit a sign to be erected, maintained or displayed or to remain so as to obstruct the view from a street or public place of traffic in a street or public place;

Bunting

2.18 A person shall not erect bunting on any street, hoarding, wall, building, fence or structure on a public place;

Hand held signs

2.19 A person shall not display a hand held sign on local government property or a public place unless approved by the City or associated with an event approved by the City;

No driving on closed thoroughfare

~~2.16~~ 2.20

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless-
- (a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
 - (b) the person has first obtained a permit.

- (2) In this clause-

“closed thoroughfare” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

PART 3 - OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

Leaving animals or vehicles in a public place or on local government property

- 3.1 (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorised to do so under a written law.
- (2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding one hour.

Prohibitions relating to animals

- 3.2 (1) In subclause (2), “**owner**” in relation to an animal includes-
- (a) an owner of it;
 - (b) a person in possession of it;
 - (c) a person who has control of it; and
 - (d) a person who ordinarily occupies the premises where the animal is permitted to stay.
- (2) An owner of an animal shall not-
- (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
 - (b) subject to subclause (4), allow an animal to excrete in a public place or local government property;
 - (c) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
 - (d) train or race the animal on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

- (4) An owner of an animal does not commit an offence under subclause (2)(b) if any excreta is removed immediately by the owner.

Shopping trolley to be marked

- 3.3 A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

Person not to leave shopping trolley in public place

- 3.4 A person shall not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

Retailer to remove abandoned shopping trolley

- 3.5 (1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, the City may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.
- (2) A retailer shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer-
- (a) requests the City to collect and deliver the shopping trolley to the retailer; and
 - (b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the City.

Retailer taken to own shopping trolley

- 3.6 In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the shopping trolley.

PART 4 - PERMITS

Application for permit

- 4.1 (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall –
- (a) be in the form determined by the City;
 - (b) be signed by the applicant;

- (c) provide the information required by the form; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the City under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The City may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The City may require an applicant to give local public notice of the application for a permit.
- (5) The City may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3) or (4).
- (6) **deleted.**

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Decision on application for permit

- 4.2 (1) The City may –
- (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the City approves an application for a permit, it is to issue to the applicant a permit in the form determined by the City.
- (3) If the City refuses to approve an application for a permit, it is, as soon as practicable after the decision is made –
- (a) to give the applicant written notice of, and written reasons for, the refusal; and
 - (b) inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the City to impose other conditions on the permit under subclause (1)(a).

- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the City to refuse the application for a permit on other grounds under subclause (1)(b).

Conditions which may be imposed on a permit

4.3 The City may approve an application for a permit subject to conditions relating to –

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the granting of another approval, permit, licence or authorisation which may be required under any written law;
- (f) the area of the district to which the permit applies; **and**
- (g) the obtaining of public risk insurance in an amount and on terms reasonably required by the City; **;**

(h) the imposition of a bond to repair any resulting damage to a thoroughfare or public place; and;

(i) require the submission of a construction management plan to mitigate any nuisance or congestion and to ensure safety to a thoroughfare or public place.

Security for restoration and reinstatement

4.4 (1) The City may require the payment of a bond for a sum determined by the City –

- (a) as a condition of a permit; or
- (b) before the issue of a permit;

for the purposes of ensuring that –

- (i) a public place can be repaired or reinstated where a permit issued for an activity may cause damage to the public place; or

- (ii) conditions of approval in so far as they relate to the public place or local government property are complied with.
- (2) A bond required under subclause (1) is to be paid into an account established by the City for the purposes of this clause.
- (3) A bond required under subclause (1) shall be returned to the permit holder if the City is satisfied that the activity has not caused damage to the public place or local government property used for the activity.

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Compliance with conditions

4.5 Where –

- (a) an application for a permit has been approved subject to conditions; or
 - (b) a permit is to be taken to be subject to conditions under this local law,
- the permit holder shall comply with each of those conditions.

Amendment of permit conditions

- 4.6
- (1) A permit holder may apply in writing to the City to amend any of the terms or conditions of the permit.
 - (2) The City may, in respect of an application under subclause (1) –
 - (a) amend the permit, either in accordance with the application or otherwise as it sees fit; or
 - (b) decline to amend the permit.
 - (3) The City may, at any time, amend any of the terms and conditions of the permit.
 - (4) If the City amends a permit under this clause, it is to notify the permit holder in writing of the amendment as soon as practicable after the amendment is made and, unless otherwise specified in the amendment, the amended term or condition, or both, of the permit apply from the date of the notification.
 - (5) If the City amends a permit otherwise than in accordance with an application from the permit holder, it is, as soon as practicable after the decision to amend is made –
 - (a) to give to the permit holder written notice of, and written reasons for, its decision to amend; and

- (b) inform the permit holder of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.

Duration of permit

4.7 A permit is valid for six months from the date on which it is issued, unless it is-

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 4.11.

Renewal of permit

- 4.8
- (1) A permit holder may apply to the City prior to expiry of a permit for the renewal of the permit.
 - (2) The provisions of –
 - (a) this Part; and
 - (b) any other provision of this local law relevant to the permit which is to be renewed, shall apply to an application for the renewal of a permit *mutatis mutandis*.

Transfer of permit

- 4.9
- (1) An application for the transfer of a valid permit is to –
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the City may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the City under and in accordance with sections 6.16 to 6.19 of the Act.
 - (2) The City may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
 - (3) Where the City approves an application for the transfer of a permit, the transfer may be effected by –
 - (a) an endorsement on the permit signed by the CEO; or

- (b) issuing to the transferee a permit in the form determined by the City.
- (4) Where the City approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

Production of permit

4.10 A permit holder is to produce to an authorised person her or his valid permit immediately upon being required to do so by that authorised person.

Cancellation of permit

- 4.11 (1) A permit may be cancelled by the City on any one or more of the following grounds –
- (a) the permit holder has not complied with –
 - (i) a condition of the permit; or
 - (ii) a provision of this local law or any other written law which may relate to the activity regulated by the permit.
 - (2) The City may cancel or suspend a permit if the City or a utility requires access to or near the place to which a permit applies, for the purposes of carrying out works in or near the vicinity of that place.
 - (3) If the City cancels or suspends a permit under this clause, it is, as soon as practicable after the decision is made –
 - (a) to give the permit holder written notice of, and reasons for, the decision;
 - (b) inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision; and
 - (c) the cancellation or suspension takes effect from the date on which the permit holder is served with the cancellation or suspension notice.
 - (4) On the cancellation of a permit, the permit holder shall return the permit as soon as practicable to the City.
 - (5) On the cancellation or suspension of a permit, the permit holder is, subject to subclause (6), to be taken to have forfeited any fees paid in respect of the permit.

- (6) Where a permit is cancelled or suspended through no fault of the permit holder, the City may refund to the permit holder all or part of the fee in respect of what would otherwise have been the balance of the term of the permit.

PART 5 – OBJECTIONS AND APPEALS

Application of Part 9 Division 1 of Act

- 5.1 (1) Where the City makes a decision as to whether it will-
- (a) grant an application for a permit or the issue of an approval;
 - (b) vary, cancel or suspend a permit;
 - (c) impose or amend a condition to which a permit is subject; or
 - (d) use the proceeds of a bond under clause 7.2(2),
- the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.
- (2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the City.

Amd
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29.02.08

Amd
GG No 36
29.02.08

PART 6 – MISCELLANEOUS NOTICES

Notice to redirect or repair sprinkler

- 6.1 Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the City may give a notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

Hazardous plants

- 6.2 (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the City may give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.
- (2) Subclause (1) does not apply where the plant was planted by the City.

Notice to repair damage to thoroughfare

- 6.3 Where any portion of a thoroughfare has been damaged, the City may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the City.

Notice to remove thing unlawfully placed on thoroughfare

- 6.4 Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

PART 7 – ENFORCEMENT**Offence to fail to comply with notice**

- 7.1 Whenever the City gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

City may undertake requirements of notice

- 7.2 (1) Where a person fails to comply with a notice referred to in clause 7.1, the City may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.
- (2) The City may apply the proceeds of any bond as a condition of approval under clause 4.4 to meet the costs under this clause incurred by the City.
- (3) The liability of a permit holder to pay the City's costs under this clause is not limited to the amount, if any, secured under clause 4.4.

Amd
GG No 36
29.02.08

Offences

- 7.3 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Infringement provisions and modified penalties

- 7.4 (1) An offence against a clause specified in the First Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the First Schedule.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that-
- (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

Forms

- 7.5 Unless otherwise specified, for the purposes of this local law-
- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the First Schedule of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in the First Schedule of the Regulations; and
 - (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in the First Schedule of the Regulations.

Authorised persons

- 7.6 Unless expressly stated otherwise by the City, a person appointed by the City to be an authorised person for the purposes of this local law is taken to have also been appointed by the City to be an authorised person for the purposes of sections 9.13 and 9.16 of the Act in relation to offences against this local law.

First Schedule – Offences and Modified Penalties
[Clauses 7.3 and 7.4]

City of Perth Thoroughfares and Public Places Local Law 2007

<u>Item No.</u>	<u>Offence Clauses</u>	<u>Modified Penalty \$</u>
<u>1</u>	<u>2.1(a)</u>	<u>125</u>
<u>2</u>	<u>2.1(b)</u>	<u>250</u>
<u>3</u>	<u>2.1(c)</u>	<u>125</u>
<u>4</u>	<u>2.1(d)</u>	<u>500</u>
<u>5</u>	<u>2.1(e)</u>	<u>125</u>
<u>6</u>	<u>2.1(f)</u>	<u>350</u>
<u>7</u>	<u>2.1(g)</u>	<u>125</u>
<u>8</u>	<u>2.1(h)</u>	<u>125</u>
<u>9</u>	<u>2.1(i)</u>	<u>125</u>
<u>10</u>	<u>2.1(j)</u>	<u>250</u>
<u>11</u>	<u>2.1(k)</u>	<u>100</u>
<u>12</u>	<u>2.2(1)(a)</u>	<u>125</u>
<u>13</u>	<u>2.2(1)(b)</u>	<u>125</u>
<u>14</u>	<u>2.2(1)(c)</u>	<u>125</u>
<u>15</u>	<u>2.2(1)(d)</u>	<u>250</u>
<u>16</u>	<u>2.2(1)(e)</u>	<u>250</u>
<u>17</u>	<u>2.2(1)(f)</u>	<u>500</u>
<u>18</u>	<u>2.2(1)(g)</u>	<u>350</u>
<u>19</u>	<u>2.2(1)(h)</u>	<u>125</u>
<u>20</u>	<u>2.2(1)(i)</u>	<u>250</u>
<u>21</u>	<u>2.2(1)(j)</u>	<u>500</u>
<u>22</u>	<u>2.2(1)(k)</u>	<u>500</u>
<u>23</u>	<u>2.2(1)(l)</u>	<u>250</u>
<u>24</u>	<u>2.2(1)(m)</u>	<u>125</u>
<u>25</u>	<u>2.2(1)(n)</u>	<u>500</u>
<u>26</u>	<u>2.3(1)</u>	<u>125</u>
<u>27</u>	<u>2.4</u>	<u>125</u>
<u>28</u>	<u>2.5(1)</u>	<u>250</u>
<u>29</u>	<u>2.6(2)</u>	<u>350</u>
<u>30</u>	<u>2.7(1)</u>	<u>125</u>
<u>31</u>	<u>2.8</u>	<u>125</u>
<u>32</u>	<u>2.9</u>	<u>125</u>
<u>33</u>	<u>2.14(2)</u>	<u>125</u>
<u>34</u>	<u>2.16</u>	<u>100</u>
<u>35</u>	<u>2.17(3)</u>	<u>100</u>
<u>36</u>	<u>2.19</u>	<u>100</u>
<u>37</u>	<u>2.18</u>	<u>100</u>
<u>38</u>	<u>2.20</u>	<u>350</u>
<u>39</u>	<u>3.1(1)</u>	<u>250</u>

<u>Item No.</u>	<u>Offence Clauses</u>	<u>Modified Penalty \$</u>
<u>40</u>	<u>3.2(2)(a)</u>	<u>125</u>
<u>41</u>	<u>3.2(2)(b)</u>	<u>125</u>
<u>42</u>	<u>3.2(2)(c)</u>	<u>125</u>
<u>43</u>	<u>3.2(2)(d)</u>	<u>125</u>
<u>44</u>	<u>3.2(3)</u>	<u>125</u>
<u>45</u>	<u>3.4</u>	<u>125</u>
<u>46</u>	<u>3.5(2)</u>	<u>125</u>
<u>47</u>	<u>4.1(1)</u>	<u>250</u>
<u>48</u>	<u>4.5</u>	<u>250</u>
<u>49</u>	<u>4.10</u>	<u>125</u>
<u>50</u>	<u>7.1</u>	<u>125</u>

Note: Below are the original proposed changes. For clarity, the above table shows minor amendments including renumbering after the separation of the original penalty for Item 34 and the inclusion of a penalty Item 35.

FIRST SCHEDULE

CITY OF PERTH

THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007

OFFENCES AND MODIFIED PENALTIES

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	2.1(a)	Plant any plant on a thoroughfare that creates a sight line hazard and which is not maintained at or below 0.75 metres in height	125
2	2.1(b)	Damaging lawn or garden	125 <u>250</u>
3	2.1(c)	Plant any plant on a thoroughfare so that it is within 2 metres of a carriageway	125
4	2.1(d)	Remove or damage a street tree without authorisation	350 <u>500</u>
5	2.1(e)	Placing hazardous substance on footpath	125
6	2.1(f)	Damaging or interfering with signpost or structure on thoroughfare	350
7	2.1(g)	Playing games so as to impede vehicles or persons on thoroughfare	125

Item No	Clause No	Nature of Offence	Modified Penalty \$
8	2.1(h)	Use a bicycle or wheeled recreational device on a thoroughfare so as to cause a nuisance	125
9	2.1(i)	Riding a bicycle or wheeled recreational device within a mall or an arcade or verandah of shopping centre	125
10	2.1(j)	Use anything or do anything on a public place so as to create a nuisance	125 <u>250</u>
<u>11</u>	<u>2.1(k)¹</u>		<u>100</u>
<u>11</u> <u>12</u>	2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	125
<u>12</u> <u>13</u>	2.2(1)(b)	Throwing or placing anything on a verge without a permit	125
<u>13</u> <u>14</u>	2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
<u>14</u> <u>15</u>	2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
<u>15</u> <u>16</u>	2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
<u>16</u> <u>17</u>	2.2(1)(f)	Damage a thoroughfare	250 <u>500</u>
<u>17</u> <u>18</u>	2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
<u>18</u> <u>19</u>	2.2(1)(h)	Felling tree onto thoroughfare without a permit	125
<u>19</u> <u>20</u>	2.2(1)(i)	Installing pipes or stone or any thing on thoroughfare without a permit	125 <u>250</u>
<u>20</u> <u>21</u>	2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350 <u>500</u>
<u>21</u> <u>22</u>	2.2(1)(k)	Stop and use any part of a thoroughfare for the delivery of materials to a building site adjoining the thoroughfare without a permit	350 <u>500</u>
<u>22</u> <u>23</u>	2.2(1)(l)	Placing a bulk rubbish container or other item on a thoroughfare without a permit	125 <u>250</u>
<u>23</u> <u>24</u>	2.2(1)(m)	Interfering with soil or take any thing on a thoroughfare without a permit	125
<u>25</u>	<u>2.2(1)(n)</u>	<u>Installing a full or part road closure on any road or portion of road</u>	<u>500</u>
<u>24</u> <u>26</u>	2.3(1)	Consumption or possession of liquor on thoroughfare	125
<u>25</u> <u>27</u>	2.4	Discharge material in or across a public place or local government property	125
<u>26</u> <u>28</u>	2.5(1)	Failure to obtain permit for temporary crossing	250
<u>27</u> <u>29</u>	2.6(2)	Failure to comply with notice to remove crossing and reinstate area	350

¹ First Schedule amended by Amendment Local Law 2013, gazettal on 03/09/13.

Item No	Clause No	Nature of Offence	Modified Penalty \$
28 <u>30</u>	2.7(1)	Installation of verge treatment without approval of the City	125
29 <u>31</u>	2.8	Failure to maintain permissible verge treatment or placement of obstruction on verge	125
30 <u>32</u>	2.9	Failure to comply with notice to rectify default	125
34 <u>33</u>	2.14(2)	Failure to comply with sign on public place	125
34	2.16		100
35	2.18		100
36	2.19		100
32 <u>37</u>	2.16(1) <u>2.20</u>	Driving or taking a vehicle on a closed thoroughfare	350
33 <u>38</u>	3.1(1)	Animal or vehicle obstructing a public place or local government property	125 <u>250</u>
34 <u>39</u>	3.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
35 <u>40</u>	3.2(2)(b)	Allow an animal to excrete in a public place or local government property	125
36 <u>41</u>	3.2(2)(c)	Animal on public place with infectious disease	125
37 <u>42</u>	3.2(2)(d)	Training or racing animal on thoroughfare in built-up area	125
38 <u>43</u>	3.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125
39 <u>44</u>	3.4	Person leaving shopping trolley in public place other than trolley bay	125
40 <u>45</u>	3.5(2)	Failure to remove shopping trolley upon being advised of location	125
41 <u>46</u>	4.1(6) <u>4.1(1)</u>	Failure to obtain a permit	125 <u>250</u>
42 <u>47</u>	4.5	Failure to comply with a condition of a permit	125 <u>250</u>
43 <u>48</u>	4.10	Failure to produce permit on request of authorised person	125
44 <u>49</u>	7.1	Failure to comply with notice given under local law	125
45		Other offences not specified	125
46	2.1(k)	Smoke a tobacco product within any pedestrian mall	100

(First Schedule amended by Amendment Local Law 2013 on 03/09/13)

Suggested Amendments from the Department of Local Government and Communities

The DLGC's main comments and the City of Perth Officer responses are summarised below and have been incorporated into the proposed City of Perth Thoroughfares and Public Places Amendment Local Law 2015.

Clause in the proposed Amendment Local Law	DLGC Suggestions	Officer Response
3	<p>The advertised clause 3 is considered to be effective in its advertised format however the DLGC has suggested simplified wording to be used as follows:</p> <p><i>"This local law amends the City of Perth Thoroughfares and Public Places Local Law 2007 as published in the Government Gazette on 2 March 2007 and as amended in the Government Gazette on 29 February 2008 and 3 September 2013."</i></p>	Noted and actioned in the proposed Amendment Local Law.
4	<p>The DLGC has suggested a redraft of clause 4 in its advertised format as follows:</p> <p><i>"The City of Perth Signs Local Law 2005 as published in the Government Gazette on 12 December 2005 and as amended on 29 February 2008 is repealed."</i></p>	Noted and actioned in the proposed Amendment Local Law.
5	<p>The DLGC has suggested a redraft of clause 5 in its advertised format for clarity as follows:</p> <p><i>"Following the enactment clause, delete the "Arrangement."</i></p>	Noted and actioned in the proposed Amendment Local Law.
6(a)	<p>The DLGC has suggested a rewording of clause 6(a) in its advertised format:</p> <p><i>"In the definition of "local government property" –</i></p> <p><i>(a) in paragraph (c) after the words</i></p>	Clause 6(a) replaced with the DLGC suggestion in the proposed Amendment Local Law.

Clause in the proposed Amendment Local Law	DLGC Suggestions	Officer Response
	<p>“within section 3.53 of the Act,” insert “and”; and</p> <p>(b) after paragraph (c) insert:</p> <p>“ (d) includes a Rest Centre and a public amenity facility;”.</p>	
6(b)	<p>The DLGC has suggested a rewording of clause 6(b) in its advertised format:</p> <p>“In the definition of “wheeled recreation device” –</p> <p>(a) at the end of subsection (ii) delete “and”;</p> <p>(b) in subsection (iii) delete “,” and insert “; and”;</p> <p>(c) in subsection (iii) insert:</p> <p>“(iv) an electronic personal transporter,”.</p>	<p>Clause 6(b) replaced with the DLGC suggestion in the proposed Amendment Local Law.</p>
6(f)	<ul style="list-style-type: none"> • Insert the definition of “electronic personal transporter” with the definition consistent with the City’s other local laws. • Delete the definition of “portable direction signs” as it is not used in the text of the clauses in the local law. • Delete the definition of “direction sign” as it is not used in the text of the clauses in the local law. 	<p>Noted and incorporated into the proposed Amendment Local Law.</p>
7	<p>The DLGC has suggested a rewording of clause 7 of the Amendment Local Law in its advertised format as follows:</p> <p>“Clause 2.1 is amended as follows:</p> <p>(a) in paragraph (f) delete “unless at</p>	<p>Noted and incorporated into the proposed Amendment Local Law.</p> <p>**It is noted that 7(b) has been amended as a result of further consideration by City of Perth Officers and is drafted in the</p>

Clause in the proposed Amendment Local Law	DLGC Suggestions	Officer Response
	<p>the direction of the City,”;</p> <p>(b) in paragraph (i) after “mall” insert “an”.**</p> <p>(c) in paragraph (k) –</p> <p>(i) delete the word “pedestrian”;</p> <p>(ii) after the word “mall” insert “reserve”;</p> <p>(iii) delete the note at the end of that paragraph.”</p>	format consistent with DLGC advice.
8	<p>The DLGC recommends that new subclauses be inserted into clause 8 of the advertised Amendment Local Law as a new subclause 2.2(1)(n) is being inserted as follows:</p> <p>“(e) at the end of subclause 2.2(1)(l) delete “or”;</p> <p>(f) at the end of subclause 2.2(1)(m) insert “or”.”</p>	Noted and incorporated into the proposed Amendment Local Law.
11 to 14	<p>Proposed clauses 11 to 14 to be merged into one clause as follows:</p> <p>“11. New clauses inserted</p> <p>(a) Clause 2.16 is renumbered as Clause 2.20;</p> <p>(b) After Clause 2.15 insert the following:</p> <p>“Advertising signs and portable direction signs</p> <p>2.16 (1) A person shall not, without a permit –</p> <p>(a) erect or place an advertising sign on a thoroughfare; or</p>	Noted and incorporated into the proposed Amendment Local Law.

Clause in the proposed Amendment Local Law	DLGC Suggestions	Officer Response
	<p>(b) post any bill or paint, place or affix any advertisement on a thoroughfare.</p> <p>(2) Notwithstanding subclause (1), a person shall not erect or place an advertising sign –</p> <p>(a) on a footpath;</p> <p>(b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.75 metres;</p> <p>(c) on or within 600mm of a carriageway;</p> <p>(d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or</p> <p>(e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.</p> <p>(3) In determining an application for a permit for the purpose of clause 2.16(1), the local government is to have regard to –</p> <p>(a) any other written law regulating the erection or placement of signs within the district;</p> <p>(b) the dimensions of the sign;</p> <p>(c) other advertising signs</p>	

Clause in the proposed Amendment Local Law	DLGC Suggestions	Officer Response
	<p>already approved or erected in the vicinity of the proposed location of the sign;</p> <p>(d) whether or not the sign will create a hazard to persons using a thoroughfare; and</p> <p>(e) the amount of public liability insurance cover, if any, to be obtained by the applicant.</p> <p>Portable Signs</p> <p>2.17 (1) A person may place or erect real estate signs on a thoroughfare on an infrequent or occasional basis only to direct attention to a residence that is for sale during the hours of a home open;</p> <p>(2) A person may place or erect community information signs on a thoroughfare on an infrequent or occasional basis, only to direct attention to a place, activity or event during the hours of that activity or event, if the activity or event has been approved by the City, inclusive of the said community information signs.</p> <p>(3) A person shall not erect, maintain or display a sign, or suffer or permit a sign to be erected, maintained or displayed or to remain so as to obstruct the view from a street or public place of traffic in a street or public place.</p> <p>Bunting</p> <p>2.18 A person shall not erect bunting on any street, hoarding, wall,</p>	

Clause in the proposed Amendment Local Law	DLGC Suggestions	Officer Response
	<p>building, fence or structure on a public place.</p> <p>Hand held signs</p> <p>2.19 A person shall not display a hand held sign on local government property or a public place unless approved by the City or associated with an event approved by the City.</p>	
<p>First Schedule (originally advertised as Clause 16, now renumbered as Clause 13)</p>	<ul style="list-style-type: none"> • Reformat Schedule heading to include a bracketed reference to the relevant clause of the proposed Amendment Local Law. • Separate Item 34 of the table, referring to clauses 2.16 and 2.19 so that each clause is given a separate item number. • Include a new item in relation to Clause 2.17(3) to ensure that a relevant penalty will enable Officers to issue an infringement notice should an offence occur. 	<p>Noted and incorporated into the proposed Amendment Local Law.</p>
Minor Edits		
<p>Various clauses</p>	<p>Minor editing applied to ensure grammatical accuracy through the insertion of a semicolon; “and” after a semicolon; or the deletion of a full stop and replaced with a semicolon.</p>	<p>Noted and incorporated into the proposed Amendment Local Law.</p>
<p>Whole of the proposed Amendment Local Law</p>	<p>Removal of page numbers as the numbers may not remain accurate after the local law is gazetted.</p>	<p>Noted and incorporated into the proposed Amendment Local Law.</p>



Beaufort Street Two Way - Transport Review

City of Perth, 20 June 2014



Technical Note

1.0 Background

- 1.1 Beaufort Street, between Roe Street and Newcastle Street was converted from one-way to two-way traffic operation on 7 April 2013 through a joint venture by City of Perth and the Public Transport Authority. Shortly after, William Street in Northbridge (Roe Street to Newcastle Street) was converted to two-way operation on 21 April 2013. The completion of City of Vincent's two-way conversion of Beaufort Street, between Newcastle Street and Brisbane Street, followed on 12 May 2013.

As part of an on-going and structured review of all two way street conversions, opportunities have been identified to improve both road safety for pedestrians and the level of traffic congestion currently being experienced within the City of Perth's section of Beaufort Street, particularly during evening peak period times. Potential improvements to traffic congestion on Beaufort Street and Newcastle Street have been identified as being possible through the proposal of relatively minor modifications to the intersections with Aberdeen Street and Newcastle Street.

This report summarises the major findings and recommendations of the Beaufort Street two way review and sets out the way forward in terms of the recommended infrastructure improvements.

2.0 Existing Situation and Review

2.1 Introduction

From its commencement on 7 April 2013, the operation of Beaufort Street two way has been continually monitored and reviewed through site observations, review of traffic signal timings, discussions with Main Roads Western Australia (MRWA), analysis of recorded traffic data and also bus journey time information provided by the Public Transport Authority.

2.2 Summary

In order to understand the relative differences and outcomes of the change from one way to two way traffic flow, a summary comparison of the following statistics before and after the two way conversion is provided below:

	Before (One Way)	After (Two Way)			
Direction	North	North		South	
Average Traffic Speeds (kph)	45.7	39.2		44.6	
Daily Traffic Volume	11570	7842		3100	
Total Accidents (Yearly Average)	63	66			
		2014	2015	2014	2015
Public Transport Journey Times* (mins)	1:26	1:14	1:17	2:06	2:00
Daily bus numbers in survey	4571	5520	5585	5396	5576

*Northbound – Beaufort St WA Museum Stop to Beaufort St after Newcastle St.

*Southbound – Beaufort St before Newcastle to Beaufort St before James St.

2.3 Speed

It can be seen that following the two way street conversion there has been a reduction in average speed recorded in the northbound direction by some 6.5 km/h (14%). The recorded average speed southbound is below the speed limit of 50km/h at approximately 45km/h.

2.4 Traffic Volumes

Traffic volumes in the northbound direction have also reduced, however the overall average daily traffic volume (north and south combined) remains similar to the total one way traffic volume before conversion and accounts for redistribution of traffic elsewhere on the network, i.e. William Street in Northbridge.

2.5 Accidents

Overall the number of accidents occurring each year has remained constant, however there has been a significant reduction in the annual average on the section between Roe Street to James Street. Accidents on the section between James Street and Aberdeen Street have remained constant at around 12 accidents per year.

2.6 Public Transport Journey Times

Average public transport journey times along the Beaufort Street corridor have reduced in the northbound direction by approximately 12 seconds (14%).

This is despite an additional 1,000 services being surveyed in the year after implementation. The introduction of the higher frequency 950 service has made a significant contribution to the increased number of services. The longer southbound journey time can be explained due to the additional bus stop that services are required to stop at (between Newcastle St and Aberdeen St) whereas the northbound services do not have any intermediate stops between the two stops used for measurement. Public transport journey times are affected during the day by on street parking. At peak periods, when the clearways are in operation, there is a reliance on ensuring that the bus lanes are kept clear by Main Roads Western Australia's Clearway towing service.

2.7 Road Safety Audit

As part of this review process, a post construction road safety audit was commissioned and completed on 24 January 2014. This independent study of road safety, on the two way configuration of Beaufort Street, confirmed the finding of a road safety audit undertaken in February 2010, that consideration should be given to providing formal signal controlled pedestrian crossing facilities at a location immediately to the north of James Street, due to the limited carriageway width available for other refuge island type treatments.

2.8 Pedestrian Movement

The City of Perth undertook a morning and evening peak period manual survey of pedestrians crossing Beaufort Street in this location. This identified that upwards of 350 pedestrians/hour currently cross Beaufort Street at this uncontrolled location in the busiest peak hour, to board and alight from buses and walk east/west along James Street.

This level of pedestrian activity, together with the volume of traffic on Beaufort Street combines to satisfy the Main Roads Western Australia warrant requiring installation of a signal controlled crossing in this location.

Complaints have been received from members of the public and WA Police with regards to the lack of formal pedestrian crossing facilities in this area, particularly given the high numbers of pedestrians. This demonstrates the public desire for such improvements.

3.0 Identified Infrastructure Improvements

- 3.1 This section identifies the improvements resulting from the review of the operation of Beaufort Street following conversion to two way.

Signal Controlled Pedestrian Crossing Installation

- 3.2 In order to address the safety concerns for pedestrians currently crossing Beaufort Street, the design of the pedestrian crossing would involve:-

- Installation of traffic signals, including outreach mast arms to prevent visual blocking of traffic signals by buses within the bus lanes.
- Installation of pedestrian ramps and push buttons.
- Civil modifications to the north east corner of Beaufort Street/James Street intersection.
- Modifications to existing road markings to enforce traffic regulations approaching the crossing.
- Modifications to the Cultural Centre service vehicle access opposite James Street intersection.
- Modifications to existing road markings and signage to enforce traffic regulations approaching the crossing.
- No modifications to existing bus stops and shelter locations on the western side of Beaufort Street.
- Removal of three on street parking bays on the south side of James Street to facilitate the civil modifications on north east corner of Beaufort Street/James Street intersection.
- Liaison required with the Metropolitan Redevelopment Authority (MRA), WA Museum, Main Roads WA (MRWA), Public Transport Authority (PTA) and Department of Treasury (DoT). Early discussions with PTA and MRWA indicate that they would be supportive of the above.
- Stakeholder consultation with the above and immediate community stakeholders including The Court, WA Police and adjacent land owners.

Aberdeen Street and Newcastle Street Intersection Modifications

- 3.3 A regular review of the performance of both Aberdeen Street and Newcastle Street intersections with Beaufort Street has determined that the volume of vehicles turning right from Beaufort Street within the peak morning and evening periods is very low, at around 40 vehicles per hour in each direction at each intersection. At the intersection with Newcastle Street this value also includes scheduled bus services. The heaviest demand is north/south and east/west.
- 3.4 Whilst the popularity of the new southbound direction on Beaufort Street has increased dramatically since the opening to two way traffic, there is a quantifiable tidal flow of traffic on Beaufort Street within the peak periods i.e. mainly toward the City during the morning and away from the City during the evening peak period.
- 3.5 This section of Beaufort St is typically very congested in the evening peak period at present, which can affect the reliability of bus journey times. In addition the section of Newcastle Street, between Beaufort Street and William Street is typically congested by restricted flow at the Beaufort Street/Newcastle Street intersection. The above review and observations of site operations has led to the formulation of possible minor modifications to the traffic signals at both Aberdeen and Newcastle Street intersections, which may involve the following:

3.6 The above has led to the formulation of possible modifications to both Aberdeen Street and Newcastle Street intersections, which may involve some of the following options:

- Installation of morning and evening peak period illuminated 'No Right Turn' signs, similar those already in place at the intersections of Murray/Milligan and Hay/Milligan. Right turns would be possible during off-peak times.
- The requirement of scheduled bus services, 5 per hour in the morning peak and 13 per hour in the evening peak, turning right from Beaufort Street to Newcastle Street, means that the above would be accompanied by 'Buses Excepted' signage allowing buses to turn across oncoming traffic.
- Alternatively the modifications may involve introduction of a leading right turn (with green arrow phase) for the northbound right turn to Newcastle Street at both intersections to cater for bus movements whilst maintain synchronisation of these two closely spaced intersections. This could then be followed by an early shut down of the right turn arrow to be followed by a filtering right phase against oncoming southbound traffic.
- Further consideration of the above options is required together with further traffic modelling to be undertaken as part of the pedestrian crossing project to determine the most suitable signal phase sequence and traffic signal infrastructure changes at these intersections.
- Liaison with representatives of City of Vincent, Public Transport Authority and Main Roads Western Australia indicates that they may be supportive of either of the above options.
- Removal of two on street general parking bays and one on street motorcycle parking bay on the western side of Beaufort Street.

3.7 Any changes to improve efficiency at these intersections may also benefit pedestrians by reducing the overall cycle time thereby increasing the number of times pedestrians may cross within any given cycle of the signals. In turn, these intersection modifications may improve bus journey times and reliability on Beaufort Street

3.8 It is also anticipated that through improving traffic flow and reducing congestion on the Aberdeen Street to Newcastle Street section, this has the potential to reduce the number of rear end shunt and 'T-bone' type collisions currently occurring, usually associated with congested traffic conditions.

4.0 Summary and Recommendations

4.1 Following a review of the current two way operation of Beaufort Street, between Roe Street and Newcastle Street, it has been established that improvements to pedestrian safety and traffic flow are necessary in the form a

signal controlled pedestrian crossing just north of James Street and potential signal phase modifications to the intersections with Aberdeen Street and Newcastle Street.

- 4.2 In order to provide these much needed improvements on Beaufort Street, it is recommended that the proposed measures should be further investigated in terms of detailed design, documentation and development of detailed cost estimates. A report should be presented to a future meeting of the Works and Urban Development Committee to explain the findings of this technical review and to request the endorsement of further development and construction of the identified infrastructure improvements.
- 4.3 In addition, the City must continue discussions with the PTA and MRA regarding their involvement and capacity to provide funding for such improvements. Liaison with MRWA must continue in order to reach an approved design solution for provision of the signal controlled pedestrian crossing and any modifications to Aberdeen Street and Newcastle Street intersections.