



CITY of PERTH

Lord Mayor and Councillors,

NOTICE IS HEREBY GIVEN that the next meeting of the **Finance and Administration Committee** will be held in Committee Room 1, Ninth Floor, Council House, 27 St Georges Terrace, Perth on **Tuesday, 15 September 2015 at 4.00pm.**

Yours faithfully

**GARY STEVENSON PSM
CHIEF EXECUTIVE OFFICER**

10 September 2015

Committee Members:

Members:

Cr Davidson OAM JP (Presiding Member)
Cr Butler
Cr Yong

1st Deputy:

Cr Adamos

2nd Deputy:

Cr Harley



Please convey apologies to Governance on 9461 3250
or email governance@cityofperth.wa.gov.au

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



A Assembly Area

AA Alternate Assembly Area

FINANCE AND ADMINISTRATION COMMITTEE

Established: 17 May 2005 (Members appointed 22 October 2013)

Members:	1st Deputy:	2nd Deputy:
Cr Davidson OAM JP (Presiding Member)	Cr Adamos	Cr Harley
Cr Butler		
Cr Yong		

Quorum: Two
Expiry: October 2015

TERMS OF REFERENCE: [Adopted OCM 04/06/13]

1. To oversee and make recommendations to the Council on matters related to:
 - a. the financial management of the City including budgeting, payment of accounts, collection of debts, investment of funds and write-offs;
 - b. strategic and annual plans;
 - c. management of local government property including issues relating to the City's civic buildings (Council House, Perth Town Hall, Perth Concert Hall and the City of Perth Library);
 - d. business opportunities and proposals, including those related to parking, having the potential to achieve new income or savings for the City, which may have been initiated by other Committees of the Council;
 - e. Fees and charges levied by the City in accordance with Sections 6.16 or 6.32 of the Local Government Act 1995;
 - f. Elected Members, including protocols and procedures, benefits and allowances;
 - g. Council's policies, local laws and Register of Delegations;
 - h. the management and enforcement of permanent and temporary on-street parking proposals or restrictions and any associated fees or signage;
 - i. any other issues requiring a decision of the Council and not specifically defined in the Terms of Reference for any other Committee of the Council.
2. To determine:
 - a. public art, art purchases and management of the City's art collection with the authority to purchase artworks over \$5,000 (excluding GST) and the deaccession of artworks in accordance with Policy 18.2 - Collection Management;
 - b. requests for receptions referred to the Committee by the Lord Mayor, with authority to approve or decline requests of \$5,000 or less.

This meeting is open to members of the public.

INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE MEETINGS

Question Time for the Public

- An opportunity is available at all Committee meetings open to 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 at least an hour before the meeting begins. Alternatively, questions can be forwarded to the City of Perth prior to 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.*

Deputations

A deputation wishing to be received by a Committee is to apply in writing to the CEO who will forward the written request to the Presiding Member. The Presiding Member may either approve the request or may instruct the CEO to refer the request to the Committee to decide whether or not to receive the deputation. If the Presiding Member approves the request, the CEO will invite the deputation to attend the meeting.

Please refer to the 'Deputation to Committee' form provided at the entrance to the Council Chamber for further information on the procedures for deputations. These forms 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 Committee meeting prior to written advice on the resolution of the Council being received.

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FINANCE AND ADMINISTRATION COMMITTEE

15 SEPTEMBER 2015

ORDER OF BUSINESS

- 1. Declaration of Opening**
- 2. Apologies and Members on Leave of Absence**
- 3. Question Time for the Public**
- 4. Confirmation of Minutes – 25 August 2015**
- 5. Correspondence**
- 6. Disclosure of Members' Interests**
- 7. Matters for which the Meeting may be Closed**

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 item and schedules listed below, it is recommended that Committee resolve to close the meeting to the public prior to discussion of the following:

Confidential Item / Schedule No.	Item No. and Title	Reason
Schedule 2	Item 3 – 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 6	Item 4 – Tender 11 15/16 – Comprehensive Maintenance Services for Lifts and Escalators – Various Car Parks	Section 5.23(2)(e)(iii)

- 8. Reports**
- 9. Motions of which Previous Notice has been Given**
- 10. General Business**

10.1. Responses to General Business from a Previous Meeting

Nil

10.2. New General Business

11. Items for Consideration at a Future Meeting

Outstanding Reports:

- Council Dining Room (raised FA30/09/14, updated 21/04/15).

12. Closure

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ITEM NO: 1

INVESTMENTS AND INVESTMENT RETURNS FOR THE PERIOD ENDED 31 AUGUST 2015

RECOMMENDATION:

(INFORMATION)

That the Finance and Administration Committee receives the report detailing investments and investment returns for the period ended 31 August 2015, as detailed in Schedule 1.

BACKGROUND:

FILE REFERENCE:	P1031639-3
RESPONSIBLE DIRECTOR:	Corporate Services
RESPONSIBLE UNIT:	Finance
DATE:	07 September 2015
MAP / SCHEDULE:	Schedule 1 – Investment Report for the period ended 31 August 2015, Short Term Investments and Institutional Credit and Ratings

Investments are made in accordance with Policy 9.3 – Management of Investments. The policy sets objectives and risk management guidelines for investing surplus and reserve funds not immediately required for any other purpose.

This report reviews the results for the month of August 2015.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Section 6.14 of the <i>Local Government Act 1995</i> Regulation 19C of the <i>Local Government (Financial Management) Regulations 1996</i>
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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.
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Policy

Policy No and Name:	9.3 – Management of Investments
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DETAILS:

	Actual \$	Budget \$	Variation \$
Interest Earnings	60,981	392,250	(331,269)

Average Rate	0.48%
Benchmark Rate	2.14%
RBA Cash Rate	2.00%

*Figures exclude rate arrears.

Call Accounts

Balance at 31 August 2015	\$27.2 million
Interest Earned	\$54,960
Rate for balances over \$2 million	2.50%

Term Deposits

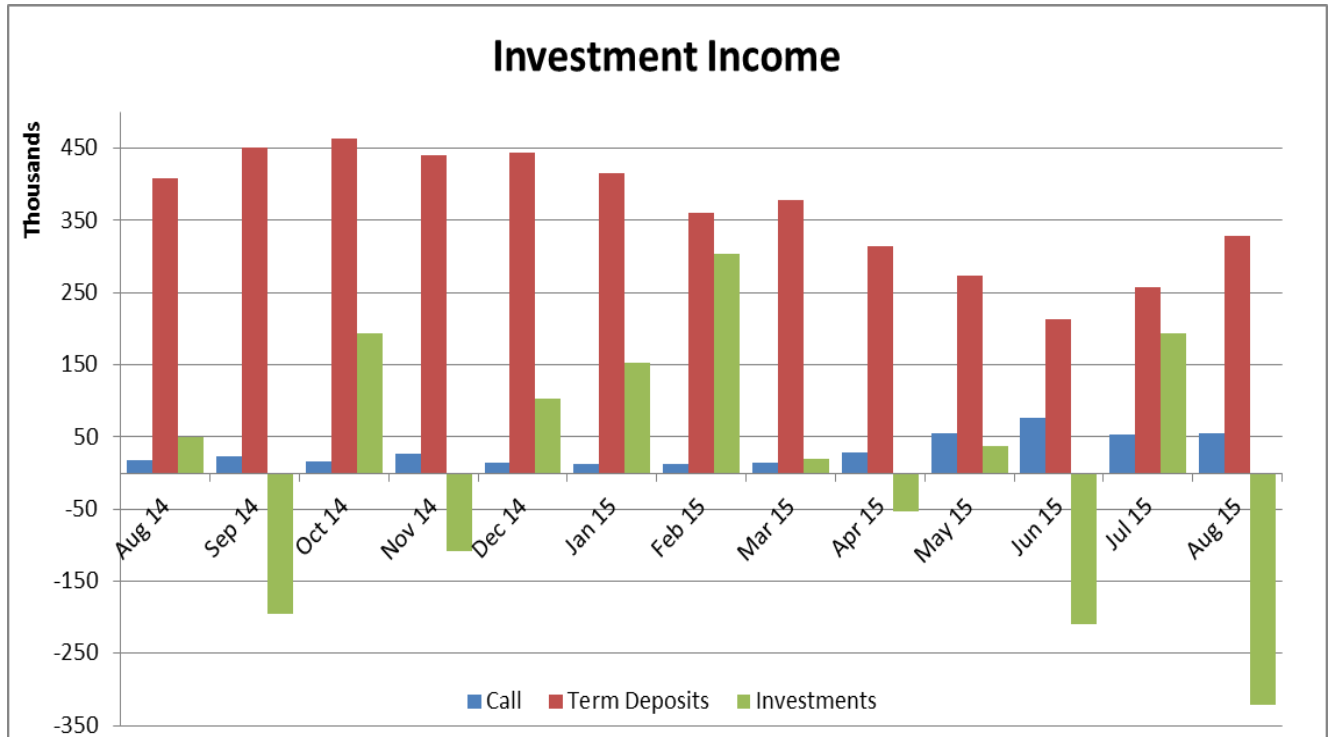
Balance at 31 August 2015	\$138.8 million
Interest Earned	\$327,973
Average Rate (Municipal funds)	2.90%
Most Recent Rate (Municipal funds)	2.85%

Other Investments

	Interest Earned \$	Interest Rate %
Emerald Mortgage Backed Security	11,240	3.00
Colonial Share Index Balanced Fund	(333,194)	(96.76%)

The Westpac Floating Rate Notes matured in July 2015.

The ASX 200 index fell by nearly 500 points in August and as a result the Colonial Share Index Balanced fund had a negative return for the month. The City's investment advisors recommend to hold the investment, but may revise this view if there is further weakness in the market.



Spread of Investments

The City's exposure to investment institutions is as follows:

ANZ	13%
AMP	6%
Bank of Queensland	18%
BankWest	13%
NAB	29%
Suncorp Metway	18%
Others	3%
	<u>100%</u>

FINANCIAL IMPLICATIONS:

Reported investment earnings (excluding interest on rates arrears) at \$60,981 after Trust Account adjustments, were \$331,269 below budget in August.

COMMENTS

The City continues to adhere to its policy of obtaining the best returns commensurate with risk and the constraints imposed by the State Government regulations.

SCHEDULE 1

INVESTMENT REPORT							
31-Aug-15	Market Value 31-Jul-15	Market Value 31-Aug-15	Cost & Impairment 31-Aug-15	% of Class	Interest Earned Aug	Weighted Average Monthly Rate	Interest Earned YTD
Municipal							
Short term Direct Investments							
Call	\$7,352,812	\$21,550,996	\$21,550,996	12.8%	\$43,973	2.57%	\$62,129
Term Deposits	\$40,500,000	\$71,000,000	\$71,000,000	42.1%	\$151,281	2.90%	\$216,979
Short	\$47,852,812	\$92,550,996	\$92,550,996		\$195,254	2.82%	\$279,108
Total Municipal - Cash Back Securities	\$47,852,812	\$92,550,996	\$92,550,996		\$195,254	2.82%	\$279,108
Total Municipal Investments	\$47,852,812	\$92,550,996	\$92,550,996		\$195,254	2.82%	\$279,108
Reserves							
Short term Direct Investments							
Call	\$14,202,080	\$3,396,423	\$3,396,423	2.0%	\$6,386	2.50%	\$31,668
Term Deposits	\$66,500,000	\$63,000,000	\$63,000,000	37.3%	\$164,752	2.98%	\$342,678
Total	\$80,702,080	\$66,396,423	\$66,396,423		\$171,139	2.97%	\$374,346
Floating Rate Notes/ CLNs							
WPAC- Sub Debt -FRN	\$0	\$0	\$0	0.0%	\$0	0.00%	\$1,985
Total	\$0	\$0	\$0		\$0	0.00%	\$1,985
Medium term Direct Investments							
Barclays - Emerald -MBS	2,766,406	2,474,343	\$2,721,799	1.6%	\$11,240	3.00%	\$22,715
Total	\$2,766,406	\$2,474,343	\$2,721,799		\$11,240	3.00%	\$22,715
Total Reserve - Cash Back Securities	\$83,468,486	\$68,870,766	\$69,118,222		\$182,379	2.97%	\$399,046
Balanced Funds							
Colonial Share Index	\$4,298,860	\$3,965,775	\$3,965,775	100%	-\$333,194	-96.76%	-\$152,561
Total	\$4,298,860	\$3,965,775	\$3,965,775		-\$333,194	-96.76%	-\$152,561
Total Reserve Investments	\$87,767,347	\$72,836,542	\$73,083,998		-\$150,815	-96.76%	\$246,484
Trust							
Short term Direct Investments							
Call	\$2,491,254	\$2,245,819	\$2,245,819	1.3%	\$4,601	2.50%	\$8,016
Term Deposits	\$4,798,455	\$4,798,455	\$4,798,455	2.8%	\$11,940	2.99%	\$26,436
Total	\$7,289,708	\$7,044,274	\$7,044,274		\$16,542	2.85%	\$34,452
Total Trust - Cash Back Securities	\$7,289,708	\$7,044,274	\$7,044,274		\$16,542	2.85%	\$34,452
Total Investments-Cash Back Securities	\$138,611,007	\$168,466,036	\$168,713,492		\$394,175	2.89%	\$712,606
Grand Total Investments	\$142,909,867	\$172,431,811	\$172,679,267		\$60,981	0.48%	\$560,044

INVESTMENT
RATES:

CASH RATE

2.00%

BENCHMARK

2.15%

AVERAGE excl.Trust

0.36%

CITY OF PERTH - SHORT TERM INVESTMENTS (Excluding Call) AS AT 31 AUGUST 2015

							Total	TOTAL INTEREST	
							Investment	individual outstanding	
FUND	INSTITUTION	TYPE	AMOUNT	RATE	LODGED	MATURITY	Days	investment	
MUNICIPAL	BANKWEST	Short Term Direct Investments TERM DEPOSITS	\$ 4,000,000.00	2.85%	14/07/2015	12/11/2015	121	\$	37,791.78
MUNICIPAL	BANKWEST	Short Term Direct Investments TERM DEPOSITS	\$ 7,000,000.00	2.85%	17/07/2015	30/11/2015	136	\$	74,334.25
MUNICIPAL	BANKWEST	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.85%	3/08/2015	25/01/2016	175	\$	40,993.15
MUNICIPAL	BANKWEST	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.90%	31/07/2015	29/01/2016	182	\$	72,301.37
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.90%	21/07/2015	31/12/2015	163	\$	64,753.42
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.85%	6/08/2015	7/01/2016	154	\$	60,123.29
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.90%	7/08/2015	11/02/2016	188	\$	74,684.93
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.90%	10/08/2015	18/02/2016	192	\$	76,273.97
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.90%	10/08/2015	29/02/2016	203	\$	80,643.84
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 3,500,000.00	2.90%	20/08/2015	17/03/2016	210	\$	58,397.26
MUNICIPAL	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 7,500,000.00	2.95%	30/06/2015	30/09/2015	92	\$	55,767.12
MUNICIPAL	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 8,000,000.00	2.95%	30/06/2015	30/10/2015	122	\$	78,882.19
MUNICIPAL	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 4,000,000.00	2.92%	31/07/2015	31/12/2015	153	\$	48,960.00
MUNICIPAL	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 4,000,000.00	2.80%	17/08/2015	29/01/2016	165	\$	50,630.14
			\$ 71,000,000.00						
RESERVES	AMP	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	3.10%	8/07/2015	11/07/2016	369	\$	156,698.63
RESERVES	BANKWEST	Short Term Direct Investments TERM DEPOSITS	\$ 3,500,000.00	3.00%	10/03/2015	10/09/2015	184	\$	52,931.51
RESERVES	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 1,000,000.00	2.95%	9/07/2015	7/01/2016	182	\$	14,709.59
RESERVES	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 1,000,000.00	2.95%	16/07/2015	14/01/2016	182	\$	14,709.59
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.95%	7/05/2015	5/11/2015	182	\$	44,128.77
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.95%	21/05/2015	19/11/2015	182	\$	73,547.95
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.98%	10/07/2015	7/01/2016	181	\$	44,332.60
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.95%	23/07/2015	21/01/2016	182	\$	29,419.18
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 2,500,000.00	2.93%	31/07/2015	29/01/2016	182	\$	36,524.66
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.92%	13/08/2015	11/02/2016	182	\$	43,680.00
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 7,000,000.00	2.85%	31/08/2015	31/03/2016	213	\$	116,420.55
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 9,000,000.00	3.00%	30/06/2015	30/09/2015	92	\$	68,054.79
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 9,000,000.00	3.00%	30/06/2015	30/10/2015	122	\$	90,246.58
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 7,000,000.00	2.95%	4/06/2015	3/12/2015	182	\$	102,967.12
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	3.00%	11/06/2015	10/12/2015	182	\$	29,917.81
			\$ 63,000,000.00						
ROD EVANS	BWEST	Short Term Direct Investments TERM DEPOSITS	\$ 305,698.43	2.95%	27/05/2015	24/09/2015	120	\$	2,964.86
TRUST	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 1,750,000.00	3.03%	26/03/2015	24/09/2015	182	\$	26,439.86
TRUST	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.85%	27/08/2015	26/11/2015	91	\$	14,210.96
TRUST	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 742,756.54	2.98%	9/07/2015	7/01/2016	182	\$	11,036.75
			\$ 4,798,454.97						
TOTAL investments			\$ 138,798,454.97						

31-Aug-15

INSTITUTION CREDIT AND RATING				
INSTITUTION	AMOUNT	PERCENTAGE	CREDIT RATING	MAX AMOUNT
ANZ	22,193,153.15	13%	A1+	OK
AMP	10,000,084.85	6%	A1	OK
ING	-	0%	A2	OK
BOQLD	30,500,000.00	18%	A2	OK
BANKWEST	22,805,698.43	13%	A1+	OK
BARCLAYS	2,721,799.00	2%	NR	OK
C B A	-	0%	A1+	OK
BENDIGO	-	0%	A2	OK
MACQUARIE	0.00	0%	A1	OK
MEQUITY	0.00	0%	A2	OK
NAB	49,492,756.54	29%	A1+	OK
ST GEORGE	-	0%	A1+	OK
SUNCORP METWAY	31,000,000.00	18%	A1	OK
WESTPAC	-	0%	A1+	OK
COLONIAL	3,965,775.26	2%	NR	OK
TOTAL	172,679,267.23	100%		

GLOBAL CREDIT EXPOSURE			
INSTITUTION	AMOUNT	PERCENTAGE	MAX ALLOWED
A1+, A1, AA	135,491,692.97	78%	100%
A2	30,500,000.00	18%	60%
A3 and Unrated	6,687,574.26	4%	10%
TOTAL	172,679,267.23	100%	

A1+	45%	INDIVIDUAL ADI EXPOSURE ALLOWED
A1	45%	
A2	40%	
A3	10%	
AAA	45%	
AA	45%	
Unrated	10%	

ITEM NO: 2

PAYMENTS FROM MUNICIPAL AND TRUST FUNDS – AUGUST 2015

RECOMMENDATION:

(APPROVAL)

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

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: 3

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

RECOMMENDATION:

(APPROVAL)

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 2 - Tender Evaluation Matrix for Tender 117-14/15 Schedule 3 – Comparative Pricing for Tender 117-14/15 Schedule 4 – Revised Pricing for Tender C 117-14/15 Schedule 5 – Revised Pricing for Tender F & G 117-14/15

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 2.

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 4.

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.

CONFIDENTIAL SCHEDULE 2
ITEM 3 – TENDER 117-14/15 – TESTING AND
MAINTENANCE OF EMERGENCY AND EXIT LIGHTS, FIRE
PROTECTION SYSTEMS AND EQUIPMENT – VARIOUS
SITES

FOR THE FINANCE AND ADMINISTRATION COMMITTEE
MEETING

15 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	

SCHEDULE 4

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 %

SCHEDULE 5

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

ITEM NO: 4

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

RECOMMENDATION:

(APPROVAL)

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 7 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 6 – Tender Evaluation Matrix Schedule 7 – Schedule of Rates

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.

CONFIDENTIAL SCHEDULE 6
ITEM 4 – TENDER 11 15/16 – COMPREHENSIVE
MAINTENANCE SERVICES FOR LIFTS AND ESCALATORS
- VARIOUS CAR PARKS

FOR THE FINANCE AND ADMINISTRATION COMMITTEE
MEETING

15 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	

SCHEDULE 7

ITEM NO: 5

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

RECOMMENDATION:

(APPROVAL)

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 9, 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 8 – Schedule of Submissions (received during original public notice period) Schedule 9 – Proposed City of Perth Thoroughfares and Public Places Amendment Local Law 2015 Schedule 10 – <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 11 – Suggested Amendments from the Department of Local Government and Communities and City of Perth Responses

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 8). 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 8). 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 11 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.”

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
Submission No. 1 Mr V Tana Property Owner – 22/68 St Georges Terrace, Perth and 3/731 Hay Street Mall, Perth (TRIM 51770/15)	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><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>
Submission No. 2 Ms K Howard Submitter / Interested Party (TRIM 59086/15)	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><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
GG No 36
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>

ITEM NO: 6

2016 CITY OF PERTH PHOTOGRAPHIC COMMISSIONS SELECTION

RECOMMENDATION:

(APPROVAL)

That Council approves the 2016 City of Perth Photographic Commissions Selection Panel recommendation to commission:

- 1. photographer Graham Miller to carry out the 2016 Artistic Photographic Commission at a cost of \$15,000 (excluding GST);***
- 2. photographer Jacqueline Ball to carry out the 2016 Architectural Photographic Commission at a cost of \$15,000 (excluding GST).***

BACKGROUND:

FILE REFERENCE:	P1031593#04
REPORTING UNIT:	Community Facilities
RESPONSIBLE DIRECTORATE:	Community and Commercial Services
DATE:	4 September 2015
MAP / SCHEDULE:	N/A

At its meeting held **21 July 2015** it was carried that Council:

- 1. notes the increase in commission fees for two Photographic Commissions to \$15,000 per commission depicting the city to be undertaken in 2015/16 and continuing thereafter every three to five years;***
- 2. approves the themes for the Photographic Commissions as detailed in this report;***
- 3. nominates Elected Member Cr Rob Butler to represent Council on the selection panel for the 2016 Photographic Commission;***
- 4. requests that an Elected Member Briefing session be arranged to provide information regarding the photographic commissions that were undertaken in 2009 and 2012 depicting the development of the architectural elements of the city.***

On 1 September 2015 an Elected Member Briefing session was delivered providing information regarding the photographic commissions that were undertaken in 2009 and 2012 depicting the development of the architectural elements of the city.

As per the selection process outlined in the report to Council on 21 July 2015, the Art Curator devised a list of photographers who were invited to submit a proposal in response to the commission brief. A selection panel was formed which was made up of an Elected Member, a City of Perth representative and two industry professionals.

The Selection Panel met at 9:00am on Friday, 4 September 2015 to assess the proposals and the recommendations of the panel are detailed in the body of this report.

As the commissions result in the purchase of works of art approval from the Finance and Administration Committee is sought to commission the photographers recommended by the Selection Panel in accordance with the Delegated Authority register 2015/16.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications

Corporate Business Plan

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

Strategic Community Plan

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

Policy

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

DETAILS:

At its meeting held 4 September 2015 the 2016 City of Perth Photographic Commissions Selection Panel assessed the submissions made by photographers who had been invited to express interest in the commission project. The panel assessed the project proposals against four selection criteria, those being Artistic Excellent, Response to the Brief, Material Quality and Risk, and Demonstration of Capacity. The photographers recommended to be commissioned are detailed below.

2016 Artistic Photographic Commission

It is recommended that photographer Graham Miller be commissioned to carry out the 2016 Artistic Photographic Commission which will result in the acquisition of a series of 10 single edition photographic works of art.

Graham Miller's work has a cinematic quality with the composition of each photograph carefully considered to capture a particular moment. Viewers are often prompted to consider what may have occurred the moments just prior to or after the photographs were taken. His portrait work takes in the context of the subject's surroundings allowing the environment and ambience to give clues to the narrative that the photograph is portraying.

Miller has proposed to photograph a wide view of city spaces populated by its inhabitants. His work will show the social interactions and activities of people in Perth within the context of the city environment. The landscape will loom large and the people within Perth will be visible within the larger context of the cityscape. The locations depicted will be integral to the works with the culture of the city being articulated through a series that shows both work and play as being integral to the culture of Perth.

Graham Miller demonstrated that the resulting works would be unique and engaging while also addressing the project brief. He has experience delivering projects of a similar nature and produces work to archival standard.

Graham Miller is a highly regarded photographer who has been exhibiting nationally and internationally for over 15 years. He has exhibited in solo and group exhibitions at galleries such as the Perth Institute of Contemporary, Perth Centre for Photography, Australian Centre for Photography in Sydney, Rayko Photo Centre in San Francisco USA, Museum of Art Rhode Island USA, National Gallery of Victoria, and the Art Gallery of Western Australia.

Graham Miller has a solo exhibition scheduled at the Art Gallery of Western Australia in late 2015 as a part of their WA Focus series. He has work in the collections of the National Gallery of Victoria, Artbank, State Art Collection at the Art Gallery of Western Australia, Parliament House Collection Canberra, Murdoch University Collection, Edith Cowan University Collection, Royal Perth Hospital Collection and numerous private collections in Australia and internationally.

The City of Perth does not currently own any works by Graham Miller and the acquisition of his work through the 2016 City of Perth Artistic Photographic Commissions will be an important addition to the City's cultural assets by depicting the social and cultural dynamic of Perth within the context of the city environment. His work will relate to and complement other works in the collection by artists such as Brad Rimmer, Max Pam, Kevin Ballantine, Max Dupain and Frederick Flood.

The commission and resulting acquisition recommendation is made in accordance with Council Policy 18.2 Collection Management and meets the acquisition criteria outlined as follows.

Essential Acquisition Criteria

In order to be considered for the Art Collection all items must meet the essential acquisition criteria as follows.

Criteria	Reason for Proposed Acquisition
Enhance the current scope of the Collection.	As outlined above, these works will enhance the City's holdings of photographic works on paper by Western Australian contemporary artists as well as add to the representation works depicting social aspects of the city at this moment in time and the evolution of Perth generally.
Be an unconditional donation or purchase.	These commissioned works will result in an unconditional purchase.
Have the capacity to be placed on display without hindrance to public access or safety, and without breaching the artist's moral rights.	The works will be two-dimensional and will be able to be safely displayed in a variety of locations within Council buildings.
Have the necessary resources allocated to resolve all foreseeable issues related to conservation, presentation and storage, as part of the acquisition.	<p>The City budgets for the operational expenses associated with caring for its cultural assets including the Art Collection.</p> <p><u>Conservation</u> – These will be new contemporary works of art without any immediate major conservation issues evident.</p> <p><u>Display</u> – The works will be mounted framed for display.</p> <p><u>Storage</u> - The City of Perth has a climate controlled storage facility for works of art that are not on display. These works will fit within this facility at the current time.</p>
Be a quality example that will be a significant addition to the Collection.	As outlined above, the works proposed by the artist for the commission will result a quality demonstration of the artist's practice and will make an important addition to the Collection.
Fit within the guidelines provided in the priority areas for art acquisition.	The 2011 Art Collection Audit Survey Report outlined: 'The representation of contemporary artworks in the Collection requires ongoing strengthening with acquisition of artworks by established artists as they become available through exhibitions, dealers or artists self-representing.' This artwork meets this criterion.

Specific Acquisition Criteria - Art Collection

Artwork recommended for acquisition is required to meet **one or more** of the following priorities.

Criteria	Reason for Proposed Acquisition
Represent significant periods, occasions and urban initiatives in the evolution of the city, and city life.	Being a direct commission by the City of Perth carried out in line with a project brief which defines themes relevant to the city, the commission and acquisition of 10 photographic works by Graham Miller will represent the city at this moment in time and become an artistic record of the evolution of Perth both socially and physically.
Build upon the strengths of existing holdings of the Art Collection.	As outlined above, these works of art connect on various levels with works in the Collection by artists such as Brad Rimmer, Max Pam, Kevin Ballantine, Max Dupain and Frederick Flood.
Represent the artistic practice of emerging and established Western Australian artists or artists residing in Western Australia who have received acclaim for their work locally, nationally and internationally.	The artist is an established Western Australian contemporary artist having exhibited at leading galleries in Perth as well as interstate and internationally. His work is included in the collections of several important cultural institutions.
Represent contemporary art practice and support the work of new artists and recent work by established artists.	By commissioning a contemporary artist to carry out this commission the City is supporting the creation of new work by an established Western Australian artist.
Strengthen and add to an existing series of works.	Not Applicable.
Build on identifiable themes within the whole Collection.	The artist recommended to be commissioned for the 2016 Artistic Photographic Commission has proposed to produce a series of works which will build on identifiable themes within the collection of contemporary photographic series, works that consider social interaction in the city environment and the landscape of Perth.
Be informed by or identifiably associated with the City of Perth.	As the artist will be fulfilling a project brief addressing themes identified by the City of Perth the resulting works will be informed by and identifiably associated with the City of Perth.

2016 Architectural Photographic Commission

It is recommended that photographer Jacqueline Ball be commissioned to carry out the 2016 Architectural Photographic Commission which will result in the acquisition of a series of 10 single edition photographic works of art.

Jacqueline Ball's photographic work prompts consideration of the relationship between the viewer and the physical world in which they inhabit. Ball has proposed to photograph the city in a manner that shows a sublime view of Perth's architecture that is rich in colour and evokes a sense of possibility and vitality. She will photograph public and privately owned everyday spaces of the city in views that capture interior and exterior architectural environments.

There will be a focus on change and development with areas of current and future change being captured. The working, residential and social spaces of the city will also be considered with the various types of land use being captured in proximity to one another. Heritage structures will also be considered in the works by showing the variations in materials, colours and forms that make up the architecture of Perth with each denoting a different era of development in Perth.

The use of light and reflection will show the city as a layered environment of built form that is diverse in its functions (residential, business, social, travel and recreational) and materiality (glass, concrete, metal, sand and plastic for example).

Jacqueline Ball demonstrated that the resulting works would be striking and innovative while also addressing the project brief. She has experience delivering projects of a similar nature and produces work to archival standard.

Jacqueline Ball has been exhibiting nationally and internationally since 2007 including exhibitions at galleries such as the Art Gallery of Western Australia, the Royal Melbourne Institute of Technology, Monster Valley Gallery in New Zealand, Galerie Pavolva in Berlin Germany, Lawrence Wilson Art Gallery at UWA, Queensland Centre for Photograph, Museum of Contemporary Art in Sydney, and Perth Centre for Photography. In that short time Ball has had work acquired by numerous public and private collections including the Art Gallery of New South Wales, Art Gallery of Western Australia, Kerry Stokes Collection, Artbank, University of Western Australia, Wesfarmers, and the Central Institute of Technology Collection.

The City of Perth does not currently own any works by Jacqueline Ball and the acquisition of her work through the 2016 City of Perth Architectural Photographic Commissions will be an important addition to the City's cultural assets that depict and consider the changing built environment of Perth. Her work will relate to and complement other works in the collection by artists such as Brad Rimmer, Max Pam, Juha Tolonen, Max Dupain, Christopher Young, Simon Westlake and Frederick Flood.

The commission and resulting acquisition recommendation is made in accordance with Council Policy 18.2 Collection Management and meets the acquisition criteria outlined as follows.

Essential Acquisition Criteria

In order to be considered for the Art Collection all items must meet the essential acquisition criteria as follows.

Criteria	Reason for Proposed Acquisition
Enhance the current scope of the Collection.	As outlined above, these works will enhance the City's holdings of photographic works on paper by Western Australian contemporary artists as well as add to the representation works depicting the built space of Perth at this moment in time and the evolution of Perth generally.
Be an unconditional donation or purchase.	These commissioned works will result in an unconditional purchase.
Have the capacity to be placed on display without hindrance to public access or safety, and without breaching the artist's moral rights.	The works will be two-dimensional and will be able to be safely displayed in a variety of locations within Council buildings.
Have the necessary resources allocated to resolve all foreseeable issues related to conservation, presentation and storage, as part of the acquisition.	<p>The City budgets for the operational expenses associated with caring for its cultural assets including the Art Collection.</p> <p><u>Conservation</u> – These will be new contemporary works of art without any immediate major conservation issues evident.</p> <p><u>Display</u> – The works will be mounted framed for display.</p> <p><u>Storage</u> - The City of Perth has a climate controlled storage facility for works of art that are not on display. These works will fit within this facility at the current time.</p>
Be a quality example that will be a significant addition to the Collection.	As outlined above, the works proposed by the artist for the commission will result a quality demonstration of the artist's practice and will make an important addition to the Collection.
Fit within the guidelines provided in the priority areas for art acquisition.	The 2011 Art Collection Audit Survey Report outlined: 'The representation of contemporary artworks in the Collection requires ongoing strengthening with acquisition of artworks by established artists as they become available through exhibitions, dealers or artists self-representing.' This artwork meets this criterion.

Specific Acquisition Criteria - Art Collection

Artwork recommended for acquisition is required to meet **one or more** of the following priorities.

Criteria	Reason for Proposed Acquisition
Represent significant periods, occasions and urban initiatives in the evolution of the city, and city life.	Being a direct commission by the City of Perth carried out in line with a project brief which defines themes relevant to the city, the commission and acquisition of 10 photographic works by Jacqueline Ball will represent the city at this moment in time and become an important historical as well as artistic record of the evolution of Perth.
Build upon the strengths of existing holdings of the Art Collection.	As outlined above, these works of art connect on various levels with works in the Collection by artists such as Brad Rimmer, Max Pam, Juha Tolonen, Max Dupain, Christopher Young, Simon Westlake and Frederick Flood.
Represent the artistic practice of emerging and established Western Australian artists or artists residing in Western Australia who have received acclaim for their work locally, nationally and internationally.	The artist is a mid-career Western Australian contemporary artist having exhibited at leading galleries in Perth as well as interstate and internationally. Her work is included in the collections of several important cultural institutions.
Represent contemporary art practice and support the work of new artists and recent work by established artists.	By commissioning a contemporary artist to carry out this commission the City is supporting the creation of new work by a Western Australian artist.
Strengthen and add to an existing series of works.	Not Applicable.
Build on identifiable themes within the whole Collection.	The artist recommended to be commissioned for the 2016 Architectural Photographic Commission has proposed to produce a series of works which will build on identifiable themes within the collection of contemporary photographic series, works that show the built environment of Perth over time and the landscape of Perth generally.
Be informed by or identifiably associated with the City of Perth.	As the artist will be fulfilling a project brief addressing themes identified by the City of Perth the resulting works will be informed by and identifiably associated with the City of Perth.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CW1836900
BUDGET ITEM:	Recreation and Culture – Other Culture – 2016 City of Perth Photographic Commission
BUDGET PAGE NUMBER:	17
BUDGETED AMOUNT:	\$30,000
AMOUNT SPENT TO DATE:	\$ 0
PROPOSED COST:	\$30,000
BALANCE:	\$0

All figures quoted in this report are exclusive of GST.

COMMENTS:

The City of Perth Photographic Commissions provides a valuable collection development opportunity by inviting photographers to capture and consider the city environment in order to create a visual and artistic record of the physical and social elements of Perth at a particular moment in time. The resulting works are created to fulfil a specific project brief and form an important part of the City of Perth Art Collection. These works can be displayed throughout council buildings and interpreted within collection exhibitions addressing a variety of themes and concepts.

Photographers Graham Miller and Jacqueline Ball have vast experience in the field of contemporary photography and will each provide a valuable addition to the City of Perth Art Collection through the 2016 City of Perth Photographic Commissions.

As per previous Photographic Commissions, the resulting commissioned works will be exhibited from 16 September 2016 to 2 December 2016 in the foyer of Council House and included in an exhibition catalogue.

ITEM NO: 7

ROE STREET CAR PARK USE OF ROOFTOP FOR EVENTS

RECOMMENDATION:

(APPROVAL)

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

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: 8

2016 MEMORABILIA AND SOCIAL HISTORY EXHIBITION - WILD LIFE

RECOMMENDATION:

(APPROVAL)

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 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: 9

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

RECOMMENDATION:

(APPROVAL)

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 12 – Map of Cathedral Square

The land outlined in Schedule 12, 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.

