

Ordinary Council Meeting

Notice of Meeting

18 December 2018

6.00pm

Council Chamber

Level 9

Council House

27 St Georges Terrace, Perth WA

6000



City of Perth

Agenda

ORDER OF BUSINESS AND INDEX

- 1 Prayer/Acknowledgment of Country
- 2 Declaration of Opening
- 3 Apologies
- 4 Question Time for the Public and Notification of Deputations
 - 4.1 Question Time
 - 4.2 Notification of Deputations
- 5 Members on Leave of Absence and Application for Leave of Absence
- 6 Confirmation of minutes
 - Ordinary Council Meeting – 27 November 2018
 - Agenda Briefing Session – 11 December 2018
- 7 Announcements by the Chair Commissioner
- 8 Disclosure of Members' interests
- 9 Questions by Members of which due notice has been given
- 10 Correspondence
- 11 Petitions
- 12 Matters for which the meeting may be closed

In accordance with Section 5.23(2) of the *Local Government Act 1995*, should a Commissioner wish to discuss the content of the confidential attachments in relation to Items 13.4, 13.5, 13.6, 13.16 and 13.17, it is recommended that Council resolve to close the meeting to the public prior to discussion of the Item.

Attachment No.	Item No. and Title	Reason
Confidential Attachment 13.4A	Item 13.4 - Strategic Event Sponsorship - Eat Drink Perth and Good Food Month	s5.23(2)(e)(ii)
Confidential Attachment 13.5B	Item 13.5 - Precinct Development Grants - Activate Perth Fill This Space Initiative	s5.23(2)(e)(ii)
Confidential Attachment 13.6A, 13.6B and 13.6C	Item 13.6 - Extension of Principal Partnership between Heritage Perth and City of Perth	s5.23(2)(e)(ii)

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

Attachment No.	Item No. and Title	Reason
Confidential Attachment 13.15A	Item 13.15 - Point Fraser - Lease Issues - 25 (Lot 306) Riverside Drive Point Fraser, East Perth - City of Perth (Sub-Landlord) to City Foreshore Investments Pty Ltd as Trustee for the City Foreshore Development Trust (Sub-Tenant)	s5.23(2)(e)(ii)
Confidential Attachment 13.16B and 13.16C	Item 13.16 - Request for Reimbursement of Legal Expenses - Deputy Lord Mayor Jemma Green	s5.23(2)(e)(iii)

13

Reports

Report No.	Item Title	Page
13.1	89 (Lots 327 and 328) Fairway, Crawley – Proposed Demolition of Existing Dwelling and Construction of Six, Three Storey Residential Grouped Dwellings	1
13.2	Key Sector Development Sponsorship – Destination Perth	15
13.3	Major Events and Festivals Sponsorship – Perth Fashion Festival	23
13.4	Strategic Event Sponsorship - Eat Drink Perth and Good Food Month	35
13.5	Precinct Development Grants – Activate Perth Fill This Space Initiative	42
13.6	Extension of Principal Partnership between Heritage Perth and City of Perth	53
13.7	Hill Street Two-Way Project – Final Concept Plans, Detailed Cost Estimate and Results of Stakeholder Engagement	58
13.8	Boundary Roads Memorandum of Understanding Between City of Nedlands and City of Perth	95
13.9	Final Adoption of Amendment No. 3 to City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) and the City of Perth East Perth – South Cove Area 20 Design Guidelines to Introduce Development Standards for 75 (Lot 70) Haig Park Circle, East Perth	106
13.10	Financial Statements and Financial Activity Statement for the Period Ended 31 October 2018	201
13.11	Payments from Municipal and Trust Funds – November 2018	222
13.12	Policy Review – Safer Design	224
13.13	Review Complete – City of Perth Alfresco Dining Local Law 2009 (Repeal and Replace) City of Perth Outdoor Dining Local Law 2019	231
13.14	Outdoor Dining – Policy and Guidelines (To be circulated under separate cover)	312
13.15	Point Fraser - Lease Issues – 25 (Lot 306) Riverside Drive Point Fraser, East Perth - City of Perth (Sub-Landlord) to City Foreshore Investments Pty Ltd as Trustee for the City Foreshore Development Trust (Sub-Tenant)	313
13.16	Request for Reimbursement of Legal Expenses – Deputy Lord Mayor Jemma Green	321
13.17	Financial Statements and Financial Activity Statement for the Period Ended 30 November 2018 (To be circulated under separate cover)	334

Report No.	Item Title	Page
13.18	Annual Report and Audited Financial Statements for the Year Ended 30 June 2018	335

- 14 Motions of which Previous Notice has been given
- 15 Urgent Business
- 16 Closure



MURRAY JORGENSEN
CHIEF EXECUTIVE OFFICER
13 December 2018

This meeting is open to members of the public

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's Council meeting. This information is provided on matters which may affect members of the public. If you have any queries on procedural matters please contact a member of the City's staff in attendance tonight.

Question Time for the Public

- An opportunity is available at Council meetings for members of the public to ask a question about any issue relating to the City. This time is available only for asking questions and not for making statements. Complex questions requiring research should be submitted as early as possible in order to allow the City sufficient time to prepare a response.
- The Presiding Person may nominate a Member or officer to answer the question and may also determine that any complex question requiring research be answered in writing. No debate or discussion is allowed to take place on any question or answer.
- To ask a question please write it on the white Question Sheet provided at the entrance to the Council Chamber and hand it to a staff member before the meeting begins. Alternatively questions can be forwarded to the City of Perth prior to 3.00pm on the day of the meeting, by:-
 - Letter: Addressed to GPO Box C120, Perth, 6839;
 - Email: governance@cityofperth.wa.gov.au.
- Question Sheets are also available on the City's web site: www.perth.wa.gov.au.

Deputations

Applications for deputations to a Ordinary Council Meeting must be in writing to the CEO and sent to info.city@cityofperth.wa.gov.au and received by midday on the day of the meeting.

Please refer to the City's website www.perth.wa.gov.au for further information on making a deputation.

Disclaimer

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

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

EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



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.



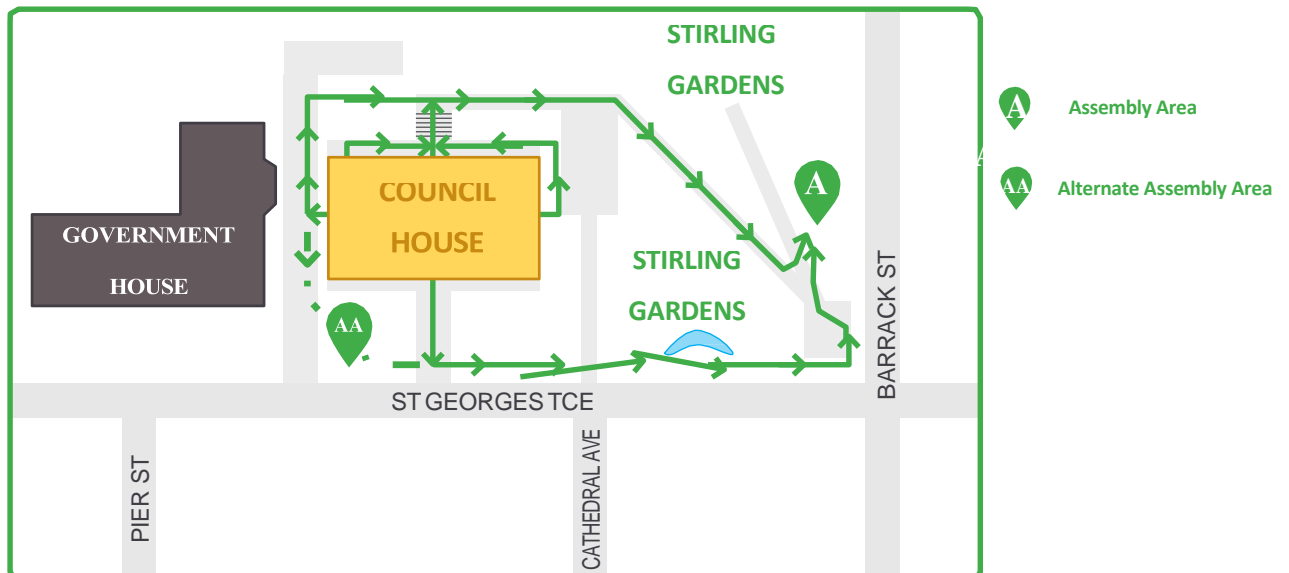
EVACUATION ALARM / PROCEDURES

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





Council Chambers Seating Layout



Manager Governance
Mark Ridgwell



Chair Commissioner
Eric Lumsden



Chief Executive
Officer
Murray Jorgensen



Director Community and
Commercial Services
Rebecca Moore



Commissioner
Andrew Hammond



Commissioner
Gaye McMath



Personal Aide
Paul Anastas



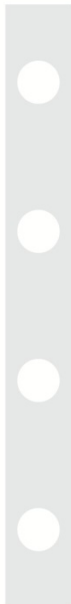
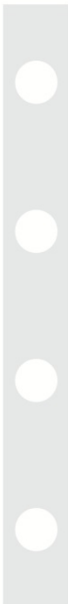
Director Planning and
Development
Erica Barrenger



Manager
Development Approvals
Margaret Smith



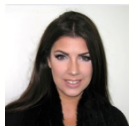
Acting Director Economic
Development and Activation
Ben Fitzpatrick



Construction
and Maintenance
Paul Crosetta



Director
Corporate Services
Robert Mianich



Governance Officer
Ashlee Rutigliano

Public Gallery

Agenda **89 (Lots 327 and 328) Fairway, Crawley – Proposed Demolition**
Item 13.1 **of Existing Dwelling and Construction of Six, Three Storey**
Residential Grouped Dwellings

Recommendation:

That, in accordance with the provisions of the City of Subiaco Town Planning Scheme No. 4 and the Metropolitan Region Scheme, Council APPROVES the application for the demolition of the existing dwelling and the construction of six, three storey residential grouped dwellings as shown on the plans received on 8 November 2018 subject to:

- 1. the development being constructed with high quality and durable materials and finishes consistent with the approved elevations and perspectives with the final details of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;*
- 2. sun protection being provided to all openings on the northern elevation of the dwellings;*
- 3. Lots 327 and 328 being amalgamated into one lot prior to the occupancy of the development;*
- 4. a minimum of one visitor car parking bay being provided on site, with all on-site parking being for the exclusive use of the residents of the development and their visitors and not being leased or otherwise reserved for the use of tenants or occupants of other buildings or sites;*
- 5. all redundant crossovers on Fairway being removed and the footpaths reinstated with the new crossover being constructed in accordance with the City's specifications and to the City's satisfaction and at the expense of the owner;*
- 6. air conditioner condensers not being permitted on the balconies or courtyards, or where they can be viewed from the street or adjacent properties and any proposed external building plant, piping and ducting being located or screened so that they cannot be viewed from the street and to minimise any visual and noise impact on the adjacent developments, with details of the location and screening of such plant and services being submitted for approval by the City prior to applying for a building permit;*
- 7. all stormwater being contained on-site with details of the stormwater drainage being submitted for approval by the City prior to applying for a building permit;*
- 8. in the event of the development not proceeding within six months of the demolition of the existing building on the site, the site is to be aesthetically*

fenced or landscaped in order to preserve the amenity of the area, prevent unauthorised car parking and reduce dust and sand being blown from the site and maintained in a clean and tidy state to the satisfaction of the City;

- 9. prior to the demolition of the existing buildings the works referred to in Condition 8, being secured by a bond/deed of agreement between the landowner/applicant and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant;***
- 10. the existing mature street trees located in the road verge abutting or adjacent to the subject site not being damaged or removed as a result of demolition or development works. If, during the course of the development, any existing street tree is damaged or destroyed, the owner/applicant shall repair or replace the street tree at their cost to the satisfaction of the City with reference to the City's 'Policy No. 20.8 – Street Trees – Planting, Pruning and Removal'.***
- 11. the design of the central driveway being amended to incorporate landscape zones where the full width of the driveway is not required for vehicle manoeuvring to further soften the development and improve privacy between opposing living room windows, with a detailed landscaping and reticulation plan being submitted by the applicant to the City for approval prior to applying for a building permit, with the approved landscaping being installed prior to the occupation of the development and thereafter maintained to a high standard;***
- 12. the approved side parapet walls and footings abutting the adjacent boundaries being constructed wholly within the subject site, with the external surface of the parapet walls being finished to a high quality standard with details being submitted for approval by the City prior to applying for a building permit; and***
- 13. a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:***
 - a) the delivery of materials and equipment to the site;***
 - b) the storage of materials and equipment on the site;***
 - c) the parking arrangements for the contractors and subcontractors;***
 - d) the protection of street trees and other City assets;***
 - e) any dewatering of the site; and***
 - f) other matters likely to impact on the surrounding properties.***

FILE REFERENCE: 2018/5279
REPORTING UNIT: Development Approvals
RESPONSIBLE DIRECTORATE: Planning and Development
DATE: 27 November 2018
ATTACHMENT/S: Attachment 13.1A – Location Plan
Attachment 13.1B – Perspective

LANDOWNER: Hanred Pty Ltd
APPLICANT: Welink Group
ZONING: (Metropolitan Region Scheme) Urban
(City of Subiaco TPS 4) University Precinct
(TPS 4 R Codes) R50
APPROXIMATE COST: \$3 million.

Council Role:

- Advocacy *When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, town planning schemes and policies*
- Quasi-Judicial *When the Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation *Planning and Development Act 2005*
Metropolitan Region Scheme
City of Perth Act 2016
Subiaco Town Planning Scheme No. 4

Policy
Policy No and Name: *State Planning Policy 3.1 Residential Design Codes*
City of Subiaco Planning Policy No. 4.12 University Precinct Policy

Purpose and Background:

The combined Lots 327 and 328 Fairway have a total site area of 1,214m² and are located on the western side of Fairway, north of the intersection of Fairway and Cook Street in Crawley. The site is occupied by a single storey residential dwelling which straddles the two lots.

The purpose of the application is to seek approval to demolish the existing house on the site and to construct six, three storey residential grouped dwellings.

Details:

The application proposes six, three storey residential grouped dwellings designed around a central driveway of 191m² to provide vehicular access to each of the six potential future strata lots which range in area from 160m² to 182m². The grouped dwellings have been designed with an enclosed garage with parking for two vehicles, six bedrooms, kitchen, open plan living and dining room, three bathrooms, laundry, a store room and an outdoor living area on the ground floor. The applicant has advised that the grouped dwellings have been designed to offer a choice of accommodation from students to academics, given the proximity of the site to the University of WA campus.

The front facade of the grouped dwellings will feature aluminium battens in a timber colour in combination with painted rendered facades in dark and medium grey colours. The front boundary wall will be rendered brick with powder coated iron infill railing.

Compliance with Planning Scheme:

Land Use

The subject site is located in the R50 zone of the University Precinct under the City of Subiaco Town Planning Scheme No. 4 (TPS4). Grouped dwellings are a permitted use within the R50 zone of TPS4.

The University of Western Australia (UWA) campus occupies almost half of the University Precinct. The objectives of the University Precinct Policy applicable to this development are as follows:

- a) To protect and enhance the existing established neighbourhood character of the Precinct;
- b) To enhance the amenity of established residential areas;
- c) To encourage a mix of dwelling types within the Precinct to suit the needs of the diverse population;
- d) To encourage new development that respects established streetscape qualities, including the pattern, setbacks, roof pitches and materials of other development within the street and the locality; and
- e) To facilitate medium and high residential density consistent with the zoning on land located west of Fairway and south of Princess Road.

Development Requirements

The proposal's compliance with the Residential Design Codes and the City of Subiaco Town Planning Scheme No. 4 development requirements is summarised below:

Item	Requirement	Proposed
Minimum site area:	160m ²	160m ²
Average site area:	180m ²	202m ²
Building Height:	6 metre wall height and 9 metres overall height.	10.1 metre wall and overall height.
Street Setbacks:		

Item	Requirement	Proposed
Fairway (east)	2 metres	2 metres
Lot Boundary Setbacks: Side (north) <ul style="list-style-type: none"> <li data-bbox="212 421 432 454">- Ground floor <li data-bbox="212 734 555 813">- First floor level (no major openings) <li data-bbox="212 869 555 947">- First floor level (major opening) <li data-bbox="212 1048 555 1126">- Second floor level (no major openings) <li data-bbox="212 1182 555 1261">- Second floor level (major openings) Side (south) <ul style="list-style-type: none"> <li data-bbox="212 1675 555 1753">- Ground floor level (no major openings) <li data-bbox="212 1809 555 1888">- First floor level (no major openings) <li data-bbox="212 1944 555 2022">- First floor level (major opening) 	<p data-bbox="587 421 949 678">*One boundary wall setback nil metres are permitted with a maximum length of two thirds of the lot boundary (26 metres) or setback 1.5 metres</p> <p data-bbox="699 734 837 768">1.5 metres</p> <p data-bbox="699 869 837 902">4.8 metres</p> <p data-bbox="699 1048 837 1081">1.5 metres</p> <p data-bbox="699 1182 837 1216">4.8 metres</p> <p data-bbox="587 1361 949 1619">*One boundary wall setback nil metres are permitted with a maximum length of two thirds of the lot boundary (26 metres) or setback 1.5 metres</p> <p data-bbox="710 1675 826 1709">1 metres</p> <p data-bbox="699 1809 837 1843">1.5 metres</p> <p data-bbox="699 1944 837 1977">4.8 metres</p>	<p data-bbox="987 421 1382 499">*Nil setback to 23.6 metres of 40 metre length lot boundary.</p> <p data-bbox="1114 734 1252 768">2.3 metres</p> <p data-bbox="1114 869 1252 902">4.5 metres</p> <p data-bbox="1114 1048 1252 1081">2.3 metres</p> <p data-bbox="1114 1182 1252 1216">4.5 metres</p> <p data-bbox="1161 1361 1209 1395">*Nil</p> <p data-bbox="1166 1686 1209 1720">Nil</p> <p data-bbox="1114 1843 1252 1877">2.3 metres</p> <p data-bbox="1034 1966 1337 2000">4.5 metres to bedroom</p>

Item	Requirement	Proposed
- Second floor level (no major openings)	1.5 metres	2.3 metres
- Second floor level (major openings)	4.8 metres	4.5 metres
Rear (west)		
- Ground floor level	1.5 metres	1.495 metres
- First floor level (no major openings)	1.5 metres	1.495 metres
- Second floor level (no major openings)	1.5 metres	1.495 metres
Open space	40% open space (exclusive outdoor area plus equal portion of common property).	Strata lot A: 40% Strata lot B: 40% Strata lot C: 35% Strata lot D: 35% Strata lot E: 42% Strata lot F: 42%
Minimum outdoor living area (m²)	16m ² per grouped dwelling.	All strata lots comply with outdoor living area of 19m ² .
Parking	1 bay per dwelling	12 car bays (2 per grouped dwelling).
Visitor bay	1 bay required	1 bay.
Street walls and fences	1.8 metres to 2 metres (piers/capping only) in height (maximum)	1.8 metres with metal infill above 850mm.

The variations highlighted (in bold) in the above table have been assessed in accordance with the 'Design Principles' provisions of the R-Codes and clauses 28 and 42A of TPS4 and are discussed below.

Comments:

Consultation

The application was advertised for comment in accordance with the City of Subiaco Planning Policy 1.4 Public Notification of Planning Proposals. Given the proposed variations to the R-Codes development standards, the proposal was advertised for a period of 21 days to the owners and occupants of 21 surrounding properties.

Two objections were received regarding the original application with the concerns raised including the following:

- The need for additional car parking bays onsite to avoid the increasing parking problem in the local vicinity;
- Potential overlooking and over shadowing of adjoining properties;
- The visual dominance and street appeal of the proposed dwellings;
- Privacy and noise pollution due to external exhaust units from kitchen and bathroom areas and their impact on adjoining properties; and
- Potential structural damage to adjoining properties during the construction of the development.

It should be noted that the last point regarding potential damage during construction is not a relevant consideration at this point and will be addressed during the permit stage should the development proceed.

It should be noted that the original application that was advertised has since been revised, reducing the overall height by one storey, increasing side setbacks for upper levels and reducing any potential overlooking and privacy issues.

The comments and concerns of adjoining landowners and occupants will be further addressed in the main report.

Design Advisory Committee

The application was considered by the Design Advisory Committee (DAC) at its meeting held on 23 August 2018 where the Committee expressed concern with the development including the proposed use, the building design, the building height in terms of overlooking issues and the lack of landscaping within the central driveway. In response to the DAC's comments the applicant reduced the building height from four storeys to three, significantly modified the design aesthetic of the dwellings which included reducing the extent of setback and privacy variations being sought and creating additional landscaping within the central driveway, with larger trees included at the western end of the site.

The amended design was considered at by the Design Advisory Committee at its meeting held on the 15 October 2018, where it was resolved that the Committee:

- “1. supports the proposed variations to the maximum building height and setback provisions of the Residential Design Codes, noting that the development has been lowered by one storey and wall heights on the side boundaries have been reduced, and considers that the development will not have an adverse impact on the adjoining sites;*
- 2. supports the change to the development's aesthetic and architectural style and considers that it will complement the existing streetscape. Notwithstanding, it is advised that the development could be further improved by:*
 - 2.1 increasing landscape zones along the central driveway in areas where the full width of the driveway is not required for vehicle manoeuvring to further soften the development and improve privacy between opposing living room windows;*

- 2.2. *resolving the location of air conditioner condensers to ensure they do not impact on the amenity or usability of any outdoor spaces and do not have any noise or visual impact on adjacent dwellings.*

- 2.3 *providing sun protection to the openings on the northern elevation of the dwellings (noting that the awnings could be removed from the southern elevation).*

Building Height:

In accordance with Table 3 of the Residential Design Codes (R Codes), a maximum wall height of 6 metres and an overall building height of 9 metres applies to grouped dwellings within the R50 coded area. A 10.1 metre overall building height is proposed for the grouped dwelling development. In accordance with Clause 5.1.6 of the Design Principles of the R Codes, building height that creates no adverse impact on the amenity of adjoining properties, maintains adequate access to direct sun into buildings and appurtenant spaces and adequate daylight to major openings into habitable rooms may be supported.

The proposed development has been reduced from four storeys to three, with all upper levels being setback from the lot boundaries to ensure overshadowing of adjoining properties is reduced and privacy maintained. Overshadow diagrams have been submitted demonstrating the overshadowing impact of the proposed development on surrounding properties during the months of August, September and October. The diagrams demonstrate that the backyard of the adjoining property to the south will be the most affected in the mornings and midday of the month of August, with the months of September and October resulting in only a portion of the backyard being overshadowed at various times of the day. It should be noted that the backyard of the adjoining property to the south is already very shaded by an existing large tree.

The reduction in storeys from four to three as well as the increased setback of the second and third floors from the common lot boundaries to the north, south and west of the site has reduced the overall overshadowing and amenity impact on the adjoining properties. It is recommended that the proposed 1.1 metres variation to the maximum building and wall height of the R Codes be supported.

Setbacks:

Clause C3.2 of the R Codes permits walls to be built up to one lot boundary, for up to two thirds of the length of the boundary, to one side boundary only. The application proposes a nil setback on both the northern and southern lot boundaries. All walls proposed on the lot boundaries have a maximum wall height of 3 metres at its highest point closest to Fairway, graduating down to 1.7 metres high to the rear of the site. The length of walls on the lot boundaries vary in length from 8 metres to 4.2 metres.

A minor variation to the setbacks on the northern and southern lot boundaries for the first floor of all grouped dwellings is proposed. A 4.5 metre setback is proposed in lieu of the required 4.8 metre setback required under Table 2b of the R Codes for rooms with a major opening to a habitable room. To mitigate any potential overlooking issues from the bedrooms on the upper floors to adjoining properties, shading devices have been proposed which will limit views to lower levels and prevent any potential privacy issues.

The proposed rear setback of 1.495 metres in lieu of the required 1.5 metre setback is considered minor, with no issues regarding overshadowing or privacy posed by the reduced setback.

It is recommended that the proposed setback variations be supported given the proposed development has addressed all concerns with regards to privacy and overshadowing.

Open Space:

In accordance with Table 1, a minimum of 40% open space is required under the R50 coding for the site of a grouped dwelling which includes any proportionate share of common property. The proposal is seeking a variation to the open space requirement for lots C and D, with 35% open space proposed for each of these lots. Clause 5.1.4 relating to the Design Principles for open space of the R Codes states that development should incorporate suitable open space for its context with opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/ around the site. All grouped dwellings have a 19m² courtyard directly accessible from the main living area. Sliding doors have been designed to link the courtyard area with the garage to create opportunities for larger social gatherings.

The proposed development incorporates a common area at the end of the central driveway where larger trees will be planted and bench seating provided for additional outdoor recreational area for residents to utilise. The subject site is within proximity to the Swan River and foreshore reserve, therefore providing additional outdoor recreational areas for residents to enjoy.

It is recommended that the proposed variation to the open space requirement for two of the six dwellings be supported given the provision of a private courtyard, usable landscaped common area within the development and the site's proximity to the river and foreshore area.

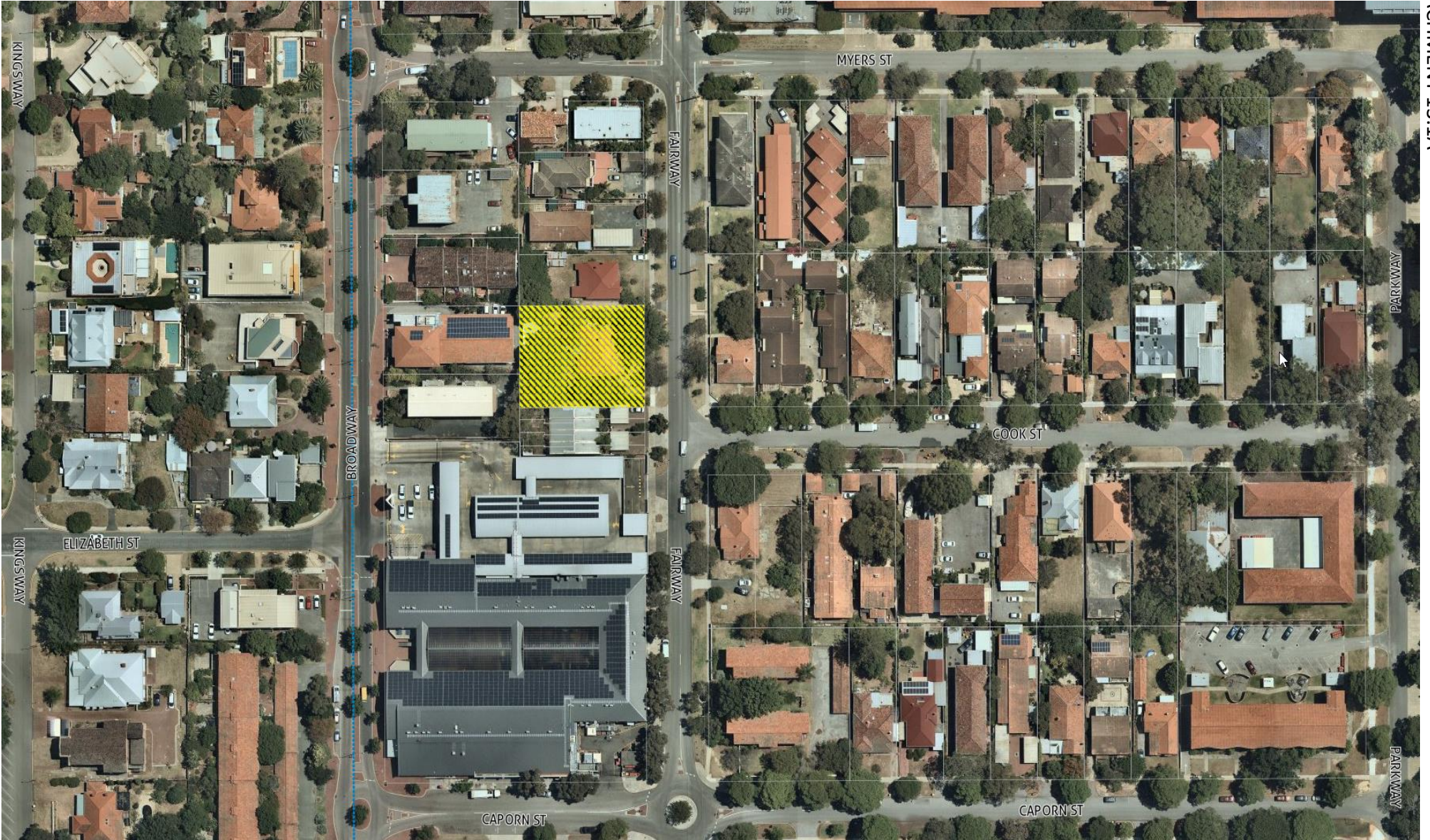
Car Parking:

One objection raised concern with regards to the number of car parking bays proposed for each of the six bedroom grouped dwellings. The proposal complies with the minimum car parking requirement under the R Codes as well as the required visitor bay numbers. While it is acknowledged that there is high demand for on-street parking in close proximity to the UWA campus, given that the on-site parking complies with the R Code requirements it is deemed that the parking provision is adequate.

Conclusion

The proposed development is generally consistent with the objectives of the TPS4 Residential – R50 zoning and the design requirements of the R Codes. The new development will enhance the existing neighbourhood character of the Precinct and will contribute to the provision of a mix of dwelling types within the Precinct to suit the needs of the diverse population. Whilst variations are proposed to maximum building height, the upper floor levels, setback and other design standards of the R-Codes, it is considered that these can be supported as it has been assessed that these variations will not adversely impact on the existing streetscape or adjacent developments.

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



2018/5279; 89 (LOTS 327 & 328) FAIRWAY, CRAWLEY



2018/5279; 89 (LOTS 327 & 328) FAIRWAY, CRAWLEY (AMENDED PERSPECTIVE 1)



2018/5279; 89 (LOTS 327 & 328) FAIRWAY, CRAWLEY (AMENDED PERSPECTIVE 2)



2018/5279; 89 (LOTS 327 & 328) FAIRWAY, CRAWLEY (AMENDED PERSPECTIVE 3)



2018/5279; 89 (LOTS 327 & 328) FAIRWAY, CRAWLEY (AMENDED PERSPECTIVE 4)

Agenda **Key Sector Development Sponsorship – Destination Perth**
Item 13.2

Recommendation:

That Council:

1. ***APPROVES cash sponsorship of \$25,000 (excluding GST) to Perth Region Tourism Organisation Inc (Destination Perth) for a Destination Marketing Campaign targeted at the Melbourne market;***
2. ***NOTES the provisional list of sponsorship benefits contained within the Detailed Officer Assessment in Attachment 13.2A;***
3. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount; and***
4. ***NOTES that a detailed acquittal report, including all supporting material, will be submitted to the City of Perth three months following the conclusion of the project.***

FILE REFERENCE:	P1036602#03
REPORTING UNIT:	Business Support and Sponsorship
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	22 November 2018
ATTACHMENT/S:	Attachment 13.2A – Detailed Officer Assessment

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

**Legislation / Strategic Plan / Policy:**

Legislation Section 8 of the *City of Perth Act 2016*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Goal 5 - A prosperous city

Policy

Policy No and Name: 18.13 – Sponsorship and Grants

Purpose and Background:

The City of Perth has received a request for Key Sector Development Sponsorship of \$25,000 (excluding GST) from Perth Region Tourism Organisation Inc (hereafter Destination Perth) to support a collaborative destination marketing campaign targeted at the Melbourne market.

The City of Perth has not previously sponsored Destination Perth.

Details:**About Perth Region Tourism Organisation Inc (Destination Perth)**

Since its establishment in 2004, Destination Perth has operated as a membership based, not-for-profit organisation responsible for marketing the destination of Perth and generating increased visitor demand and expenditure for the benefit of the local tourism industry.

The organisation represents a membership base of around 350 tourism operators including accommodation and entertainment venues, attractions, transport providers, tour and cruise operators, local government associations and other tourism related services and focusses on positively promoting Perth as a leisure destination via a program of global consumer and travel industry marketing activities.

As one of Western Australia's five government funded, regional tourism organisations, Destination Perth works both independently and in partnership with Tourism Australia, Tourism Western Australia, the tourism industry and key local stakeholders. They represent the Perth and surrounding region consisting of six tourism precincts including:

- Perth City;
- Fremantle and Rottnest Island;
- Sunset Coast;
- Peel and Rockingham;
- Swan Valley and Darling Range; and
- Avon Valley.

Organisational funding for Destination Perth is sourced from three main areas including:

- Payment under contract from Tourism Western Australia to market the region;
- Membership fees; and

- Revenue secured from strategic partnerships with local councils, shires and other stakeholders within the region.

During 2018, Destination Perth have refreshed their leadership team with the appointment of a new CEO and Chairman, who have expressed a desire to collaborate closely with the City to capitalise on the changing face of Perth and promote the city as a world class visitor destination.

Situational Analysis of current West Australian Tourism Industry

International Visitation

- For the 2017/18 Financial Year, Australia has continued to see a record number of international visitors and a corresponding increase in spend. Most states and territories saw strong growth in both international visitor numbers and spend for the year, with Tasmania and the Australian Capital Territory leading, both with an increase in spend of 21%. By comparison, Western Australia and the Northern Territory were the only States to experience a fall in visitor numbers and spend, with visitor numbers down by 2% and spend down by 10% in WA¹; and
- Tourism Research Australia's National Visitor Survey had indicated the length of visitor stay to Western Australia has fallen 14.1%.

Domestic Visitation

Tourism Research Australia's National Visitor Survey (2017/18 Financial Year) shows travel to Western Australia from the eastern states increased by 11.3% but the length of stay fell 14.1%. Destination Perth believe increased awareness of what is on offer in Perth could increase the length of visitor stays.

Tourism Assets

- In 2019, Perth will benefit from hosting the three major Tourism Australia industry event: Australian Tourism Exchange (ATE) 2019, Corroboree West and Dreamtime;
- Perth has had a significant increase in tourism infrastructure including several signature hotel properties and Optus Stadium;
- There has been an expansion of tourism products and operators in the Perth area and Perth now has the capacity to deliver national and international tourism of a significant scale, however further marketing initiatives are required to build awareness and maximise the return on investment.

Collaborative Destination Marketing Campaign

Destination Perth has approached the City for sponsorship of a collaborative tourism campaign.

To build awareness of Perth as a tourism destination on the eastern seaboard, Destination Perth will deliver a targeted digital marketing campaign to more than 500,000 people in Melbourne. The campaign will target a group, Social Revellers, who have been identified

¹ Tourism Research Australia, International Visitors in Australia (Year ending June 2018)
<https://www.tra.gov.au/International/International-tourism-results/overview>

through audience profiling and are predisposed to receiving information about shopping, eating, drinking and outdoor entertainment.

The campaign will run for six weeks and will focus on raising the profile of Perth through engagement with video and social media content showcasing the best and most unique experiences Perth has to offer and to drive a change to preconceived perceptions of Perth.

By increasing awareness of Perth as a destination, the campaign aims to increase visitation from this market segment which in turn will provide an economic boost to hotel, retail and tourism related businesses.

The campaign will follow on from, and support, Tourism WA's recent efforts, as part of their new Two Year Action Plan, to reignite awareness and interest in Perth on the east coast through building stronger trade partnerships, the launch of a major tactical campaign in February and March 2018 and the maximising of leisure visitation from AFL games at Optus Stadium.

There will be three core themes to the campaign:

- Eat/Drinks – Showcasing restaurants, food events and markets;
- Entertainment – including live music and sport; and
- Outdoor – showcasing what Perth has to offer families.

Financial Implications:

ACCOUNT NO:	PJ 13955129000007901
BUDGET ITEM:	Administration – Tourism
BUDGETED AMOUNT:	\$75,000
AMOUNT SPENT TO DATE:	\$50,000
PROPOSED COST:	\$25,000
BALANCE REMAINING:	\$0
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

The City has been working with the Destination Perth leadership team to develop and strengthen working relationships and look at opportunities to collaborate. This project can be used as an initial trial campaign for future collaborations.

This project will provide opportunity for the City to contribute to the campaign's messaging and create a channel of communication with an audience not currently targeted by the City. Increased awareness of Perth as a tourism destination has long-term economic potential with increased visitation and spend within the City.

The Administration are also currently considering the City's leadership role within destination marketing and tourism and a future strategy to more effectively integrate and collaborate with the State, Destination Perth and other local governments.

The assessment panel has recommended the full request of \$25,000 to support the campaign.

ATTACHMENT 13.2A

Detailed Officer Assessment | Destination Perth Marketing Campaign

Sponsorship Category	Key Sector Development Sponsorship
Applicant	Perth Region Tourism Organisation Inc T/A Destination Perth
Program	Destination Marketing Campaign
Program Start Date	01/01/2019
Program End Date	31/05/2019
Total Project Cost	\$50,000
Total Amount Requested	\$25,000 (50% of the total project cost)
Recommendation	Approve
Recommended amount	\$25,000 (50% of the total project cost)
Assessment Score	35.8 out of 50 (71.6%)

Organisation Details

ABN	52954492460
Entity Name	Perth Region Tourism Organisation Inc
Entity Type	Other Incorporated Entity
ABN Status	Active
ATO Endorsed Charity Type	Not endorsed
Goods & Services (GST)	Yes
Endorsed as DGR	No
Tax Concessions	No tax concessions
Main Business Location	6005 WA
ACNC Registration	No

Project Summary

Perth Region Tourism Organisation Inc (hereafter Destination Perth) is a not-for-profit destination marketing organisation promoting Perth and surrounds to consumers, travel trade and media. The organisation works with its members and tourism industry partners to increase destination awareness through digital focused advertising campaigns. Their mission is to increase visitor numbers, length of stay and visitor spending in the region.

Destination Perth is applying for Key Sector Development Sponsorship to deliver a digital marketing campaign targeted at Melbourne audiences.

Project Description

Destination Perth will deliver a targeted marketing campaign to more than 500,000 people in Melbourne to increase awareness of Perth as a place to visit and increase engagement with online and social media content. The six-week campaign will focus on changing perceptions and use video advertising to combat the perception that “Perth is boring”.

There will be three core themes to the campaign:

- Eat/Drinks;
- Entertainment; and
- Outdoor.

The campaign will target an audience segment identified as Social Revellers who show interest in receiving information about shopping, eating, drinking and outdoor entertainment.

Destination Perth will identify existing tourism and retail business in prominent developments such as Yagan Square and Elizabeth Quay to elevate the position of Perth as a must see destination, with a vibrant food scene, active night life and place to bring the family for its outdoor lifestyle. The campaign will also place emphasis on nature within the City to differentiate it from other capital cities.

Research and Evaluation

Tourism Research Australia’s National Visitor Survey (year ending June 2018) shows travel to Western Australia from the eastern states increased by 11.3% but the length of stay fell 14.1%. Destination Perth believe increased awareness of what is on offer in Perth could increase the length of visitor stays. The success of the campaign will be measured by the cost to engage per user versus an uplift in organic Melbourne based traffic to the Destination Perth website.

Destination Perth’s decision to target a Melbourne market is based on the strength of existing levels of engagement with Melbourne users from Google Analytics. The lower travel time and cost required to visit Perth from Melbourne compared to Sydney also informed the decision. According to information provided on Social Reveller segment profile, 59% of this audience look for added value to extend spending capacity and 60% will share information they enjoy on social media.

Previous City of Perth Support (last 5 years)

The applicant has not previously received sponsorship from the City of Peth.

Sponsorship Benefits

Organisers will provide the following benefits for the recommended sponsorship:

- The City of Perth will be recognised as a Government Partner;
- Destination Perth will co-brand the campaign with the City of Perth;
- Access to campaign collateral post campaign;
- Assets garnered from this campaign can also be utilised by the City of Perth to remarket to a local audience;
- Promotion of the City's tourism initiatives/programs to the broader tourism industry through Destination Perth's database and website;
- Logo recognition on campaign website;
- Sponsor profile on campaign website;
- Verbal acknowledgement as a sponsor at Destination Perth AGM;
- Media release to Destination Perth database acknowledging the City as a sponsor;
- Profiling of relevant City programs in the Destination Perth newsletter;
- Opportunity to include an article in each newsletter (max. 1 page); and
- Promotion of the City's tourism related initiatives on Destinations Perth social media platforms and website.

Sponsorship Assessment

The application was assessed by a three-person assessment panel and the scoring has been averaged for each outcome.

Essential Project Criteria	Score (5)
<i>All applications are assessed on the following criteria:</i>	
Alignment with a Key Sector	
To what extent does the project support the growth and development of an established or emerging key sector that represents importance to the City of Perth's economy?	3.8
To what extent does the project assist the City of Perth in developing a compelling narrative on our unique selling points and raise the profile and reputation of the City of Perth as a premier Capital City to do business within the relevant sector?	4.0
Prestige and Significance	
To what extent does the applicant demonstrate prestige and significance?	3.3
Project Plan and Other Funding Sources	
Has the applicant provided evidence of a robust project plan?	4.0
Has the applicant included a budget detailing investment through a variety of funding sources?	3.2
Has the applicant demonstrated what specific elements the City of Perth funding is supporting and what extra capacity the funding will enable	3.7
Sponsorship Benefits	
Please rate the level of benefits and recognition provided to the City	3.8
Sub total 25.8 out of 35	
Additional Project Outcomes	

<i>Applicants must address at least two of the following six outcome areas. Applicants can address as many outcome areas as are relevant to the project or initiative.</i>	
Project Outcomes addressed: 3	
Outcome 1. Investment Attraction	N/A
Outcome 2. International Business Development	N/A
Outcome 3. Short term Direct Economic Benefits	3.7
Outcome 4. Long term Economic Development	3.3
Outcome 5. Professional Development, Training and Skill Development	N/A
Outcome 6. Linkages and Knowledge Exchange	3.0
Sub total 10 out of 15	
<u>TOTAL ASSESSMENT SCORE</u> 35.8 out of 50 (71.6%)	

Assessment Panel comments

- Applicant has provided a robust project and marketing plan;
- The project will increase the City's reach by focusing on target market not currently engaged with by the City of Perth;
- Increased awareness of Perth as a tourism destination has long-term economic potential with increased visitation and spend within the City.
- The City's campaigns team has indicated willingness to provide Destination Perth with existing video content to reduce production costs and increase content distribution; and
- The panel recommend the full request of \$25,000 to support the project and will be used as an initial trial campaign for future collaborations.

Recommendation:***That Council:***

1. ***APPROVES sponsorship of \$225,000 (excluding GST) to the Fashion Council of WA for the 2019 Perth Fashion Festival consisting of \$200,000 cash component and \$25,000 in-kind to support the venue hire of Forrest Place and banner hire fees for the 2019 Perth Fashion Festival;***
2. ***APPROVES a cash contribution of up to \$10,000 (excluding GST) toward a stakeholder consultation report, to support the strategic development and future direction of the Perth Fashion Festival, to ensure ongoing alignment with the needs of the local fashion industry;***
3. ***NOTES the provisional list of sponsorship benefits contained in the Detailed Officer Assessment in Attachment 13.3A;***
4. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant, the final list of sponsorship benefits and key performance indicators for inclusion in the agreement, according to the Council approved funding amount; and***
5. ***NOTES that a detailed acquittal report, including any supporting material, will be submitted to the City of Perth within three months of the conclusion of the event.***

FILE REFERENCE:	P1035824#04-02
REPORTING UNIT:	Business Support and Sponsorship
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	20 October 2018
ATTACHMENT/S:	Attachment 13.3A – Detailed Officer Assessment

Council Role:

- Advocacy *When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*

- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, town planning schemes and policies*
- Quasi-Judicial *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation Section 8 of the *City of Perth Act 2016*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Goal 1 - A city for people

Policy
Policy No and Name: 18.13 – Sponsorship and Grants

Purpose and Background:

The City of Perth has received a request for Major Events and Festivals Sponsorship of \$257,000 (excluding GST) from the Fashion Council of WA (FCWA) to support the 2019 Perth Fashion Festival (PFF).

Details:

Perth Fashion Festival (PFF) is an annual consumer-facing fashion event which has been held annually since 1999. Presented by the Fashion Council of WA, the event aims to promote and celebrate the local fashion industry.

The City of Perth is a long-term supporter of the event and has provided continuous funding support since 2005.

The 2019 Perth Fashion Festival will be held from Friday, 6 September – Saturday, 14 September 2019.

The 2019 program will include a program of free and ticketed events including:

- Fashion Central: three-day program of public runway shows and activities in Forrest Place; and
- Fashion Paramount: evening ticketed fashion events hosted at Optus Stadium.

The application was assessed by a four-person assessment panel, consisting of members of the City of Perth administration. A detailed Officer assessment is included in Attachment 13.3A.

Financial Implications:

ACCOUNT NO:	PJ 13958065000007901
BUDGET ITEM:	Major Events and Festivals
BUDGETED AMOUNT:	To be determined
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$235,000
BALANCE REMAINING:	To be determined
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

The sponsorship amount will be budgeted in financial year 2019/20 budget which is yet to be determined. All figures quoted in this report are exclusive of GST.

Comments:

Perth Fashion Festival is a unique event in the City's calendar and has been supported by the City of Perth for 16 out of 20 years.

The assessment panel noted the festival's renewed approach to partnering with local businesses and providing pathways for local creatives. It is important the festival responds to changes in the consumer landscape by building relationships with stakeholders and City retailers to maintain relevance.

The adoption of a strategic plan by Fashion Council WA (FCWA) will provide clear objectives and direction for the Perth Fashion Festival. FCWA is encouraged to continue working towards a more sustainable financial model.

The City's recommended level of cash sponsorship for Perth Fashion Festival is in line with the previous year's support. The panel is confident this level of support is reflective of the outcomes delivered and will ensure the appropriate stakeholder consultation is delivered.

The assessment panel recommended a cash sponsorship of \$200,000 (ex GST). An additional \$10,000 is recommended for the delivery of stakeholder consultation. A report on this consultation will be required as a condition for future funding.

The panel also recommended \$25,000 in-kind sponsorship towards banner hire and venue fees, which will be subject to an application made by FCWA for the Fashion Central event at Forrest Place.

ATTACHMENT 13.3A

Detailed Officer Assessment | Telstra Perth Fashion Festival 2019

Sponsorship Category	Major Events and Festivals
Applicant	Fashion Council WA Limited
Event Title	Perth Fashion Festival
Event Start Date	01/09/2019
Event End Date	30/09/2019
Venue	Fashion Central - Forrest Place Fashion Paramount - Optus Stadium Cultural Program - venues in Perth CBD and surrounds
Expected attendance	Free components Fashion Central: 4,300 Ticketed components Industry Forum: 110 Fashion Paramount: 4,500
Total Project Cost	\$1,150,425
Total Amount Requested	\$257,000 (22% of the total project budget)
Recommendation	Approve
Recommended amount	<ul style="list-style-type: none"> • \$200,000 cash sponsorship (17% of the total project budget) • \$25,000 in-kind for venue hire and banner fees • \$10,000 cash for stakeholder consultation
Assessment Score	36.7 out of 52 (70.6%)

Applicant details*Information from the Australian Business Register*

ABN	43768830818
Entity Name	Fashion Council WA Limited
Entity Type	Australian Public Company
ABN Status	Active
ATO Endorsed Charity Type	Not endorsed
Goods & Services (GST)	Yes
Endorsed as DGR	No
Tax Concessions	No tax concessions
Main Business Location	6000 WA
ACNC Registration	No

Event Summary

Fashion Council WA (FCWA) Limited is a not-for-profit industry body which aims to represent, promote and champion the fashion and creative industries in Western Australia. The Perth Fashion Festival is a consumer-facing festival held annually to showcase local and national established brands and emerging designers. In 2018 the festival celebrated its 20th anniversary.

The 2019 Perth Fashion Festival will be held from Friday, 6 September – Saturday, 14 September 2019. The program offers free and ticketed events including runway shows, exhibitions, performances, lunches and associated events. A cultural program runs alongside the festival. The 2018 Festival encompassed 53 free and ticketed events across 34 venues and featuring 172 local, national and international labels on the runways.

As a part of this application, organisers have requested additional funding to enable them to undertake broad consultation with key stakeholders which will identify opportunities to tailor the program to deliver on what they see as important features for the 2019 Festival Program.

Organisers believe the festival creatively showcases Perth as an attractive destination, stimulates the retail and hospitality sectors, provides meaningful cultural experiences for public attendees and makes social, economic and cultural contributions to the City of Perth. Research by Pracsys and Culture Counts estimates the 2018 Festival resulted in over \$1,705,000 of fashion related expenditure, influencing a direct consumer fashion expenditure market of over \$9.1m.

Event Program

City of Perth Fashion Central

Date: Friday, 6 September – Saturday, 8 September 2019
 Venue: Forrest Place
 Anticipated attendance: 4,300
 Ticket price: Free

A three-day program of free-to-the-public runways shows and activation showcasing the City's speciality shops, boutiques and department stores. Festival organisers will work with City retailers on a 'see now, buy now' runway format, featuring fashion immediately available in store and encouraging visitor spending. Commercial retailers pay a participation fee to participate in Perth Fashion Festival as a contribution towards production and infrastructure.

Fashion Central is housed in a custom-built marquee in Forrest Place. Twelve runways shows are scheduled across the three days:

Friday 6/9/2018	12pm, 1pm, 3pm, 5.30pm and 7.30pm
Saturday 7/9/2018	11am, 1pm, 3pm and 5pm
Sunday 8/9/2018	12pm, 2pm and 4pm

Organisers have upgraded Fashion Festival in recent years to increase entertainment and participation including live music, digital installations, wearable art displays and experimental

activations. In 2018, performers from the touring musical Aladdin performed at Fashion Central. Fashion Central also includes Indigenous and Multicultural runways.

Industry Forum

Date: Tuesday, 10 September 2019
Venue: CBD venue tbc
Anticipated attendance: 110
Ticket price: Adult \$60, Concession \$50

The Industry Forum brings together industry leaders, designers and entrepreneurs for a facilitated discussion of key issues and opportunities in the fashion industry and ways to accelerate growth. The forum is open to members of the public and is recorded as a podcast available on iTunes and Soundcloud.

Fashion Paramount

Date: Thursday, 12 September – Saturday, 14 September 2019
Venue: Optus Stadium (tbc)
Anticipated attendance: 4,500
Ticket price: Adult \$59

A series of ticketed high-end runway shows featuring well-known local, national and international designers, entertainment, hospitality and activation. Runways shows will start at 7pm and 9pm nightly.

Cultural Program

An umbrella program of independently produced arts, fashion, music and photographic events, workshops and exhibition promoted under the Perth Fashion Festival banner. The cultural program provides a platform for designers, artists and businesses to participate in the festival and leverage the exposure.

Media coverage

Organisers state the festival has a proven track record of attracting mainstream media coverage. In 2017, the festival had a total reach of 102,516,617 from 756 media clips across television, print, radio, online news and blogs.

Perth Fashion Festival typically receive significant in-kind media advertising partnerships with STM, The Sunday Times, The West Australian, Channel 7, Channel 9, Hit 92.9 and other event, digital and outdoor channels.

Impact Reporting

For the past three years Culture Counts, in association with Pracsys Economics, have been engaged to measure the outcomes and impact of the festival. The results of the 2018 assessment have been distributed to Commissioners as a memo prior to the Council Meeting.

Key findings of the 2018 Report included:

Audience Profile

- 9,647 total attendance at Perth Fashion Festival events (excluding the Cultural Program);
- 62% of attendees reported as new to the festival, a 7% increase from the share of new audience at the 2017 festival, indicating the festival's success in engaging new audiences;
- Young females between the ages of 20-29 remains Fashion Central's primary audience. In comparison, Fashion Paramount has a female audience more evenly spread between ages 20-50.

Participation

- 19 city-based fashion retailers participated in the 2018 festival with a 100% response rate indicating support of the event;
- 50% of retailers reported an increase in business performance, with an average improvement of 13%; and
- Attendees rated the influence of Fashion Central on their seasonal fashion spending as 60%, or approximately an additional \$332,000 injected into the local economy. Although this expenditure is lower when compared to Fashion Paramount (\$1.3m), the level of influence on audiences was higher at Fashion Central, suggesting that attendees at Fashion Festival are more motivated to spend at local retailers.

Funding model and private sector investment

Perth Fashion Festival receives a range of cash and in-kind support from public and private sector partners. Telstra was announced as the naming rights partner in 2014 for a period of five years. Confirmation of naming rights for 2019 are not yet confirmed.

The Fashion Council WA's Strategic Plan 2018-2021 includes an objective to be a sustainable and agile organisation which supports its ongoing operation and growth. Strategies for this include securing sustainable sources of financial support. Targets to support this include a 2021 target for a 20% increase of non-government support (30% up to 50%) and an increase in members.

The organisation predicts income for a variety of funding sources in 2019, including:

- 45% from government grants;
- 40% from corporate sponsorship; and
- 16% earned income from participation fees and tickets sales.

Previous City of Perth Support (last 5 years)

Year	Amount	Total
2014	\$313,000	\$313,000
2015	\$313,000	\$313,000
2016	\$270,000 cash + \$29,316 in kind	\$299,316
2017	\$255,000 cash + \$29,000 in kind	\$284,000
2018	\$200,000 cash + \$7,000 impact reporting + \$30,000 in-kind	\$237,000
	<u>TOTAL</u>	\$1,446,316

- The City of Perth has received an acquittal for the previous year's support of Perth Fashion Festival; and
- City Officers can confirm that the previous funding has been satisfactorily acquitted.

Sponsorship Benefits

Organisers will provide the following benefits for the requested sponsorship of \$257,000 (ex GST). The final sponsorship benefits will be subject to negotiation based on the Council approved funding amount.

Naming Rights Benefits

City of Perth to be recognised as Principal Presenting Partner of Fashion Central. City of Perth will be referred to at all times in the title of Fashion Central e.g. 'City of Perth Fashion Central'.

Partnership Benefits

- City of Perth will be acknowledged in the top tier as Government Partner and as Principal Presenting Partner of Fashion Central, including:
 - The Official Festival Program;
 - STM / The West Australian Festival lift outs;
 - Festival print, radio and television advertising;
 - Festival signage;
 - Media releases regarding the City's support for the event;
 - In relevant speeches and during official presentations; and
 - Festival social media.
- The City of Perth to receive:
 - One full page advertisement in the Official Festival Program (10,000 print circulation and digital);
 - Nominated City representative to be invited to provide a welcome message for the Official Festival Program;
 - Opportunity to provide promotional and AV material for Official Festival events; and
 - Opportunity to provide TVC to be played before Festival runway events.

Logo Representation

- The City of Perth logo will be recognised on the top tier of the Partners page in the Official Festival Program alongside the State Government logo under the heading of 'Government Partners'.
- The City of Perth logo to appear on:
 - The Partners page and back cover page of the Official Festival Program
 - All Fashion Central external signage including the dome marquee wrap;
 - Other Festival signage;
 - STM / The West Australian Festival lift out (subject to sponsorship agreements);
 - Festival media/activation walls;
 - Event advertising and marketing collateral;
 - Fashion Council WA and TPF website on relevant event partner pages with a hyperlink to the City of Perth website;
 - Event AV loops;
 - Opportunity for the City to provide a 15 second TVC to be played on the large screen before each Fashion Central show;
 - Media releases, where appropriate;
 - E-newsletters; and
 - Invitations, where appropriate.

Content, Digital and Social Media

- An opportunity for the City to access TPF celebrities and VIPs including designers and international ambassadors for the creation of unique digital content;
- Access to exclusive and unique content for City of Perth digital channels including:
 - Runway footage (videography and photography)
 - Access to talent (Designers, Models, Stylists ect)
 - Access to Festival vision and still photography and/or footage for City of Perth marketing purposes (subject to copyright and approvals);
- A minimum of one feature story to be included in an event e-newsletter promoting City of Perth retailers and events (content to be developed with the City of Perth);
- The support of the City of Perth to be acknowledged on social media for the event, including use of City designated hashtags where appropriate as advised;
- City of Perth to be included in a minimum of 2 x Instagram and 2 x Facebook posts per week in the 2 weeks leading up to the event;
 - 1 x on each of the 3 days of Fashion Central; and
 - 2 x in the weeks following the event referencing to be included on City of Perth and/or City of Perth retailers and events (content to be developed in conjunction with the City of Perth).

Media and PR

- Inclusion in Festival PR opportunities where possible;
- Opportunity to be quoted in media releases and statements;

- City of Perth will be integrated into a minimum of 3 x media story opportunities, pending media approval; and
- Media releases that reference the City will be submitted for approval prior to distribution.

Verbal Acknowledgement

- City of Perth to receive regular verbal acknowledgement including:
 - By Fashion Central MC's prior to all Fashion Central shows;
 - Speeches, interviews, official presentations as appropriate; and
 - Nominated City representative to be invited to speak at presentations as appropriate.

Additional Leveraging Opportunities

- The opportunity for the City to undertake brand activities, activations and promotions at the event, to be mutually agreed by the City of Perth and Perth Fashion Festival;
- Opportunity to provide City of Perth merchandise for inclusion in event gift bags;
- Provision of Festival VIP ticket package to be used as a prize on City of Perth social media; and
- Opportunity for the City of Perth to include questions in the Festival's post-event research survey.

Event Sponsorship Assessment Score Card

The application was assessed by a four person assessment panel and the scoring has been averaged for each outcome.

PRESTIGE AND SIGNIFICANCE	<u>SCORE /4</u>
Is the event a large scale event that has the ability to position Perth on a national and/or international stage?	3.0
Does the event demonstrate prestige and significance, through the quality and status of competitors / performers / artists, participants, sponsors, media and involvement or endorsement from international federations and organisations?	3.0
Sub total	6 out of 8
ECONOMIC IMPACT AND ATTENDANCE	
Does the event demonstrate a proven track record of attracting a large audience into the central city and surrounds for the event or have the capacity to do so?	2.8
Does the event demonstrate significant direct economic benefit to the city economy?	2.8
Does the event identify ways to proactively engage with City businesses and traders to maximise visitor spend within the city?	3.0
Is the event preferably longer than one day in duration, with events over multiple days or weeks highly regarded?	3.3

Sub total	11.9 out of 16
MEDIA IMPACT	
Does the event demonstrate a proven track record, or have the potential of attracting, significant mainstream media coverage? Demonstrated media coverage that drives awareness of Perth as a destination, on a local, national and international platform will be assessed favourably under this criterion.	3.3
Sub total	3.3 out of 4
OTHER FUNDING AND PRIVATE SECTOR INVESTMENT	
Does the event demonstrate significant investment through a variety of funding sources, including the private sector, and that the event is not reliant on City of Perth funding to be delivered?	2.1
Does the event demonstrate it is operating through a commercial structure through the management of various revenue streams, including the sale of broadcast and media rights, commercial sponsorship, ticketing, membership etc?	2.3
Sub total	4.4 out of 8
COMMERCIAL SPONSORSHIP BENEFITS	
Does the event offer, and demonstrate it is able to deliver on, negotiated commercial sponsorship benefits to the City of Perth?	2.8
The City of Perth aims to sponsor a range of events that presents City residents and visitors with a diverse calendar. Does the event complement and diversify the existing offering within the City?	3.1
Sub total	5.9 out of 8
COMMUNITY INVOLVEMENT	
Does the event demonstrate accessibility to a broad demographic?	2.3
Does the event demonstrate potential to involve the local and larger communities in the event or the surrounding support activities?	2.9
Sub total	5.2 out of 8
TOTAL ASSESSMENT SCORE 36.7 out of 52 (70.6%)	

Assessment Panel comments

- Fashion Council WA (FCWA) continues to work with local business and has engaged with diverse communities to provide further pathways to the industry.
- It is important the festival continues to maintain relevance in the changing environment, build meaningful and sustainable relationships with diverse stakeholders and to sharpen their audience appeal. The panel would like to see increased collaboration with City retailers.
- The panel was impressed by FCWA's focus on stakeholder engagement and noted the importance placed on sustainability in FCWA's strategic plan.

- The City's recommended level of cash sponsorship for Perth Fashion Festival is in line with the previous year and will encourage the festival to move towards a more diverse financial model.

Recommendation

The assessment panel recommended a cash sponsorship of \$200,000 (ex GST). An additional \$10,000 is recommended for the delivery of stakeholder consultation. The panel also recommended \$25,000 in-kind sponsorship towards banner hire and venue fees subject to an application made by FCWA for the Fashion Central at Forrest Place.

Report to the Ordinary Council Meeting

Agenda **Strategic Event Sponsorship - Eat Drink Perth and Good Food**
Item 13.4 **Month**

Recommendation:

That Council:

1. ***APPROVES the integration of City of Perth's Eat Drink Perth campaign into Fairfax Events and Entertainment's Good Food Month in Perth for 2019 through 2021.***

2. ***APPROVES, subject to the receipt of an official application, sponsorship of the Good Food Month event totalling \$60,000 in 2019 and \$80,000 in the following two years, including Night Noodle Markets, for a total period of three years ending 2021.***

3. ***NOTES that a sponsorship amount to the value of \$20,000 has already been approved for Good Food Month as part of Events Grant Round 2 2018/19, on Tuesday, 27 November 2018.***

4. ***APPROVES the reallocation to the Good Food Month event of a portion of approved Eat Drink Perth budget to the value of \$151,000 in financial year 2018/19 consisting of:***
 - 4.1 ***\$80,000 towards various activations around Good Food Month event;***
 - 4.2 ***\$46,000 towards city dressing, including street banners and mall pillar wraps; and***
 - 4.3 ***\$25,000 for associated marketing support.***

5. ***NOTES that the remaining Eat Drink Perth budget will be reallocated in the January midyear budget review process;***

6. ***AUTHORISES the Chief Executive Officer (or delegate) to negotiate with the applicant, the final list of sponsorship benefits and key performance indicators for inclusion in the agreement, according to the Council approved funding amount; and***

7. ***NOTES that a detailed acquittal report, including any supporting material, will be submitted to the City of Perth within three months of the conclusion of the event each year of the agreement.***

FILE REFERENCE: P1036590#04
 REPORTING UNIT: Marketing and Activation
 RESPONSIBLE DIRECTORATE: Economic Development and Activation
 DATE: 3 December 2018
 ATTACHMENT/S: Confidential Attachment 13.4A – Operating Budget
(Confidential Attachments are distributed to Commissioners under separate cover)

Council Role:

- Advocacy *When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, town planning schemes and policies*
- Quasi-Judicial *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation Section 8 of the *City of Perth Act 2016*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Goal 1 - A city for people

Policy
 Policy No and Name: 18.13 – Sponsorship and Grants

Purpose and Background:

Over the last 14 years, The City of Perth has promoted Eat Drink Perth (EDP) annually as the city's premier food and beverage (F&B) campaign. Delivered via a showcase of restaurants,

bars and world class hotels, the City also delivers smaller scale events and activations during the period to increase vibrancy and encourage visitation.

Post campaign research trends have shown that while nearly half the general population in Perth are aware of EDP, the conversion from awareness to attendance (8% or 155,200 people) is considered weak due to general apathy. While fun, food and variety are key reasons why attendees enjoyed EDP, most people didn't attend because they were "too busy", lacked understanding or were indifferent to EDP's offer. The format of EDP, spread over 150 events, experiences and offers at over 100 city-based businesses, is a likely contributor to that sentiment. Efforts to unify our offer to more closely target the interests of consumers could assist with the uptake of the campaign and conversion to attendance.

The opportunity

The City has been a proud sponsor of the Perth Night Noodle Markets (NNM) for two non-consecutive years previously. NNM, which sits under the larger event Good Food Month (GFM), are organised by Fairfax Events & Entertainment (Fairfax).

In late October 2018, Fairfax approached the City with a sponsorship proposal to strengthen our partnership by integrating GFM and EDP to create an even bigger industry and consumer offering.

GFM is a series of bespoke food experiences suitable to a range of audiences and tastes. Now in its 10th year, GFM takes place in Capital Cities across Australia throughout the year and the program typically consists of four key features:

- Culinary headliners – High Tea with Katherine Sabbath, celebrity baker at QT Hotel; Greco Roman of Garum restaurant in the city's east end;
- Let's Do Lunch – specially curated \$45 menu including a drink;
- Friends of GFM – open invitation to restaurants to curate and host unique experiences to best showcase their culinary excellence; and
- NNM – family-friendly outdoor hawker style event.

This opportunity to elevate a strategic sponsorship ensures we are not duplicating offerings in consecutive months and confusing the market, but combining efforts and resources to improve the overall offering, delivering a better outcome for ratepayers and the community, as well as allowing the City to reinvest in new initiatives.

Whilst this is proposed to be an exclusive sponsorship agreement, it does not prevent other entities from submitting proposals that align to the City's strategic objectives and that can be considered for additional strategic partnerships.

Details:

Sponsorship and Cooperative Partnership

The proposed three-year sponsorship and cooperative partnership commitment will be executed as follows:

1. Sponsorship of NNM including:
 - City of Perth logo recognition and sponsor profile on event website;
 - City of Perth signage and access to produce marketing content at the event;
 - City of Perth representative to be invited to speak at NNM launch; and
 - Integrated social media and e-newsletter marketing.

2. Sponsorship and cooperative partnership on GFM including:
 - Industry engagement and invitation to participate;
 - All feature events and lead offers to take place at a city venue;
 - Opportunity to showcase one Perth restaurant at Melbourne NNM;
 - Precinct or economic activation (e.g. Perth laneways or redemption offer);
 - Marketing efforts:
 - Branded signage at and activation around events;
 - Content pieces to generate media interest, including a commissioned editorial on WA Today;
 - Trip to Perth including tickets to city events in competition driver across national campaign;
 - Extension of invitation to city venues for attendance at industry forum with key industry talent;
 - City venue talent as feature talent for GFM events in other cities;
 - Branded content page on goodfoodmonth.com/perth to highlight participating venues and major event listings on visitperth.com.au; and
 - Integrated social media and what's on guide.

Benefits

The proposed strengthening of an already established partnership has numerous benefits. The key ones are:

- Enables the joining of resources to build scale and credibility for Perth to be firmly established as a premier food and beverage destination;
- Allows for a 12-week promotional campaign due to greater financial resources and backing from a media outlet (WA Today and Channel 9). This is double the length of promotion the City could afford on its own;
- Showcases city restaurants, bars and talent on a national platform;
- Engages locals and visitors to share in unique experiences that will create lasting, shareable memories and bring talent from further afield to the city;
- Drives visitation through activation in support of industry and ratepayers; and
- Releases EDP resources to add scale to an already established event with near identical objectives.

Risks

Two notable risks have been identified in the proposed partnership. The first is a loss of brand equity for Eat Drink Perth, which the City has worked hard to build over the past 14 years. However, brand awareness currently sits below the campaign average and without the accompanying effectiveness to drive consumer action, is unproductive.

The second risk involves the impact on performance indicators for the City's digital platforms, including website and social media channels like Facebook and Instagram. As a City-led campaign, EDP drives consumers to seek information from and engage with our digital platforms. While we can proactively mitigate the size of a decrease in traffic and social engagement, the GFM website and social channels are most likely to receive the bulk of interactions.

Timing and operational impacts

Both Fairfax and the City are currently on critical paths in preparing for and managing communications with stakeholders about EDP and GFM/NNM in March and April 2019 respectively. A swift decision is vital to set both parties on a new, joint path to suitably plan and direct communications about the changes.

Stakeholder Engagement

Pending the successful adoption of the recommendations in this report, relevant stakeholders will be informed and invited to provide feedback in a face-to-face forum. They will then be formally invited to participate via email and a press release will be written to announce the joint relationship to industry and media.

Key Stakeholders

- Food and beverage ratepayers; and
- City venue or centre managers.

Financial Implications:

It is proposed that the City sponsors and cooperatively promotes GFM and NNM over three consecutive years through:

	2019	2020	2021
Sponsorship in the form of cash contribution	GFM - \$60,000 and NNM - \$20,000		
City activation	\$80,000	\$81,600	\$83,232
City dressing	\$46,000	\$46,920	\$47,859
Associated marketing	\$25,000	\$25,500	\$26,010
TOTAL	\$231,000	\$234,020	\$237,100

All figures quoted in this report are exclusive of GST. An assumed CPI cost increase of 2% has been applied year on year for city activation, dressing and associated marketing support.

2018/19 Eat Drink Perth Operating Budget

	Event	Activation	Campaign
Account No	PJ1415520300007268	PJ1010520300007274	PJ1350520300007201 PJ1350520300007268
Budget Item	Eat Drink Perth		
Budgeted Amount	\$52,000	\$130,000	\$547,000
Amount Spent To Date	\$5,920	\$0	\$475
Proposed Cost	\$0	\$80,000	\$71,000
Balance Remaining	\$46,080	\$50,000	\$475,525
Annual Maintenance	N/A	N/A	N/A
Estimated Whole Life Cost	N/A	N/A	N/A

Remaining EDP budget will be resolved as part of the January midyear budget review process.

Comments:

The proposal from Fairfax to integrate the City's EDP campaign into GFM is recommended for endorsement by Council.

This presents a rare opportunity to join resources with a pre-established, national food and beverage program that shares similar objectives to that of the City's EDP program, thus releasing some of the City's resources to explore new opportunities aligning to the corporate objectives. Approval for resolution of this remaining budget will be sought separately in the January midyear budget review process.

The opportunity to partner with the private sector shows Capital City leadership and will strengthen the outcomes for local businesses, tourists, visitors, workers and residents. Through the negotiation process, it is clear that both the City and Fairfax are aligned in their vision for a marquee food event in Perth and have the collaborative goodwill to ensure a successful partnership for at least the next three years.

**CONFIDENTIAL ATTACHMENT 13.4A
ITEM 13.4 - STRATEGIC EVENT SPONSORSHIP - EAT DRINK PERTH
AND GOOD FOOD MONTH**

FOR THE ORDINARY COUNCIL MEETING

18 DECEMBER 2018

DISTRIBUTED TO COMMISSIONERS UNDER SEPARATE COVER

Agenda **Precinct Development Grants – Activate Perth Fill This Space**
Item 13.5 **Initiative**

Recommendation:

That Council:

1. ***APPROVES a Precinct Development Matched Funding Grant of \$100,000 (excluding GST) to Activate Perth for the Fill This Space project for a 12-month period;***
2. ***NOTES the provisional list of sponsorship benefits contained within the Detailed Officer Assessment in Attachment 13.5A;***
3. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount; and***
4. ***NOTES that a detailed acquittal report, including all supporting material, will be submitted to the City of Perth three months following the conclusion of the project.***

FILE REFERENCE:	P1027658
REPORTING UNIT:	Business Support and Sponsorship
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	23 November 2018
ATTACHMENT/S	Attachment 13.5A – Detailed Assessment Summary Confidential Attachment 13.5B – Fill this Space Proposal <i>(Confidential Attachments are distributed to Commissioners under separate cover)</i>

Council Role:

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |

- Quasi-Judicial** *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information** *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation: Section 8 of the *City of Perth Act 2016*
Local Government Act 1995
Associations and Corporation Act 2015

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Goal 1 - A city for people
 Goal 5 - A prosperous city
 Goal 7 - An open and engaged city

Policy
 Policy No and Name: 18.13 – Sponsorship and Grants

Purpose and Background:

Activate Perth

Established in 2017, Activate Perth is an incorporated, not-for-profit association focused on delivering community projects for those visiting, working and residing in the City of Perth. Activate Perth's mission is "to create community connection in the City of Perth by facilitating novel partnerships and projects between the community, businesses and government".

Activate Perth is a direct result of the recommendations from the Perth City Summit as convened by John Carey MLA, State Member for Perth and have committed to delivering the following three initiatives:

1. Community Activations;
2. A City of Neighbourhoods; and
3. Fill This Space.

Activate Perth have also delivered a number of projects in 2017 and 2018 including the East Perth Parklet Activation, Northbridge Laneway Activation, Activation Army, Activated Artwalk and Carpark Jazz, with the East Perth Community Group.

Precinct Development Grant Program

The Precinct Development Grant Guidelines were endorsed by Council at its meeting held **25 September 2018**. The program was established to provide funding to incorporated

associations for the purpose of promoting the interests of a local community, supporting applications that deliver localised development initiatives, place branding and marketing activities for the benefit of identified precinct areas.

These guidelines provide a framework that allows the City to work with precinct groups and ensures a consistent, transparent and proactive approach in line with the City's Strategic Community Plan.

Details:

Activate Perth's - Fill This Space

Activate Perth have provided the City of Perth with a proposal seeking funding support under the Precinct Development Grant Program for the city revitalisation scheme referred to as "Fill this Space" (Confidential Attachment 13.5B).

Fill this Space is a program to support new enterprise in vacant spaces within Perth city through a rent free, rolling lease model; connecting emerging creative based start-ups and not for profit initiatives needing space with property owners seeking to activate their tenancies. This proposal aims to benefit the enterprise who can trial their business concepts in a relatively low risk environment and the property owners through revitalisation of an otherwise empty space and potential longer term leasing activity.

Activate Perth have set a target to deliver 22 tenancies over 12 months, with the support of volunteers and the private sector, it is envisaged that with more than 90 creatives looking for spaces the tenancies will be occupied by both innovative and successful enterprises.

Activate Perth have requested funding support to the State Government and Lotterywest, however, it should also be noted that the one- month target of 22 tenancies is contingent on the State Government investing \$195,000 in the program.

Assessment was undertaken by a panel of three City staff and an independent external assessor with expertise and experience in place management, business development and neighbourhood groups.

A detailed summary of the assessment is provided in Attachment 13.5A.

Financial Implications:

ACCOUNT NO:	PJ 1395-82080-0000-7901
BUDGET ITEM:	Precinct Development Grants
BUDGETED AMOUNT:	\$400,000
AMOUNT SPENT TO DATE:	\$300,000
PROPOSED COST:	\$100,000
BALANCE REMAINING:	\$0
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

A Precinct Development Matched Funding Grant of \$100,000 (ex GST) has been recommended by the assessment panel for Activate Perth's Fill This Space proposal over 12 months. Future years funding will be subject to evaluation of performance and a further assessment process.

This is reflective of the comprehensive panel assessment and provides measurable economic benefits to the City including activating underutilised spaces, improving amenity, job creation, skills development and building overall business confidence. It will also allow the City to leverage off the ongoing promotion of the program through various media channels.

In addition to the activation of underutilised spaces, the proposal provides significant social, economic and cultural benefits for the City and the people who live, visit and work here. It is envisaged that this will deliver on a small reduction to Perth vacancy rates with the introduction of new creative based start ups and not for profit initiatives activating these otherwise empty tenancies and potentially eventuating into longer term lease arrangements.

ATTACHMENT 13.5A

Precinct Development Matched Funding Grant | 2018/19 | Activate Perth

Sponsorship Category	Precinct Development Matched Funding Grants
Applicant	Activate Perth
Project Title	Fill this Space
Project Start Date	01/01/2019
Project End Date	30/06/2019
Total Project Cost	\$251,000
Total Amount Requested	\$100,000 (39.8% of the total project cost)
Recommendation	Approve
Recommended amount	\$100,000 (39.8% of total project cost)
Assessment Score	39.14 out of 60 weighted score 62.95%

Applicant Details*Information from the Australian Business Register*

ABN	67287921803
Entity Name	Activate Perth
Entity Type	Other Incorporated Entity
ABN Status	Active
ATO Endorsed Charity Type	Not endorsed
Goods & Services (GST)	Yes
Endorsed as DGR	No
Tax Concessions	No tax concessions
Main Business Location	6055 WA
ACNC Registration	No

Project Details:**Activate Perth**

Established in 2017, Activate Perth is an incorporated, not-for-profit association focused on delivering community engagement projects for those visiting, working and residing in the City of Perth. Activate Perth's mission is "to create community connection in the City of Perth by facilitating novel partnerships and projects between the community, businesses and government".

Activate Perth was developed in response to the Perth City Summit held by State Member for Perth, John Carey MLA in August 2017. The group was incorporated and developed a Strategic Plan with three initiatives:

1. Community Activations;
2. A City of Neighbourhoods; and
3. Fill This Space.

Fill This Space

Activate Perth has submitted an application for support of a city revitalisation scheme referred to as “Fill this Space”.

The aim of “Fill this Space” is to support new enterprise in vacant City of Perth tenancies through a 90 day, rent free, rolling lease model. The program will connect emerging creative and community based start ups and not-for-profit initiatives needing space with property owners seeking to activate their tenancies. Under the agreement, tenants in the program will have 30 days to vacate for the landlord to take advantage of new commercial opportunities or long-term leases.

Candidates for Fill this Space include a hula hoop enterprise, artists, fashion, a wig supplier and a succulent cafe. Activate Perth states these retailers provide the community with additional recreational opportunities and help build Perth as a ‘City of Neighbourhoods’. Artists comprise almost 30% of the applicants for Fill this Space.

The role of Activate Perth in the scheme will be to manage enquiries, identify properties and liaise with all stakeholders involved to ensure successful space matches. Activate Perth will work with partners, including the Small Business Development Corporation, to provide support and advice on the lease signing process and insurance solutions, as well as conduct workshops and mentoring.

Fill this Space will operate across all City of Perth precincts, however where applicable, clusters of enterprises will be formed to ensure activation and vibrancy and to promote a sense of community. Precinct areas in East Perth such as Queens Riverside and Royal Street would be ideal for a clustered approach and longer-term tenancies.

Activate Perth have set a target to deliver 22 tenancies over 12 months. With the support of volunteers and the private sector, it is envisaged that with more than 90 creatives looking for spaces the tenancies will be filled with innovative and successful start-ups and initiatives.

Benefits identified by Activate Perth for Fill This Space include:

- Creation of jobs, particularly for workers who may previously have sporadic labour engagement;
- Support of Perth’s creative artists and community;
- Skills development such as business management and leadership;
- Creation of intellectual capital;

- Improvement in amenities and avoidance of blight and propensity for anti-social behaviour;
- Improved business and community confidence in the precinct;
- Improved brand value leading to benefits in tourism and investment;
- Cost savings due to reduced maintenance or insurance of unused spaces; and
- Benefit of engagement with volunteers.

Matched Funding and Other Support

Activate Perth have requested funding support to the State Government and Lotterywest, and the 12-month target of 22 tenancies is contingent on the State Government investing \$195,000 in the program. Support for Lotterywest has been requested for the delivery of a non-profit Aboriginal Enterprise component of Fill This Space.

As well as the Small Business Development Corporation, some of Activate Perth's private sector partners include various property owners, Lendlease, Expedia, Lavan Legal and BookWiz.

Research and Trial

Activate Perth has identified a number of Australian case studies that demonstrate the success and outcomes delivered by Fill this Space renewal schemes as detailed in the Fill This Space proposal.

Newcastle

The model is based on the Renew Newcastle scheme, which was initiated in 2008. The success of Renew Newcastle became a globally renowned project. The renewal scheme increased Newcastle's vibrancy and in 2011 it was named one of Lonely Planet's top 10 must-see destinations in the world. A report by the University of Newcastle states every dollar invested in Renew Newcastle in 2016 generated 14 times that in economic benefit to the city.

Adelaide

A City of Adelaide led scheme, Renewal Adelaide, helped established 25 new business in the 2018 financial year. The City CBD, Port Adelaide and North Adelaide neighbourhoods were all involved with different strategic approaches to ensure the correct mix of businesses in each location. Renewal Adelaide has achieved a graduation rate from rent-free to commercial leases of 50%.

Perth Trial Project

Activate Perth trialled a 14-week artist-led tenancy in Watertown in which Chirriger Dreaming, a start-up Aboriginal Artists Studio, was placed in a Lendlease managed space. More than 2,000 people visited the tenancy and the artist sold out of their product. The trial attracted significant media coverage valued at \$34,000.

Lendlease provided feedback that many visitors and tourists greatly valued the Aboriginal art experience. Learnings from the trial included a mentor program, support for signage and shop front presentation, and clustering to improve visitor experience.

Research of similar models indicates a drop in vandalism of 25% year-on-year and 20% year-on-year reduction in criminal activity and calls to Police as occupied tenancies are less likely to attract anti-social behaviour.

Analysis and Evaluation

Fill This Space will be evaluated through three success measures:

1. The number of projects established (target of 10 up to 30 June 2019);
2. Quality of enterprises established (target of 30% graduation to commercial lease); and
3. Number of enterprises established not replicated elsewhere in the City of Perth (target 70%).

Activate Perth also hopes to increase visitation of the Fill This Space page on their website and develop additional interest on social media platforms.

Previous City of Perth Support and Acquittals

Year	Amount	Project
2018	\$5,000	Car Park Jazz (working with East Perth Community Group)

Sponsorship Benefits

Organisers will provide the following benefits for the requested sponsorship of \$100,000:

- City of Perth recognised as Civic Partner;
- Logo recognition on all promotional materials;
- Verbal acknowledgement at all events;
- Acknowledgement in all communications related to the event/projects;
- Signage acknowledgment at all events;
- Social media connection plan (2,000 Facebook followers/1,000 Instagram followers);
- Acknowledgment on Activate Perth office 'Hero Wall'; and
- Other benefits as agreed between the City and the applicant.

Precinct Development Matched Funding Assessment Score Card

The application was assessed by a four-person assessment panel and the scoring has been averaged for each outcome.

Assessment Criteria	Score /5
Economic Development (10% weighting)	
Does the project have the potential to provide a measurable economic benefit to the City of Perth and support local business?	3.88
<u>Sub total 3.88 out of 5</u>	
Activation and Enhancement of the Precinct (30% weighting)	
Does the project have the potential to activate and enhance a specific precinct area in the City of Perth?	3.13
To what degree does the project demonstrate strong alignment with existing public realm outcomes and design and fits within and complements existing planned City of Perth designs and works?	2.38
<u>Sub total 5.51 out of 10</u>	
Community Benefits (20% weighting)	
To what extent does the project provide a benefit to the wider community within the precinct?	3.75
To what extent will the project assist in the development of a strong and resilient precinct area and increase participation in community life?	3.25
<u>Sub total 7.00 out of 10</u>	
Quality of Project (10% weighting)	
What is the quality of the proposed project?	3.25
<u>Sub total 3.25 out of 5</u>	
Community Support (10% weighting)	
To what extent does the proposed project demonstrate support from local traders and business, landowners and residents?	3.75
<u>Sub total 3.75 out of 5</u>	
Organisational Capacity and Project Feasibility (20% weighting)	
To what extent does the applicant demonstrate feasibility to carry out the project?	3.25
Does the applicant have demonstrated evidence of having previously successfully delivered or have evidence of its ability to deliver projects?	3.00
Does the project demonstrate value for money?	3.25
Does the applicant have demonstrated evidence of their capacity to deliver and maintain the proposed project?	3.25
Does the applicant provide evidence of an appropriate evaluation method to measure the outcomes of the projects and benefits to the precinct area?	3.00
<u>Sub total 15.75 out of 25</u>	
<u>TOTAL ASSESSMENT SCORE 39.14 out of 60</u>	
<u>TOTAL WEIGHTED ASSESSMENT SCORE 62.95%</u>	

Assessment Panel comments

- The project delivers tangible outcomes including improvements in amenity of the public realm through the activation of vacant tenancies and an increase in visitation through a creative point of difference;
- Evidences suggests the delivery of high quality outcomes from this scheme, which Activate Perth have successfully demonstrated during the pilot project, introducing an Aboriginal Artists Studio into a vacant tenancy from Lendlease;
- The diversity of creative industries and proposed initiatives will complement existing businesses through an increase in visibility, visitation and spend and the rigorous assessment process will ensure high quality applicants;
- The proposal has the potential to deliver social outcomes for the City including an increase in the perception of safety and a reduction of visible blight;
- Activate Perth particularly align with the City's Reconciliation Action Plan (RAP) in promoting Aboriginal enterprises and introducing new Aboriginal artists to Perth, with the City's funding being associated with this component of the program;
- The Panel acknowledges that a clustered approach would ensure successful outcomes and allow activation of an identified precinct area. Officers will encourage Activate Perth to where possible ensure a clustered approach and in hosting launches of the new enterprises;
- The Panel acknowledges the proposal should receive a high degree of media and social media coverage and therefore the City should aim to leverage the positivises in supporting this program;
- The Panel acknowledges that the delivery of the 22 tenancies in 12 months is subject to Activate Perth receiving funding from the State Government; and
- Activate Perth have a high degree of support and followers to ensure the project success including numerous volunteers and private sector support demonstrating their capacity to deliver the project successfully and in the agreed timeline.

Panel Recommendation:

The Panel have recommended awarding a matched funding grant of \$100,000 to Activate Perth to deliver on the Fill this Space Initiative over 12 months, the panel acknowledges the associations work to date and their commitment to community activations and creating a vibrant city.

The recommended funding amount is considered an important and worthwhile contribution, further funding requests will be considered based on an evaluation of performance in year one and through a further assessment process. The City will continue to collaborate with Activate Perth to implement the program and ensure successful outcomes.

**CONFIDENTIAL ATTACHMENT 13.5B
ITEM 13.5 - PRECINCT DEVELOPMENT GRANTS – ACTIVATE PERTH
FILL THIS SPACE INITIATIVE**

FOR THE ORDINARY COUNCIL MEETING

18 DECEMBER 2018

DISTRIBUTED TO COMMISSIONERS UNDER SEPARATE COVER

Agenda **Extension of Principal Partnership between Heritage Perth and**
Item 13.6 **City of Perth**

Recommendation:

That Council:

1. ***APPROVES an extension of the Funding Agreement between the City of Perth and Heritage Perth Incorporated for a period of six months, at a value of \$90,500 cash and \$12,760 in-kind, noting that the existing Funding Agreement expires on 28 December 2018, with the following conditions:***
 - 1.1 ***Heritage Perth Inc. will continue to collaborate with City of Perth officers to complete the detailed evaluation of Heritage Perth's activities currently underway as per Council's resolution of 26 June 2018;***
 - 1.2. ***Heritage Perth Inc. will continue to collaborate with City of Perth officers to complete the Heritage Strategy that is currently underway as per Council's resolution of 26 June 2018; and***
 - 1.3. ***Salary and benefits for the Executive Director will be extended in their current form for a further six months until 30 June 2019.***

2. ***AUTHORISES the Chief Executive Officer to:***
 - 2.1 ***finalise the details of the Funding Agreement as at recommendation point 1 above;***
 - 2.2 ***include the Funding Agreement extension in the mid-year 2018/19 budget review; and***
 - 2.3 ***in accordance with Section 9.49A of the Local Government Act 1995, sign the revised Funding Agreement with Heritage Perth Incorporated on behalf of the City of Perth for a period of six months until 30 June 2019.***

FILE REFERENCE:	P1024311 308366/18
REPORTING UNIT:	Arts, Culture and Heritage
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	3 December 2018
ATTACHMENT/S:	Confidential Attachment 13.6A – Funding Request Confidential Attachment 13.6B – Proposed Funding Breakdown Confidential Attachment 13.6C – Summary of Partnership <i>(Confidential Attachments are distributed to Commissioners under separate cover)</i>

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:**Legislation**

N/A

Integrated Planning and Reporting Framework Implications**Strategic Community Plan**

Goal 2 - An exceptionally well designed, functional and accessible city

Goal 6 - A city that celebrates its diverse cultural identity

Policy

Policy No and Name:

4.10 – Heritage

18.1 – Arts and Culture

Purpose and Background:

Heritage Perth has submitted a request to the City seeking to extend their funding agreement for 12 months until 31 December 2019. The Funding Request is shown in Confidential Attachment 13.6A.

A comprehensive summary of the history of the principal partnership between Heritage Perth and City of Perth can be found in Item 13.8 of the Agenda for the Ordinary Council Meeting of **29 May 2018**. A summary of this history is shown in Confidential Attachment 13.6C.

At its meeting of **29 May 2018**, Council approved the discontinuation of the principal partnership, effective 1 July 2018, outlining conditions for the winding up of the partnership and funding agreement. Additionally, Council moved that a City of Perth Heritage Advisory Committee be established; that a workshop be conducted for all major City of Perth heritage stakeholder groups; and that a City of Perth Heritage Strategy be developed over the next 12-month period.

Subsequently, at the Ordinary Council Meeting of **26 June 2018**, Council moved that an extension of the Funding Agreement between the City of Perth and Heritage Perth be executed for a period of six months (from 30 June to 30 December 2018) with the following conditions:

- Heritage Perth Inc. to collaborate with City of Perth officers to complete a detailed evaluation of Heritage Perth's activities over the three years of the funding agreement current at the time; and
- Heritage Perth Inc. to collaborate with City of Perth officers to complete a Heritage Strategy as per Council's resolution of **29 May 2018**.

This work is underway, with stakeholder workshops commenced and the evaluation scoped and in early stages of implementation.

Details:

Heritage Perth have written to the City requesting an extension to the funding agreement between Heritage Perth and the City of twelve months, with a financial value of approximately \$248,400 cash (including employee costs for the Executive Director) and \$24,508 in-kind. (See Confidential Attachment 13.6B)

As per Council's resolution on **26 June 2018**, Heritage Perth need the opportunity to understand and contribute to the Heritage Program Evaluation and Heritage Strategy. Work is underway on these projects and are forecast to be completed in draft form by April 2019 in order to present a Heritage Strategy to Council by June 2019, as required by Council's resolution.

Based on the April deadline, a six month extension (at the current level of funding) gives ample time to determine the nature of the future relationship between the City and Heritage Perth, fully informed by the outcomes of the program evaluation and the draft Heritage Strategy.

As an additional, minor consideration, aligning the expiration of the extension to the agreement with end of financial year is convenient financially and administratively. Importantly, it would also coincide with the deadline for the Strategy, which will inform the future direction for the principal partnership.

Financial Implications:

ACCOUNT NO:	PJ1435-80520
BUDGET ITEM:	Heritage Perth
BUDGETED AMOUNT:	\$200,000
CURRENT July - Dec Agreement:	\$143,220
PROPOSED Jan - June Agreement:	\$90,500
BALANCE REMAINING:	(\$33,720)
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST. The funding amount was calculated at the rate of current funding arrangement, including employee costs, excluding funding for

Heritage Perth Weekend. A detailed breakdown of the proposed amount is attached at Confidential Attachment 13.6B.

Note the funding is subject to mid-year budget review.

Comments:

The funding extension, should it be approved, must reflect the intent of previous Council decisions; that a significant review, reset, and realignment of the principle partnership, in line with a Heritage Strategy, needs to be the first priority.

In the event of any extension, the delivery of “business as usual” initiatives, such as Heritage Perth Weekend (whether or not they go ahead and how they might be delivered) needs to be a decision of the Board of Heritage Perth, in conversation with the City.

It is not usual practice for the City to provide core funding through sponsorships and partnerships; Heritage Perth is one exception in this regard. It is incumbent on the City and the Board of Heritage Perth to ensure there is transparency and accountability in funding Heritage Perth to deliver projects, programs and/or added value beyond that which the City could not deliver itself.

There is undisputed cultural, social and economic value in the work that Heritage Perth does, particularly the Heritage Perth Weekend, the brand, and the engagement and communication activities that they deliver. It is important to ensure that the value of Heritage Perth be recognised, celebrated and nurtured. This proposed six-month extension and review period will ensure that is the case.

**CONFIDENTIAL ATTACHMENT 13.6A, 13.6B AND 13.6C
ITEM 13.6 - EXTENSION OF PRINCIPAL PARTNERSHIP BETWEEN
HERITAGE PERTH AND CITY OF PERTH**

FOR THE ORDINARY COUNCIL MEETING

18 DECEMBER 2018

DISTRIBUTED TO COMMISSIONERS UNDER SEPARATE COVER

Report to the Ordinary Council Meeting

Agenda Item 13.7 **Hill Street Two-Way Project – Final Concept Plans, Detailed Cost Estimate and Results of Stakeholder Engagement**

Recommendation:***That Council:***

1. ***NOTES the results of the Hill Street Two-way stakeholder engagement process, the final concept plans and detailed cost estimate; and***
2. ***APPROVES the Hill Street Two-way project to proceed to detailed design with the aim to construct in the 2019/20 financial year.***

FILE REFERENCE:	P1033205
REPORTING UNIT:	Transport
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	19 November 2018
ATTACHMENT/S:	Attachment 13.7A – Hill Street Two-way Stakeholder Engagement Plan Attachment 13.7B – Hill Street Two-way Stakeholder Engagement Summary Attachment 13.7C – Hill Street Two-way Final Concept Design Package

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation	Section 3.53 of the <i>Local Government Act 1995</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 2 An exceptionally well designed, functional and accessible city
Policy	N/A

Purpose and Background:

The purpose of this report is to provide an update to Council resolution for Item 6.4 (Two Way Streets Program: Two Way-Traffic Hay Street between Bennett Street and Victoria Avenue) at its meeting held on **19 December 2017**:

- “1. APPROVES the draft Hill Street Two-way Concept Plan for the two-way conversion of Hill Street, Wittenoom Street and Lord Street as detailed in Attachment 13.6A;
2. NOTES:
 - 2.1 that subject to Council approval in Part 1 above, the draft Hill Street Two-way Concept Plan will be released for stakeholder engagement and community consultation in conjunction with the Hay Street two-way conversion proposed from Victoria Avenue to Bennett Street;
 - 2.2 that the results of stakeholder engagement and community consultation (as detailed in Part 2.1 above), a final draft concept plan and detailed cost estimate, will be presented to Council at a future meeting; and
 - 2.3 that the proposed timing of future construction being split into two parts, being Stage 1, North of Wellington Street and Stage 2, South of Wellington Street, in order to minimise traffic congestion and sequence the project to gain maximised benefits of introducing this two-way movement.”

Since the council meeting, the following has occurred:

- The Hill Street Two-way design has progressed to a final concept stage, which has been submitted, along with traffic modelling, to Main Roads WA for approval;
- A Stakeholder Engagement Plan was completed following the City’s Stakeholder Engagement Framework. Due to the Hay Street (Victoria Avenue to Bennett Street) Two-way Project not being ready for stakeholder engagement, it was decided to conduct the engagement separately. This Stakeholder Engagement Plan, and the decision to separate out the stakeholder engagement from the Hay Street Two-way project, was approved by the Executive Leadership Group (ELG) on 26 September 2018 with three recommendations, all of which were incorporated prior to commencing the stakeholder engagement process;
- Stakeholder engagement for the project was conducted from 15 October 2018 to 2 November 2018. More details on the results of the stakeholder engagement process can be found below; and

- A detailed quantity survey cost estimate was produced by McGarry Associates under the supervision of Arup, which puts the project cost at \$7,525,000.

During the detailed design of this project, it is proposed that two design options will be produced for the Lord Street / Moore Street / Wittenoom Street – one with the Moore Street level-crossing closed and one without. This will allow flexibility in the project based on whether the Moore Street level-crossing closure has occurred at the time of construction.

Details:

Stakeholder engagement and community consultation

At its meeting held on **19 December 2017**, Council endorsed the draft Hill Street Two-Way Concept Plan, which provided the general detail on the proposed two-way conversion of Hill Street (Adelaide Terrace to Wittenoom Street), Wittenoom Street (Hill Street to Lord Street) and Lord Street (Wittenoom Street to Wellington Street). This plan is part of the overall City Two-Way Streets Program, which commenced in 2010, with the aim of converting existing one-way streets back to two-way functionality. A commitment to complete the two-way street program is included as an Operational Initiative the City's Corporate Business plan under *Goal 2 – An Exceptionally Well Designed, Functional and Accessible City*.

A Stakeholder Engagement Plan was developed in line with the City's Stakeholder Engagement Framework, which was finalised and endorsed by ELG at its meeting on 26 September 2018. The Stakeholder Engagement Plan identified three objectives to be met during the engagement process:

- Inform stakeholders, including residents, businesses and property owners of the proposed implementation schedule for the Hill Street, Lord Street and Wittenoom Street two-way traffic conversions;
- Gauge whether there is general support for the conversion to two-way traffic; and
- Provide stakeholders with the opportunity to raise questions and understand the rationale behind the City's proposal and the anticipated benefits.

The Plan proposed the following methods of engagement to inform and invited feedback on the project through:

- Mailouts to all ratepayers and tenants in the project area, with tailored letters sent to identified key stakeholders;
- Engage Perth – Two-way Street Program – webpage containing project details, plans and documentation;
- A "Have your say survey" asking respondents to provide feedback on the project, hosted on the Engage Perth webpage; and
- Emails to internal stakeholders.

Attachment 13.7A outlines the overall engagement achieved through the Engage Perth webpage and Attachment 13.7B summarises the responses received from the engagement survey. The findings from these documents are:

- 148 individuals visited the Engage Perth project page. Of these:
 - 126 were classified as "Aware Participants", who visited a project page;

- 37 were classified as “Informed Participants”, who downloaded a document, visited the key dates page, visited multiple project pages or participated in the survey; and
- Three were classified as “Engaged Participants”, who completed the engagement survey.
- Of the three responses received through the survey, the key findings were:
 - All three listed “For work” as one of their reasons for being in the project area;
 - All three listed “Two-way streets” as one of their favourite features;
 - Two voted “Yes” when asked if they support the conversion. One voted “Don’t know”; and
 - Two of the participants voiced concerns of the traffic management during actual construction of the project, especially in terms of maintaining access to properties.

Although the number of visitors to the Engage Perth webpage who opted to complete a survey were low, the overall level of engagement met the objectives from the Stakeholder Engagement Plan, which was principally to inform.

In addition to the responses received through Engage Perth, a number of emails were received by the Project Manager. Most of these were queries relating to access to plans, or other information. One response raised the same issue of ensuring property access is maintained during the construction of the project.

Overall, the Stakeholder Engagement processes was successful in informing the stakeholders. No objections to the project were received, and the concerns raised around maintaining property access during construction will be addressed in the detailed planning stage when the Traffic Management Plans are designed.

Final concept plan

Since the Council meeting on **19 December 2017**, the concept plan for the project has gone through several revisions based off the following:

- Independent Road Safety Audits were conducted on stage 1 and stage 2 of the projects by GHD. The audits resulted in several minor revisions to the design;
- An internal review by Transport Unit team members and officers from other units, including Coordination and Design, Construction, Street Presentation and Maintenance and Parks;
- Minor changes based off recommendations from DM Roads, the Main Roads WA contractor engaged to produce the signals, signs and line marking plans; and
- A lighting review and concept design, produced by Sage Consultants.

The final concept design plans which are proposed to form the basis for the detailed design for this project going forward (Attachment 13.7C).

Detailed cost estimate

Transport Unit engaged Arup, the consultant that completed the concept design work for the project, to conduct a detailed quantity survey cost estimate for the project based off the final concept plans. Arup worked with sub-contractor McGarry Associates (Quantity Surveyors) to produce this estimate. The estimated total cost for the construction the project is \$7,525,000. With Stage 1 estimated at \$5,342,000 and Stage 2 estimated at \$2,183,000.

Key Stakeholders:

The identified key stakeholders for this project are: Residents, Businesses, Royal Perth Hospital, Perth Stadium, City of Vincent, Metropolitan Redevelopment Authority, St John Ambulance, East Perth Community Safety Group, Department of Fire and Emergency Services, Main Roads WA, Water Corporation, Western Power, ATCO Gas, Telstra and NBN Co.

Financial Implications:

The detailed design costs are already provided for in the Two-way Streets program budget for the financial year 2018/19.

Comments:

The detailed design and tender documentation task of the Hill Street Two-way project is expected to take approximately five months to complete. In order to have the project documentation ready for construction in the 2019/20 financial year, the detailed design process should commence in January 2019 at the latest to ensure sufficient time is allowed for the tendering process.



City of Perth

Stakeholder Engagement Plan

Two-way Streets Program –
Hill Street, Wittenoom Street
and Lord Street



City of **Perth**

27 St George Terrace, Perth WA 6000
GPO Box C120, Perth WA 6839
(08) 9461 3333 | www.perth.wa.gov.au

Plan

Project scope

Project background

As part of the planned Two-way Streets Program, the Transport Unit has completed concept design of Hill Street, Wittenoom Street and Lord Street (known collectively as the Hill Street Two-way Project) to accommodate introduction of two-way traffic flow. Construction of the proposed upgrades to Hill Street, Lord Street and Wittenoom Street to introduce this two-way traffic environment are to be implemented as part of the 2019/20 capital works programme.

To deliver an appropriate concept design that achieves the intended objectives of the Two-way Streets Program, a concept design package has been prepared for this project. This includes a concept design report, concept design drawings, Paramics and LinSig traffic modelling, 100% Traffic Signal and Minor Sign & Line marking design drawings, concept lighting design, quantity survey and Road Safety Audit. The concept design is also currently with Main Roads WA for formal approval of the proposal.

Stakeholder engagement for the project was approved to proceed by Council in December 2017 and will commence during October 2018. A graphic showing the Hill Street Two-Way project and the overlap with The City's future Hay Street Two-way project is shown over the page.



Situation analysis

This project has the potential to impact or be impacted by a number of other City of Perth projects which could also be planned for the 2018/2019 financial year and beyond.

East End

As part of improvement works in the East End, the City is also planning the two-way conversion of Hay Street from Irwin Street to Victoria Avenue. In doing so, this project has adopted the two-way philosophy as part of the long term planning for the precinct. Furthermore, it is also being proposed to extend the Hay Street two-way design to include the section between Victoria Avenue and Bennett Street as separate project.

The two-way conversion of Hill Street in particular is complemented by its interaction with the above projects due to the similar timing and benefits in providing improvement to the city's eastern end pedestrian, cyclist and traffic movements. These three projects and their respective

project teams will work closely together to determine logical and beneficial construction timings for each implementation stage.

Stakeholder engagement for the Hill Street Two-way project will occur separate to the extended Hay Street (Victoria Avenue to Bennett Street) two-way conversion. This is aimed at providing a streamlined and individual consultation process to avoid confusion for the communities given multiple projects are due to occur at different times.

Wellington Square redevelopment

The proposed reconfiguration of Hill Street is also intended to support the planned vision for Wellington Square. The reconfiguration of these roadways will provide better connectivity for all modes of transport, as well as providing improved infrastructure, particularly to active modes, while also revitalising the future precinct. The interaction of the stage one Hill Street two-way works with the planned Wellington Square redevelopment is also noted. However, this has been discussed with the project team and deemed to have little conflict with the timing of implementation for each. Furthermore, stakeholder engagement for Wellington Square redevelopment has already commenced and will be ahead of planned stakeholder engagement for this project.

In 2008, the City of Perth Council endorsed the Two-way Streets Program which provided the framework necessary for the City to reengineer the city's one way street network to two-way operations. The basis of the Two-way Streets Program was established in alignment with the City's Urban Design Framework: A Vision for Perth 2029.

The overall strategy of the Program aims to make the city street network more accessible for visitors, workers and residents alike; and provide overall improvement for pedestrians, cyclists and users of on-demand and public transport services. The provision of two-way streets results in slower vehicle speeds and less vehicle kilometres travelled by private car in the city.

To date, the following streets have been converted to two-way:

Table 1: Two-way Streets Program – completed streets

Street	Section	Year Completed
William Street	The Esplanade to Wellington Street	2009
Barrack Street	St Georges Terrace to The Esplanade	2010
William Street	Horseshoe Bridge	2010
The Esplanade	The Esplanade	2010
William Street	Roe Street to Newcastle Street	2013
William Street	The Esplanade to Mitchell Freeway	2013
Beaufort Street	Roe Street to Newcastle Street	2013
James Street	Beaufort Street to Stirling Street	2013
Murray Street	William Street to Elder Street	2013
Murray Street	Barrack Street to Pier Street	2014
Mounts Bay Road	Milligan Street to William Street	2014
Barrack Street	Wellington Street to St Georges Terrace	2015
Hay Street	Barrack Street to Pier Street	2015

The below streets are the planned two-way conversions:

Street	Section	Year of planned commencement
Lord Street	Wellington Street to Wittenoom Street	2019/20
Wittenoom Street	Lord Street to Hill Street	2019/20
Hill Street	Wittenoom Street to Wellington Street	2019/20
Hill Street	Wellington Street to Adelaide Terrace	2019/20
Hay Street*	Irwin Street to Victoria Avenue	2020/21**
Hay Street*	Victoria Avenue to Bennett Street	2020/21**
Irwin Street*	St Georges Terrace to Hay Street	2020/21**
Hay Street*	Elder Street to William Street	2020/21**
Hay Street*	Thomas Street to Elder Street	2020/21**
Murray Street*	Thomas Street to Elder Street	2021/22**
Victoria Avenue*	Adelaide Terrace to Victoria Square	2021/22**
Victoria Square*	Murray Street to Lord Street	2021/22**
Murray Street*	Irwin Street to Victoria Square	2021/22**

**subject to funding, **Estimated*

Engagement objective(s)

The City of Perth's primary engagement objectives are to:

- Inform stakeholders, including residents, businesses and property owners of the proposed implementation schedule for the Hill, Lord and Wittenoom Street two-way traffic conversions.
- Gauge whether there is general support for the conversion to two-way traffic.
- Provide stakeholders with the opportunity to raise questions and understand the rationale behind the City's proposal and the anticipated benefits.

Stakeholder identification and analysis

Two Way Streets Program - Hay, Hill, Wittenoom & Lord Street - Stakeholder Engagement Matrix
Content Manager Reference: **323563/17**

Stakeholders – List A. Internals

Organisation	Name	Title
City of Perth	Commissioners	“Council”
City of Perth	Martin Mileham	Chief Executive Officer
City of Perth	Erica Barrenger	Director Planning and Development
City of Perth	Cath Hewitt	Manager Activity Approvals
City of Perth	Konrad Seidl	Manager Community Amenity and Safety
City of Perth	Jacqueline Scott	Manager Construction
City of Perth	Nathan Ahern	Manager Waste and Cleansing
City of Perth	Martin Copeman	Manager Parks
City of Perth	Phil Adams	Manager Street Preservation and Maintenance
City of Perth	Jason Tan	Manager Asset Management
City of Perth	Jason Henneveld	Manager Coordination and Design
City of Perth	Sandra Arnold	Manager Parking
City of Perth	Daniel High	Manager Economic Development
City of Perth	Ben Fitzpatrick	Manager Business Support and Sponsorship
City of Perth	Robert Farley	Manager City Planning

Stakeholders – List B. External Stakeholders

Organisation	Name	Title
Property owners	223215/18	HILL - LETTER MAIL MERGE - GENERAL STAKEHOLDER
Property occupiers	223215/18	HILL - LETTER MAIL MERGE - GENERAL STAKEHOLDER
Officeworks	-	Manager
Caltex Oil Aust Pty Ltd	-	Manager
Grosvenor Hotel	-	Manager
Royal Perth Hospital	Todd Gogol	Director of Consumer and Community Engagement
Department of Health	Dr Russell-Weisz	Director General of the Department of Health
Ainslie House	-	Facilities Management Royal Perth Hospital
Block M	-	Facilities Management Royal Perth Hospital
ENI House	-	Owner / Manager

Kirkman House	-	Facilities Management Royal Perth Hospital
Department of Communities	Grahame Searle	Housing Authority Director General
Rostrevor Building	-	Owner / Manager
Perth Stadium	Glenn Watson	Stadium Park Event Manager
Wellington Square Enhancement Project	Chris Kopec	Senior Project Manager, City of Perth
Town of Vincent	Craig Wilson	A/Director Technical Services
North Metropolitan TAFE East Perth	Michelle Hoad	Managing Director
Metropolitan Redevelopment Authority (MRA)	David Jack	
St John Ambulance	WA State Office	N/A
East Perth Community Safety Group	Jeff Broun	Chairman
Main Roads WA	Sharon Forster	Traffic Services Coordinator
Department of Fire and Emergency Services	Perth Fire Station	N/A
Mercedes College	Liam Smith	Head of yr 12, Phys Ed
Perth Mint	-	Owner/Manager
Transport Portfolio	Richard Sellers	

Risk Assessment

Hill Street, Wittenoom Street and Lord Street Risk Register Content Manager Reference:
301949/17

Prepare

Key messages

- Two-way streets prioritise people movement through the city. Benefits include slower traffic, improved priority for pedestrians and creation of people oriented streets.
- The two-way traffic conversion of Hill, Wittenoom and Lord Streets will ensure a consistent approach to traffic and pedestrian movement throughout the city.
- Two-way streets benefits the driver, providing more route choices, decreasing circling trips and making it easier to navigate the city.

Important note: This project is specific to two-way traffic flow and for clarity, engagement activities should not refer to 'East End Revitalisation'.

Target audience and tactics

Engage Perth: Online project page for Two-way Hill Street (Online tools to be used: timeline; FAQs, Attach success stories of other two-way conversions, document upload of draft masterplan, who's listening with contact points)

Letters: Letters will be tailored to each stakeholder group to:

- Inform them of the two-way traffic conversion, proposed timelines etc.
- Provide them with information specifically relevant to them.
- Encouraging visitation to the Engage Perth page.
- Enable stakeholders to contact Transport Unit for more information.

Two-way traffic Infographic flyer: Flyer that summarises the key benefits of two-way conversion will be included in stakeholder letters and provided on Engage Perth project page.

Public information briefing session (TBC): Prior to the overall commencement of construction timings to inform the community following initial consultation via the above tactics. Estimated early to mid-18/19 financial year.

Timeline

Date	Stakeholder(s)	Engagement action	Responsible Person
19 December 2017	Council	Council Report and Council Meeting - Council Endorsement of concept and approval to commence stakeholder engagement.	Manager Transport
15 October 2018	List B. Externals	Online consultation opens - Engage Perth	Project Owner / Stakeholder Engagement Officer
Completed	List A. Internals	Email communication inviting for comment on the proposal.	Project Owner (TU)
1 October 2018	List B. Externals	Tailored Letter – explaining the two-way proposal and anticipated works timeline and direct to project owner to provide any feedback to the City. Refer CM 323563/17 for further detail on each stakeholder within this list. Mention of both projects. Letter – explaining the two-way proposal and anticipated works timeline and direct to Engage Perth where they can provide feedback to the City. Small mention of Hay Street.	Project Owner (TU)
2 November 2018	All	Online consultation closes - Engage Perth. Close loop with a thank you online, email to respondents and/or letter advising of status once gone to council in February 2018.	Project Owner / Stakeholder Engagement Officer

Stakeholder Engagement Plan Two-way Streets Program – Hill St, Wittenoom St and Lord St

		(See below)	
TBC	Council	Council Report and Council meeting – Council endorsement of consultation result, approval of preliminary cost estimate and handover to CON.	Manager Transport
TBC	List B.	Letter – detailed explanation of construction program	Project Owner Note: This will fall under responsibility of CON unit following a handover of project to detailed design and construction phase.

Implement

Roles and responsibilities

- Project Owner (Hill, Wittenoom and Lord Two-way): Daniel Beresford, Transport Engineer. Responsible for project delivery through to construction phase.
- Chris Watts, Manager Transport, responsible for Transport Unit approvals relating to the project.
- Sharon Forster, Main Roads WA: Point of contact for obtaining Main Roads approval of council endorsed concept designs (i.e. Signalised intersections).

Approvals protocol

This stakeholder engagement plan must be approved by:

1. Stakeholder Engagement Officer, Kylie Hartley
2. Manager Transport, Chris Watts
3. Director Planning and Development, Erica Barrenger

Please be advised that all approved Stakeholder Engagement Plans are required to be submitted to ELG for information. Please progress through relevant Director.

Reporting

Stakeholder engagement activities will be reported in:

- Council report seeking endorsement of consultation result, approval of preliminary cost estimate and handover to CON.
- Other reports: Relevant Construction Unit handover documentation.

Evaluate

Once stakeholder engagement is finalised, with no significant community objection to the schemes, a post engagement council endorsement will be sought to approve both projects to proceed with implementation. Measurable outcomes include:

- Majority of stakeholders unopposed to the schemes going ahead.
- Minimal comments / enquires relating to the specific plans.
- Concerns of internal stakeholders are met accordingly.

The Project team will provide feedback to the stakeholders through Letters advising of Council decisions and provide a timeline of expected works.

Approval of Stakeholder Engagement Plan

Stakeholder Engagement Officer

Approved

Name Kylie Hartley

Signature K. Hartley

Date 13/9/18

Manager Transport

Approved

Name CHRIS WATTS

Signature [Signature]

Date 13/9/18

Director

Approved

Name Erica Barranger

Signature EBarranger

Date 18/9/18

Appendix 1: Engage Perth Content

Home Page Content

As part of the continuing Two-way Streets Program, the City of Perth is upgrading sections of Hill Street, Wittenoom Street and Lord Street to introduce two-way traffic, providing a legible and revitalised street network, improved pedestrian walkability and cycling connectivity. Community feedback is now being sought on the Draft Concept.

Project Page Content

The City of Perth is continuing the **Two-way Streets Program** by proposing to upgrades to Hill Street, Wittenoom Street and Lord Street (known collectively as the *Hill Street Two-way Project*) to introduce two-way traffic, creating a legible and revitalised street network, improved pedestrian walkability and cycling connectivity through:

1. **Prioritisation of people:** slower traffic creates friendlier spaces for pedestrians and creates people oriented city streets.
2. **Sustainable transport:** encouraging sustainable transport choices by providing a safer, easy to navigate, environment for walking, cycling and public transport.
3. **Benefits to the driver:** more route choices make it easier to find your way around, decreasing unnecessary circling trips and driving distance between origin and destination.

Key features of the *Hill Street Two-way Project* include:

- Introduction of two-way traffic flow on Hill Street (Adelaide Terrace to Wittenoom Street), Wittenoom Street (Hill Street to Lord Street) and Lord Street (Wittenoom Street to Wellington Street).
- Improved pedestrian crossings at signalised intersections.
- On street cycle lanes and head start boxes on Hill Street, as planned in the [City of Perth Transport Strategy](#).
- Improved lighting across the project area.
- Removal of the slip lanes at the Hill Street/Wittenoom Street and Lord Street/Wittenoom Street intersections.
- An overall reduction of vehicles travelled on the road network.

Additionally, the City of Perth will soon commence concept design which will see Hay Street converted to two-way traffic between Bennett Street and Victoria Avenue. Impacted stakeholders will be informed with further details as this project progresses.

Construction of the proposed upgrades to Hill Street, Lord Street and Wittenoom Street are planned as part of the 2019/2020 capital works program. The conversion of Hay Street to two-way is anticipated to commence following the completion of the Hill Street project

Appendix 2: Engage Perth Questions

Hill Street Two-way project: Have your say

The City of Perth is continuing the **Two-way Streets Program** by proposing to upgrades to Hill Street, Wittenoom Street and Lord Street (known collectively as the *Hill Street Two-way Project*) to introduce two-way traffic, creating a legible and revitalised street network, improved pedestrian walkability and cycling connectivity through:

- **Prioritisation of people:** slower traffic creates friendlier spaces for pedestrians and creates people oriented city streets.
- **Sustainable transport:** encouraging sustainable transport choices by providing a safer, easy to navigate, environment for walking, cycling and public transport.
- **Benefits to the driver:** more route choices make it easier to find your way around, decreasing unnecessary circling trips and driving distance between origin and destination.

What is your relationship to the project area? (Choose all that apply) (Required)

- I am a resident of the area
- I work in the area
- I own / operate a business in the area
- I study in the area
- I am a visitor
- Other

What is your age group? (Choose any one option) (Required)

- Under 18
- 18-24
- 25-29
- 30-39
- 40-49
- 50-59
- 60-69
- 70-79
- 80 and over
- Prefer not to answer

What brings you to the project area? (Choose all that apply)

- For work
- Exercise (running, walking, cycling)
- As a thoroughfare (going from one place to another)
- Shopping
- To walk my dog
- Dining and socialising
- Visit services (ie hospitals)
- Parking
- Study
- Cultural activities (museum, library, gallery)
- Places of worship
- Other

Two-way Streets Program - Hill Street, Wittenoom Street & Lord Street

Page 80

Engage Perth

What are your favourite features of the Hill Street Two-way project? (Choose all that apply)

- Two-way streets
- On-street cycle lanes
- Improved lighting
- Upgraded pedestrian crossings
- Lower traffic speeds
- Ease of navigation
- Other

Please give us your overall feedback of the Hill Street Two-way project

Project Report

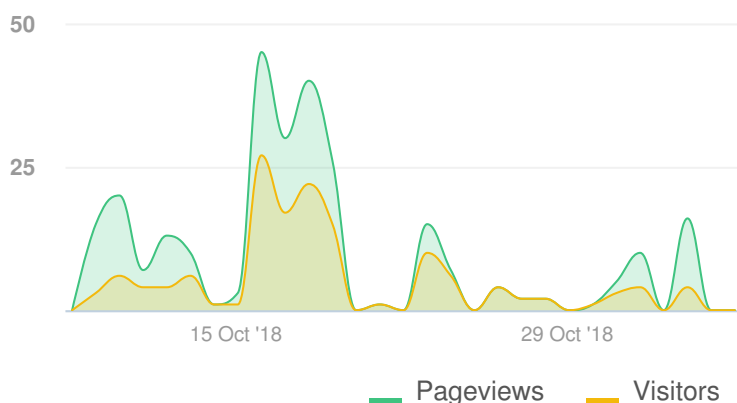
07 October 2018 - 04 November 2018

Engage Perth

Two-way Streets Program - Hill Street, Wittenoom Street & Lord Street



Visitors Summary

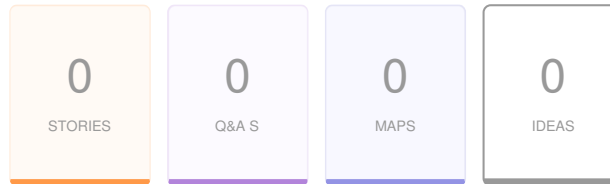
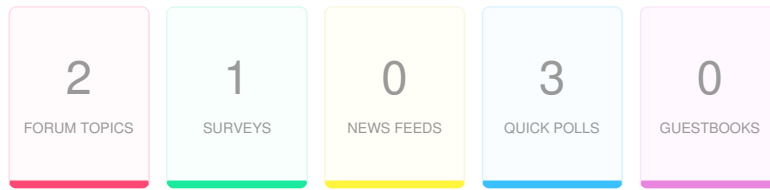


Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
148	27	
NEW REGISTRATIONS		
3		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
3	37	126

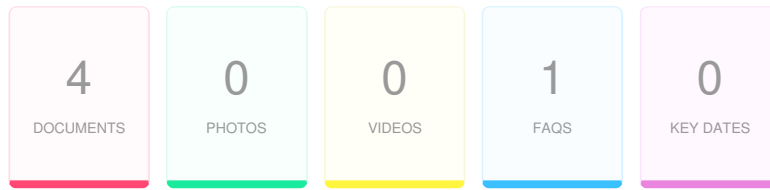
Aware Participants	126	Engaged Participants	3		
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	126				
Informed Participants	37	Contributed on Forums	0	0	0
Informed Actions Performed	Participants	Participated in Surveys	2	1	0
Viewed a video	0	Contributed to Newsfeeds	0	0	0
Viewed a photo	0	Participated in Quick Polls	0	0	0
Downloaded a document	24	Posted on Guestbooks	0	0	0
Visited the Key Dates page	5	Contributed to Stories	0	0	0
Visited an FAQ list Page	0	Asked Questions	0	0	0
Visited Instagram Page	0	Placed Pins on Places	0	0	0
Visited Multiple Project Pages	33	Contributed to Ideas	0	0	0
Contributed to a tool (engaged)	3				

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Hill Street Two-way project: Have your say	Draft	19	2	1	0

INFORMATION WIDGET SUMMARY



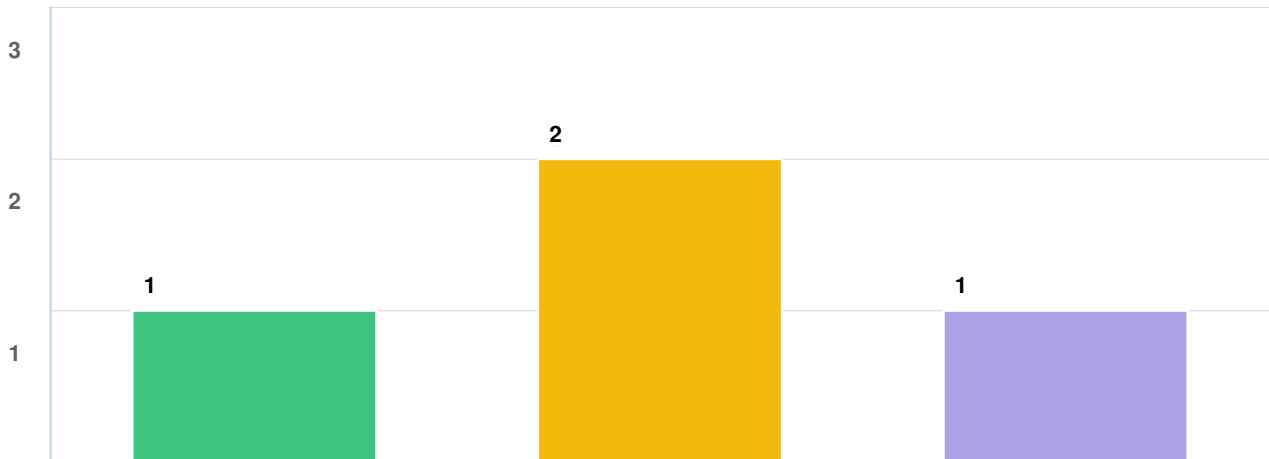
Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	Hill St, Wittenoom St, Lord St Two-way Concept Plan	19	21
Document	Hill St, Wittenoom St, Lord St Two-way - Proposed Stages	12	12
Document	Hay Street and Hill Street Two-way Project Overlap	7	8
Document	City of Perth Transport Strategy	5	6
Key Dates	Key Date	5	5
Faqs	faqs	0	0

ENGAGEMENT TOOL: SURVEY TOOL

Hill Street Two-way project: Have your say

VISITORS 19	CONTRIBUTORS 3	CONTRIBUTIONS 3
--------------------	-----------------------	------------------------

What is your relationship to the project area?

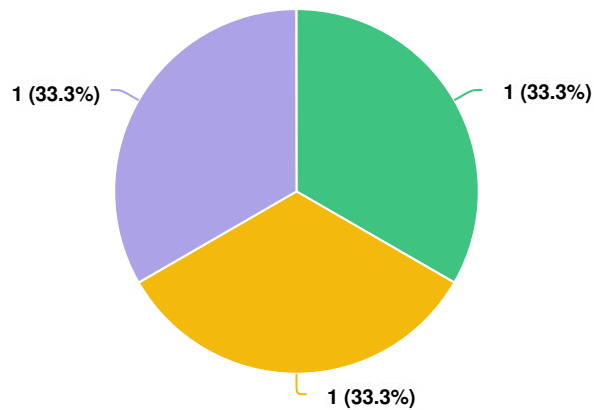


Question options

- I work in the area
- I own / operate a business in the area
- Other

(3 responses, 0 skipped)

What is your age group?

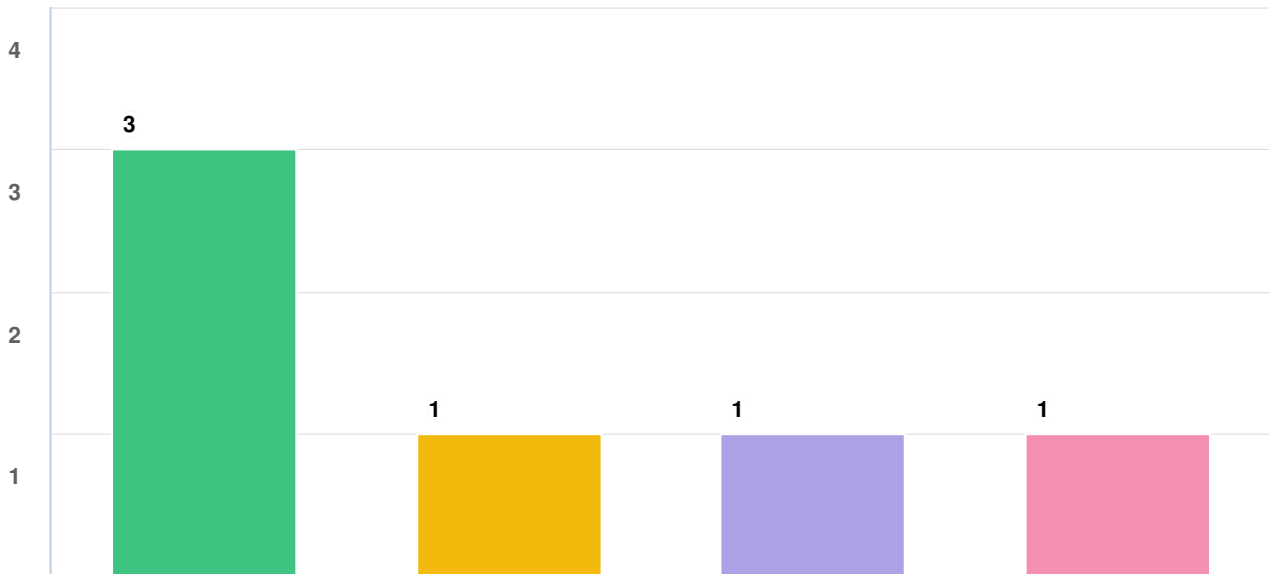


Question options

- 25-29
- 40-49
- 50-59

(3 responses, 0 skipped)

What brings you to the project area?

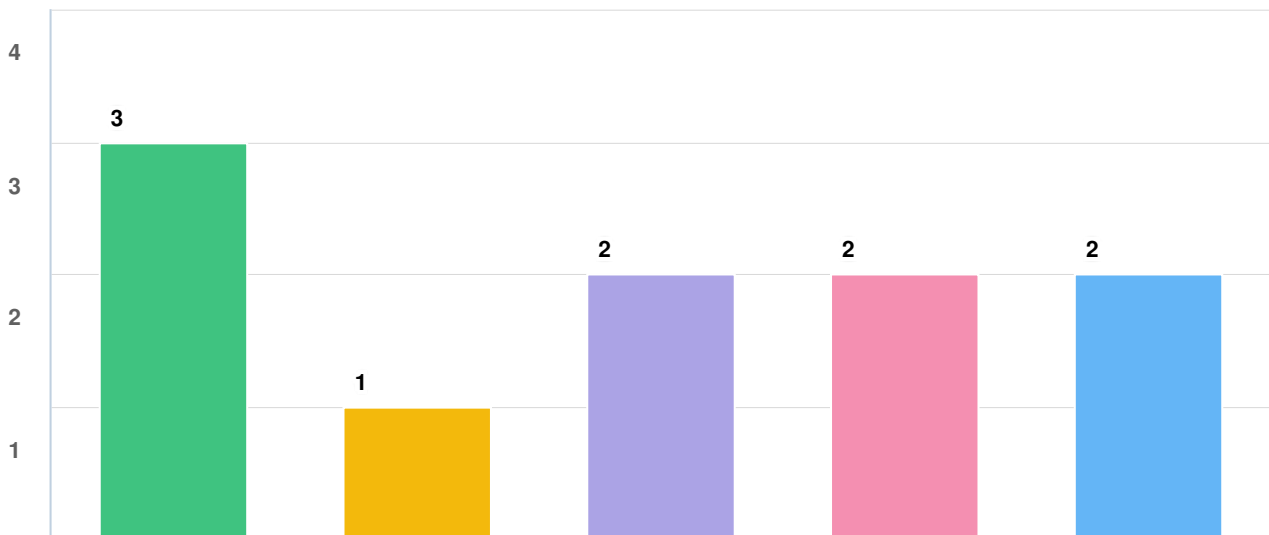


Question options

- For work
- Exercise (running, walking, cycling)
- As a thoroughfare (going from one place to another)
- Other

Optional question (3 responses, 0 skipped)

What are your favourite features of the Hill Street Two-way project?

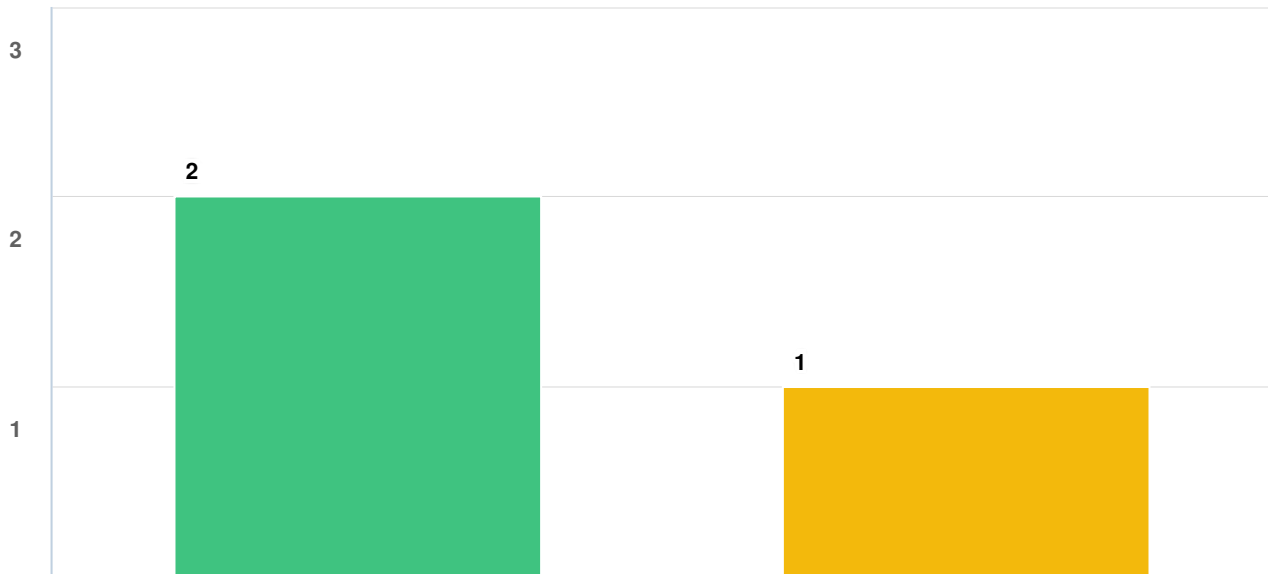


Question options

- Two-way streets
- On-street cycle lanes
- Improved lighting
- Upgraded pedestrian crossings
- Lower traffic speeds

Optional question (3 responses, 0 skipped)

Do you support the conversion to two-way traffic?



Question options

- Yes
- Don't know

(3 responses, 0 skipped)

Survey Responses

07 October 2018 - 04 November 2018

Hill Street Two-way project: Have your say

Engage Perth

Project: Two-way Streets Program - Hill Street, Wittenoom Street & Lord Street



VISITORS

19

CONTRIBUTORS

3

2

Registered

1

Unverified

0

Anonymous

RESPONSES

3

2

Registered

1

Unverified

0

Anonymous

**Respondent No:** 1**Login:****Email:****Responded At:** Oct 16, 2018 10:02:48 am**Last Seen:** Oct 16, 2018 01:38:33 am**IP Address:** 127.0.0.1

Q1. **What is your relationship to the project area?** I own / operate a business in the area

Q2. **What is your age group?** 50-59

Q3. **What brings you to the project area?** For work

Q4. **What are your favourite features of the Hill Street Two-way project?** Two-way streets

Q5. **Do you support the conversion to two-way traffic?** Yes

Q6. **Please give us your overall feedback of the Hill Street Two-way project**

Would like to find out what your traffic management plan is for Hill Street to Wellington Street. Our business is on Moore Street and this Two Way Street plan will cause some inconvenience getting in and out of Moore Street during the road works.



Respondent No: 2

Login:

Email:

Responded At: Oct 18, 2018 14:09:52 pm

Last Seen: Oct 18, 2018 06:14:01 am

IP Address: 127.0.0.1

Q1. **What is your relationship to the project area?** I own / operate a business in the area

Q2. **What is your age group?** 40-49

Q3. **What brings you to the project area?** For work

Q4. **What are your favourite features of the Hill Street Two-way project?**

- Two-way streets
- On-street cycle lanes
- Improved lighting
- Upgraded pedestrian crossings
- Lower traffic speeds

Q5. **Do you support the conversion to two-way traffic?** Yes

Q6. **Please give us your overall feedback of the Hill Street Two-way project**

We own a property and run a business on Moore St - I am extremely concerned about the level of access for vehicles during the construction period and would be interested to know what sort of traffic management plan is in place during this period to ensure that our staff can get to work safely and on time.



Respondent No: 3

Login:

Email:

Responded At: Nov 02, 2018 13:52:27 pm

Last Seen: Nov 02, 2018 13:52:27 pm

IP Address: n/a

Q1. What is your relationship to the project area?

I work in the ara

Other

Q2. What is your age group?

25-29

Q3. What brings you to the project area?

For work

Exercise (running, walking, cycling)

As a thoroughfare (going from one place to another)

Other

Q4. What are your favourite features of the Hill Street Two-way project?

Two-way streets

Improved lighting

Upgraded pedestrian crossings

Lower traffic speeds

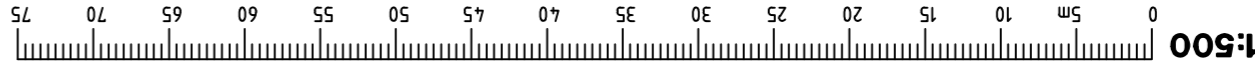
Q5. Do you support the conversion to two-way traffic?

Don't know

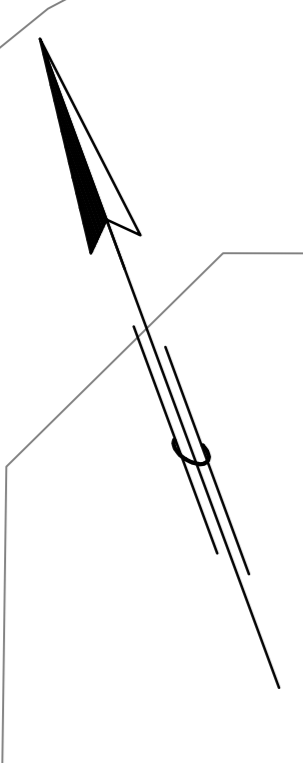
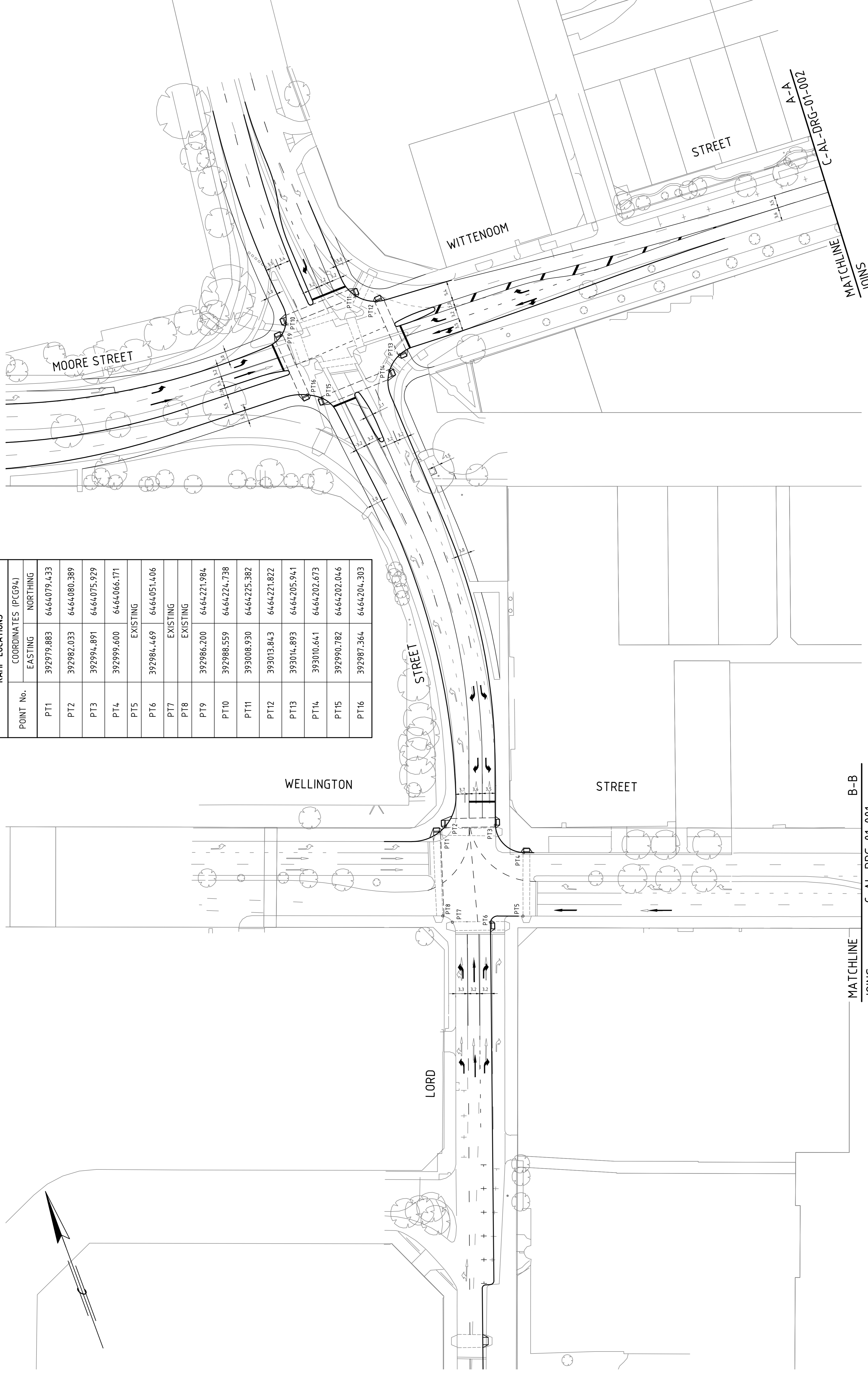
Q6. Please give us your overall feedback of the Hill Street Two-way project

- need to ensure that cycling facilities are built to the "AAA" standard (i.e. all ages and abilities). Painted cycle lanes are not considered best practice and will not support the large "interested but concerned" demographic. - need to ensure that planned modifications to Wittenoom Street allow for a future (protected) cycleway linking central Perth to the Mattagarup Footbridge. This is a highly important route that needs to be given proper attention.

ATTACHMENT 13.7C



RAMP LOCATIONS		
POINT No.	COORDINATES (PCG94)	
	EASTING	NORTHING
PT1	392979.883	6464079.433
PT2	392982.033	6464080.389
PT3	392994.891	6464075.929
PT4	392999.600	6464066.171
PT5	EXISTING	
PT6	392984.469	6464051.406
PT7	EXISTING	
PT8	EXISTING	
PT9	392986.200	6464221.984
PT10	392988.559	6464224.738
PT11	393008.930	6464225.382
PT12	393013.843	6464221.822
PT13	393014.893	6464205.941
PT14	393010.641	6464202.673
PT15	392990.782	6464202.046
PT16	392987.364	6464204.303



Issue	Description	Date	By	Char	App'd
F	FOOTPATHS AND VEHICLE TRACKING AMENDED	25.05.18	ME	DN	SA
E	LINE MARKING AND FOOTPATHS ADDED	18.05.18	ME	DN	SA
D	STOP LINE ADJUSTMENTS	30.10.17	NMI	DN	SA
C	LORD ST CONCEPT MODIFICATION & RAMP ADDITIONS	26.10.17	PB	DN	DP
B	ISSUED AS FINAL CONCEPT	14.07.17	PB	DN	SA
A	ISSUED AS FINAL DRAFT CONCEPT	29.06.17	PB	DN	SA

FOR INFORMATION ONLY
DATE : 23 May 2018

ARUP

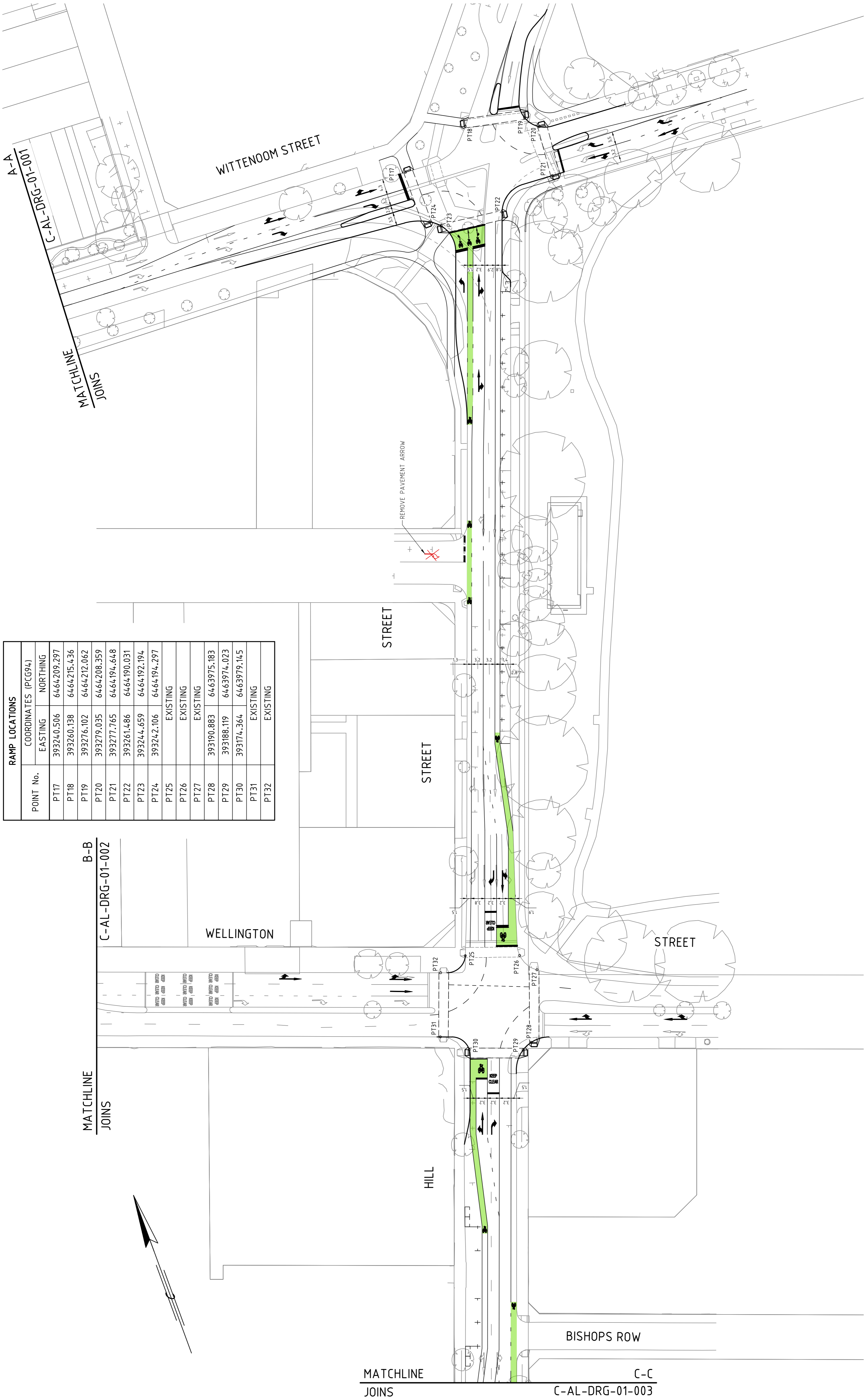
Level 14, Exchange Tower, 2 The Esplanade,
Perth, Western Australia, 6000
Tel: +61 8 9527 8000
www.arup.com



Job Title
**CITY OF PERTH
HILL STREET TWO-WAY STUDY**

Drawing Title
**CONCEPT PLAN
SHEET 1 OF 3**

Scale at A1
1:500
Discipline
CIVIL
Job No
255604-00
Drawing Status
CONCEPT
Drawing No
255604-C-AL-DRG-01-001
Issue
F



POINT No.	RAMP LOCATIONS	
	COORDINATES (PCG94)	
	EASTING	NORTHING
PT17	393240.506	6464209.297
PT18	393260.138	6464215.436
PT19	393276.102	6464212.062
PT20	393279.035	6464208.359
PT21	393277.765	6464194.648
PT22	393261.486	6464190.031
PT23	393244.659	6464192.194
PT24	393242.106	6464194.297
PT25	EXISTING	EXISTING
PT26	EXISTING	EXISTING
PT27	EXISTING	EXISTING
PT28	393190.883	6463975.183
PT29	393188.119	6463974.023
PT30	393174.364	6463979.145
PT31	EXISTING	EXISTING
PT32	EXISTING	EXISTING

A1 | A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P

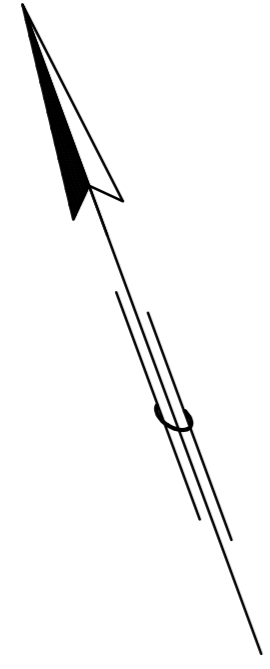
A-A
C-AL-DRG-01-001

B-B
C-AL-DRG-01-002

C-C
C-AL-DRG-01-003

MATCHLINE
JOINS

MATCHLINE
JOINS



Issue	Date	By	Char	App'd
E	25.05.18	ME	DN	SA
D	18.05.18	ME	DN	SA
C	26.10.17	PB	DN	DP
B	14.07.17	PB	DN	DP
A	29.06.17	PB	DN	SA

FOR INFORMATION ONLY
DATE : 25 May 2018

ARUP
Level 14, Exchange Tower, 2 The Esplanade,
3 North Perth, Western Australia, 6000
Tel: +61 8 9527 8000
www.arup.com

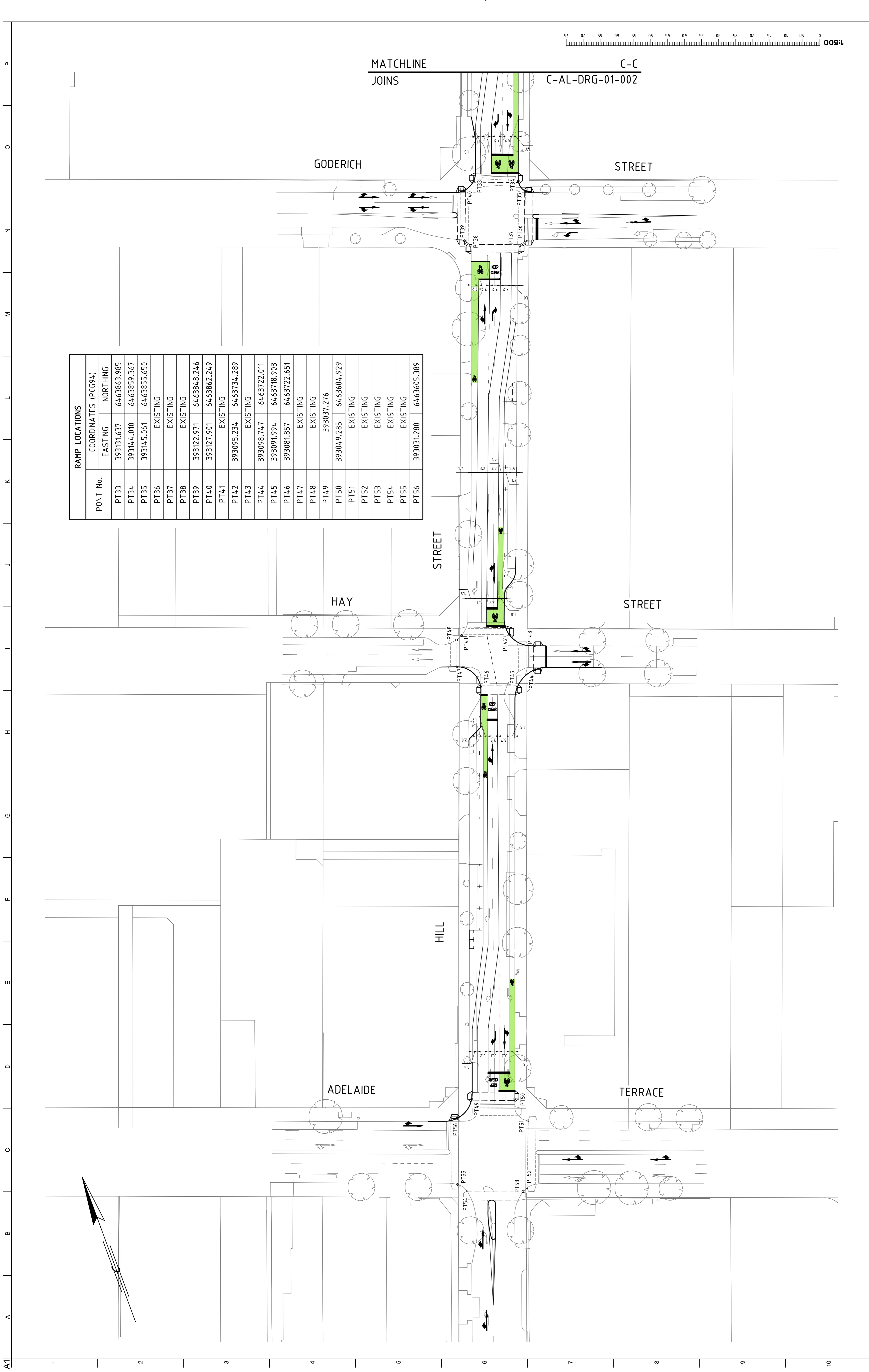
CONSULT AUSTRALIA
Member Firm
Arup Pty Ltd
ABN: 18 000 986 105



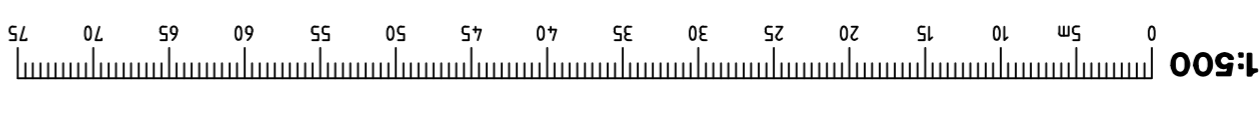
Client
CITY OF PERTH
HILL STREET TWO-WAY STUDY

Drawing Title
CONCEPT PLAN
SHEET 2 OF 3

Scale at A1	1:500
Discipline	CIVIL
Job No	255604-00
Drawing Status	CONCEPT
Drawing No	255604-C-AL-DRG-01-002
Issue	E



RAMP LOCATIONS		
PONT No.	COORDINATES (PCG94)	
	EASTING	NORTHING
PT33	393131.637	6463863.985
PT34	393144.010	6463859.367
PT35	393145.061	6463855.650
PT36	EXISTING	EXISTING
PT37	EXISTING	EXISTING
PT38	EXISTING	EXISTING
PT39	393122.971	6463848.246
PT40	393127.901	6463862.249
PT41	EXISTING	EXISTING
PT42	393095.234	6463734.289
PT43	EXISTING	EXISTING
PT44	393098.747	6463722.011
PT45	393091.994	6463718.903
PT46	393081.857	6463722.651
PT47	EXISTING	EXISTING
PT48	EXISTING	EXISTING
PT49	393037.276	
PT50	393049.285	6463604.929
PT51	EXISTING	EXISTING
PT52	EXISTING	EXISTING
PT53	EXISTING	EXISTING
PT54	EXISTING	EXISTING
PT55	EXISTING	EXISTING
PT56	393031.280	6463605.389



Scale at A1 1:500
 Discipline CIVIL
 Job No 255604-00
 Drawing Status **CONCEPT**
 Drawing No 255604-C-AL-DRG-01-003
 Issue **F**

Drawing Title
**CONCEPT PLAN
 SHEET 3 OF 3**

Job Title
**CITY OF PERTH
 HILL STREET TWO-WAY STUDY**



ARUP
 Level 14, Exchange Tower, 2 The Esplanade,
 Perth, Western Australia, 6000
 Tel: +61 8 9527 8000
 www.arup.com

FOR INFORMATION ONLY
 DATE : 23 May 2018

Issue	Date	By	Check	App'd	Description
F	25.05.18	ME	DN	SA	FOOTPATHS AND VEHICLE TRACKING AMENDED
E	18.05.18	ME	DN	SA	LINE MARKING AND FOOTPATHS ADDED
D	30.10.17	NMI	DN	SA	STOP LINE ADJUSTMENTS
C	26.10.17	PB	DN	DP	LORD ST CONCEPT MODIFICATION & RAMP ADDITIONS
B	14.07.17	PB	DN	DP	ISSUED AS FINAL CONCEPT
A	29.06.17	PB	DN	SA	ISSUED AS FINAL DRAFT CONCEPT

A1 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10

P | O | N | M | L | K | J | I | H | G | F | E | D | C | B | A

Recommendation:***That Council:***

1. ***ENDORSES the draft Boundary Roads Memorandum of Understanding between City of Nedlands and City of Perth;***
2. ***AUTHORISES the Chief Executive Officer to sign the Draft Boundary Roads Memorandum of Understanding between City of Nedlands and City of Perth; and***
3. ***NOTES the allocation of the responsibility for the care and control of boundary assets is governed by section 3.53 of Local Government Act (1995) which states the control and management of a reserve partially within two or more local governments shall be agreed by the local governments.***

FILE REFERENCE:	P1032585#06-02
REPORTING UNIT:	Construction
RESPONSIBLE DIRECTORATE:	Construction and Maintenance
DATE:	30 November 2018
ATTACHMENT/S:	Attachment 13.8A – Draft Boundary Roads Memorandum of Understanding between City of Nedlands and City of Perth Attachment 13.8B – Boundary Roads Memorandum of Understanding between City of Nedlands and City of Perth Schedule Attachment 13.8C – Deposited Plan 404450

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

Legislation / Strategic Plan / Policy:

Legislation Section 3.53 of the *Local Government Act (1995)*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Goal 7 - An open and engaged city

Policy

Policy No and Name: N/A

Purpose and Background:

The purpose of this report is to seek Council approval for the execution of a Memorandum of Understanding (MOU) between the City of Nedlands and City of Perth with regards to works responsibilities on boundary assets and to authorise the Chief Executive Officer to sign the MOU.

The draft Boundary Roads MOU between the City of Nedlands and City of Perth is designed to provide a framework for the works responsibility across a range of infrastructure assets at the shared boundary between City of Nedlands and City of Perth.

The establishment of the MOU acknowledges mutual understanding and promotes a collaborative working relationship among the adjacent neighbouring councils.

Detail:

The allocation of responsibility for the care and control of boundary assets is governed by section 3.53 of the *Local Government Act 1995* which states that the control and management of a reserve partially within two or more local governments shall be as agreed by the local governments.

Subsequent to the passing of the *City of Perth Act 2016*, several meetings were carried out between City of Perth and City of Nedlands in 2017 discussing shared boundary assets service level, works responsibilities and funding arrangement.

The MOU guides the management activities between the two municipal governments in following roads:

- Gairdner Drive (Aberdare Street to Verdun Street: Private Road)
- Verdun Street (Croydon Street to Gairdner Drive)
- Verdun Street (Gairdner Drive to Cul-de-sac: Private Road)
- Monash Avenue (No. 74 Hampden Road)
- Hampden Road (Gordon Street to Monash Avenue)
- Clifton Street (Clifton Street to Broadway) – Road Reserve Only
- Stirling Highway (Stirling Highway to River)
- Broadway (Stirling Highway to River)
- Gordon Street (Hampden Road to Clifton Street)

The MOU further specified twenty-three agreed works responsibilities items based on assets class. Detail is provided in Attachment 13.8B to this report.

The City of Nedlands has endorsed the draft Memorandum of Understanding between the two municipal governments on 23 October 2018.

Financial Implications

There are no additional financial implications to the City. Both parties are responsible for their own works cost. In the event a joint work for assets (e.g. road surface/pavements, median islands, roundabouts, drainage assets, lighting etc.) in the boundary area, both parties shall agree on the scope of work, program and schedule prior to the commencement of work and equally share the cost.

Items of an unforeseen nature will be addressed on an “as needs” basis as they arise.

Comments

The draft Boundary Roads MOU between the City of Nedlands and City of Perth is designed to provide a framework for the works responsibility across a range of infrastructure assets at the shared boundary between City of Nedlands and City of Perth.

The establishment of the MOU acknowledges mutual understanding and promotes a collaborative working relationship among the adjacent neighbouring councils.



City of Nedlands



City of Perth

BOUNDARY ROADS

BETWEEN THE CITY OF NEDLANDS AND CITY OF PERTH

1. The City of Nedlands and the City of Perth agree to the division of works responsibilities for boundary roads shared by the two Local Governments as detailed in the attached explanatory notes and schedule.
2. This memorandum of understanding (agreement) shall remain in place indefinitely until amended by resolution of both Councils or terminated by resolution of either Council.

Signed

City of Nedlands (Approved by Council on ____)

Mayor

Date

CEO

Date

City of Perth (Approved on ____)

CEO

Date

BOUNDARY ROADS MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF NEDLANDS AND CITY OF PERTH

EXPLANATORY NOTES

1. BACKGROUND

The parties to this Memorandum of Understanding are:

CITY OF NEDLANDS, ABN 92 614 728 214, a local government established in 1893, pursuant to the Local Government Act 1995 and having its registered office at 71 Stirling Hwy, Nedlands (“City of Nedlands”).

CITY OF PERTH, ABN 83 780 118 628, a local government pursuant to the Local Government Act 1995 and having its registered office at Council House, 27 St George’s Terrace, Perth (“City of Perth”).

The City of Nedlands is a Perth metropolitan Local Government with boundaries to five neighbouring Local Governments. The boundaries generally follow one side of a local or district road reserve.

The allocation of responsibility for the care and control of boundary roads and associated assets is governed by the Local Government Act (1995) Section 3.53, which states that the control and management of a reserve partially within two or more Local Governments shall be as agreed by the Local Government. If agreement is not achieved, the issue is to be referred to the Minister for resolution.

In the past, the understanding between Local Governments on the division of operational and capital responsibilities for works on these roads, has been largely verbal with limited documentation.

The allocation of boundary roads responsibility for asset management and grant funding purpose has been clearly defined through the road inventory maintained by MRWA, however this division is not necessarily the most practical arrangement for operational activities therefore refer Appendix 1 - Schedule for agreed division.

2. PURPOSE

The purpose of this Memorandum of Understanding between the two Local Governments on the division of works responsibilities for boundary roads is to:

- Ensure that all categories of works for all sections of the boundary roads receive a reasonable standard of attention as non-boundary roads.
- Clearly define the division of works responsibilities on these roads between the two Local Governments.

- Acknowledge mutual understanding and promote a collaborative working relationship. The parties agree in principle to coordination of management across shared responsibility areas.

3. PRINCIPLES

The division of responsibilities as described in the document are based on the following principles:

- 3.1 That the long-term interests of residents and road users shall be paramount.
- 3.2 That operational tasks and costs e.g. road maintenance and verge maintenance, are shared in an equal and practical manner (refer Appendix 1 – Schedule; Item 7).
- 3.3 That capital works are arranged in a cost effective manner taking into consideration lead time for application and approval of grant funding.
- 3.4 That the MRWA road inventory shall be the basis for allocation of capital works responsibilities (initiating, investigation, preparation of funding applications, design and construction) on boundary roads between Local Governments, unless mutually agreed by the parties to the agreement (refer Appendix 1).
- 3.5 That the “own resources” funding component of all capital road works on all sections of the boundary roads shall be shared equally between the two Local Governments, unless agreed otherwise.
- 3.6 That each capital road works project shall be subject to negotiations by the two Local Governments on a specific cost sharing agreement.
- 3.7 That both Local Governments will assist in expediting the implementation of capital works as proposed by the other Local Government.
- 3.8 That both Local Governments will advise of future boundary road projects at the earliest opportunity. The notice period is subject to project size and scope.
- 3.9 That both Local Governments will share their forward works programs, once adopted by their respective Council, each financial year.

4. IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING

Successful implementation of this agreement will require preparedness on the part of both Local Governments to act in good faith to achieve the objectives. Communication regarding specific projects will be required as follows:

- 4.1 Where maintenance requirements discovered by one Local Government extend into the other Local Government area, the other Local Government shall be informed and requested to take appropriate action.

- 4.2 For capital works involving only one Local Government (e.g. verge street lighting and verge path construction), the other Local Government shall be notified and consulted regarding the scope and timing of the works.
- 4.3 For capital works involving the expectation of funding contributions from other Local Governments, the initiating Local Government shall liaise, negotiate and reach agreement with the other Local Government. Negotiations may include the scope of works, grant applications, timing and funding contribution for the project within a timeframe suitable to both Local Government's budget preparation process, including the notice period and/or number of budget cycles.
- 4.4 Where a specific project agreement cannot be reached, the initiating Local Government can:
- Proceed with the project at its own expense provided there is an agreement with respect to the scope of works;
 - Proceed with the project at its own expense and recover the cost in accordance with Section 24 (5) of the Main Roads Act 1930; or
 - Defer the project pending a determination from the Minister.
- 4.5 The specific project agreements shall be kept separate and independent from other road works projects or other boundary issues.
- 4.6 Where there is a conflict of asset management data, both Local Governments shall share the data, so it can be aligned.
- 4.7 This Memorandum of Understanding is effective from the date on the cover page.

The Schedule shall be reviewed on every second year at a meeting of representatives of the two parties. The Schedule may be amended without requirement of further Council approval.

Notwithstanding the above provisions of this agreement, City of Nedlands and City of Perth may agree to vary certain terms of this agreement to meet the genuine needs of both parties.

5. SCHEDULE

The attached schedule (see Appendix 1) outlines the division of responsibilities for the various categories of works. The attached Deposited Plan 404450 demonstrates all roads covered under this agreement (see Appendix 2).

6. PARKING

- City of Nedlands resident parking permits will be allowed within the areas of Broadway and Hampden Roads, contained within the City of Perth.

- City of Perth resident parking permits will be allowed within the areas of Broadway and Hampden Roads, contained within the City of Nedlands.
- The Broadway carpark shall be generally maintained as per the boundary delineation. Where surface renewal is required, costs will be shared.

7. DEFINITIONS

Definitions of terms used in the schedule are as follows:

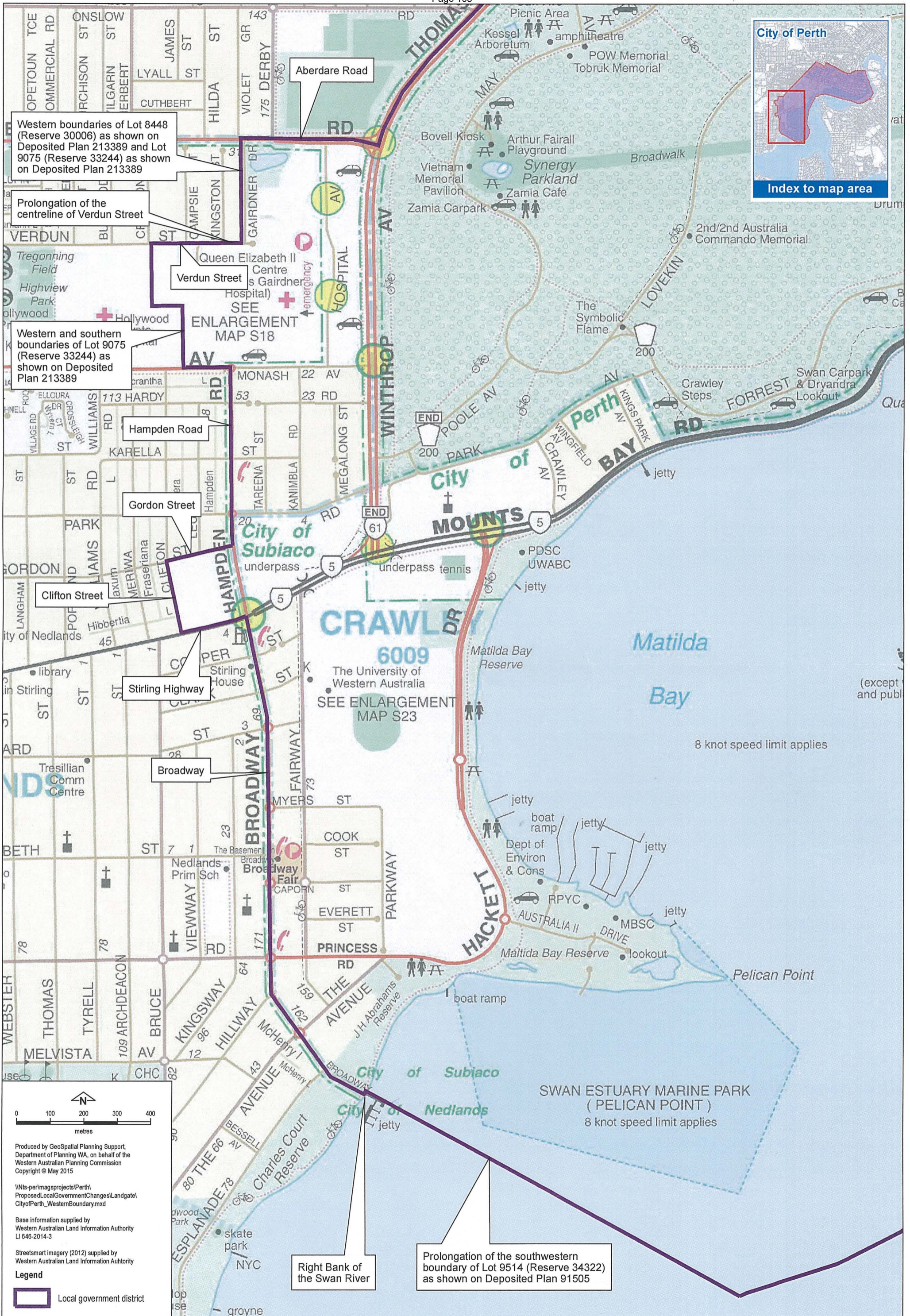
- Own Resources Costs – the financial contributions made by the Local Governments from their own funds towards the task/project, as distinct from the grant funding.
- Capital Costs – the Capital costs for a specific project, which shall include all investigation, surveying, design and construction costs.
- Road Maintenance – pothole repairs, minor kerbing replacement, sweeping, crack patching, repair/cleaning of drainage facilities, etc.
- Verge Maintenance – mowing, tree pruning (tree lopping is no longer an accepted tree management practice), rubbish removal and levelling.
- Verge Control – enforcement of verge and parking local laws.
- Median and Island Maintenance - mowing, rubbish removal, tree pruning, landscaping repairs, brick paving/concrete slab repairs, sweeping, drainage cleaning, reticulation operations and minor kerbing replacement.
- Capital Road Works – asset creation works on the road carriageways and medians. Not necessarily including street lighting or paths on verges.

**BOUNDARY ROADS WORKS MEMORANDUM OF UNDERSTANDING
CITY OF NEDLANDS & CITY OF PERTH**

Updated: 19 September 2018

Item	ROAD	Section	Location
1	Gairdiner Drive	(Aberdare to Verdun: Private Road)	Nedlands
2	Verdun Street	(Croydon to Gairdner)	Nedlands
3	Verdun Street	(Gairdner to Cul-de-sac: Private Road)	Nedlands
4	Monash Avenue	(No. 74 Hampden)	Nedlands
5	Hampden Road	(Gordon to Monash)	Nedlands
6	Clifton Street	(Gordon to Stirling)	Nedlands
7	Stirling Highway	(Clifton to Broadway) - Road Reserve Only	Nedlands
8	Broadway	(Stirling Highway to River)	Nedlands
9	Gordon Street	(Hampden to Clifton)	Nedlands
Item No.	WORKS ITEM	AGREED WORKS RESPONSIBILITIES	CITY OF PERTH
1	Road and Drainage Maintenance	Initiate works on all road sections as listed in the City's MRWA Road inventory: Contribute 50% of own resources to maintenance works.	
2	Road and Drainage Associated Works (Capital)	Initiate works on all road sections as listed in the City's MRWA Road inventory: Contribute 50% of own resources costs to all rehabilitation works exclusive of grants.	
3	Verge Maintenance and Regulation	All verge maintenance and regulatory functions: 100% responsibility as delineated by boundary.	
4	Path Construction and Maintenance	All footpath maintenance and capital: 100% cost associated with any works as delineated by boundary.	
5	Traffic Studies, Road, Design and Safety Audits	Initiate works on all road sections as listed in the City's MRWA Road inventory: Contribute maximum of 50% of own resources costs unless otherwise negotiated. Refer to item 4.3 of the explanatory notes for notification requirements.	
6	Roundabouts, Entry Statements, Median and Island Maintenance	Where boundary's intersect the centre of the road: 50% contribution to all maintenance and capital works excluding landscaping as specified below.	
7	Street Trees	Where there is clear delineation of boundary: 100% of own resources and costs, except for Broadway and Hampden Roads, where City of Perth is responsible for centre median trees.	
8	Irrigation Infrastructure	Where the water source and control of the infrastructure is located: 100% responsibility for all faults and repairs to connected system (Each Local Government to fund cost of repairs for sprinkler heads and associated fixtures on their side at 100% contribution, to be recouped by invoice).	
		Any proposed amendments by either Local Government are to be communicated to the neighbouring Local Government.	

9	Underground Power	2,4,5,6,7,8,9	Where boundary's intersect the centre of the road: 50% contribution to all costs associated with underground power.
10	Side Road Intersection Upgrades	2,4,5,6,7,8,9	Side road intersection upgrades: 100% by each council up to match line or an agreed distance, as delineated by boundary.
11	Parking	2,4,5,6,7,8,9	Signage is 100% contribution as delineated by boundary. The Cities agree (Broadway and Hampden only) that where valid Residential or Visitor Parking Permits have been issued by a Local Government that is signatory to this agreement; the Permits' use will be permitted on either side of Broadway and Hampden Roads where the Permit was issued to the occupier of a residential property on that road.
12	Street Signs	2,4,5,6,7,8,9	100% contribution as delineated by boundary.
13	Direction Signs	2,4,5,6,7,8,9	100% contribution as delineated by boundary.
14	Street Lighting Operations Including Banners	2,4,5,6,7,8,9	100% contribution as delineated by boundary.
15	Emergency Works	2,4,5,6,7,8,9	Where emergency works are carried out by either party, the cost associated with those works are to be 100% as delineated by boundary.
16	Public Artworks and Lighting	8	Public artwork and lighting located at the roundabout at the intersection of Broadway and The Avenue is 100% City of Nedlands responsibility. Any new artwork to be responsibility of the party which initiates the installation.
17	Landscaping and Irrigation Roundabout	8	Roundabout at intersection of Princess Road to be 100% maintained by City of Nedlands.
18	Landscaping and Irrigation Roundabout	8	Roundabout at intersection of Edward Street, Myer Street and Capron Streets to be 100% maintained by City of Perth.
19	Street Tree Maintenance in Medians	5,8	Median street trees in median islands to be 100% maintained by City of Perth.
20	Irrigation of Medians	5	Median irrigation to be 100% maintained by City of Nedlands.
21	Irrigation of Medians	8	Median irrigation to be 100% maintained by City of Perth.
22	Banner Poles	5,8	Banner poles to be maintained by City of Perth with both parties providing 50% contribution to all costs subject to separate agreement. Each party responsible for every second banner.
23	Bus Shelters	7	100% responsibility as delineated by boundary.
24	Asset Data	2,4,5,6,7,8	Align and share Asset Management Data where applicable.



Western Boundary Enlargement of Deposited Plan 404450

Agenda Item 13.9 **Final Adoption of Amendment No. 3 to City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) and the City of Perth East Perth – South Cove Area 20 Design Guidelines to Introduce Development Standards for 75 (Lot 70) Haig Park Circle, East Perth**

Recommendation:

That Council:

1. ***NOTES*** the submissions received relating to proposed Amendments to City of Perth Local Planning Scheme No. 26 and the City of Perth East Perth Area 20 – South Cove Area Design Guidelines - Attachment 13.9A;
2. ***pursuant to Regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, ADOPTS Amendment No. 3 to City of Perth Local Planning Scheme No. 26, without modification as detailed in the Scheme Amendment Report – Attachments 13.9B and 13.9C;***
3. ***pursuant to Clause 5 of the Planning and Development (Local Planning Scheme) Regulations – Schedule 2 (Deemed Provisions) ADOPTS the City of Perth local planning policy East Perth Area 20 – South Cove Area Design Guidelines and for it to come into effect upon gazettal of Amendment No. 3 to City of Perth Local Planning Scheme No. 26 – Attachments 13.9B and 13.9D; and***
4. ***pursuant to Regulation 53 of the Planning and Development (Local Planning Schemes) Regulations 2015, FORWARDS Amendment No. 3 to City of Perth Local Planning Scheme No. 26 and associated documents to the Western Australian Planning Commission for consideration and recommendation to the Minister for Planning.***

FILE REFERENCE:	P1030607
REPORTING UNIT:	City Planning
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	5 December 2018
ATTACHMENT/S:	Attachment 13.9A – Summary of Submissions Attachment 13.9B – Scheme Amendment Report Attachment 13.9C – Amended Local Planning Scheme No. 26 Attachment 13.9D – Amended South Cove Design Guidelines Attachment 13.9E – East Perth Parking Alterations

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:**Legislation**

Regulations 50(3) and 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*
 Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2* (Deemed Provisions)
 City of Perth City Planning Scheme No. 2
 City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas)

Integrated Planning and Reporting Framework Implications

Goal 2 – A beautiful city built on exceptional architecture and infrastructure

Policy

Policy No and Name:

City of Perth East Perth Area 20 – South Cove Area Design Guidelines

Details and Background:

The subject site has an area of 2,233m² and is bounded by Plain Street to the west, Haig Park Circle residential buildings to the south and east and mixed-use buildings which front Royal Street to the north. The site is currently occupied by an at-grade car park containing 49 bays including 42 public fee-paying parking bays, four free short term public car parking bays and three 'offsite tenant' car parking bays.

The site was originally developed and later sold by the former East Perth Redevelopment Authority (EPRA) with a restrictive covenant in place, limiting the use of the site as a car park and for no other use. Notwithstanding the above, no design controls were imposed to limit its future redevelopment potential, with a mixture of land uses permitted on the site and a maximum plot ratio of 1.5 applying.

Following normalisation of the site from the former EPRA to the City, at its meeting held on **10 December 2013**, Council resolved to transfer the site from Precinct EP2: Constitution Street to Precinct EP1: Claisebrook Inlet resulting in changes to land use permissibility as well as an increase to the maximum plot ratio from 1.5 to 2.0. Council also considered a request to reclassify the site to a 'Scheme Reserve - Public Purposes (Car Park)'. This however was not supported by Council on the grounds that it is not the optimal use of the land and the administration was directed to prepare specific guidelines for the site to incorporate into the East Perth – Area 20 South Cove Design Guidelines.

Since this time the City has undertaken extensive community consultation with the landowner, local residents and businesses of East Perth to develop a set of built form guidelines for the site.

Community engagement was initially undertaken on three design concepts. Whilst it was acknowledged that there were strong community views for no development to occur on the site, to ensure an acceptable scale and form of development on the site, at its meeting held on **7 June 2017**, Council resolved to prepare amendments to Local Planning Scheme No. 26 (LPS26) and the South Cove Design Guidelines to develop site specific guidelines for the site. Mackay Urbandesign was subsequently engaged to hold two community workshops to seek the community's input into the proposed built form and land uses that should be incorporated into the new provisions and guidelines.

Taking into consideration the community's feedback, the City has prepared a set of draft development standards for the site under Amendment No. 3 to LPS26 and the revised East Perth – South Cove Area 20 Design Guidelines. A summary of the proposed planning provisions for the site is outlined below:

- Providing a maximum plot ratio of 1.5 for the site which is a decrease from the current plot ratio 2.0, however is consistent with the original plot ratio for the site and community expectations and has been modelled by the City using the proposed building envelopes;
- Specifying building envelopes and setbacks for the site including an eastern building with a maximum overall building height of 14 metres and western building with a maximum overall building height of 21 metres;
- Requiring the building along Haig Park Circle to have a minimum street setback of 3 metres and a maximum street building height of 10.5 metres (three storeys) with any additional height contained within a 45 degree angle height plane, which cannot be varied;
- Requiring a pedestrian easement be provided linking Haig Park Circle with Sovereign Close with a minimum width of 8 metres, except at the northern end where it may be necessary to accommodate vehicular access to the site;

- Providing a specific land use table for the site limiting uses along Haig Park Circle to Permanent Residential and Transient Residential to protect the residential character and amenity of the area and allowing for commercial uses to be accommodated along Plain Street and to the north;
- Ensuring any on-site car parking is located within the basement level or sleeved behind other land uses so that it is not visible from the street or adjacent properties;
- Excluding public fee-paying public car parking from the calculation of plot ratio floor area of a building where it is provided at the basement level to encourage the provision of a replacement public fee-paying car park on the site;
- Ensuring adequate depth for in-ground landscaping is accommodated along Haig Park Circle with any basement car parking within the 3 metre street setback to Haig Park Circle being a minimum of 2 metres below the median level of the footpath;
- Relocating or incorporating the existing electrical substation located in the south-east corner of the site into the design of the building so that it is not visible from the public realm; and
- Integrating the existing limestone retaining walls to the north and on Plain Street and Haig Park Circle into the design of the development.

At its meeting held on **24 April 2018**, Council resolved to initiate Amendment No. 3 to LPS26 and the revised East Perth – South Cove Area 20 Design Guidelines. This included referral to the Environmental Protection Authority as well as public advertising to the surrounding landowners.

At its meeting held on **27 November 2018** the Council resolved to defer consideration of Item 6.7 for the final adoption of Amendment No. 3 to City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) and the City of Perth East Perth – South Cove Area Design Guidelines to introduce development standards for 75 (Lot 70) Haig Park Circle, East Perth to seek advice on how to address the issues raised by the residents regarding the car park's use. Further information regarding public car parking as well as the community consultation that has been undertaken in preparing design guidelines for the site is included in the Additional Information section at the end of this report.

Stakeholder Engagement

Environmental Protection Authority Referral

Following its initiation, Amendment No. 3 to LPS26 was referred to the Environmental Protection Authority. On 25 June 2018, the Environment Protection Authority advised the City that the Scheme Amendment should not be assessed under the *Environmental Protection Act 1986*.

Public Advertising

Following initiation by Council, and in accordance with regulation 47 and clause 5 (Deemed Provisions) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, Amendment No. 3 to Local Planning Scheme No. 26 and the revised local planning policy East Perth – South Cove Area 20 Design Guidelines were advertised for a period of 42 days,

concluding on 8 October 2018. The modifications were advertised using the following methods:

- Letters being sent to the surrounding landowners;
- Email notifications being sent to the stakeholders that participated in the August 2017 public workshops;
- A notice being published in the local newspaper 'The Perth Voice' on 25 August 2018;
- Information being published on the City's website; and
- Information being made available for viewing at the City's Customer Service Centre and Library.

A total of five submissions were received objecting to the proposed modifications (Attachment 13.9A – Summary of Submissions). The main comments raised during advertising included the following:

- The loss of the public fee-paying car park and redevelopment of the site will result in additional parking issues in the area, particularly with the opening of the new Matagarup Bridge and Optus Stadium;
- There is a restrictive covenant on the land which requires the site to be used as a car park and for no other use. The public car park should therefore be retained in its current form or be included in any redevelopment of the site as a mandatory requirement rather than encouraged through plot ratio incentives;
- There are ample sites available within East Perth that could be developed/infilled prior to developing the subject site;
- Any development on the site should be restricted to the same scale and form of the townhouses opposite along Haig Park Circle;
- The use of plot ratio is considered an unnecessary and cumbersome way of controlling built form where there are specific guidelines in relation to height and setbacks. If plot ratio is to be imposed it should remain as 2:0 and not reduced to 1.5; and
- The design guidelines are generally considered to be a fair and reasonable approach to guide any possible future redevelopment of the site.

These above matters raised during public advertising will be addressed under the comments section of this report.

Comments:

Public Parking

Several concerns were raised during advertising with respect to the loss of the existing public fee-paying car park and the impact this will have on access to on-street parking in the local area, particularly with the opening of the new Matagarup Bridge and Optus Stadium. In response to the opening of the new bridge and stadium the City has consulted with

residents and altered the parking restrictions in East Perth. This includes the designation of 151 exclusive resident permit holder on-street bays and the introduction of three-hour parking limits on weekends which excludes resident permit holders who can park all day. Of the 151 bays, 23 of these have been allocated to Haig Park Circle residents. It is also noted that the City has reviewed the availability of public car parking in the local area and there is ample on-street and off-street public car parking located in close proximity to the site. This includes 1031 on-street and off-street public car parking bays located within a 400-metre catchment of the site.

Based on the above it is considered that if the site were to be redeveloped, without the inclusion of a public car park, there is ample availability of public parking in close proximity to the site and there would be no undue adverse amenity impacts on the local area. The City however has sought to encourage the retention of a public car park in the planning provisions by excluding public car parking from the calculation of plot ratio, where it is provided at the basement level.

Restrictive Covenant

Another concern which was raised during advertising relates to the restrictive covenant on the land which limits the use of the site as car park and for no other use. The City however has already sought and addressed this matter previously in the consideration and assessment of development applications on the site. The City's legal advice has confirmed that the restrictive covenant is a private agreement between the Metropolitan Redevelopment Authority and the landowner and does not form part of the planning framework. The restrictive covenant therefore does not bind the City with respect decisions made under the planning legislation. It is also noted that Council (at the request of the Metropolitan Redevelopment Authority) has agreed to accept management of the restrictive covenant (once the design controls are in place), however the consent to transfer the restrictive covenant has not yet been granted by the landowner.

Staging of Development

One of the submissions received suggested that there are other potential sites available in the area that could be developed or infilled prior to redeveloping the subject site. The land in question is however occupied by a Wilsons public carpark and is under private ownership. The City does not have any control over the timing or lodgement of development applications on sites under private ownership.

Scale and Form of Development

It was also recommended that any new development be in keeping with the scale and form of the townhouse properties opposite. The need to respect the scale and form of the residential buildings along Haig Park Circle was a major consideration at the various community workshops and in the preparation of the planning provisions for the site. Along Haig Park Circle it is proposed that the development gradually transition in height with a maximum height of three-four storeys (10 metres) along the Haig Park Circle frontage (with the building set back 3 metres from the street) and a maximum overall building height of seven storeys (21 metres) in the north-west corner of the site. The design guidelines also require that the development respects the residential character along Haig Park Circle through its design. This includes modulated street frontages with articulated facades and the use of fine grain elements such as balconies, awnings, windows as well as the appropriate use of materials and colours.

Views

Another concern raised was the impact of the redevelopment of the site in terms of the loss of views. The height of the proposed building envelopes are however generally consistent with the height of buildings in the surrounding area (10 metres to 14 metres proposed for the eastern and western buildings) with the exception of the north-west corner of the western building which permits an overall height of 17-21 metres. It is also noted that the concern raised regarding views is from a residential apartment located at 25 Haig Park Circle which is over 100 metres south-east of the subject site. Given the location and distance from the subject site it is considered that there will be no significant loss of outlook to this property. Furthermore, the protection of views is not a valid planning consideration under the CPS2 or LPS26.

Plot Ratio

It is noted that the landowner has also provided a submission and is generally supportive of the proposed planning provisions for the site, with the exception of plot ratio floor space. The use of plot ratio is considered by the land owner an unnecessary and cumbersome way of controlling built form when there are guidelines in relation to height and setbacks. They consider the use of plot ratio controls to be inconsistent with orderly and proper planning principles in terms of encouraging density near areas of major amenity, public transport and employment, especially where a building envelope has been resolved to such an extent. If plot ratio is to be imposed then the applicant proposes that it should remain as 2:0, rather than reduced to 1.5:1.

Whilst the City acknowledges that the location of the site is amenable to higher density development in terms of amenity, careful consideration also needs to be given to ensure any development respects the existing built form and there is a high level of certainty to residents in terms of the development outcomes on the site. The use of plot ratio applies to all precincts under Local Planning Scheme No. 26 (including sites with building envelopes) and there is no valid reason for it to be excluded from the subject site. The City has modelled both the 2:1 and 1.5:1 plot ratio scenarios and considers that a plot ratio of 1.5:1.0 is a better outcome for the site as the reduced scale will be more in keeping with the development in the immediate area, whilst contributing to the State's and City's planning objectives to provide for greater diversity in housing stock and vibrancy in the inner city. It is also consistent with community expectations.

Additional Information

Loss of Public Car Parking

One of the major concerns raised by the local community during advertising and at the public workshops was the loss of the existing public fee-paying car park and the impact this will have on access to on-street parking in the local area, particularly with the opening of the new Matagarup Bridge and Optus Stadium. The restrictive covenant on the land was also raised which limits the use of the site as a car park and for no other use.

Public Car Parking Availability

The availability of public parking on the site and in the locality has been analysed. As noted above, there is a total of 1031 public car parking bays within a 400 metre walkable catchment

from the site. The 49 public car parking bays on the site represent 4.7% of the total car parking bays within this 400 metre catchment.

An analysis has been undertaken of the occupancy rates of City of Perth Parking (CPP) facilities in the area, including the Regal Place Public Car Park (located 50 metres from the site and containing 273 car parking bays) and the Victoria Garden Public Car Park (containing 15 car parking bays) over recent months (July – November 2018). This has found that whilst occupancy of the Victoria Gardens Car Park is close to capacity, particularly over the weekend, there is capacity within the Regal Place Car Park on both weekdays and weekends to compensate for any future loss of public parking from the subject site.

In July 2018, the City introduced a parking strategy to manage on-street parking in East Perth during Optus Stadium events. The aim of the strategy was to improve access, minimise disruption and protect the amenity of parking for residents, businesses and general users. Weekday parking restrictions remain unchanged however changes were made as follows:

- Weekend parking restrictions introduced (3P 9am to 9pm No Fee Payable Saturday-Sunday);
- 151 bays converted to residential only bays; and
- Increased the number of residential permits to three

No changes were made to the on-street parking on the commercial strip of Royal Street however changes were made in Haig Park Circle and surrounding streets. On Haig Park Circle, 11 'residential only' parking bays were designated and the remaining 12 parking bays were designated as having three hour time limits during core hours on weekdays and on the weekend, with fees being applicable during weekdays only. These limits however do not apply to residents. Refer to Attachment 13.9E. A total of 60 residential parking permits have been issued to the residents of Haig Park Circle due to the changes that have been put in place.

The City sought feedback in September – October 2018 from the community on the effectiveness of the changes and no issues were raised with respect to the changes to on-street parking on Haig Park Circle.

The City is currently undertaking a city-wide review of on-street parking across the whole of the city's neighbourhoods including East Perth and further changes may be made as a result of this.

Retention of Public Car Parking

Notwithstanding the availability of public car parking in the area, it is not considered reasonable or appropriate to require a private landowner to operate a public car park nor limit the use of private land to such an extent. The operation of a public car park is ultimately a business decision taking into consideration its financial viability.

To limit the use of the site as a public car park the Council would need to either reclassify the site as a City of Perth Scheme Reserve – Public Purposes (Car Park) and/or purchase the site for market value.

A request to reclassify Lot 70 Haig Park Circle to 'Scheme Reserve – Public Purposes (Car Park)' was considered by Council at its meeting on **10 December 2013** however this was not supported as it was not considered the highest or best use of the land. The report to Council at that time noted that:

“Reserved land is generally in public ownership. Any reservation of land in a scheme or amendment gives rise to injurious affection compensation under the Planning and Development Act 2005. Lot 70 is in private ownership and any proposed reclassification of the land would need to be discussed with the current landowner and consideration given to compensation by Council”

Given the extent of public parking already available in the area as well as the City’s broader objectives to encourage more sustainable forms of transport, the purchase of the land by the City is not considered an appropriate spending of ratepayer money.

The current use of the site as an at-grade public car park is also not considered to be the highest and best use of the site from an urban planning perspective given its inner city location.

Under LPS26, a car park is a use that falls under the ‘Commercial’ land use category. Under Amendment No. 3 to Local Planning Scheme No. 26, the ‘Commercial’ land use category is proposed to be a contemplated use although prohibited where it fronts or faces Haig Park Circle or the proposed internal pedestrian easement. A landowner is therefore entitled to lodge a development application for a public car park however this would be their decision and would be determined on market demand and financial feasibility.

The provision of car parking associated with any new development on the site would be assessed when a development application is lodged in accordance with the State Government’s Perth Parking Policy for commercial tenant and public car parking and by the City’s CPS2 Parking Policy for residential car parking.

The CPS2 Parking Policy currently requires a minimum of one car bay and a maximum of two car bays per dwelling for any new residential development. The policy also states that visitor parking should be provided in residential development where it can be expected that existing on-street facilities will not adequately provide for visitors to the development. Given its location and the unique set of circumstances it was considered that a different approach may be considered in the preparation of standards for this site which the City would not typically replicate elsewhere.

In order to address the community’s concerns regarding the loss of the car park Amendment No. 3 to Local Planning Scheme No. 26 (Clause 4.2.3) proposes to exclude a public fee-paying public car park from the calculation of plot ratio floor area of a building, where it is provided at the basement level. This clause is intended to encourage the provision of a replacement public fee-paying car park on the site should the market determine that retaining some or all of the public parking on site, is a viable option, as well ensuring it is appropriately located below street level. In addition to this, if the development does not provide a public fee-paying car park then the proposed design guidelines require a minimum of one car parking bay be provided per four dwellings for visitor parking.

Under the City’s Applications Planning Policy a traffic and/or parking impact statement report prepared by a suitably qualified transportation planner or engineer needs to be provided for a variety of development applications including for residential development providing in excess of 50 car parking bays and for any developments that in the local government’s opinion are likely to significantly impact on traffic generation/movement and parking within the locality. The report is required to assess the impact of the proposal on the local road and traffic network and pedestrian movement, as well as the safety of motorists, cyclists and

pedestrians. The proximity of public transport should also be considered and the cumulative impact on vehicular traffic for specific proposals such as the use of laneways or availability of existing public car parking within the area should also be investigated.

Restrictive Covenant

As noted above, the City's legal advice has confirmed that the restrictive covenant is a private agreement between the Metropolitan Redevelopment Authority and the landowner and does not form part of the planning framework.

Consultation

The City has undertaken extensive community consultation with the surrounding community of East Perth to develop a set of built form guidelines for the site and has worked hard to ensure that key community concerns have been addressed where possible to ensure the best possible development outcome for the site and the community. Further details of the community consultation that has been undertaken are outlined below.

Community engagement was initially undertaken on three design concepts in September and October 2016. This included consultation with the owner of the site, the East Perth Community Safety Group as well as the 309 surrounding land owners. The community consultation period ran for a period of 55 days, between 13 September and 10 October 2016 and included:

- Letters being sent to the owner of the site, East Perth Community Safety Group and the landowners of 309 surrounding properties as outlined above;
- Detailed information, a 3D video and a community survey available to the public on the City's Engage Perth website;
- An advertisement placed in *The Guardian Newspaper* on 13 September 2016.
- Two (2) Community Information Sessions (4pm-7pm on Thursday 22 September and 4pm-7pm on Tuesday 27 September) at the City Library;
- Attendance at an East Perth Community Safety Group Meeting; and
- Attendance at a meeting with members of the "Haig Park Circle Action Group".

A total of 51 submissions were received, including 45 completed surveys representing a response rate of approximately 16.5%. Of the responses received, over 80% did not support the proposed concepts. A petition containing 36 signatures was also received by the City during the consultation period indicating strong objection to all guidelines, proposals and concepts for the site and to the lifting of the restrictive covenant over the site. The petition was formally presented to Council at its meeting held on **22 November 2016**.

Whilst it was acknowledged that there were strong community views for no development to occur on the site, to ensure an acceptable scale and form of development on the site, Council at its meeting held on **7 June 2017** resolved to undertake further community engagement and to prepare amendments to Local Planning Scheme No. 26 and the South Cove Design Guidelines to develop site specific guidelines for the site.

Mackay Urban Design was subsequently engaged to hold two community workshops which were held on 10 August and 23 August 2017. A total of 300 invitations were sent to the surrounding land owners with 40 people attending the first workshop and 29 attending the second workshop. The purpose of the first workshop was to present the background and the

design work done to date and to seek the community's feedback on the proposed built form and land uses to be incorporated into the new provisions and guidelines. The purpose of the second workshop was to seek comments on the potential planning provisions and guidelines that could be applied to the site. An outcomes report was provided to all workshop participants.

Taking into consideration the community's feedback during advertising and the community workshops, the City has prepared a set of draft development standards for the site under Amendment No. 3 to LPS26 and the revised East Perth – South Cove Area 20 Design Guidelines. Many of the issues raised by the community in relation to the scale and form of development, use group permissibility and pedestrian access have now been addressed in the proposed scheme amendment and the design guidelines as detailed in the report to Council at its meeting held on **24 April 2018**.

At its meeting held on **24 April 2018** the Council resolved to initiate advertising of the proposed scheme amendment and design guidelines for the site. The scheme amendment and design guidelines were advertised for a period of 42 days to the same land owners and workshop attendees that were previously consulted in the preparation of the scheme amendment and guidelines. The modifications were advertised using the following methods:

- Letters being sent to the surrounding landowners;
- Email notifications being sent to the stakeholders that participated in the August 2017 public workshops;
- A notice being published in the local newspaper 'The Perth Voice' on 25 August 2018.
- Information being published on the City's website;
- Information being made available for viewing at the City's Customer Service Centre and Library.

A total of five submissions were received representing a response rate of 1.6%. The four surrounding resident submissions objected on the grounds of the loss of the public car park and possible additional parking pressures in the area, the restrictive covenant on the site which limits the use of the site to a car park, the scale and form of development and the loss of views/outlook. The landowner raised no objection to the design guides, but did not support the reduction of the plot ratio.

The number of submissions received during the advertising of Amendment No. 3 to Local Planning Scheme No. 26 and the revised South Cove Area Design Guidelines is relatively low and has decreased as the City has continued to engage with the community.

Conclusion:

Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is now required to pass a resolution either to:

- a) Support the amendment without modification; or
- b) Support the amendment with proposed modifications to address issues raised in the submissions; or
- c) Not support the amendment.

Based on the discussion in the stakeholder and comments section of this report, it is recommended that Amendment No. 3 to Local Planning Scheme No. 26 and the revised East Perth – Area 20 South Cove Design Guidelines be supported without modification.

Summary of Submissions - Amendment No. 3 to Local Planning Scheme No. 26

Summary of Submissions (5 in total)			
Date Received	Organisation	Comment	City's Response/Action
1. 31 August 2018	Residential Landowner – 26 Haig Park Circle	(a) The loss of the public car park and new development will result in further parking issues in the area which have increased as a result of the opening of the new bridge and Stadium.	(a) The City has reviewed car parking capacity in East Perth and identified that there is ample availability of public car parking in the local area. This includes a total of 1031 public car parking bays (on-street and off-street) located within a 400-metre catchment of the site. In response to the opening of the new bridge and stadium the City also reviewed and altered the on-street car parking restrictions in East Perth. This has included the dedication of resident only on-street car parking bays as well as a further 3 hour time limit on weekends, with the exception of resident permit holders, to alleviate car parking pressures in the local area during stadium events.
2. 5 October 2018	Residential Landowner - 9/25 Haig Park Circle	(a) There is a restrictive covenant on the land for the site to be used for parking and no other use. (b) The requirement to maintain the 49 public car parking bays will be removed. There is difficulty finding parking in the area, particularly during events held at the Stadium which will be made worse as a result of the loss of the car park. (c) The proposed height and angle of the development will obstruct views.	(a) The legal advice obtained by the City confirms the restrictive covenant is a private agreement between the landowner and MRA and does not form part of the planning framework. (b) The City has reviewed the on-street car parking requirements in East Perth with designated residential bays and modified time restrictions to ensure residents are not adversely impacted by events held at the Stadium. (c) The site is located approximately 150 metres north-west of 25 Haig Park Circle. The proposed height of the buildings will be in keeping with the height of buildings

				in the general vicinity with the exception of the north-west corner of the site at 21 metres. Based on the above it is considered that there will be no significant loss of amenity to the property at 25 Haig Park Circle. It is also noted that the loss of view is not a valid planning consideration under City Planning Scheme No. 2 or Local Planning Scheme No. 26.
3.	8 October 2018	Residential Landowner – 2 Haig Park Circle	<p>(a) The public car park should be retained in accordance with the restrictive covenant on the land.</p> <p>(b) There are ample sites that could be developed/infilled prior to developing this property.</p> <p>(c) If developed the site should be in keeping with the scale and form of the townhouse properties opposite the site.</p>	<p>(a) As per the above, the City's legal advice confirms the restrictive covenant is a private agreement between the landowner and the MRA and does not form part of the planning framework.</p> <p>(b) The site is in private ownership and the City does not have any control over the staging of development across the city.</p> <p>(c) The height along Haig Park Circle is proposed to be in keeping with the scale of the townhouses opposite (3-4 storeys or 10 metres) with additional height setback from the street.</p>
4.	8 October 2018	Residential Landowner – 9 Haig Park Circle	<p>(a) The use of the site for any use other than car parking (as originally intended by the former EPRA through a restrictive covenant on the land) is not supported.</p> <p>(b) Notwithstanding the above the proposed scheme provisions are considered acceptable however a mandatory requirement to include to for 49 public car parking bays rather than encouraged through plot ratio incentives.</p>	<p>(a) The use of the site as a public car park and restrictive covenant has been addressed above.</p> <p>(b) The support of the guidelines is noted, however there is no legal or evidence base to require a public car park land use be provided on the site with 49 bays. If the site were to be reserved as a public car park it would need to be acquired and rezoned for public purposes and there is not the required evidence base to support this.</p>

5.	10 October 2018	Landowner – 75 (Lot 70) Haig Park Circle	<p>(a) The design guidelines are generally considered to be a fair and reasonable approach to guide any possible future redevelopment of the site.</p> <p>(b) The use of plot ratio is however considered to be an unnecessary and cumbersome way of controlling the built form where there are specific guidelines in relation to height and setbacks. If plot ratio is to be imposed that it should remain as 2:1.</p>	<p>(a) Noted.</p> <p>(b) All precincts under Local Planning Scheme No. 26 have plot ratio controls in place. This is particularly important in the case of Lot 70, as there is a need to provide certainty to the surrounding land owners in terms of the scale and form of development on the site. The City has modelled both the 2:1 and 1.5:1 plot ratio scenarios and considers that a plot ratio of 1.5:1.0 is a better outcome for the site as the reduced scale will be more in keeping with the development in the immediate area, whilst contributing to the State's and City's planning objectives to provide for greater diversity in housing stock and vibrancy in the inner city.</p>
----	-----------------------	---	--	---



East Perth Local Planning Scheme No.26 (East Perth Redevelopment (Normalised) Area

Amendment N° 3

PLANNING & DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

CITY OF PERTH

LOCAL PLANNING SCHEME NO.26 (NORMALISED REDEVELOPMENT AREAS)

AMENDMENT NO. 3

Resolved that the Council in pursuance of section 75 of the Planning and Development Act 2005 amend Local Planning Scheme No. 26 (Normalised Redevelopment Areas) as follows:

1. Delete Clause 1.6.3 and insert a new Clause 1.6.3 as follows:

1.6.3 For the purposes of clause 36(1) of the City Planning Scheme:

- (a) a standard or requirement of the City Planning Scheme shall be taken to include a standard or requirement of this Scheme.
- (b) a non-complying application does not include an application for:
 - (i) an increase in plot ratio above the specified maximum plot ratio in this Scheme.
 - (ii) building setbacks, building heights or pedestrian easement width on Lot 70, No. 75 Haig Park Circle, East Perth that does not meet the requirements of Clause 4.2.5(d), (e) and (f).

2. Delete Clause 3.4 PLOT RATIO.

3. Delete Clause 4.2.2 and replace as follows:

4.2.2 The following table lists the Preferred, Contemplated and Prohibited uses within Precinct EP1: Claisebrook Inlet (Excluding Lot 70, 75 Haig Park Circle, East Perth):

Precinct EP1: Claisebrook Inlet	
Land Use Category	Use Symbol
Category 1 Culture and Creative Industry	C

Category 2 Commercial	P
Category 3 Light Industry	X
Category 4 Retail	P
Category 5A Permanent Residential	P/X(1)
Category 5B Transient Residential	P
Category 6 Community	P
Category 7 Dining and Entertainment	C

4. Delete Clause 4.2.3 MAXIMUM PLOT RATIO and insert a new Clause 4.2.3 PLOT RATIO as follows:

4.2.3 Maximum Plot Ratio: 1.0

The plot ratio may be increased to a maximum of 2.0 provided that in any development having a plot ratio in excess of 1.0, not less than 50% of the excess relevant floor area shall be dedicated to residential use.

For Lot 162 Plain Street, East Perth maximum plot ratio is 2.0.

For Lot 70 No. 75 Haig Park Circle, East Perth, the maximum plot ratio is 1.5. On this Lot the calculation of the floor area of a building and the maximum plot ratio shall exclude any public fee-paying car parking where it is located within a basement. For the purpose of this subclause, a basement is considered to be any portion of a building used primarily for car parking and having 50% or more of its volume below natural ground level.

5. Insert a new Clause 4.2.5 DEVELOPMENT OF LOT 70 NO. 75 HAIG PARK CIRCLE as follows:

- (a) This subclause applies only to Lot 70 No. 75 Haig Park Circle, East Perth (referred to as 'the Lot').
- (b) Subclause 4.2.2 does not apply to the Lot.
- (c) The following table lists the Preferred, Contemplated and Prohibited uses on the Lot.

Lot 70 No. 75 Haig Park Circle	
Land Use Category	Use Symbol
Category 1 Culture and Creative Industry	C/X(1)
Category 2 Commercial	C/X(1)
Category 3 Light Industry	X
Category 4 Retail	C/X(1)
Category 5A Permanent Residential	P
Category 5B Transient Residential	C
Category 6 Community	C/X(1)
Category 7 Dining and Entertainment	C/X(1)

(1) Means the use is prohibited where it fronts or faces Haig Park Circle or the proposed internal pedestrian easement.

- (d) Buildings shall be setback a minimum of 3m from Haig Park Circle.
- (e) The maximum street building height on Haig Park Circle shall be 10.5m with any additional height above this contained within a 45 degree angled height plane.
- (f) A pedestrian easement shall be provided across the lot to provide public pedestrian access from Sovereign Close to Haig Park Circle. It shall have no height limit and a minimum width of 8m, except at its northern end where reduced width may be necessary to accommodate vehicular access from Sovereign Close to the site. The vehicular access shall be designed to minimise its encroachment into the pedestrian easement and have minimum impact on safety and amenity for users of the pedestrian easement.

- (g) The only variations to sub-clauses (d) and (e) above that may be approved by the local government are:
 - measures to integrate the electrical substation at the south-east corner of the site if retained;
 - basements which extend into the Haig Park Circle street setback where they are a minimum of 2 metres below the median level of the footpath adjoining the site at its southern boundary, allowing for adequate soil depth for in-ground planting to enhance the streetscape; and
 - minor projections for items such as chimneys, finials and other similar architectural features.

These projections will only be approved where the local government is satisfied that they make a positive contribution to the design of the building/s and the amenity of the locality.

SCHEME AMENDMENT REPORT

CONTENTS

- 1. INTRODUCTION
- 2. BACKGROUND
- 3. PLANNING FRAMEWORK
- 4. PROPOSAL
- 5. SCHEME AMENDMENT
- 6. CONCLUSION

ATTACHMENT:

- 1. Comparison of Existing and Proposed East Perth – Area 20 South Cove Design Guidelines

1. INTRODUCTION

The purpose of this amendment is to introduce specific development provisions for land situated at Lot 70 No. 75 Haig Park Circle, East Perth into Local Planning Scheme No. 26 (LPS26).



Figure 1 – Location Plan, Lot 70 No. 75 Haig Park Circle, East Perth

This will include setting out specific land uses for the site which are preferred, contemplated or prohibited, the maximum plot ratio, the required height and setback controls and the pedestrian easement.

The proposed provisions will be supported by amendments to the planning policy framework under the East Perth – South Cove Area 20 Design Guidelines to provide further guidance in terms of redevelopment of the site.

2. BACKGROUND

The subject site has an area of 2,233m² and is bounded by Plain Street to the west, Haig Park Circle residential buildings to the south and east and mixed-use buildings which front Royal Street to the north. The site is currently occupied by an at-grade car park containing 49 bays including 42 public fee-paying parking bays, four free short term public car parking bays and three ‘offsite tenant’ car parking bays.

A pedestrian access way extends along a portion of the southern boundary of the site, connecting Haig Park Circle to Plain Street. A number of pedestrian and vehicular access easements exist over the site, benefiting adjoining Lot 71 (located on the corner of Royal and Plain Street). A Western Power substation (46m²) is located in the south-east corner of the site.

The surrounding buildings vary from two to six storeys in height with most residential buildings which are located to the south and east of the site being predominately of two and four storeys height.

The site was originally developed by the former East Perth Redevelopment Authority as an at-grade car park and in 2001 was sold to a private landowner. A condition of sale was for a restrictive covenant to be placed on the title restricting its use to a car park and for no other use. The City has sought legal advice in regards to the restrictive covenant which confirms this is a private agreement between the former East Perth Redevelopment Authority (now Metropolitan Redevelopment Authority) and land owner, and does not impact on the planning framework or in considering development applications on the site.

LPS26 provides limited guidance in terms of the preferred development outcomes for the site. The East Perth - South Cove Area 20 Design Guidelines also does not contain any specific development standards for the site except to identify the site as a ‘car park’ which is its current use.

The City of Perth has undertaken extensive community engagement to identify the preferred development outcomes for the site including advertising and public information sessions on three proposed design concepts in September to October 2016 and community group meetings and two public workshops held in August 2017. This has resulted in the preparation of draft provisions under LPS26 and new proposed development standards for the site under the East Perth – South Cove Area 20 Design Guidelines.

3. PLANNING FRAMEWORK

3.1 Metropolitan Region Scheme

The subject site is located within the 'Urban' Zone under the Metropolitan Region Scheme.

3.2 City Planning Scheme No.2

CPS2 was gazetted on 9 January 2004. CPS2 is a precinct based Local Planning Scheme which identifies 15 precincts reflecting the locational, built form and land use characteristics of each area.

The subject site is located within East Perth Precinct 15 (P15) under CPS2.

The proposed Amendment does not result in any modifications to the CPS2 Scheme Text or Map.

3.3 Local Planning Scheme No. 26

LPS26 was gazetted on 11 September 2007. LPS includes the normalised redevelopment areas of East Perth and Northbridge which were previously under the planning control of the former East Perth Redevelopment Authority.

The subject site is located within Precinct EP1 – Claisebrook Inlet of the Claisebrook Village Project Area under LPS26. The Statement of Intent for the Claisebrook Inlet Precinct (EP1) states that the precinct is to be the principal visual and social focus of the Claisebrook Village Project Area with a vibrant mixture of land uses, providing opportunities for dining, leisure and social interaction and an active public realm

The maximum plot ratio which applies to the general precinct and to the site is 1.0. The plot ratio may be increased to a maximum of 2.0 provided that in the case of any plot ratio exceeding 1.0, not less than 50 per cent of the excess relevant floor area is dedicated to residential use.

With respect to the land uses which are preferred, contemplated or prohibited in the Claisebrook Inlet Precinct and subject site under LPS26, Permanent Residential is a preferred land use (however prohibited where it fronts the street at pedestrian level) along with Transient Residential, Retail, Commercial and Community. Culture and Creative Industry and Dining and Entertainment uses are contemplated uses with Light Industry being a prohibited land use.

4. PROPOSAL

This amendment seeks to introduce clauses within LPS26 which provide specific guidance in terms of the preferred, contemplated and prohibited land uses and built form controls for the site.

Under sub-clause 4.2.3 a specific plot ratio floor area of 1.5 is proposed to apply to the subject site. This is a reduction from the current maximum plot ratio for the Precinct whereby up to 2.0 may be achieved for any development that contains Permanent Residential use for 50 per cent of the development above a plot ratio of 1.0. This reduced plot ratio is based on community expectations in

terms of the maximum development potential that should be accommodated on the site and through modelling of the proposed building envelopes (height and setback controls). This clause also excludes public fee-paying public car park from the calculation of plot ratio floor area of a building where it is provided at the basement level. This is to encourage the provision of a replacement public fee-paying car park on the site which was raised during community consultation and to ensure car parking is appropriately located within the basement level.

Under sub-clause 4.2.5 (c) Permanent Residential is proposed to be identified as the preferred land use for the site with Transient Residential being a contemplated use. Other land uses including Culture and Creative Industry, Commercial, Retail, Community and Dining and Entertainment are proposed to be contemplated uses however are to be prohibited where they front onto or have access from Haig Park Circle or the internal pedestrian easement. Light Industry will remain a prohibited use. This is in response to the community feedback obtained during the public consultation exercises and ensuring the site provides an appropriate transition between the mixed-use character to the north on Royal Street and the residential character of Haig Park Circle to the south and east.

In addition to plot ratio, Clause 1.6.3 (ii) does not permit any variation under Clause 36(1) of CPS2 in relation to building setbacks, building heights or the pedestrian easement width at the subject site in accordance with Clause 4.2.5 (d), (e) and (f). Any development facing Haig Park Circle must have a minimum setback of 3 metres. The maximum building height on Haig Park Circle is 10.5 metres with any building height above this setback further from the street.

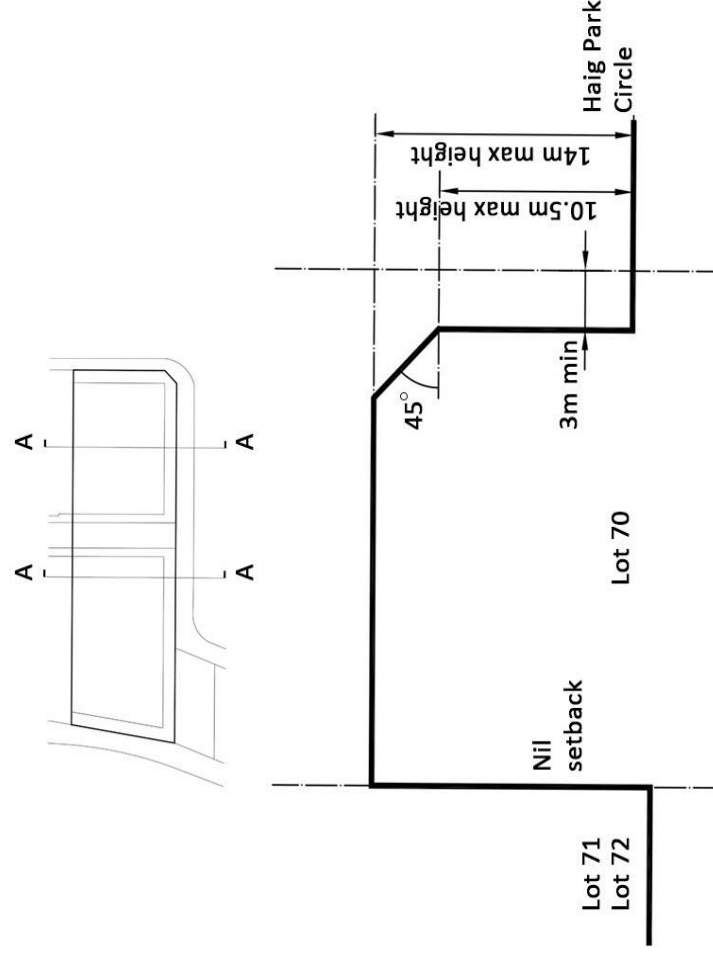


Figure 2 –North south section of building envelopes through eastern and western buildings

A pedestrian easement must be provided through the site creating a pedestrian linkage from Sovereign Close through to Haig Park Circle. The pedestrian easement will have no height limit with a minimum width of 8 metres, except at its northern end where a reduced width may be necessary to accommodate vehicular access from Sovereign Close to the site. The vehicular access shall be designed to minimise its impact on the safety and amenity of users of the pedestrian easement.

With respect to the setback of any basement carpark this will only be permitted to extend into the Haig Park Circle street setback where it is a minimum of 2 metres below the median footpath level adjoining the site at its southern boundary to allow for an adequate soil depth for in-ground landscaping.

5. SCHEME AMENDMENT

SCHEME PROVISIONS	EXISTING (existing provisions proposed to be deleted are highlighted in red)	PROPOSED (proposed new provisions are highlighted in red)	RATIONALE
<p>CLAUSE 1.6 RELATIONSHIP TO THE CITY OF PERTH PLANNING SCHEME</p>	<p>1.6 Relationship to the City of Perth City Planning Scheme</p> <p>1.6.1 This Scheme is complementary to and is not a substitute for the City Planning Scheme.</p> <p>1.6.2 Where a provision of this Scheme is inconsistent with a provision of the City Planning Scheme, the provision of this Scheme prevails.</p> <p>1.6.3 The reference in clause 36(1) of the City Planning Scheme to “a standard or requirement of this Scheme” shall be taken to include a standard or requirement of this Scheme.</p>	<p>1.6 Relationship to the City of Perth City Planning Scheme</p> <p>1.6.1 This Scheme is complementary to and is not a substitute for the City Planning Scheme.</p> <p>1.6.2 Where a provision of this Scheme is inconsistent with a provision of the City Planning Scheme, the provision of this Scheme prevails.</p> <p>1.6.3 For the purposes of clause 36(1) of the City Planning Scheme:</p> <p>(a) a standard or requirement of the City Planning Scheme shall be taken to include a standard or requirement of this Scheme.</p> <p>(b) a non-complying application does not include an application for:</p> <p>(i) an increase in plot ratio above the specified maximum plot ratio in this Scheme.</p> <p>(ii) building setbacks, building heights or pedestrian easement width on Lot 70, No. 75 Haig Park Circle, East Perth that does not meet the requirements of Clause 4.2.5(d), (e), (f) and (g).</p>	<p>Sub-clause 1.6.3 is amended to relocate sub-clause 3.4 whereby plot ratio cannot be varied under clause 36(1) of City Planning Scheme No. 2 and to include additional clause 1.6.3 (b)(ii) which does not permit any variations to building setbacks, building heights or the pedestrian easement width for Lot 70. This is to ensure certainty to the developer and surrounding residents in terms of the built form (height and setbacks) that will be permitted on the site, particularly in relation to Haig Park Circle.</p>
<p>CLAUSE 3.4 PLOT RATIO</p>	<p>3.4 Plot Ratio</p> <p>The local government cannot grant development approval for a non-complying application in respect of an application for an increase in plot ratio above the specified maximum plot ratio in Parts Four and Five of the Scheme.</p>	<p>1.6 Relationship to the City of Perth City Planning Scheme</p> <p>1.6.3 For the purposes of clause 36(1) of the City Planning Scheme:</p> <p>(a) a standard or requirement of the City Planning Scheme shall be taken to include a standard or requirement of this Scheme.</p> <p>(b) a non-complying application does not include an application for:</p> <p>(i) an increase in plot ratio above the specified maximum plot ratio in this Scheme.</p> <p>(ii) building setbacks, building heights or pedestrian easement width on Lot 70, No. 75 Haig Park Circle, East Perth that does not meet the requirements of Clause 4.2.5(d), (e), (f) and (g).</p>	<p>This sub-clause has been reworded and relocated under clause 1.6.3 (b).</p>

<p>CLAUSE 4.2.2 LAND USE TABLE</p>	<p>4.2.2 The following table lists the Preferred, Contemplated and Prohibited uses within Precinct EP1: Claisebrook Inlet:</p> <table border="1" data-bbox="348 1718 1108 2516"> <thead> <tr> <th colspan="2">Precinct EP1: Claisebrook Inlet</th> </tr> <tr> <th>Land Use Category</th> <th>Use Symbol</th> </tr> </thead> <tbody> <tr> <td>Category 1 Culture and Creative Industry</td> <td>C</td> </tr> <tr> <td>Category 2 Commercial</td> <td>P</td> </tr> <tr> <td>Category 3 Light Industry</td> <td>X</td> </tr> <tr> <td>Category 4 Retail</td> <td>P</td> </tr> <tr> <td>Category 5A Permanent Residential</td> <td>P/X1</td> </tr> <tr> <td>Category 5B Transient Residential</td> <td>P</td> </tr> <tr> <td>Category 6 Community</td> <td>P</td> </tr> <tr> <td>Category 7 Dining and Entertainment</td> <td>C</td> </tr> </tbody> </table>	Precinct EP1: Claisebrook Inlet		Land Use Category	Use Symbol	Category 1 Culture and Creative Industry	C	Category 2 Commercial	P	Category 3 Light Industry	X	Category 4 Retail	P	Category 5A Permanent Residential	P/X1	Category 5B Transient Residential	P	Category 6 Community	P	Category 7 Dining and Entertainment	C	<p>4.2.2 The following table lists the Preferred, Contemplated and Prohibited uses within Precinct EP1: Claisebrook Inlet (Excluding Lot 70, 75 Haig Park Circle, East Perth):</p> <table border="1" data-bbox="384 860 1144 1659"> <thead> <tr> <th colspan="2">Precinct EP1: Claisebrook Inlet</th> </tr> <tr> <th>Land Use Category</th> <th>Use Symbol</th> </tr> </thead> <tbody> <tr> <td>Category 1 Culture and Creative Industry</td> <td>C</td> </tr> <tr> <td>Category 2 Commercial</td> <td>P</td> </tr> <tr> <td>Category 3 Light Industry</td> <td>X</td> </tr> <tr> <td>Category 4 Retail</td> <td>P</td> </tr> <tr> <td>Category 5A Permanent Residential</td> <td>P/X(1)</td> </tr> <tr> <td>Category 5B Transient Residential</td> <td>P</td> </tr> <tr> <td>Category 6 Community</td> <td>P</td> </tr> <tr> <td>Category 7 Dining and Entertainment</td> <td>C</td> </tr> </tbody> </table>	Precinct EP1: Claisebrook Inlet		Land Use Category	Use Symbol	Category 1 Culture and Creative Industry	C	Category 2 Commercial	P	Category 3 Light Industry	X	Category 4 Retail	P	Category 5A Permanent Residential	P/X(1)	Category 5B Transient Residential	P	Category 6 Community	P	Category 7 Dining and Entertainment	C	<p>This is a correction of a minor administrative error to include brackets to footnote number one under the permanent residential land use category.</p>
Precinct EP1: Claisebrook Inlet																																											
Land Use Category	Use Symbol																																										
Category 1 Culture and Creative Industry	C																																										
Category 2 Commercial	P																																										
Category 3 Light Industry	X																																										
Category 4 Retail	P																																										
Category 5A Permanent Residential	P/X1																																										
Category 5B Transient Residential	P																																										
Category 6 Community	P																																										
Category 7 Dining and Entertainment	C																																										
Precinct EP1: Claisebrook Inlet																																											
Land Use Category	Use Symbol																																										
Category 1 Culture and Creative Industry	C																																										
Category 2 Commercial	P																																										
Category 3 Light Industry	X																																										
Category 4 Retail	P																																										
Category 5A Permanent Residential	P/X(1)																																										
Category 5B Transient Residential	P																																										
Category 6 Community	P																																										
Category 7 Dining and Entertainment	C																																										
<p>CLAUSE 4.2.3 MAXIMUM PLOT RATIO 1:0</p>	<p>4.2.3 Maximum Plot Ratio: 1.0</p> <p>The plot ratio may be increased to a maximum of 2.0 provided that any development having a plot ratio in excess of 1.0, not less than 50% of the excess relevant floor area shall be dedicated to residential use.</p> <p>For Lot 162 Plain Street, East Perth maximum plot ratio is 2.0.</p>	<p>4.2.3 Maximum Plot Ratio: 1.0</p> <p>The plot ratio may be increased to a maximum of 2.0 provided that any development having a plot ratio in excess of 1.0, not less than 50% of the excess relevant floor area shall be dedicated to residential use.</p> <p>For Lot 162 Plain Street, East Perth maximum plot ratio is 2.0.</p> <p>For Lot 70 No. 75 Haig Park Circle, East Perth, the maximum plot ratio is 1.5. On this Lot the calculation of the floor area of a building and the maximum plot ratio shall exclude any public fee-paying car parking where it is located within a basement. For the purpose of this subclause, a basement is considered to be any portion of a building used primarily for car parking and having 50% or more of its volume below natural ground level.</p>	<p>Clause 4.2.3 is amended to provide a specific maximum plot ratio of 1.5 for Lot 70. This is a decrease from the current plot ratio of 2.0, which is consistent with community expectations for the site and has been modelled using the proposed building envelopes. This clause also excludes a public fee-paying public car park from the calculation of plot ratio floor area of a building where it is provided at the basement level. This is to encourage the provision of a replacement public fee-paying car park on the site which was raised as an issue during community consultation and to ensure it is appropriately located below street level.</p>																																								
<p>NEW</p>	<p>4.2.5 Development of Lot 70 – No. 75 Haig Park Circle:</p> <p>(a) This subclause applies on to Lot 70 No. 75 Haig Park Circle, East Perth (referred to as ‘the Lot’)</p> <p>(b) Subclause 4.2.2 does not apply to the</p>	<p>4.2.5 Development of Lot 70 – No. 75 Haig Park Circle:</p> <p>(a) This subclause applies on to Lot 70 No. 75 Haig Park Circle, East Perth (referred to as ‘the Lot’)</p> <p>(b) Subclause 4.2.2 does not apply to the</p>	<p>New sub-clause 4.2.5 is added which includes specific development standards for Lot 70 – No. 75 Haig Park Circle. The sub-clause has been added in response to a consultation process undertaken with members of</p>																																								

the local community and other stakeholders on key planning and design considerations for the future development of Lot 70.

The new text lists the preferred use of the site as 'Permanent Residential' with 'Transient Residential' being a contemplated use. Only these residential uses are to face Haig Park Circle to reflect the residential character to the south and east of the site. The contemplated uses including 'Culture and Creative Industry', 'Commercial', 'Retail', 'Community and Dining and Entertainment' apply elsewhere on the site including facing Plain Street and to the north of the site adjacent to Lots 71 and 72 to provide an appropriate transition to the commercial activity to the north.

The maximum plot ratio is 1.5 to reflect the proposed bulk of the development. This figure was demonstrated as appropriate through modelling of the proposed building envelope which was included as part of the consultation process.

In addition to plot ratio this sub-clause also has further development standards which cannot be varied including the setback to Haig Park Circle (3 metres), the maximum building height along Haig Park Circle (10.5 metres with any additional height setback further from the street) and the pedestrian easement width (8 metres). The width of the pedestrian easement may be reduced at the northern end to accommodate vehicular access into the site from Sovereign Close however should be designed to reduce any impact on the safety and amenity of those using the pedestrian easement.

Where a basement level is included it will only be permitted to encroach into the 2 metre street setback to Haig Park Circle where it is more than 2 metres below the median level of the footpath. This to ensure there is adequate soil depth to allow for in-ground landscaping to be provided along the Haig Park Circle front setback area.

The only other variations to sub-clauses (d) and (e) which may be approved by the local government are where it is proposed to integrate the existing

Lot.

(c) The following table lists the Preferred, Contemplated and Prohibited uses on the Lot.

Lot 70 No. 75 Haig Park Circle	
Land Use Category	Use Symbol
Category 1 Culture and Creative Industry	C/X(1)
Category 2 Commercial	C/X(1)
Category 3 Light Industry	X
Category 4 Retail	C/X(1)
Category 5A Permanent Residential	P
Category 5B Transient Residential	C
Category 6 Community	C/X(1)
Category 7 Dining and Entertainment	C/X(1)

(1) Means the use is prohibited where it fronts or faces Haig Park Circle or the proposed internal pedestrian easement.

(d) Buildings shall be setback a minimum of 3m from Haig Park Circle.

(e) The maximum street building height on Haig Park Circle shall be 10.5m with any additional height contained within a 45 degree angled height plane.

(f) A pedestrian easement shall be provided across the lot to provide public pedestrian access from Sovereign Close to Haig Park Circle. It shall have no height limit and a minimum width of 8m, except at its northern end where reduced width may be necessary to accommodate vehicular access from Sovereign Close to the site. The vehicular access shall be designed to minimise

	<p>impact on safety and amenity for users of the pedestrian easement.</p> <p>(g) The only variations to sub-clauses (d) and (e) above that may be approved by the local government are:</p> <ul style="list-style-type: none">• measures to integrate the electrical substation at the south-east corner of the site if retained;• basements which extend into the Haig Park Circle street setback where they are a minimum of 2 metres below the median level of the footpath adjoining the site at its southern boundary, allowing for adequate soil depth for in-ground planting to enhance the streetscape; and• minor projections for items such as chimneys, finials and other similar architectural features. <p>These projections will only be approved where the local government is satisfied that they make a positive contribution to the design of the building/s and the amenity of the locality.</p>	<p>electrical substation in the south-east corner of the site into the development and minor architectural projections including chimneys, finials and other architectural features.</p>
--	---	--

6.0 CONCLUSION

Amendment No.3 to LPS No.26, together with amendments to the South Cove Area 20 Design Guidelines will introduce specific planning controls for the future redevelopment of Lot 70 (75) Haig Park Circle, East Perth.

The information contained within this document confirms that the amendment proposed is an appropriate outcome consistent with the orderly and proper planning of the city.

ADOPTION

Adopted by resolution of the Council of the City of Perth at the Ordinary Meeting of the Council held on theday of..... 2018.

LORD MAYOR

CHIEF EXECUTIVE OFFICER

FINAL ADOPTION

Adopted for final approval by resolution of the City of Perth at the Ordinary Meeting of the Council held on the ____ day of _____20__ and the Common Seal of the City of Perth was pursuant to that resolution hereinto affixed in the presence of:

LORD MAYOR

CHIEF EXECUTIVE OFFICER

Recommended/submitted for final approval

DELEGATED UNDER s16 PLANNING AND DEVELOPMENT ACT 2005

DATE

Final approval granted

MINISTER FOR PLANNING

DATE

ATTACHMENT – COMPARISON OF EXISTING AND PROPOSED EAST PERTH - AREA SOUTH COVE DESIGN GUIDELINES

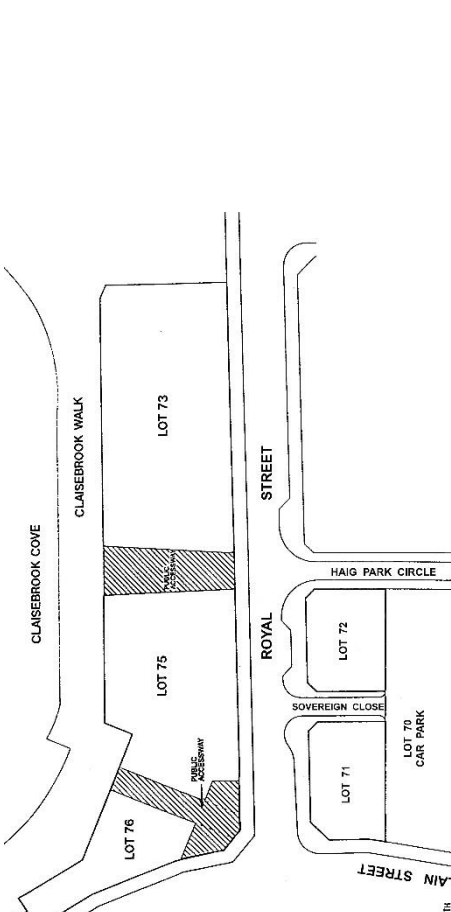
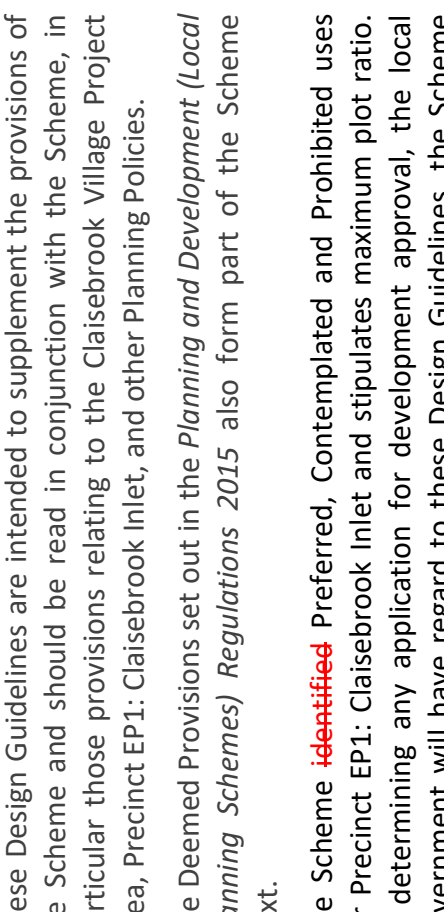
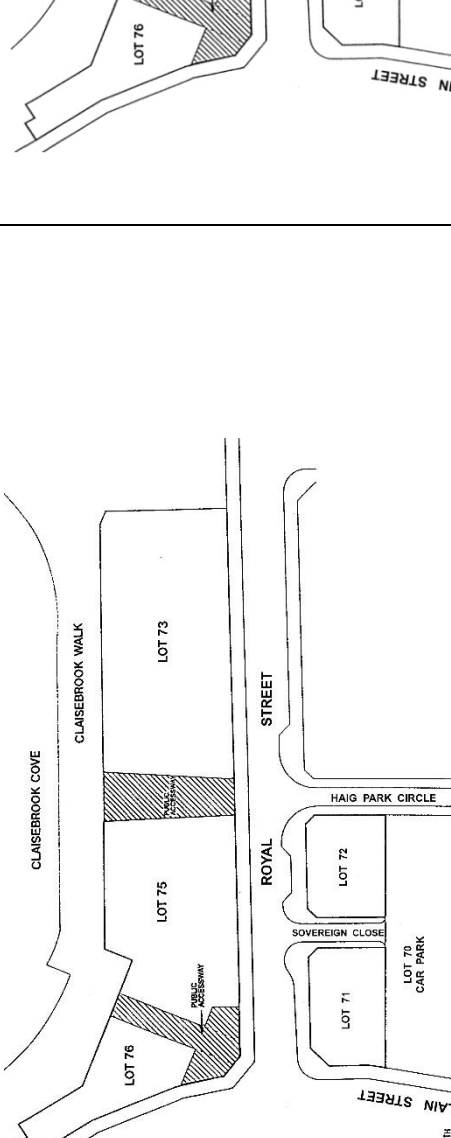
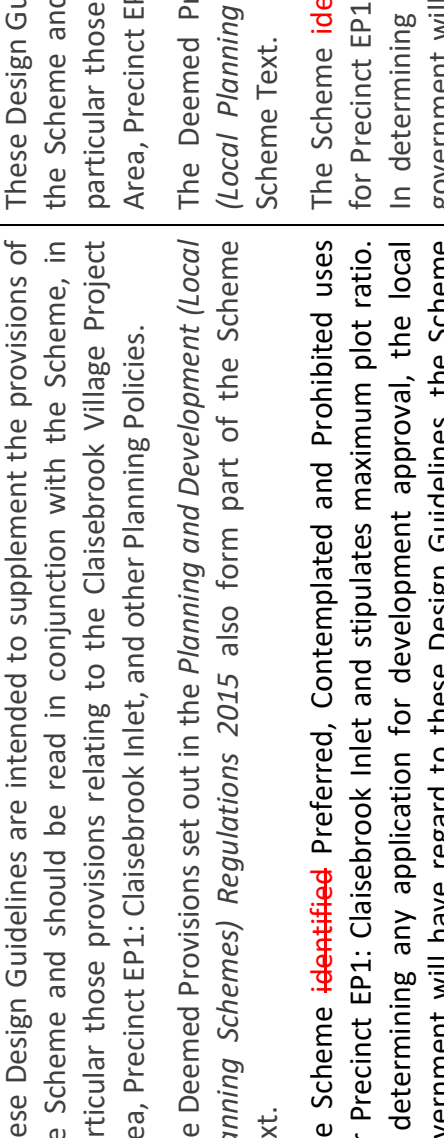
EXISTING (existing guidelines proposed to be deleted are highlighted in red)	PROPOSED (proposed new guidelines are highlighted in red with any wording highlighted in italics not forming part of the Policy text)	RATIONALE
<p>PART ONE - GENERAL</p> <p>2.0 RELATIONSHIP TO PLANNING SCHEME AND PLANNING POLICIES</p> <p>Lots 70 to 76 inclusive are within the Claisebrook Inlet Precinct (EP1) as defined in the City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) (herein called 'the Scheme').</p> <p>These Design Guidelines are intended to supplement the provisions of the Scheme and should be read in conjunction with the Scheme, in particular those provisions relating to the Claisebrook Village Project Area, Precinct EP1: Claisebrook Inlet, and other Planning Policies.</p> <p>The Deemed Provisions set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> also form part of the Scheme Text.</p> <p>The Scheme identified Preferred, Contemplated and Prohibited uses for Precinct EP1: Claisebrook Inlet and stipulates maximum plot ratio. In determining any application for development approval, the local government will have regard to these Design Guidelines, the Scheme and other Planning Policies.</p> <p>3.0 ABOUT THESE GUIDELINES</p> <p><i>Figure 1 deleted</i></p> 	<p>PART ONE - GENERAL</p> <p>2.0 RELATIONSHIP TO PLANNING SCHEME AND PLANNING POLICIES</p> <p>Lots 70 to 76 inclusive are within the Claisebrook Inlet Precinct (EP1) as defined in the City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) (herein called 'the Scheme').</p> <p>These Design Guidelines are intended to supplement the provisions of the Scheme and should be read in conjunction with the Scheme, in particular those provisions relating to the Claisebrook Village Project Area, Precinct EP1: Claisebrook Inlet, and other Planning Policies.</p> <p>The Deemed Provisions set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> also form part of the Scheme Text.</p> <p>The Scheme identifies Preferred, Contemplated and Prohibited uses for Precinct EP1: Claisebrook Inlet and stipulates maximum plot ratio. In determining any application for development approval, the local government will have regard to these Design Guidelines, the Scheme and other Planning Policies.</p> <p>3.0 ABOUT THESE GUIDELINES</p> <p><i>New Figure 1 inserted with Lot 70 "Car park" text removed.</i></p> 	<p>This is a minor grammatical correction.</p>
<p>3.0 ABOUT THESE GUIDELINES</p> <p><i>Figure 1 deleted</i></p> 	<p>3.0 ABOUT THESE GUIDELINES</p> <p><i>New Figure 1 inserted with Lot 70 "Car park" text removed.</i></p> 	<p>The existing south cove subdivision map will be replaced with a new subdivision map which removes the reference to 'car park' on Lot 70.</p>

Figure 1: South Cove subdivision

Figure 1: South Cove subdivision

<p>4.0 DESIRED CHARACTER AND PREFERRED USES</p> <ul style="list-style-type: none"> The lots collectively form the “South Cove” subdivision. South Cove is one of the most prominently located development sectors within East Perth. Developments within South Cove will be the “drawcard” for this part of the city. The subdivision is bounded between Plain Street and Victoria Gardens and as such is likely to experience the majority of pedestrian traffic from those who live in the surrounding areas and also from those who visit East Perth. Given the subdivision’s prominence, the local government wishes to see developments of high quality with the potential to perform landmark functions. The development of South Cove is critically placed in respect to the overall pattern of redevelopment in East Perth. The development of this sector will play a pivotal role in determining the area’s emerging character. Although South Cove is defined as a separate development sector from that of Haig Park, it is anticipated that there will be high interaction of activities on either side of the western end of Royal Street to create the major retail, hotel and restaurant focus for East Perth. Land uses on South Cove should emphasise public usage particularly along Royal Street and the Claisebrook Cove pedestrian promenade (“Claisebrook Walk”). Visual and physical access to the Cove needs to be considered and maximised in all developments. At the same time, developments on South Cove need to establish an appropriate, preferably interactive streetscape along Royal Street. This is particularly important as it is anticipated that the southern side of Royal Street will be the location of the main retail facilities serving the redevelopment area and other surrounding precincts. Moreover, developments on South Cove will need to create an appropriate urban character to balance the expanse and openness of the adjacent cove and nearby river. To achieve this, buildings in the Southern Cove subdivision need to hold the street edge to reinforce the traditional relationship to the street and similarly address the waterfront promenade. Developments to the northern and southern sides of Royal Street are to be mutually supportive in functional terms to collectively create an attractive streetscape. The emphasis of this development should be on the establishment of a truly inner City urban character, achieved by the density, scale of development and design approach. 	<p>4.0 DESIRED CHARACTER AND PREFERRED USES</p> <ul style="list-style-type: none"> The lots collectively form the “South Cove” subdivision. South Cove is one of the most prominently located development sectors within East Perth. Developments within South Cove will be the “drawcard” for this part of the city. The subdivision is bounded between Plain Street and Victoria Gardens and as such is likely to experience the majority of pedestrian traffic from those who live in the surrounding areas and also from those who visit East Perth. Given the subdivision’s prominence, the local government wishes to see developments of high quality with the potential to perform landmark functions. The development of South Cove is critically placed in respect to the overall pattern of redevelopment in East Perth. The development of this sector will play a pivotal role in determining the area’s emerging character. Although South Cove is defined as a separate development sector from that of Haig Park, it is anticipated that there will be high interaction of activities on either side of the western end of Royal Street to create the major retail, hotel and restaurant focus for East Perth. Land uses on South Cove should emphasise public usage particularly along Royal Street and the Claisebrook Cove pedestrian promenade (“Claisebrook Walk”). Visual and physical access to the Cove needs to be considered and maximised in all developments. At the same time, developments on South Cove need to establish an appropriate, preferably interactive streetscape along Royal Street. This is particularly important as it is anticipated that the southern side of Royal Street will be the location of the main retail facilities serving the redevelopment area and other surrounding precincts. Moreover, developments on South Cove will need to create an appropriate urban character to balance the expanse and openness of the adjacent cove and nearby river. To achieve this, buildings in the Southern Cove subdivision need to hold the street edge to reinforce the traditional relationship to the street and similarly address the waterfront promenade. Developments to the northern and southern sides of Royal Street are to be mutually supportive in functional terms to collectively create an attractive streetscape. The emphasis of this development should be on the establishment of a truly inner City urban character, achieved by the density, scale of development and design approach. Lot 70 is located between the mixed use activity centre in Royal Street and the residential development in the Haig Park Precinct (Area 26). The nature and built form of development on this lot 	<p>New text has been added to provide the site context for Lot 70 and its transitional role between Royal</p>
---	---	---

	<p>should form a transition between these two different inner urban areas. Pedestrian access should be provided through the site to connect the two areas.</p>	<p>Street and the residential area to the south and east.</p>
<p>5.0 BUILDING ENVELOPES</p> <p>The building height and bulk is to be contained within building envelopes as detailed in Part Two of these guidelines. Minor projections may be permitted for such items as chimneys, finials, pergolas, small portions of bay and dormer windows, and approved landmark features which in the opinion of the local government, contribute to the character and identity of the subdivision. . It should be noted that:</p> <ul style="list-style-type: none"> • Balconies, awnings and verandahs may project beyond the building envelope in accordance with the specific guidelines applicable to these features. • Heights of building envelopes are from finished ground levels at the perimeter of the Lot. • Building envelopes define the limits of building bulk. It is not intended that the building profile should mirror the building envelope. • Building envelopes must be considered in conjunction with site coverage, open space and set back requirements. 	<p>5.0 BUILDING ENVELOPES</p> <p>The building height and bulk is to be contained within building envelopes as detailed in Part Two of these guidelines. In addition the Haig Park Circle setbacks and building heights that apply to Lot 70 are detailed in the Scheme. Minor projections outside building envelopes may be permitted for such items as chimneys, finials, pergolas, small portions of bay and dormer windows, and approved landmark features which in the opinion of the local government, contribute to the character and identity of the subdivision. It should be noted that:</p> <ul style="list-style-type: none"> • Balconies, awnings and verandahs may project beyond the building envelope in accordance with the specific guidelines applicable to these features. • Heights of building envelopes are from finished ground levels at the perimeter of the Lot. • Building envelopes define the limits of building bulk. It is not intended that the building profile should mirror the building envelope. • Building envelopes must be considered in conjunction with site coverage, open space and set back requirements. 	<p>New text has been incorporated into this section to explain that certain planning provisions for Lot 70 are located in the Local Planning Scheme No. 2 (LPS26) text and not the Guidelines. The incorporation of the Haig Park Circle minimum building setbacks and maximum building heights into LPS26 in the manner proposed will ensure that they cannot be varied and in this way provide certainty to the landowner and community in terms of the built form that will be permitted to front this street.</p>
<p>6.0 BUILDING DESIGN</p> <p>6.1 Generally...</p> <ul style="list-style-type: none"> • <p>6.5 Balconies</p> <p>The inclusion of balconies to take advantage of views is encouraged. Balconies can also assist the composition, articulation and visual interest of buildings. Balconies should be of usable proportions with a minimum dimension of 1.54m. Wherever possible balconies should be enhanced by the provision of shading from summer sun.</p> <p>6.6 Roof Form...</p>	<p>6.0 BUILDING DESIGN</p> <p>6.1 Generally...</p> <ul style="list-style-type: none"> • <p>6.5 Balconies</p> <p>The inclusion of balconies to take advantage of views is encouraged. Balconies can also assist the composition, articulation and visual interest of buildings. Balconies should be of usable proportions with a minimum area of 10m² with a minimum dimension of 2m. Wherever possible balconies should be enhanced by the provision of shading from summer sun.</p> <p>6.6 Roof Form...</p>	<p>The minimum area of a balcony has been increased to 10m² and the minimum depth to 2m consistent with the City Planning Scheme No. 2 (CPS2) Residential Design Policy provisions. This will not apply retrospectively to existing development.</p>
<p>PART TWO – GUIDELINES APPLICABLE TO LOT 71</p>	<p>PART TWO – GUIDELINES APPLICABLE TO LOT 70</p> <p>1.0 CONTEXT</p> <ul style="list-style-type: none"> • This development site is located between the mixed use activity centre in Royal Street and the medium density residential area on the southern and eastern sides of Haig Park 	<p>New planning provisions specific to Lot 70 are inserted as Part Two.</p> <p>Section 1.0 sets out the planning context of the site noting any development must provide a sensitive transition between the commercial activity to the</p>

Circle. It also has frontage to Plain Street which is a major road. Its location fronting Plain Street makes it visually prominent to the north and south. Refer to Figure 1.

- The local government envisages a high quality of development on the site to form a sensitive transition between the different land uses to the north, south and east, and to respond to its visual prominence. This development should continue to provide north south pedestrian access through the site from Haig Park Circle to Royal Street via Sovereign Close.

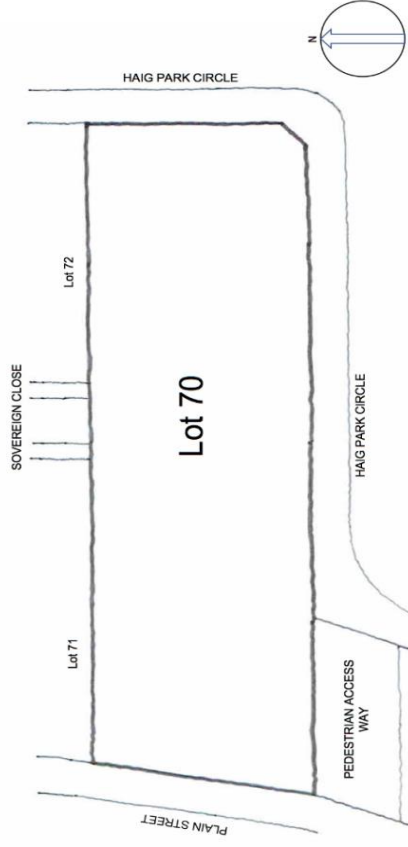


Figure 1: - Lot 70

2.0 PREFERRED USES

The preferred land uses on the site are those that fall within the Permanent Residential land use category, while those that fall within the Transient Residential land use category may be contemplated. Only these residential uses may be permitted within the southern portion of the buildings facing Haig Park Circle. While uses within the Commercial, Retail, Community, Culture and Creative Industry, and Dining and Entertainment land use categories may also be contemplated, they will only be considered where they face and have access only from Plain Street and/or to the north.

3.0 BUILDING FORM AND CHARACTER

- Development shall be of a high design quality to make a positive contribution to the character of the locality.
- A pedestrian easement shall be provided across the lot to provide public pedestrian access from Sovereign Close to Haig Park Circle (refer Figure 7). It may also accommodate vehicular access to the development at its northern end. This easement will result in development on the site above ground level forming two distinct buildings at the east and west of the

north and the residential character to the south and east along Haig Park Circle. This is consistent with community expectations for the site and ensuring any new development is respectful of the existing residential character.

Section 2.0 sets out the preferred use of the site as Permanent Residential with Transient Residential being a contemplated use. Although Permanent Residential is the preferred use of the site the nature of Transient Residential is considered to be consistent with the residential character of the area. In order to protect local amenity the other more active land uses will only be permitted where they front onto Plain Street or to the north of the site adjacent to Lots 71 and 72.

Section 3.0 sets out the desired built form of the site which must be of a high design quality and be respectful to the residential character to the south and east through its external finishes and design elements.

As discussed during the community consultation phase, and as agreed by the resolution of Council, the development must provide for an 8 metre wide pedestrian easement. This will ensure permeability

	<p>site.</p> <ul style="list-style-type: none"> • The sections of building facing the pedestrian easement should include ground level entries, major openings, and balconies to habitable rooms to provide opportunities for passive surveillance of the easement from within the buildings. At the same time the design of the buildings, particularly in relation to overlooking and noise attenuation, should be carefully considered to ensure that high levels of amenity will be provided for occupants. • The design of development shall respect the residential character of development to the south and east of Haig Park Circle. Buildings are to provide a modulated street frontage with articulated facades and use of elements such as balconies, awnings, windows and appropriate use of materials and colours to provide visual interest and to establish a fine grained scale to development. Roof pitches of 30 to 45 degrees are preferred where visible from the south and east. • The design of development facing Plain Street shall respond to the volumes of traffic on Plain Street. Priority will be given to ensuring maximum amenity for occupants, particularly in terms of noise and privacy where uses within the Permanent of Transient Residential land use categories are proposed. Non-residential development should address the street in a more traditional manner with nil setbacks, ground level entrances facing the street and awnings over the footpath encouraged. • In the north-western corner of the site where the greatest building height may be permitted the design of the upper levels, including the roof and any roof plant, should take into account how the building will be viewed from all directions given its visually prominent location. <p>4.0 BUILDING ENVELOPE AND SETBACKS</p> <ul style="list-style-type: none"> • The building envelopes and setbacks for development on the site are depicted in Figures 2-6. • The maximum building heights shall be measured from the existing level of the footpath adjoining the site at its southern boundary to Haig Park Circle. 	<p>through the site linking Sovereign Close with Haig Park Circle. It will also assist in breaking up the building bulk by providing two separate buildings to the east and west of the site. The portions of the buildings which front onto the pedestrian easement should be designed to allow for passive surveillance to ensure a high level of amenity and safety for pedestrians.</p> <p>Due to the higher volumes of traffic on Plain Street consideration must be given to protecting the future residents from any adverse noise and privacy impacts. Commercial uses at the ground level on Plain Street should also be designed to address the street with nil setbacks and the provision of an awning over the footpath. This is consistent with the principles and intent of the City Development Design Guidelines.</p> <p>Section 4.0 sets out the building envelopes for the site (Figures 2-7) as discussed during the community consultation phase.</p> <p>A minimum 8 metre pedestrian easement must be provided with two separate buildings located to the east and west of the site. In order to ensure a landscaped setting and to protect the amenity of residents to the south and east a minimum setback of 3 metres must be provided on Haig Park Circle with building heights of 10.5 metres with any additional height contained within a 45 degree angle height plane. This will provide an acceptable level of</p>
--	--	--

solar access to the properties to the south and east and will ensure the development does not result in any overbearing impacts to the existing residents in terms of overall bulk, height and scale.

Additional height may be accommodated in the north-west corner of the site of up to 21 metres towards Plain Street and Lot 71. This additional height is significantly setback from the existing residential dwellings along Haig Park Circle and is therefore not considered to have any adverse amenity impacts.

In order to protect the residential amenity of its future residents in terms of noise and privacy a 3 metre setback should also be provided for any residential uses which proposed to front onto Plain Street.

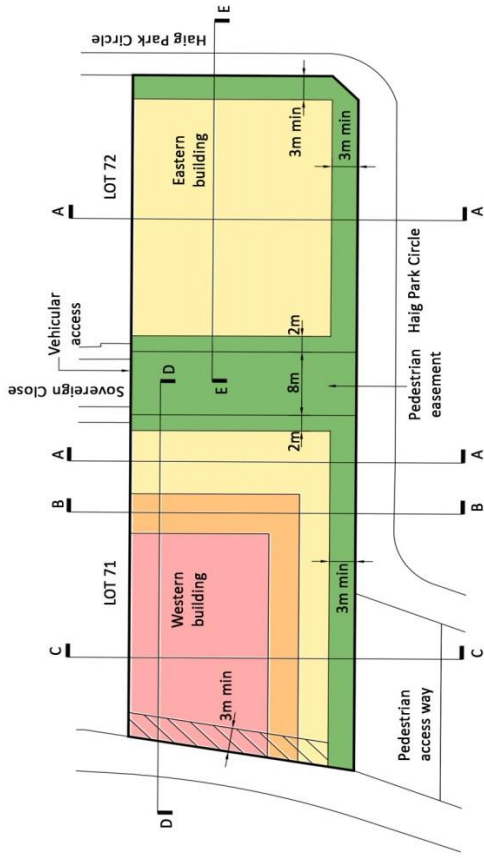


Figure 2 Lot 70 - Building setbacks and building envelope cross section locations.
 Note: Minimum 3m setback from Plain Street only applies to Permanent or Transient Residential land uses.
 For all other uses a nil setback from Plain Street may be permitted.

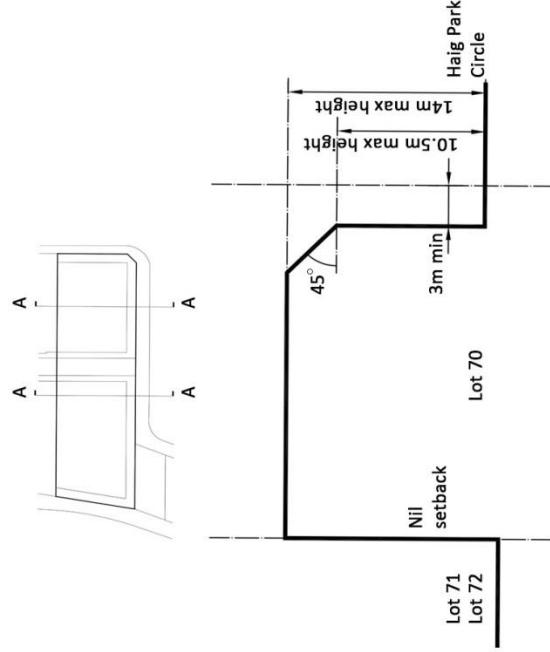


Figure 3 Section AA - North south section of building envelopes through eastern and western buildings.

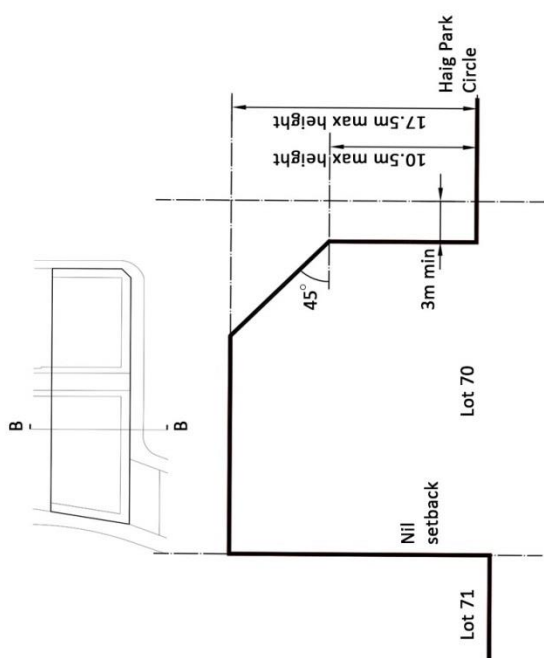


Figure 4 Section BB - North south section of building envelope through western building.

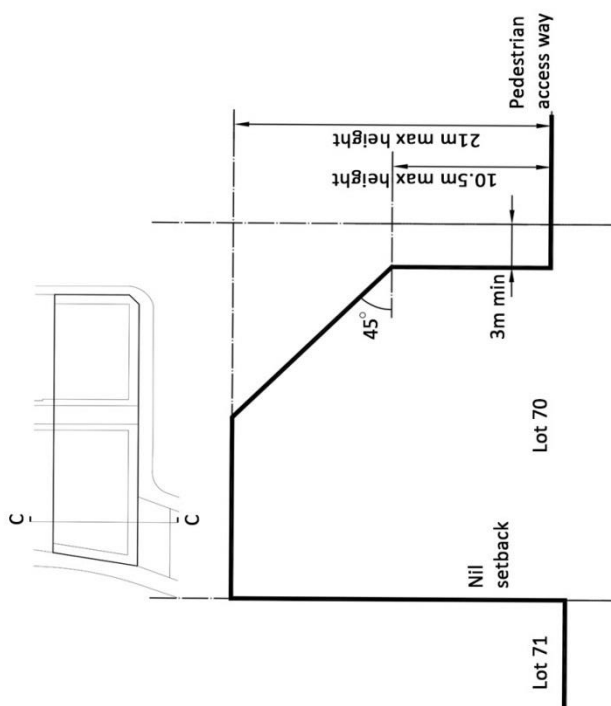


Figure 5 Section CC - North south section of building envelope through western building.

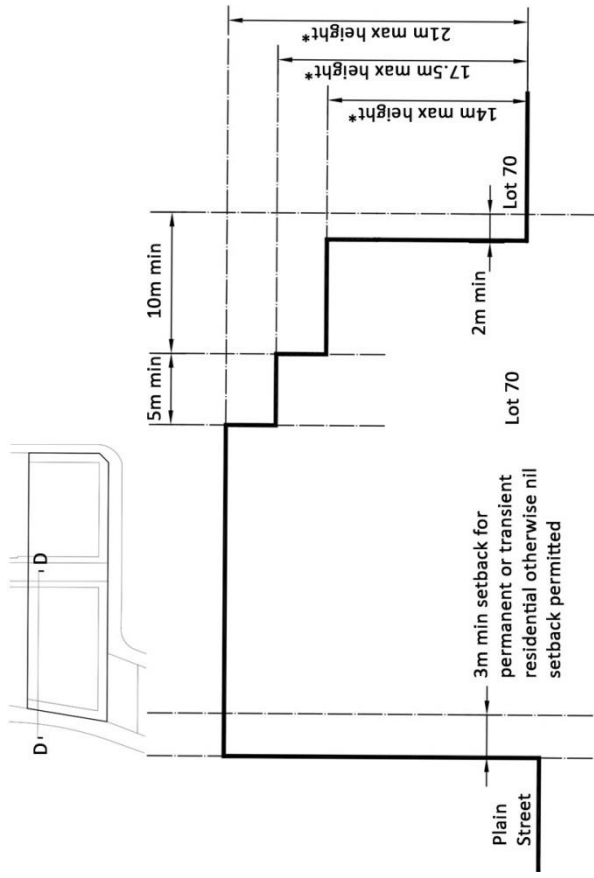


Figure 6 Section DD - East west section of building envelope through western building.
 Note: *Building heights measured from the existing level of the footpath adjoining the site at its southern boundary.

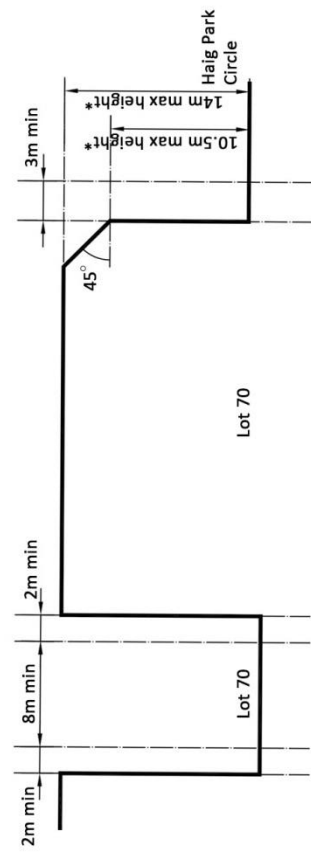
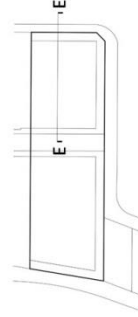


Figure 7 Section EE - East west section of building envelope through eastern building.
 Note: *Building heights measured from the existing level of the footpath adjoining the site at its southern boundary.

- The only projections outside the building envelope that may be approved by the local government are:
- an awning over the Plain Street footpath in the case of non-residential development;
- measures to integrate the electrical substation at the south-east corner of the site if retained;

Only minor projections will be permitted outside of the building envelopes including architectural features/design elements. Variations may also be considered where the development accommodates the existing electrical substation into the design, provides an awning over Plain Street or is required to accommodate the existing vehicular easements on the title.

- minor projections for items such as chimneys, finials and other similar architectural features.
- These projections will only be approved where the local government is satisfied that they make a positive contribution to the design of the building/s and the amenity of the locality and will not add significantly to the bulk and scale of the building/s. Balconies may not project outside the building envelope.
- Any easements specified on title will need to be accommodated as part of any application for development approval.

5.0 ACCESS AND PARKING

- The principal vehicular access to the site shall be from Sovereign Close, while secondary vehicular access may be permitted from the eastern section of Haig Park Circle (as indicated in Figure 7). The crossover in Haig Park Circle should be located and designed to discourage movement of vehicular traffic from the site into the residential area to the south.

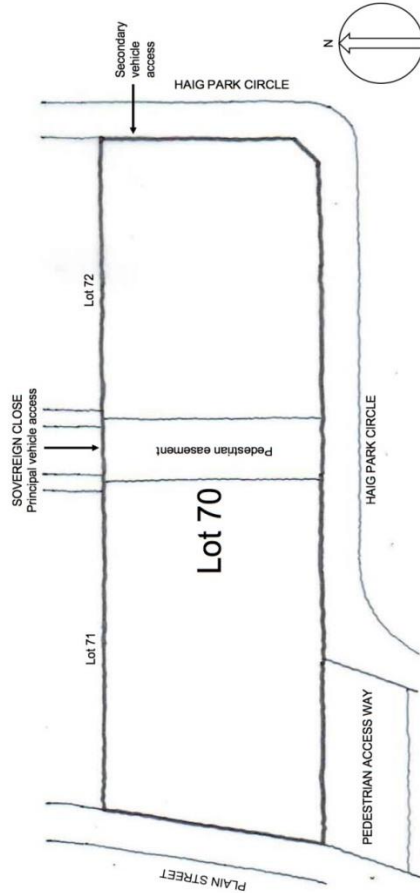


Figure 7 - Pedestrian easement and vehicular access.

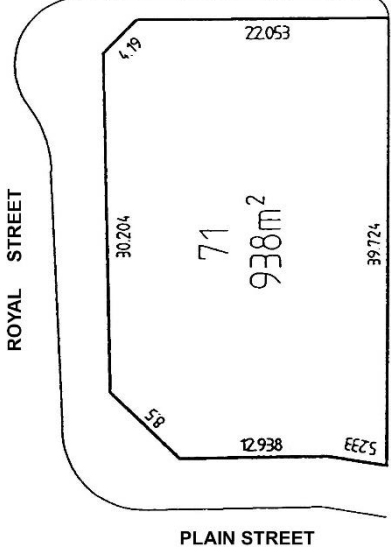
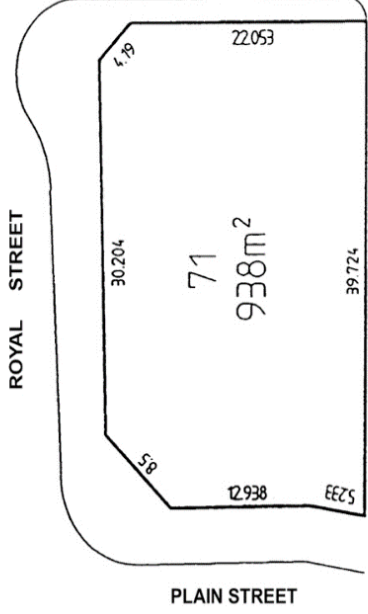
- All car parking shall be located within the building/s, at basement level or sleeved behind other land uses, so that it is not visible from the public realm and adjacent properties.
- If public fee-paying car parking is not provided on site, a minimum of one car parking bay per four dwellings, or part thereof in excess of four dwellings, shall be provided on site for residents' visitors.
- Adequate provision shall be made for service vehicles and loading/unloading areas on site. The design and location of these facilities shall be an integral part of the overall design of the development to ensure that traffic movement on adjacent streets is not disrupted and the amenity of the adjacent residential area is not reduced.

In order to protect residential amenity the main vehicular access to the site will be from Sovereign Close via Royal Street with a secondary access from the eastern section of Haig Park Circle. Given the potential loss of the existing public car park a basement public car park is encouraged. If this is not provided then visitor bays should be provided at a rate of one per four dwellings. This is in response to community consultation whereby visitor parking was raised as a concern in terms of its impact on local parking conditions and amenity.

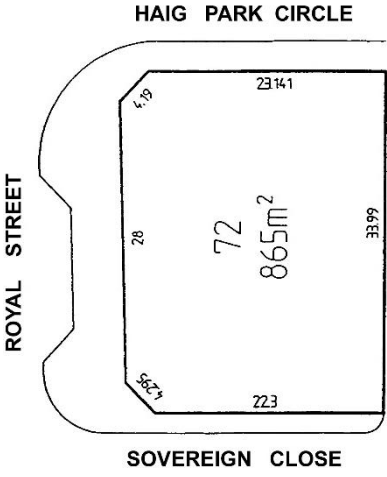
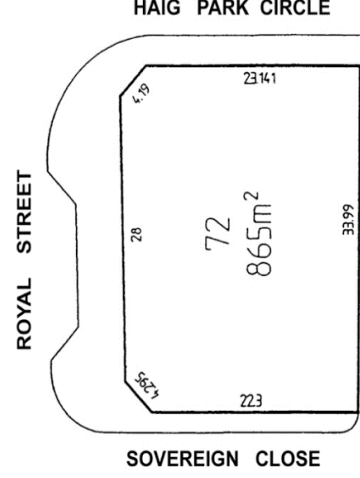
Any car parking located above basement level must be sleeved behind other land uses to ensure it is not visible from the street. This is consistent with the principles and intent of the City Development Design Policy.

The development proposal will also need to take into consideration how the building will be serviced and ensure this is adequately accommodated into the overall design.

	<p>6.0 PEDESTRIAN EASEMENT</p> <ul style="list-style-type: none"> • A pedestrian easement with a minimum width of 8m and no height limit shall be provided across the lot to provide public pedestrian access from Sovereign Close to Haig Park Circle (refer Figure 7). • The width of the pedestrian easement may be reduced at its northern end and the alignment shown on Figures 1 and 7 may be moved to the east a maximum of two metres where required to accommodate vehicular access to the site from Sovereign Close and associated access easements on title. These variations will only be supported if the local government is satisfied that any encroachment into the pedestrian easement has been minimised, appropriate pedestrians connection to the Sovereign Close footpath is provided and there is minimum impact on amenity for users of the pedestrian easement. • The design and detailing of the development shall provide for the safety and security of users of the pedestrian easement. Particular regard should be given to providing clear sightlines for pedestrians, avoiding conflict with vehicles, the avoidance of entrapment areas and maximising opportunities for passive surveillance from adjoining buildings. • Lighting shall be provided to illuminate the pedestrian easement and contribute to a secure night time environment for users, without causing disturbance to the occupants of any adjoining dwellings. • The hard and soft landscaping of the pedestrian easement shall be designed, and plant species selected, to enhance the safety and microclimate of the pedestrian easement. <p>7.0 LANDSCAPE</p> <ul style="list-style-type: none"> • The majority of the street setback areas shall be landscaped with a significant portion of in-ground planting including small trees. • <p>8.0 ELECTRICITY SUBSTATION</p> <ul style="list-style-type: none"> • Preferably the electricity substation on the site shall be relocated so that it is not visible from the public realm. If this is not possible it shall be integrated into the design of the development and the streetscape. 	<p>Section 6.0 outlines the design requirements for the pedestrian easement. Given Sovereign Close is designated as the main vehicular access to the site and with existing vehicular easements in place, the pedestrian easement may be reduced at the northern end and/or shifted to the east by up to two metres to accommodate for vehicular access. The adjoining development must also be designed to ensure an acceptable level of pedestrian safety and amenity is achieved. The pedestrian easement must also be appropriately landscaped and lit to enhance the safety and amenity of the space.</p> <p>Section 7.0 seeks to ensure the development has a landscaped setting through the provision of in-ground planting in the street setback areas. This is intended to enhance the streetscape of Haig Park Circle</p> <p>Section 8.0 seeks to relocate an existing poorly positioned/designed electrical substation in the south-east corner of the site. The preference is for the substation to be relocated so that it is not visible from the public realm or alternatively integrated into the design of the new development.</p>
--	---	--

	<p>9.0 EXISTING RETAINING WALLS</p> <ul style="list-style-type: none"> Any existing retaining walls on the site that are proposed to remain are to be visually integrated with the overall development. 	<p>The site contains existing limestone retaining walls along Plain Street and Haig Park Circle. Section 9.0 seeks to ensure these walls, if retained, are appropriately integrated into the design of the new development.</p> <p>Guidelines for Lot 71 have been renumbered as a consequence of the addition of provisions for Lot 70 above.</p>
<p>PART TWO – GUIDELINES APPLICABLE TO LOT 71</p>	<p>PART THREE – GUIDELINES APPLICABLE TO LOT 71</p>	<p>Guidelines for Lot 71 have been renumbered as a consequence of the addition of provisions for Lot 70 above.</p>
<p>1.0 Context</p> <ul style="list-style-type: none"> This development site is situated at the corner of Royal and Plain Streets. The intersection of these two streets forms a major activity node, bounded by the South Cove, Haig Park and Eastbrook development sectors. Lot 71 forms a gateway to the retail precinct proposed along Royal Street and the Haig Park Development sector. Figure 1 refers. Lot 71 is visually prominent to vehicular through traffic along Plain Street and is also easily accessible by residents of Haig Park and surrounding residential areas. As such, the local government envisages a high-quality development which will play a key role in effecting the transition between the Eastbrook commercial precinct which fronts Royal Street to the west of Plain Street. <p><i>Figure 1 deleted</i></p>  <p>Figure 1: - Lot 71</p> <p>3.0 Building Form and Character</p> <ul style="list-style-type: none"> As this development site is highly visible from all aspects, it is imperative that the building presents well from every angle. The building design must respond to both the highly urban, commercial character of Royal Street and the more open thoroughfare of Plain Street. The building should effect the 	<p>1.0 Context</p> <ul style="list-style-type: none"> This development site is situated at the corner of Royal and Plain Streets. The intersection of these two streets forms a major activity node, bounded by the South Cove, Haig Park and Eastbrook development sectors. Lot 71 forms a gateway to the retail precinct proposed along Royal Street and the Haig Park Development sector. Figure 1 refers. Lot 71 is visually prominent to vehicular through traffic along Plain Street and is also easily accessible by residents of Haig Park and surrounding residential areas. As such, the local government envisages a high-quality development which will play a key role in effecting the transition between the Eastbrook commercial precinct which fronts Royal Street to the west of Plain Street. <p><i>New Figure 1 inserted</i></p>  <p>Figure 1: - Lot 71</p> <p>4.0 Building Form and Character</p> <ul style="list-style-type: none"> As this development site is highly visible from all aspects, it is imperative that the building presents well from every angle. The building design must respond to both the highly urban, commercial character of Royal Street and the more open thoroughfare of Plain Street. The building should effect the 	<p>A new figure 1 has been inserted removing the reference 'car park' to the south.</p>
<p>3.0 Building Form and Character</p> <ul style="list-style-type: none"> As this development site is highly visible from all aspects, it is imperative that the building presents well from every angle. The building design must respond to both the highly urban, commercial character of Royal Street and the more open thoroughfare of Plain Street. The building should effect the 	<p>4.0 Building Form and Character</p> <ul style="list-style-type: none"> As this development site is highly visible from all aspects, it is imperative that the building presents well from every angle. The building design must respond to both the highly urban, commercial character of Royal Street and the more open thoroughfare of Plain Street. The building should effect the 	<p>Text that refers to Lot 70 being retained as a car park has been removed.</p>

<p>transition between these two zones as far as possible by making a strong corner statement. Two to three-storey (9.5m) or double volume construction is encouraged to ensure adequate building bulk is maintained at this corner location.</p> <ul style="list-style-type: none"> The site forms a gateway to the Royal Street retail precinct west of Plain Street. Consequently, developers are encouraged to hold the building line to the property boundaries of Royal and Plain Streets to create an active pedestrian frontage at ground level. Consideration is to be given to pedestrian movement from the car park on Lot 70. The capacity of this car park may be increased in the future by the construction of an upper level deck. Developers of Lot 71 need to consider providing direct access from such a future elevated deck to their development. The majority of ground floor facades should be glazed and interesting and modulated built form is sought. Particular regard will need to be given to facades which front Plain Street to ensure that they are visually active and articulated. Blank walls will not be accepted to Plain and Royal Streets. 	<p>transition between these two zones as far as possible by making a strong corner statement. Two to three-storey (9.5m) or double volume construction is encouraged to ensure adequate building bulk is maintained at this corner location.</p> <ul style="list-style-type: none"> The site forms a gateway to the Royal Street retail precinct west of Plain Street. Consequently, developers are encouraged to hold the building line to the property boundaries of Royal and Plain Streets to create an active pedestrian frontage at ground level. The majority of ground floor facades should be glazed and interesting and modulated built form is sought. Particular regard will need to be given to facades which front Plain Street to ensure that they are visually active and articulated. Blank walls will not be accepted to Plain and Royal Streets. 	
<p>6.0 Access and Parking</p> <ul style="list-style-type: none"> Principle pedestrian access is to be provided from Royal Street and the sidewalk adjacent to Sovereign Close. Due consideration is to be given to how pedestrians access the development from the car park at the rear of the site. Vehicular access is to be from Sovereign Close. Provide appropriate and required parking for disabled people. Delivery areas are to be located near the southern boundary, and are to be accessible from the access road to Lot 70 and screened from view. The truck dock is to be provided within the site boundary. It should be noted that the car park on Lot 70 is, and will remain, a public parking facility intended to service retail and commercial uses in this area. 	<p>6.0 Access and Parking</p> <ul style="list-style-type: none"> Principle pedestrian access is to be provided from Royal Street and the sidewalk adjacent to Sovereign Close. Vehicular access is to be from Sovereign Close. Provide appropriate and required parking for disabled people. Delivery areas are to be located near the southern boundary, and are to be accessible from the access road to Lot 70 and screened from view. The truck dock is to be provided within the site boundary. 	<p>Text that refers to Lot 70 being retained as a car park has been removed.</p>
<p>PART THREE – GUIDELINES APPLICABLE TO LOT 72</p>	<p>PART FOUR – GUIDELINES APPLICABLE TO LOT 72</p>	<p>Guidelines for Lot 72 have been renumbered as a consequence of the addition of provisions for Lot 70 above.</p>

<p>1.0 Context</p> <p><i>Figure 1 deleted</i></p>  <p>Figure 1: - Lot 72</p>	<p>1.0 Context</p> <p><i>New Figure 1 inserted.</i></p>  <p>Figure 1: - Lot 72</p>	<p>A new figure 1 is to be inserted removing the reference 'car park' to the south.</p>
<p>6.0 Access and Parking</p> <ul style="list-style-type: none"> Principle pedestrian access is to be provided from Royal Street and the sidewalk adjacent to Sovereign Close. Due consideration is to be given to how pedestrians access the development from the car park at the rear of the site. Vehicular access is to be from Sovereign Close. It should be noted that the car park on Lot 70 is, and will remain, a public parking facility intended to service retail and commercial uses in this area. 	<p>6.0 Access and Parking</p> <ul style="list-style-type: none"> Principle pedestrian access is to be provided from Royal Street and the sidewalk adjacent to Sovereign Close. Vehicular access is to be from Sovereign Close. 	<p>Text that refers to Lot 70 being retained as a car park has been removed.</p>
<p>PART FOUR – GUIDELINES APPLICABLE TO LOT 73</p>	<p>PART FIVE – GUIDELINES APPLICABLE TO LOT 73</p>	<p>Guidelines for Lot 73 have been renumbered as a consequence of the addition of provisions for Lot 70 above.</p>
<p>PART FIVE – GUIDELINES APPLICABLE TO LOT 75</p>	<p>PART SIX -- GUIDELINES APPLICABLE TO LOT 75</p>	<p>Guidelines for Lot 75 have been renumbered as a consequence of the addition of provisions for Lot 70 above.</p>
<p>PART SIX -- GUIDELINES APPLICABLE TO LOT 76</p>	<p>PART SEVEN -- GUIDELINES APPLICABLE TO LOT 76</p>	<p>Guidelines for Lot 76 have been renumbered as a consequence of the addition of provisions for Lot 70 above.</p>

City of Perth



Minor Town/Local Planning Schemes

Local Planning Scheme No. 26 - Normalised Redevelopment Areas

Note: Only the relevant sections of the Local Planning Scheme document are provided with proposed amendments shown in red.



Version #	Decision Reference	Synopsis
1	11 September 2007	Gazetted
2	17 March 2015	Amended
3	24 February 2017	Amended

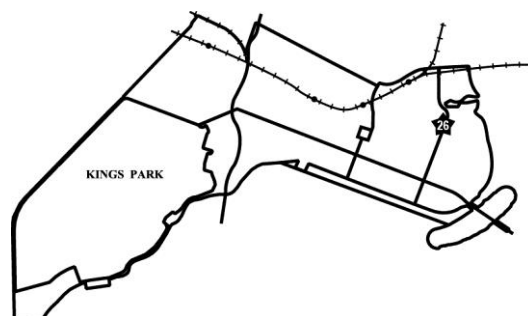
DRAFT

The local government, under the powers conferred on it by the Planning and Development Act 2005, makes the following Local Planning Scheme.

ARRANGEMENT

Part 1 - Preliminary

- 1.1 Citation of Scheme
- 1.2 Responsible Authority
- 1.3 Date of Operation
- 1.4 Scheme Area
- 1.5 Relationship of Scheme to Local-laws
- 1.6 Relationship to the City of Perth City Planning Scheme
- 1.7 Interpretation
- 1.8 Contents of the Scheme
- 1.9 Scheme Purpose
- 1.10 Scheme Objectives
- 1.11 Scheme Principles



Part 2 – Planning Policies and Design Guidelines

- 2.1 Adoption of Planning Policies and Design Guidelines
- 2.2 Amendments to Planning Policies and Design Guidelines

Part 3 – Project Areas and Precincts

- 3.1 Project Areas and Precincts on Scheme Map
- 3.2 Land Use Categories
- 3.3 Development in Precincts
- 3.4 Plot Ratio

Part 4 – Claisebrook Village Project Area

- 4.1 Claisebrook Village Project Area Vision
- 4.2 Precinct EP 1: Claisebrook Inlet
- 4.3 Precinct EP 2: Constitution Street
- 4.4 Precinct EP 3: Royal Street Central
- 4.5 Precinct EP 4: Silver City
- 4.6 Precinct EP 6: Boans
- 4.7 Precinct EP 7: East Parade

- 4.8 Precinct EP 8: Belvidere
- 4.9 Precinct EP 9: Brown Street
- 4.10 Precinct EP 10: Riverbank
- 4.11 Precinct EP 11: Cemeteries
- 4.12 Precinct EP 12: Waterloo

PART 5 – NEW NORTHBRIDGE PROJECT AREA

- 5.1 New Northbridge Project Area Vision
- 5.2 Amenity and Mixed Land Uses
- 5.3 Graham Farmer Freeway Tunnel, Northbridge
- 5.4 Precinct NB1: Russell Square
- 5.5 Precinct NB2: Lake Street

SCHEDULES

- 1. Interpretations
- 2. Normalised Redevelopment Areas Figure 1 – Scheme Map

PART 1: PRELIMINARY

1.1 Citation of Scheme

This Scheme may be cited as the Local Planning Scheme No. 26 (Normalised Redevelopment Areas) (herein called the Scheme).

1.2 Responsible Authority

The responsible authority for the preparation and implementation of the Scheme is the local government.

1.3 Date of Operation

The Scheme shall come into operation on publication of notice of the Minister's final approval thereof in the *Government Gazette*.

1.4 Scheme Area

This Scheme shall apply to the area defined as the Scheme Area in the Scheme Map in Figure 1.

1.5 Relationship of Scheme to Local-laws

The provisions of the Scheme shall have effect notwithstanding any local-law and where the provisions of the Scheme are inconsistent with any local-law the provisions of the Scheme shall prevail.

1.6 Relationship to the City of Perth City Planning Scheme

1.6.1 This Scheme is complementary to and is not a substitute for the City Planning Scheme.

1.6.2 Where a provision of this Scheme is inconsistent with a provision of the City Planning Scheme, the provision of this Scheme prevails.

1.6.3 **For the purposes** of clause 36(1) of the City Planning Scheme:

- (a) **a standard or requirement of the City Planning Scheme** shall be taken to include a standard or requirement of this Scheme.
- (b) **a non-complying application does not include an application for:**
 - (i) an increase in plot ratio above the specified maximum plot ratio in **this Scheme**.
 - (ii) **building setbacks, building heights or pedestrian easement width on Lot 70, No. 75 Haig Park Circle, East Perth that does not meet the requirements of Clause 4.2.5(d), (e), (f) and (g).**

1.6.4 In any provision which:

- (a) is contained within a local planning scheme that repeals and replaces the City Planning Scheme; and

- (b) empowers local government to approve a development which does not comply with the standard or requirement of that local planning scheme;

any reference to a standard or requirement of that local planning scheme shall be taken to include a standard or requirement of this Scheme.

1.6.5 The reference in clause 43(1)(d) of the City Planning Scheme to “all standards laid down and all requirements prescribed by this Scheme” shall be taken to include any standards laid down and any requirements prescribed by this Scheme.

1.6.6 In any provision which:

- (a) is contained within a local planning scheme that repeals and replaces the City Planning Scheme; and
- (b) prohibits a person from erecting, altering or adding to a building or using or changing the use of any land or building or permitting or suffering any land or building to be used or the use of any land or building to be changed for any purpose unless all the standards laid down and all the requirements prescribed by that local planning scheme or determined by the local government under that local planning scheme have been and continue to be complied with;

any reference to the standards laid down or standards prescribed by that local planning scheme shall be taken to include all standards laid down and all requirements prescribed by this Scheme.

1.7 Interpretation

In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in the Planning and Development Act 2005, the Deemed Provisions, Schedule 1, the City Planning Scheme and R-Codes. In the case of conflict between the meanings of words and expressions in those instruments:

- (a) in the case of residential development the definition in the R-Codes shall prevail; and
- (b) otherwise priority shall be given according to the order in which the instruments are referred to in this clause.

1.8 Contents of the Scheme

The Scheme comprises this Scheme Text which incorporates the Scheme Map and includes any Schedule to the Scheme and the Deemed Provisions.

1.9 Scheme Purpose

The purposes of the Scheme are to:

- (a) provide a system for the orderly control of development within the Scheme Area;
- (b) facilitate the process of development within the Scheme Area;

- (c) provide sufficient certainty to enable location and investment decisions to be made with reasonable confidence;
- (d) ensure that individual developments can occur without detriment to the integrity of the Scheme Area and locality as a whole;
- (e) provide flexibility and discretion in decision making;
- (f) provide an effective means of determining the urban design and visual quality of the Scheme Area;
- (g) provide effective standing for planning policies; and
- (h) facilitate the implementation of the Scheme objectives and principles.

1.10 Scheme Objectives

1.10.1 The objectives of the Scheme are to:

- (a) deliver sustainable urban development within the Scheme Area, with outcomes such as compact growth, mixed land use, good design, primacy of public spaces, heritage conservation and reduced motor vehicle usage;
- (b) deliver vibrant and attractive urban environments which infuse the city with vitality, life and character;
- (c) deliver development excellence through high quality design, by connecting people and places, and ensuring a successful mixture of land uses and activities;
- (d) increase the resident population, facilitate increased employment opportunities and a diverse range of businesses, facilities, services, amenities and infrastructure.

1.10.2 The local government will have due regard to the Scheme Objectives when determining applications made under the Scheme and when making other discretionary decisions regarding the Scheme.

1.11 Scheme Principles

1.11.1 The Scheme Principles are:

- (a) 'Places for People' – development must be planned, designed and managed to ensure the city is an appealing and welcoming place for people to live, work, play and visit;
- (b) 'Critical Mass' – development will increase the number of residents, businesses and jobs in the city and will provide facilities, services, amenities and infrastructure to support ongoing growth;
- (c) 'Quality Design' – development will deliver high quality design of places which responds to local context and develops Perth as a distinct, world class, liveable city. Design excellence in development will focus on innovation, aesthetics, function and materials, and the development of attractive, efficient and adaptable places and buildings;

- (d) 'Diversity' – development will support diversity of people, places, buildings, land uses, events and transport through the design and use of places, to create choice and flexibility in a compatible manner;
- (e) 'Connectivity' – development will deliver a well designed and serviced urban environment which integrates people, land uses and transport modes in an efficient, convenient and safe manner; and
- (f) 'Environmental Integrity' – development will conserve and enhance the natural and built environment and minimise resource consumption, carbon emissions, pollution, waste production and other detrimental environmental impacts.

1.11.2 All development proposals will be required to be consistent with the Scheme Principles, which are to be applied collectively to achieve the creation of sustainable communities.

DRAFT

PART 2: PLANNING POLICIES AND DESIGN GUIDELINES

.....

PART 3: PROJECT AREAS AND PRECINCTS

3.1 Project Areas and Precincts on Scheme Map

The Scheme Area is made up of Project Areas which are divided into Precincts. The location and boundaries of the Project Areas and Precinct are shown on the Scheme Map.

3.2 Land Use Categories

There are seven land use categories created by the Scheme. Table 1 – Land Use Categories defines the land use categories and lists the land uses within each category. Where appropriate, these categories are stipulated as ‘Preferred Uses’ categories or ‘Contemplated Uses’ categories in the Precincts.

3.3 Development in Precincts

- 3.3.1 All development is required to be generally consistent with the Statement of Intent for the Precinct in which it takes place.
- 3.3.2 Where in Parts Four and Five a category of use is stipulated as a ‘Preferred Use’ in any Precinct, in dealing with a development application involving a use from that category in that Precinct the local government shall deal with the application in accordance with clause 32 of the City Planning Scheme.
- 3.3.3 Where in Parts Four and Five a category of use is stipulated as a ‘Contemplated Use’ in any Precinct, in dealing with a development application involving a use from that category in that Precinct the local government shall deal with the application in accordance with clause 33 of the City Planning Scheme.
- 3.3.4 In dealing with an application for development approval for an unlisted land use, the local government shall deal with the application in accordance with clause 34 of the City Planning Scheme.

Table 1: Land Use Categories

<p>CATEGORY 1 : CULTURE AND CREATIVE INDUSTRY</p> <p>Description:</p> <p>Businesses and activities which have their origin in individual creativity, skill and talent and which contribute to the cultural richness and economic advantage of an area. Provides opportunities for business incubation and job creation through exploitation of intellectual property and/or unique skills.</p> <p>In determining an application for development approval for a</p>	<p>LAND USES</p> <ul style="list-style-type: none"> • Media Production • Creative Industry Office • Creative Mixed Land Use • Artist Studio • Theatre/Performance Venue
--	---

<p>land use within the Culture and Creative Industry land use category, in addition to other provisions of the Scheme, the local government shall have regard to the following objectives:</p> <p>(a) infusing creativity, originality and innovation into the built environment;</p> <p>(b) encouragement of creative industries;</p> <p>(c) providing opportunities for business incubation;</p> <p>(d) the provisions of flexible and adaptive spaces to live, work and display; and</p> <p>(e) ensuring the compatible operation of culture and creative land uses with other land uses in the vicinity of the proposed development.</p>	<ul style="list-style-type: none"> • Exhibition Centre • Event Space
<p>CATEGORY 2 : COMMERCIAL</p> <p>Description:</p> <p>Business activities, professional services and other principally profit-based land uses of a non-retail, low impact nature. The category does not include businesses of an industrial, entertainment or other moderate to high impact nature.</p> <p>In determining an application for development approval for a land use within the Commercial land use category, in addition to other provisions of the Scheme, the local government shall have regard to the following objectives:</p> <p>(a) facilitating prosperity and diversity in economic activity and commercial buildings and premises;</p> <p>(b) ensuring an active interface of ground floor development with the public realm;</p> <p>(c) healthy, functional and environmentally sustainable workplaces; and</p> <p>(d) accessibility to work places by sustainable modes of transport.</p>	<p>LAND USES</p> <ul style="list-style-type: none"> • Office • Business Services • Consulting Rooms • Medical Centre • Commercial Training Centre • Dry Cleaning Premises • Veterinary Centre • Car Park
<p>CATEGORY 3 : LIGHT INDUSTRY</p> <p>Description:</p> <p>Low to moderate impact businesses, predominately based in skilled trades, manufacturing, goods handling, the automotive industry and other land uses of an industrial nature. The land uses usually require large purpose built premises and may not be appropriate for mixed-use buildings or residential areas.</p>	<p>LAND USES</p> <ul style="list-style-type: none"> • Light Industry • Service Industry • Research and Development • Showroom/Warehouse

<p>In determining an application for development approval for a land use within the Light Industry land use category, in addition to other provisions of the Scheme, the local government shall have regard to the following objectives:</p> <p>(a) ensuring the operation of the land use does not negatively affect the amenity of the locality, including operating hours, traffic, noise, emissions and other operations are compatible with surrounding land uses;</p> <p>(b) the appropriate interface of development with the surrounding environment, including amenity and a quality streetscape; and</p> <p>(c) ensuring the proposed development will not significantly detract from the vision for the Project Area and the intent for the Precinct.</p>	<ul style="list-style-type: none"> • Open Air Sales and Display • Transport Depot • Service Station • Major Utility Infrastructure
<p>CATEGORY 4 : RETAIL</p> <p>Description:</p> <p>Places of business offering goods displayed on the premises for sale or hire to the public, and also includes premises for the provision of services of a personal nature. May include the preparation of goods for sale on site but not manufacturing of goods.</p> <p>In determining an application for development approval for a land use within the Retail land use category, in addition to the other provisions of the Scheme, the local government shall have regard to the following objectives:</p> <p>(a) encouraging a diversity of retail services and premises in appropriate locations; and</p> <p>(b) ensuring an active interface of ground floor development with the public realm.</p>	<p>LAND USES</p> <ul style="list-style-type: none"> • Shop • Shopping Complex • Personal Services • Market • Convenience Store • Liquor Store
<p>CATEGORY 5 : RESIDENTIAL</p> <p>Description:</p> <p>A building or a portion of a building that is designed or adapted for habitation.</p> <p>In determining an application for development approval for a land use within the Residential land use category, in addition to other provisions of the Scheme, the local government shall have regard to the following objectives:</p>	<p>LAND USES</p> <p>5A Permanent Residential</p> <ul style="list-style-type: none"> • Single House • Multiple Dwelling • Grouped Dwelling • Specific Purpose Housing • Home Occupation

<p>(a) encouragement of a socially diverse inner city population;</p> <p>(b) the provision of a diversity of housing and accommodation types, size and tenure;</p> <p>(c) the provision of social and affordable housing;</p> <p>(d) the provision of universally accessible and adaptive housing;</p> <p>(e) the compatibility of new residential development with existing land uses; and</p> <p>(f) the need to separate permanent residential development from transient accommodation or other land uses, where appropriate.</p>	<p>5B Transient Residential</p> <ul style="list-style-type: none"> • Lodging House • Short Term Accommodation • Serviced Apartments • Hotel • Hostel
<p>CATEGORY 6 : COMMUNITY</p> <p>Description:</p> <p>Premises or land uses which provide essential services or leisure facilities to local residents and workers or the wider community, also referred to as ‘social infrastructure’. May include activities for commercial gain which provide a social benefit.</p> <p>In determining an application for development approval for a land use within the Community land use category, in addition to other provisions of the Scheme, the local government shall have regard to the following objectives:</p> <p>(a) encouraging facilities that provide essential services or enhanced lifestyles to segments of the community or to the general public;</p> <p>(b) facilitating social interaction and community building;</p> <p>(c) supporting physical activity and healthy lifestyles; and</p> <p>(d) ensuring the appropriate interface of development with the surrounding environment, including patron and traffic management, and high quality public realm.</p>	<p>LAND USES</p> <ul style="list-style-type: none"> • Civic Building • Community Centre • Recreation Facilities • Public Open Space • Place of Worship • Hospital • Health & Social Services • Education Establishment • Day Care Centre • Public Library

CATEGORY 7: DINING AND ENTERTAINMENT**Description:**

Premises designed and used to provide public entertainment or social interaction, principally dining and drinking. Usually involves extended/evening trading and may involve service of alcohol and amplified music. Includes land uses which may present moderate impacts on residential amenity, due to noise, patronage and hours of operation.

In determining an application for development approval for a land use within the Dining and Entertainment land use category, in addition to other provisions of the Scheme, the local government shall have regard to the following objectives:

- (a) enhancing lifestyle, character and vibrancy;
- (b) achieving effective venue management, including venue operation, patron management, and customer and public safety; and
- (c) ensuring the operation of land use does not negatively affect the amenity of the locality, including operating hours, traffic, noise or other emissions, and is compatible with surrounding land uses.

LAND USES

- Tavern
- Small Bar
- Night Club
- Entertainment Complex
- Function Centre
- Club
- Restaurant
- Fast Food Outlet
- Cinema Complex
- Amusement Parlour
- Betting Agency

3.4 — Plot Ratio

~~The local government cannot grant development approval for a non-complying application in respect of an application for an increase in plot ratio above the specified maximum plot ratio in Parts Four and Five of the Scheme.~~

PART 4: CLAISEBROOK VILLAGE PROJECT AREA

4.1 Claisebrook Village Project Area Vision

The Vision for the Claisebrook Village Project Area is:

Claisebrook Village will be a sustainable urban village based on the Claisebrook Cove. It will exemplify the Scheme Principles, through its environmental integrity, a high quality public realm, and diverse land uses and housing in an easily accessible and connected environment. The area will be enriched by its Indigenous and architectural heritage and public art. The area will exhibit contemporary transport planning and design principles which capitalise on its proximity to good public transport and further develop the pedestrian-friendly public realm.

4.2 Precinct EP1: Claisebrook Inlet

4.2.1 Precinct Statement of Intent

The Claisebrook Inlet Precinct is the principal visual and social focus of the Claisebrook Village Project Area. It is a vibrant mixed land use precinct, providing opportunities for dining, leisure and social interaction and an active public realm.

4.2.2 The following table lists the Preferred, Contemplated and Prohibited uses within Precinct EP1: Claisebrook Inlet (Excluding Lot 70, 75 Haig Park Circle, East Perth):

Precinct EP1: Claisebrook Inlet	
Land Use Category	Use Symbol
Category 1 Culture and Creative Industry	C
Category 2 Commercial	P
Category 3 Light Industry	X
Category 4 Retail	P
Category 5A Permanent Residential	P/X(1)
Category 5B Transient Residential	P
Category 6 Community	P
Category 7 Dining and Entertainment	C

(1) Means use is prohibited where it fronts the street at pedestrian level but preferred elsewhere.

4.2.3 Maximum Plot Ratio: 1.0

The plot ratio may be increased to a maximum of 2.0 provided that in any development having a plot ratio in excess of 1.0, not less than 50% of the excess relevant floor area shall be dedicated to residential use.

For Lot 162 Plain Street, East Perth maximum plot ratio is 2.0.

For Lot 70 No. 75 Haig Park Circle, East Perth, the maximum plot ratio is 1.5. On this Lot the calculation of the floor area of a building and the maximum plot ratio shall exclude any public fee-paying car parking where it is located within a basement. For the purpose of this subclause, a basement is considered to be any portion of a building used primarily for car parking and having 50% or more of its volume below natural ground level.

4.2.4 Development of Lots 1 – 85 Nos. 50-60 Royal Street and Lots 1-79 No. 20 Royal Street:

- (a) This subclause applies only to Lots 1-85 Nos. 50-60 and Lots 1-79 No. 20 Royal Street, East Perth and for the purpose of this subclause, they shall be treated as a single lot and referred to as “the Lot”.
- (b) The Lot is to be developed and used for either Serviced Apartments or a Hotel or both with at least one or a combination of any of the following developments and uses:
 - (i) Serviced Apartments;
 - (ii) Hotel;
 - (iii) Tavern;
 - (iv) Office;
 - (v) Restaurant;
 - (vi) Theatre/Cinema;
 - (vii) Recreation facilities;
 - (viii) Retail; and
 - (ix) a use or development ancillary to those referred to in items (i)-(viii) above.
- (c) At least 2/3 of the total number of apartments and rooms are to be developed and used for short stay accommodation.
- (d) The plans submitted for development approval in respect of the Lot are to identify the apartments and rooms which are to be developed and used for short stay accommodation.
- (e) In this subclause:
 - (a) Serviced Apartments means buildings which include self-contained units used for short stay accommodation together with associated office and service facilities, but the term does not include a hostel, a hotel, a motel or a lodging house; and
 - (b) Short Stay Accommodation means continuous accommodation of the same person for a period of up to 12 months.

4.2.5 Development of Lot 70 No. 75 Haig Park Circle:

- (a) This subclause applies only to Lot 70 No. 75 Haig Park Circle, East Perth (referred to as 'the Lot').
- (b) Subclause 4.2.2 does not apply to the Lot.
- (c) The following table lists the Preferred, Contemplated and Prohibited uses on the Lot.

Lot 70 No. 75 Haig Park Circle	
Land Use Category	Use Symbol
Category 1 Culture and Creative Industry	C/X(1)
Category 2 Commercial	C/X(1)
Category 3 Light Industry	X
Category 4 Retail	C/X(1)
Category 5A Permanent Residential	P
Category 5B Transient Residential	C
Category 6 Community	C/X(1)
Category 7 Dining and Entertainment	C/X(1)

(1) Means the use is prohibited where it fronts or faces Haig Park Circle or the proposed internal pedestrian easement.

- (d) Buildings shall be setback a minimum of 3m from Haig Park Circle.
- (e) The maximum street building height on Haig Park Circle shall be 10.5m with any additional height above this contained within a 45 degree angled height plane.
- (f) A pedestrian easement shall be provided across the lot to provide public pedestrian access from Sovereign Close to Haig Park Circle. It shall have no height limit and a minimum width of 8m, except at its northern end where reduced width may be necessary to accommodate vehicular access from Sovereign Close to the site. The vehicular access shall be designed to minimise its encroachment into the pedestrian easement and have minimum impact on safety and amenity for users of the pedestrian easement.
- (g) The only variations to sub-clauses (d) and (e) above that may be approved by the local government are:
- measures to integrate the electrical substation at the south-east corner of the site if retained;
 - basements which extend into the Haig Park Circle street setback where they are a minimum of 2 metres below the median level of the footpath



adjoining the site at its southern boundary, allowing for adequate soil depth for in-ground planting to enhance the streetscape; and

- minor projections for items such as chimneys, finials and other similar architectural features.

These projections will only be approved where the local government is satisfied that they make a positive contribution to the design of the building/s and the amenity of the locality.

4.3 Precinct EP2: Constitution Street

.....

4.4 Precinct EP3: Royal Street Central

.....

DRAFT



City of Perth
City Planning Scheme
No. 2

Planning Policy Manual – Part 2

**Planning Policies and Design Guidelines for Normalised
Redevelopment Areas**

Section 2.20
East Perth – Area 20
South Cove

DRAFT

Note: Proposed amendments are shown in red.



Version #	Decision Reference	Synopsis
1	11 March 2008	Adopted
2	17 March 2015	Amended
3	13 December 2016	Amended
4	11 April 2017	Amended

DRAFT



CONTENTS

SECTION	TITLE	PAGE
PART ONE – GENERAL		6
1.0	APPLICATION	6
2.0	RELATIONSHIP TO PLANNING SCHEME AND PLANNING POLICIES	6
3.0	ABOUT THESE GUIDELINES	6
4.0	DESIRED CHARACTER AND PREFERRED USES	7
5.0	BUILDING ENVELOPES	7
6.0	BUILDING DESIGN	8
6.1	Generally	8
6.2	Floor to Floor height	8
6.3	Windows	8
6.4	Security	8
6.5	Balconies	8
6.6	Roof Form	8
6.7	Articulation and Detailing	8
6.8	Geo-technical Site Conditions	9
6.9	Integration of Art	9
7.0	ACCESS AND PARKING	9
7.1	Pedestrian Access	9
7.2	Motor Vehicle and Service Access Parking	9
7.3	Bicycles	10
8.0	CROSSOVERS	10
9.0	VERANDAHS AND AWNINGS	10
10.0	OPEN SPACE	11
11.0	MATERIALS AND COLOURS	11
11.1	Walls and Windows	11
11.2	Colour	11
11.3	Roof and Shade Structure Covering	11
12.0	BLANK WALLS	11



13.0 LANDSCAPE11

14.0 SERVICES12

15.0 FENCES AND RETAINING WALLS12

PART TWO – GUIDELINES APPLICABLE TO LOT 7013

1.0 CONTEXT13

2.0 PREFERRED USES13

3.0 BUILDING FORM AND CHARACTER13

4.0 BUILDING ENVELOPE AND SETBACKS14

5.0 ACCESS AND PARKING18

6.0 PEDESTRIAN EASEMENT19

7.0 LANDSCAPE19

8.0 ELECTRICITY SUBSTATION19

9.0 EXISTING RETAINING WALLS19

PART THREE - GUIDELINES APPLICABLE TO LOT 7120

1.0 CONTEXT20

2.0 PREFERRED USES20

3.0 BUILDING FORM AND CHARACTER20

4.0 BUILDING ENVELOPE21

5.0 SETBACKS21

6.0 ACCESS AND PARKING21

PART FOUR - GUIDELINES APPLICABLE TO LOT 7223

1.0 CONTEXT23

2.0 PREFERRED USES23

3.0 BUILDING FORM AND CHARACTER23

4.0 BUILDING ENVELOPE24

5.0 SETBACKS24

DRAFT



6.0 ACCESS AND PARKING24

PART FIVE – GUIDELINES APPLICABLE TO LOT 7325

1.0 CONTEXT25

2.0 PREFERRED USES25

3.0 BUILDING FORM AND CHARACTER.....25

4.0 GEO-TECHNICAL SITE CONDITIONS26

5.0 EXISTING SERVICES26

6.0 BUILDING ENVELOPE.....27

7.0 BUILDING HEIGHT27

8.0 SETBACKS27

9.0 ACCESS AND PARKING28

PART SIX – GUIDELINES APPLICABLE TO LOT 7529

1.0 CONTEXT29

2.0 PREFERRED USES29

3.0 BUILDING FORM AND CHARACTER.....29

4.0 GEO-TECHNICAL SITE CONDITIONS30

5.0 EXISTING SERVICES30

6.0 BUILDING ENVELOPE.....30

7.0 BUILDING HEIGHT30

8.0 SETBACKS30

9.0 ACCESS AND PARKING31

10.0 SEPARATE DEVELOPMENT OF LOT 75 AND 76.....31

11.0 MODIFICATIONS TO THE STEPS WITHIN THE P.A.W.31

PART SEVEN – GUIDELINES APPLICABLE TO LOT 7634

1.0 CONTEXT34

2.0 PREFERRED USES34



3.0 BUILDING FORM AND CHARACTER34

4.0 GEO-TECHNICAL SITE CONDITIONS35

5.0 EXISTING SERVICES35

6.0 BUILDING ENVELOPE.....35

7.0 BUILDING HEIGHT35

8.0 SETBACKS36

9.0 ACCESS AND PARKING36

10.0 SEPARATE DEVELOPMENT OF LOTS 75 AND 7636

11.0 MODIFICATIONS TO THE STEPS WITHIN THE P.A.W36

12.0 EXISTING RETAINING WALLS37

DRAFT

PART ONE – GENERAL

1.0 APPLICATION

These guidelines apply to lots 70 - 76 inclusive as shown on Figure 1.

2.0 RELATIONSHIP TO PLANNING SCHEME AND PLANNING POLICIES

Lots 70 to 76 inclusive are within the Claisebrook Inlet Precinct (EP1) as defined in the City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) (herein called ‘the Scheme’).

These Design Guidelines are intended to supplement the provisions of the Scheme and should be read in conjunction with the Scheme, in particular those provisions relating to the Claisebrook Village Project Area, Precinct EP1: Claisebrook Inlet, and other Planning Policies.

The Deemed Provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* also form part of the Scheme Text.

The Scheme identifies Preferred, Contemplated and Prohibited uses for Precinct EP1: Claisebrook Inlet and stipulates maximum plot ratio. In determining any application for development approval, the local government will have regard to these Design Guidelines, the Scheme and other Planning Policies.

3.0 ABOUT THESE GUIDELINES

These guidelines are broken into two parts. Part one applies to all lots and includes a description of the overall character sought for this area, definitions of some terms, and those design elements common to all sites. Part two consists of a series of specifications detailing those design considerations that are specific to particular lots. In any instance where there appears to be a contradiction between the general guidelines and the guidelines for a particular lot, the lot-specific guidelines should be followed. It should be noted that the guidelines relating to these lots will be strictly enforced and the local government may refuse development approval for developments not considered to be in keeping with the intent of the guidelines.

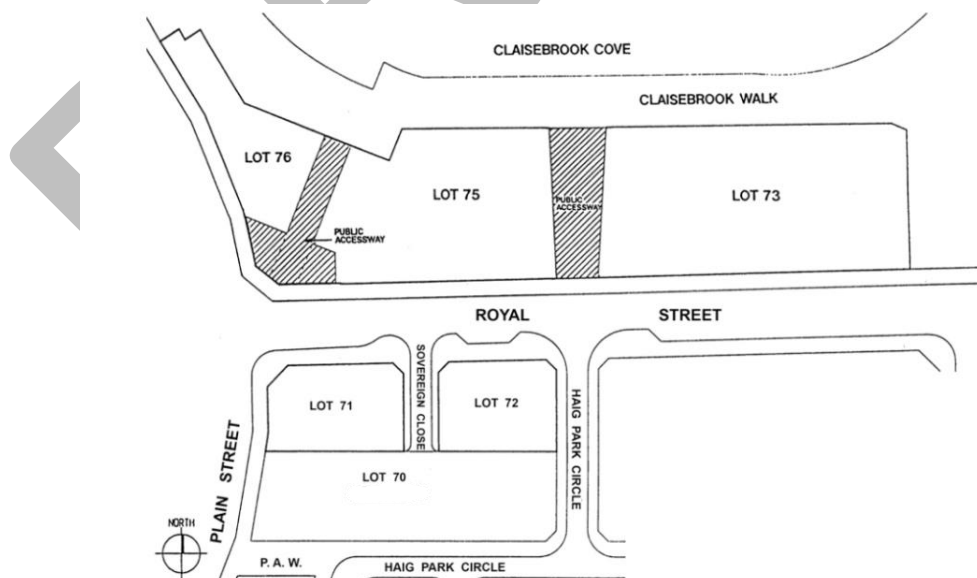


Figure 1: - South Cove Subdivision

4.0 DESIRED CHARACTER AND PREFERRED USES

- The lots collectively form the “South Cove” subdivision. South Cove is one of the most prominently located development sectors within East Perth.
- Developments within South Cove will be the “drawcard” for this part of the city. The subdivision is bounded between Plain Street and Victoria Gardens and as such is likely to experience the majority of pedestrian traffic from those who live in the surrounding areas and also from those who visit East Perth. Given the subdivision's prominence, the local government wishes to see developments of high quality with the potential to perform landmark functions.
- The development of South Cove is critically placed in respect to the overall pattern of redevelopment in East Perth. The development of this sector will play a pivotal role in determining the area's emerging character. Although South Cove is defined as a separate development sector from that of Haig Park, it is anticipated that there will be high interaction of activities on either side of the western end of Royal Street to create the major retail, hotel and restaurant focus for East Perth.
- Land uses on South Cove should emphasise public usage particularly along Royal Street and the Claisebrook Cove pedestrian promenade (“Claisebrook Walk”). Visual and physical access to the Cove needs to be considered and maximised in all developments. At the same time, developments on South Cove need to establish an appropriate, preferably interactive streetscape along Royal Street. This is particularly important as it is anticipated that the southern side of Royal Street will be the location of the main retail facilities serving the redevelopment area and other surrounding precincts. Moreover, developments on South Cove will need to create an appropriate urban character to balance the expanse and openness of the adjacent cove and nearby river. To achieve this, buildings in the Southern Cove subdivision need to hold the street edge to reinforce the traditional relationship to the street and similarly address the waterfront promenade.
- Developments to the northern and southern sides of Royal Street are to be mutually supportive in functional terms to collectively create an attractive streetscape. The emphasis of this development should be on the establishment of a truly inner City urban character, achieved by the density, scale of development and design approach.
- **Lot 70 is located between the mixed use activity centre in Royal Street and the residential development in the Haig Park Precinct (Area 26). The nature and built form of development on this lot should form a transition between these two different inner urban areas. Pedestrian access should be provided through the site to connect the two areas.**

5.0 BUILDING ENVELOPES

The building height and bulk is to be contained within building envelopes as detailed in Part Two of these guidelines. **In addition the Haig Park Circle setbacks and building heights that apply to Lot 70 are detailed in the Scheme.** Minor projections **outside building envelopes** may be permitted for such items as chimneys, finials, pergolas, small portions of bay and dormer windows, and approved landmark features which in the opinion of the local government, contribute to the character and identity of the subdivision. It should be noted that:

- Balconies, awnings and verandahs may project beyond the building envelope in accordance with the specific guidelines applicable to these features.
- Heights of building envelopes are from finished ground levels at the perimeter of the Lot.

- Building envelopes define the limits of building bulk. It is not intended that the building profile should mirror the building envelope.
- Building envelopes must be considered in conjunction with site coverage, open space and set back requirements.

6.0 BUILDING DESIGN

6.1 Generally

- Open space is not required for non-residential uses.
- The massing of buildings should respect the scale of the adjacent public domain and of neighbouring buildings.
- Buildings should enclose and define the public street space at an appropriate scale and provide a continuity along streets.
- Building forms should reflect an innovative and contemporary interpretation of Perth architecture utilising a rich palette of materials.

6.2 Floor to Floor height

The minimum ground floor to first floor height is 3m to all developments at Royal Street and waterfront promenade levels.

6.3 Windows

- Overall window opening proportion must be vertical or square.
- Horizontally proportioned window openings are acceptable only if they are integral to the elevation and a minor element of the overall composition of the elevation.
- Door and window shutters if fitted must be operable.

6.4 Security

Building design should contribute to the creation of a safe environment by avoiding the formation of "blind" spaces. Sites should be well lit to enhance the personal safety of people within the development and public in general.

6.5 Balconies

The inclusion of balconies to take advantage of views is encouraged. Balconies can also assist the composition, articulation and visual interest of buildings. Balconies should be of usable proportions with a minimum **area of 10m² with a minimum dimension of 2m**. Wherever possible balconies should be enhanced by the provision of shading from summer sun.

6.6 Roof Form

Generally roofs should be pitched, with a slope of between 30 and 45 degrees. Provision of a decorative parapet with a shallow roof pitch beyond, in the tradition of a shopping street, is acceptable for the Royal Street frontage.

6.7 Articulation and Detailing

- Building design is to enhance individual identity for all building types. Buildings must present a "front" to public spaces.

- Buildings are to provide a vertically modulated street frontage and are to use elements such as verandahs, balconies, awnings, dormers and window projections to provide visual interest and establish a fine-grained scale to the development.
- Detailing is to provide visual richness, variety, interest, identity and assist in reducing the visual bulk of building mass.
- Corner sites tend to be very prominent. Buildings situated at the intersection of roads and pedestrian access ways play a special role in defining the quality of the adjoining public spaces and by providing landmarks which assist people's understanding of the local environment. Extra height at corners through the use of decorative parapets, tower elements or similar features helps to give prominence to these buildings and is therefore encouraged. In approved instances a "tower element" may take the form of an additional storey if the local government is satisfied that it contributes to the landmark quality of the building.
- Aluminium lace or cast iron lace is not permitted.

6.8 Geo-technical Site Conditions

Geo-technical briefing notes are available for inspection at the local government's offices. However, it is the responsibility of each land owner to ensure that the design of their dwelling is suitable for the site condition of their lot.

6.9 Integration of Art

The use of artists as part of the design team for a new development is strongly encouraged. Areas in which artworks can be integrated into a new development include detailing to walls, balustrades and railings, paving, shade structures, seating, rubbish bins, bollards, drinking fountains, lighting, building fittings, entry treatments and signage.

7.0 ACCESS AND PARKING

7.1 Pedestrian Access

Priority is to be given to maximising pedestrian access and circulation within the precinct. Pedestrian access from Royal Street is to be at grade directly from the footpath. Consideration is to be given to designing access suitable for people with impaired mobility and all relevant Australian Standards and codes are to be adhered to.

7.2 Motor Vehicle and Service Access Parking

- All parking is to be provided in basement or otherwise adequately concealed from public view to the local government's satisfaction.
- Basement car parks abutting pedestrian access ways or Royal Street, should be below ground level where possible. Any wall projecting above ground is to be of minimal extent and detailed to provide visual interest and pedestrian scale.
- Ventilation grilles to parking basements are to be screened from public view. In any case, they should be detailed to reduce their visual impact, and be sympathetic in proportion and placement to the building design.

- Unless noted otherwise, servicing of buildings is to take place from Royal Street or within an approved internal screened service yard, as appropriate to the nature and scale of the proposed development.
- Provision is to be made for the storage of rubbish bins in such a way as they are screened from public view and can be easily accessed by service vehicles.
- Designs are to minimise the extent of street and laneway frontage given over to vehicular access.

7.3 Bicycles

Each development is to make provision for secure public bicycle parking and appropriate end of trip facilities for building occupants.

8.0 CROSSOVERS

Vehicle crossovers are to be constructed to the local government's specifications at the developer's expense.

9.0 VERANDAHS AND AWNINGS

- Any verandah or awning that overhangs or abuts a trafficable street or lane must have 0.6m minimum clearance from the likely passage of vehicles. Allowance should also be made for the unimpeded growth of any nearby street tree. In any case, the fascia of a verandah or awning must be no less than 0.6m closer to the outer face of the kerb, where one exists.
- Verandahs and awnings are not to exceed 2.7m in width.
- Generally, a verandah must have a clearance above footpath level of 3.0m. Where necessary verandahs may be stepped to conform with the grade of the footpath. In such cases, the steps should not exceed 600mm and the clearance above footpath level may be reduced to a minimum of 2.7m. Figure 2 illustrates this principle.

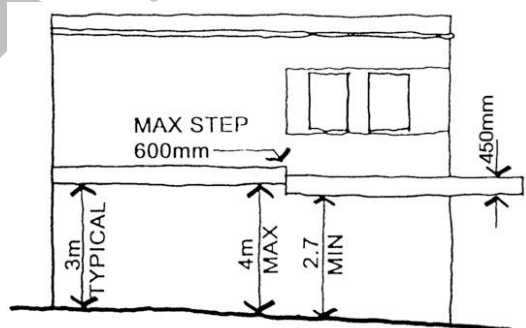


Figure 2: - Verandah Clearances and Connections

- Where a verandah abuts another verandah, the two are to be finished so as to prevent rain falling between them. It will be the responsibility of the person erecting the new verandah to effect this result. Figure 2 illustrates this principle.
- Decorative elements on verandahs will be considered on their merits. If intended to accommodate signage the finished depth of a verandah fascia should be 450mm.
- Frontages to Royal Street are required to provide pedestrian protection from sun and rain. It is preferable that this is achieved through the use of suspended fabric awnings, although box type verandahs are acceptable to Royal Street.

10.0 OPEN SPACE

- Open space is not required for non-residential uses.
- An area of private open space directly accessible from a living area is required for each residential dwelling. This open space may be at ground level or be provided as a balcony terrace or deck.
- All private open space is to be sufficiently dimensioned so as to be usable.

11.0 MATERIALS AND COLOURS

11.1 Walls and Windows

The following construction materials are acceptable:

- Natural stone, including limestone;
- Rammed earth and rammed limestone;
- Render paint finished in ochres, reds and limewash colours. Red or terracotta brick;
- Timber and lightweight cladding which is paint finished or stained is acceptable on upper floors and as a minor element at ground floor level;
- The well considered use of more than one material or finish is encouraged where it adds variety and reduces perceived building bulk. Finishes that separate or partly separate ground and upper floors are encouraged.
- Reflective glass or dark tint is not permitted.

11.2 Colour

- Colour scheme involving well considered colours are encouraged as distinct from predominantly monochrome colour scheme.
- Trim colours which enhance and complement the wall and roof colours are preferred.

11.3 Roof and Shade Structure Covering

- Roof materials are to be selected from the following colour range: corrugated metal decking in Colorbond off white, merino, wheat, birch grey, saltbush, beige, mist green, gull grey or similar approved colour; tiles in autumn or terracotta tones; shingles or tiles resembling shingles in slate grey (not black).
- A Zinalume finish will only be accepted where it can be demonstrated that glare and reflectivity will not be a problem to neighbours and surrounding activities, including those across the Cove.

12.0 BLANK WALLS

Blank walls abutting public spaces are to be kept to a minimum. Walls are to be detailed to provide visual interest and pedestrian scale.

13.0 LANDSCAPE

- In order to increase on-site water absorption and reduce run-off, permeable segmental paving is to be used for all hard surfaces.

- Where paving inside a lot abuts and is visible from paved surfaces in streets or public access ways, the new paving should be coordinated in colour, texture and scale with the surface in the public area.
- Select suitable tree species of semi-matured size, form and scale to relate to, but not overwhelm the building mass.
- Developers should note that trees used within the public spaces such as the PAW's are likely to overhang property boundaries once they are mature. The local government will be responsible for cleaning leaves, etc., which fall within public areas only.
- A detailed landscape proposal plan is to be submitted with each building license application.

14.0 SERVICES

- All piped and wired services, air-conditioners, clothes drying areas and hot water storage tanks are to be concealed from street and public area view. Solar panels and solar water heaters may be visible where they are in the same plane as the roof and there is no alternative location that can provide a similar level of solar efficiency.
- All stormwater is to be discharged to the stormwater connection provided on site.
- A stormwater drainage plan is to be provided with all building license applications.

15.0 FENCES AND RETAINING WALLS

- Fencing is to comply with the standard illustrated in Figure 3. This consists of limestone piers to a maximum of 2m high, and infill panels to a maximum of 1.8m. No more than 50% of any length of fence should consist of solid infill.
- Fencing which abuts Claisebrook Walk should be of visually permeable materials such as metal railings, although minor solid components may be permitted where residential private open space requires screening.
- Generally, buildings constructed to lot boundaries are preferred over fences. Where solid infill fencing is required, materials should match the building walls.
- Retaining walls are to be no higher than 1.2m high when measured from the adjacent pedestrian zone (eg: Claisebrook Walk).
- The combined heights of retaining walls and fences are not to exceed 2m when measured from the adjacent pedestrian zone. Where walls extend from retaining walls, the materials should be integrated. Walls should be detailed to minimise the sense of bulk and scale.

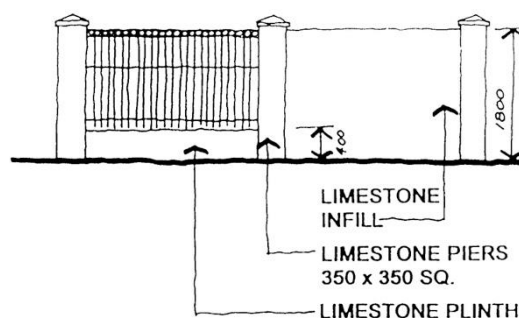


Figure 2 : - Typical Fence Styles

PART TWO – GUIDELINES APPLICABLE TO LOT 70

1.0 CONTEXT

- This development site is located between the mixed use activity centre in Royal Street and the medium density residential area on the southern and eastern sides of Haig Park Circle. It also has frontage to Plain Street which is a major road. Its location fronting Plain Street makes it visually prominent to the north and south. Refer to Figure 1.
- The local government envisages a high quality of development on the site to form a sensitive transition between the different land uses to the north, south and east, and to respond to its visual prominence. This development should continue to provide north south pedestrian access through the site from Haig Park Circle to Royal Street via Sovereign Close.

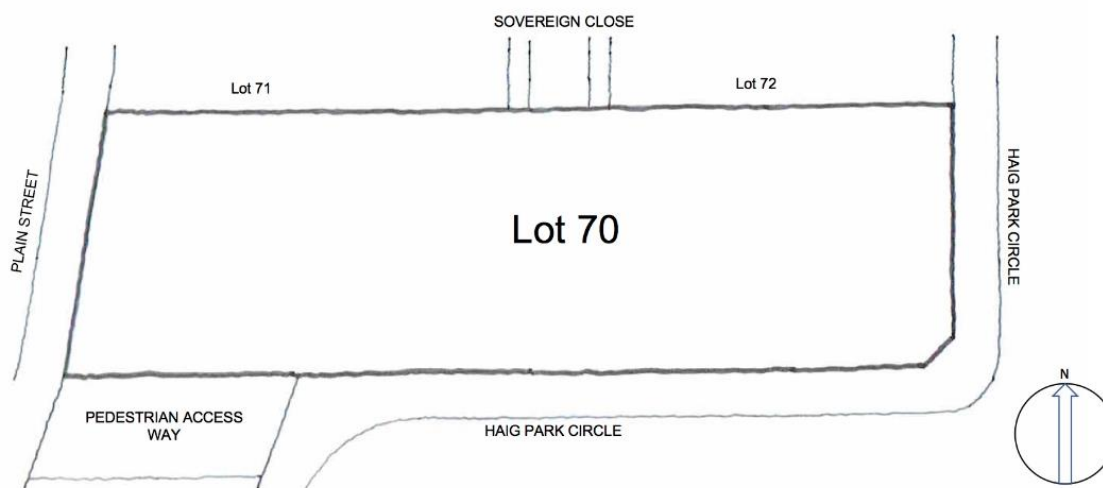


Figure 1: - Lot 70

2.0 PREFERRED USES

The preferred land uses on the site are those that fall within the Permanent Residential land use category, while those that fall within the Transient Residential land use category may be contemplated. Only these residential uses may be permitted within the southern elevation of the buildings facing Haig Park Circle. While uses within the Commercial, Retail, Community, Culture and Creative Industry, and Dining and Entertainment land use categories may also be contemplated, they will only be considered where they face and have access from Plain Street and/or to the north.

3.0 BUILDING FORM AND CHARACTER

- Development shall be of a high design quality to make a positive contribution to the character of the locality.
- An pedestrian easement with a minimum width of 8m and no height limit shall be provided across the lot to provide public pedestrian access from Sovereign Close to Haig Park Circle (refer Figure 7). It may also accommodate vehicular access to the development at its

northern end. This easement will result in development on the site above ground level forming two distinct buildings at the east and west of the site.

- The sections of building facing the pedestrian easement should include ground level entries, major openings, and balconies to habitable rooms to provide opportunities for passive surveillance of the easement from within the buildings. At the same time the design of the buildings, particularly in relation to overlooking and noise attenuation, should be carefully considered to ensure that high levels of amenity will be provided for occupants.
- The design of development shall respect the residential character of development to the south and east of Haig Park Circle. Buildings are to provide a modulated street frontage with articulated facades and use of elements such as balconies, awnings, windows and appropriate use of materials and colours to provide visual interest and to establish a fine grained scale to development. Roof pitches of 30 to 45 degrees are preferred where visible from the south and east.
- The design of development facing Plain Street shall respond to the volumes of traffic on Plain Street. Priority will be given to ensuring maximum amenity for occupants, particularly in terms of noise and privacy where uses within the Permanent of Transient Residential land use categories are proposed. Non-residential development should address the street in a more traditional manner with nil setbacks, ground level entrances facing the street and awnings over the footpath encouraged.
- In the north-western corner of the site where the greatest building height may be permitted the design of the upper levels, including the roof and any roof plant, should take into account how the building will be viewed from all directions given its visually prominent location.

4.0 BUILDING ENVELOPE AND SETBACKS

- The building envelopes and setbacks for development on the site are depicted in Figures 2-6.
- The maximum building heights shall be measured from the existing level of the footpath adjoining the site at its southern boundary to Haig Park Circle.

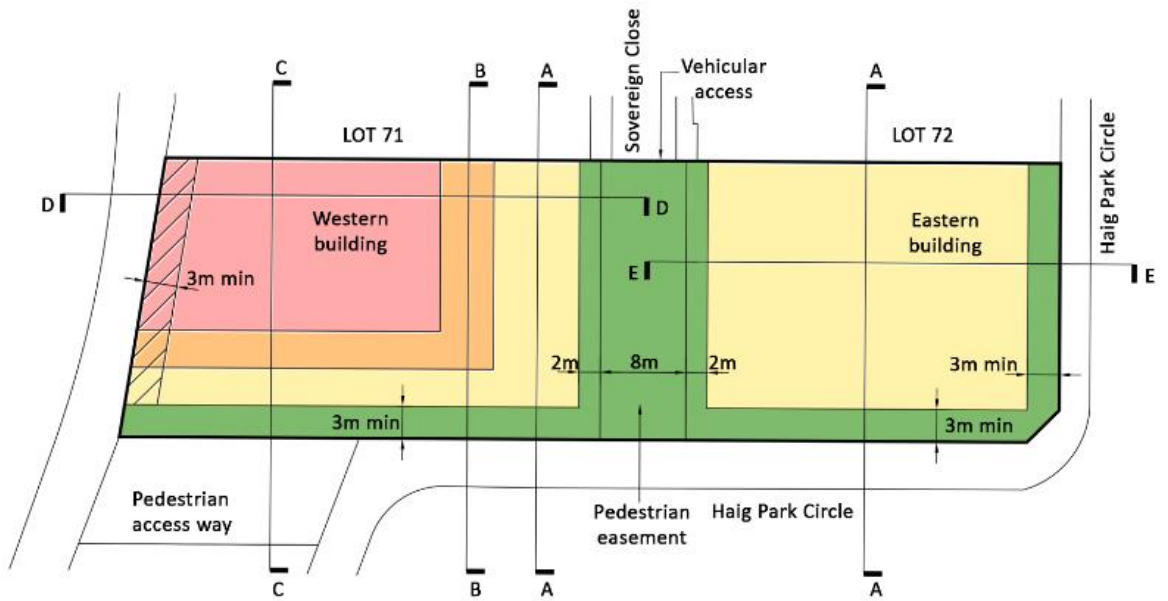


Figure 1 Lot 70 - Building setbacks and building envelope cross section locations.

Note: Minimum 3m setback from Plain Street only applies to Permanent or Transient Residential land uses. For all other uses a nil setback from Plain Street may be permitted.

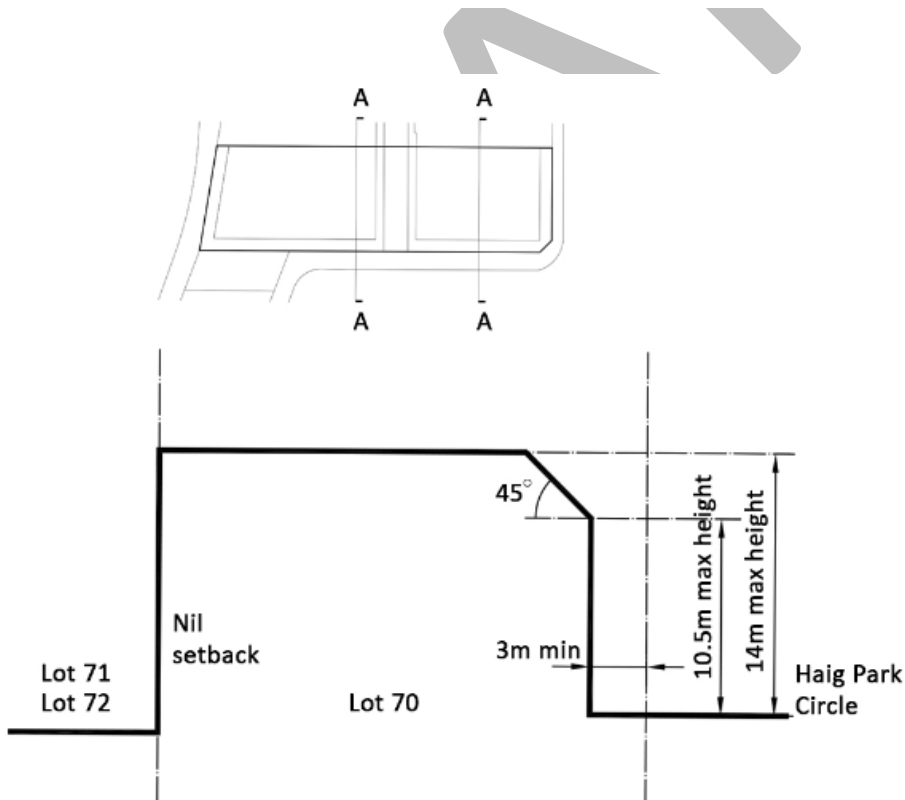


Figure 2 Section AA - North south section of building envelopes through eastern and western buildings.

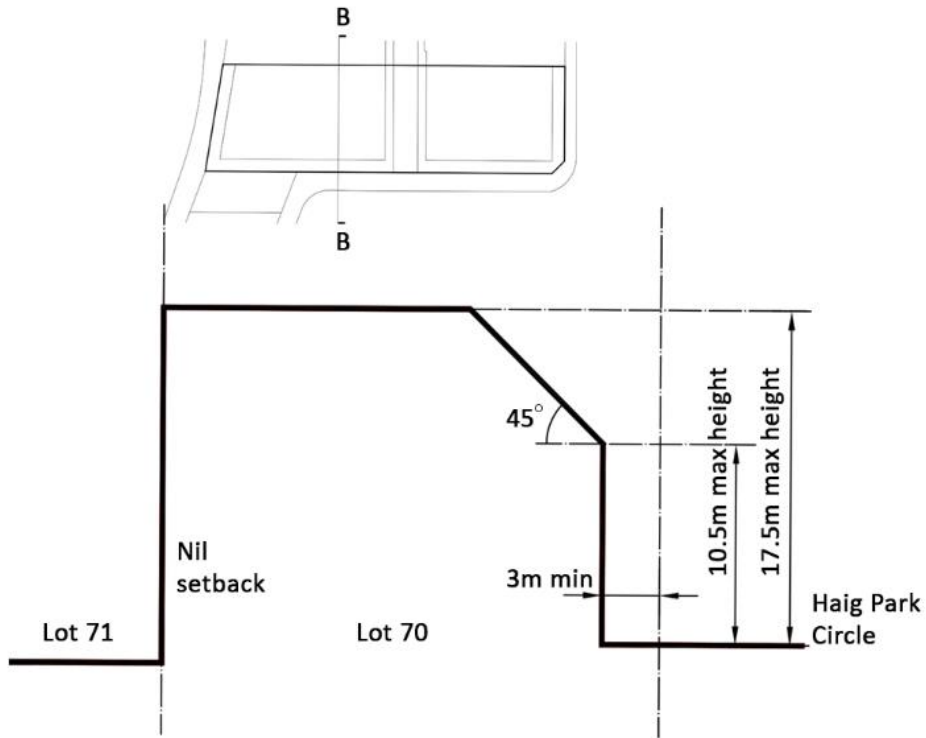


Figure 3 Section BB - North south section of building envelope through western building.

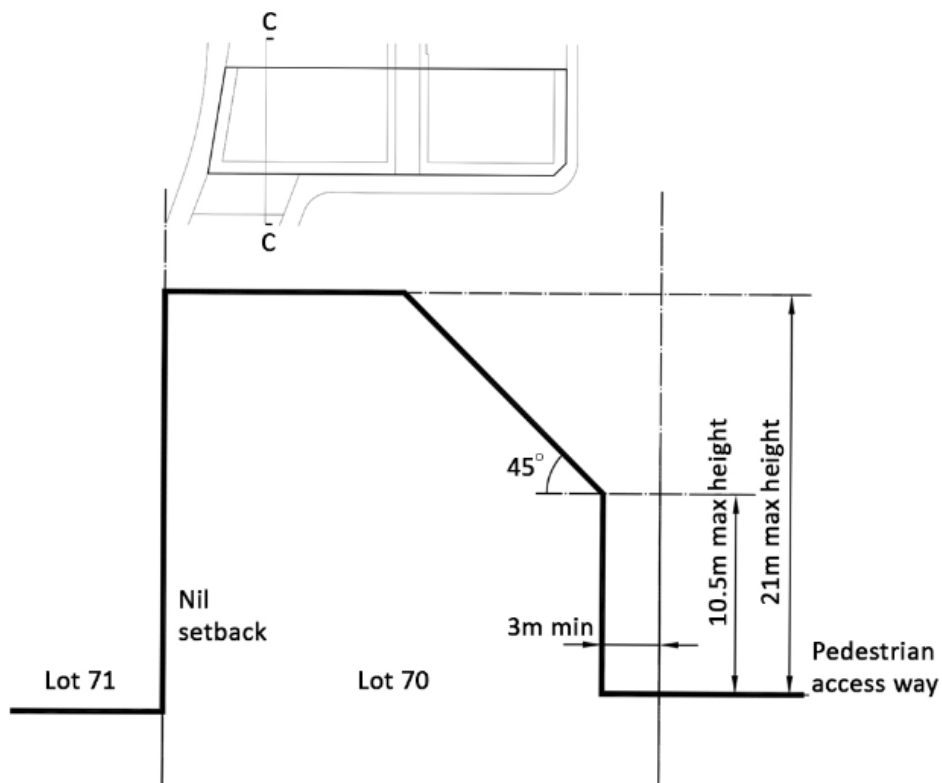


Figure 4 Section CC - North south section of building envelope through western building.

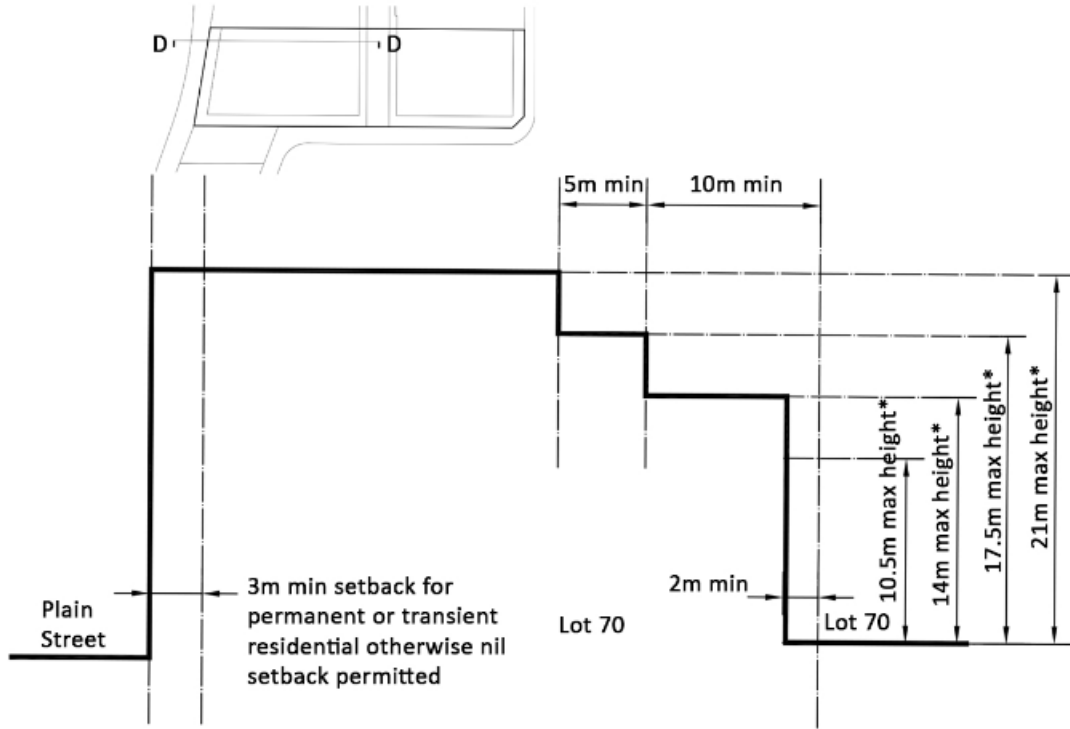


Figure 5 Section DD - East west section of building envelope through western building.

Note: *Building heights measured from the existing level of the footpath adjoining the site at its southern boundary.

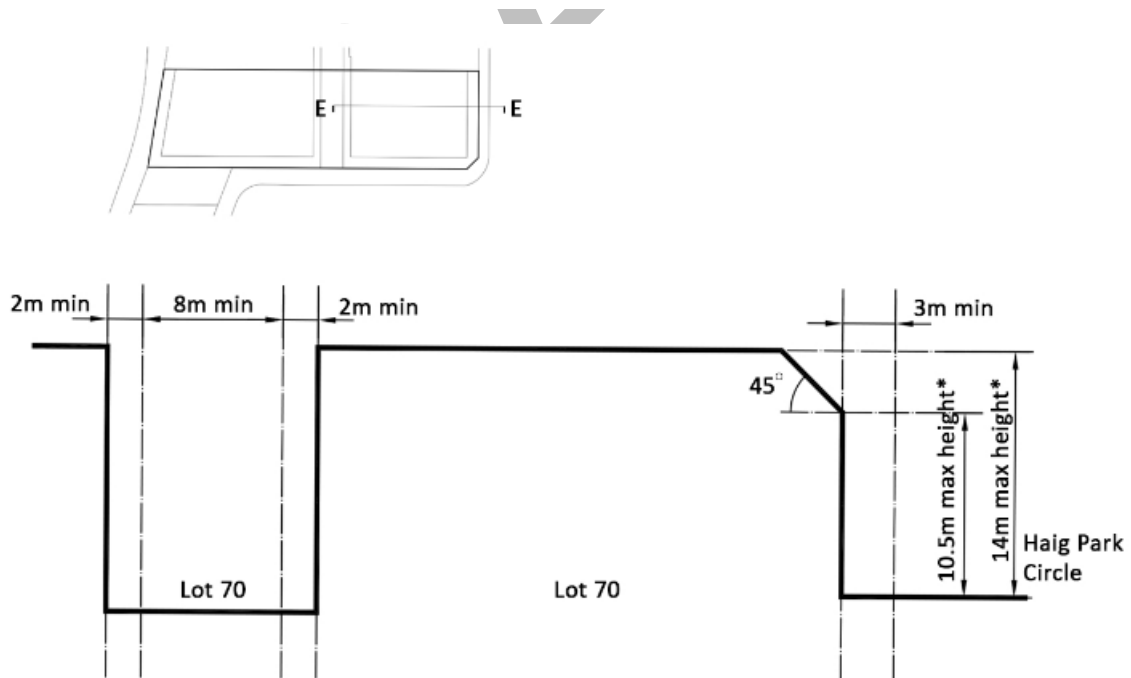


Figure 6 Section EE - East west section of building envelope through eastern building.

Note: *Building heights measured from the existing level of the footpath adjoining the site at its southern boundary.

- The only projections outside the building envelope that may be approved by the local government are:
 - an awning over the Plain Street footpath in the case of non-residential development;
 - measures to integrate the electrical substation at the south-east corner of the site if retained;
 - minor projections for items such as chimneys, finials and other similar architectural features.
- These projections will only be approved where the local government is satisfied that they make a positive contribution to the design of the building/s and the amenity of the locality and will not add significantly to the bulk and scale of the building/s. Balconies may not project outside the building envelope.
- Any easements specified on title will need to be accommodated as part of any application for development approval.

5.0 ACCESS AND PARKING

- The principal vehicular access to the site shall be from Sovereign Close, while secondary vehicular access may be permitted from the eastern section of Haig Park Circle (as indicated in Figure 7). The crossover in Haig Park Circle should be located and designed to discourage movement of vehicular traffic from the site into the residential area to the south.

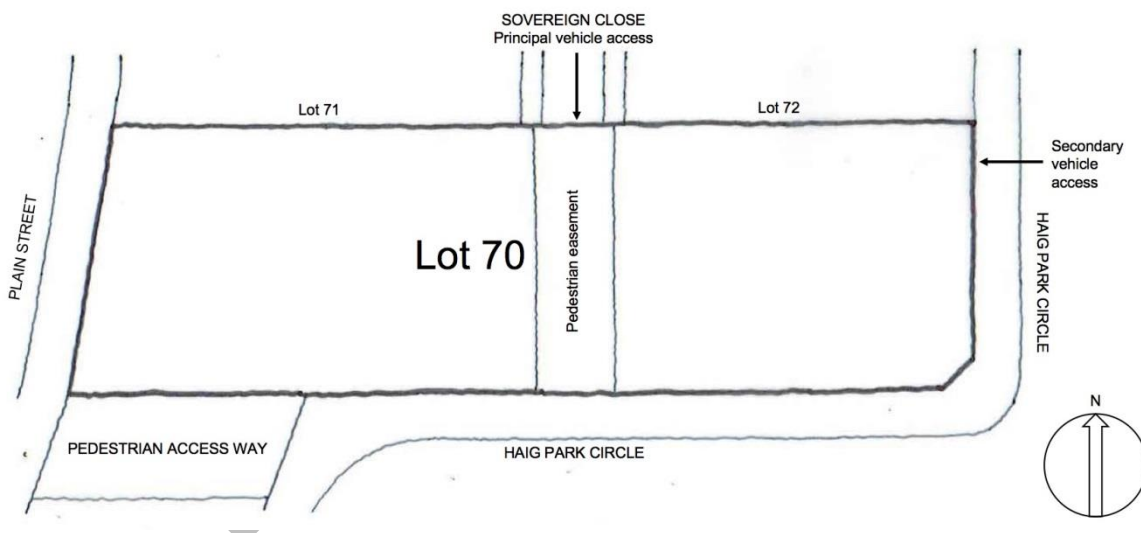


Figure 7 - Pedestrian easement and vehicular access.

- All car parking shall be located within the building/s, at basement level or sleeved behind other land uses, so that it is not visible from the public realm and adjacent properties.
- If public fee-paying car parking is not provided on site, a minimum of one car parking bay per four dwellings, or part thereof in excess of four dwellings, shall be provided on site for residents' visitors.
- Adequate provision shall be made for service vehicles and loading/unloading areas on site. The design and location of these facilities shall be an integral part of the overall design of the

development to ensure that traffic movement on adjacent streets is not disrupted and the amenity of the adjacent residential area is not reduced.

6.0 PEDESTRIAN EASEMENT

- The width of the pedestrian easement may be reduced at its northern end and the alignment shown on Figures 1 and 7 may be moved to the east a maximum of two metres where required to accommodate vehicular access to the site from Sovereign Close and associated access easements on title. These variations will only be supported if the local government is satisfied that any encroachment into the pedestrian easement has been minimised, appropriate pedestrian connection to the Sovereign Close footpath is provided and there is minimum impact on amenity for users of the pedestrian easement.
- The design and detailing of the development shall provide for the safety and security of users of the pedestrian easement. Particular regard should be given to providing clear sightlines for pedestrians, avoiding conflict with vehicles, the avoidance of entrapment areas and maximising opportunities for passive surveillance from adjoining buildings.
- Lighting shall be provided to illuminate the pedestrian easement and contribute to a secure night time environment for users, without causing disturbance to the occupants of any adjoining dwellings.
- The hard and soft landscaping of the pedestrian easement shall be designed, and plant species selected, to enhance the safety and microclimate of the pedestrian easement.

7.0 LANDSCAPE

- The majority of the street setback areas shall be landscaped with a significant portion of in-ground planting including small trees.

8.0 ELECTRICITY SUBSTATION

- Preferably the electricity substation on the site shall be relocated so that it is not visible from the public realm. If this is not possible it shall be integrated into the design of the development and the streetscape.

9.0 EXISTING RETAINING WALLS

- Any existing retaining walls on the site that are proposed to remain are to be visually integrated with the overall development.

PART THREE - GUIDELINES APPLICABLE TO LOT 71

1.0 CONTEXT

- This development site is situated at the corner of Royal and Plain Streets. The intersection of these two streets forms a major activity node, bounded by the South Cove, Haig Park and Eastbrook development sectors. Lot 71 forms a gateway to the retail precinct proposed along Royal Street and the Haig Park Development sector. Figure 1 refers.
- Lot 71 is visually prominent to vehicular through traffic along Plain Street and is also easily accessible by residents of Haig Park and surrounding residential areas. As such, the local government envisages a high-quality development which will play a key role in effecting the transition between the Eastbrook commercial precinct which fronts Royal Street to the west of Plain Street.

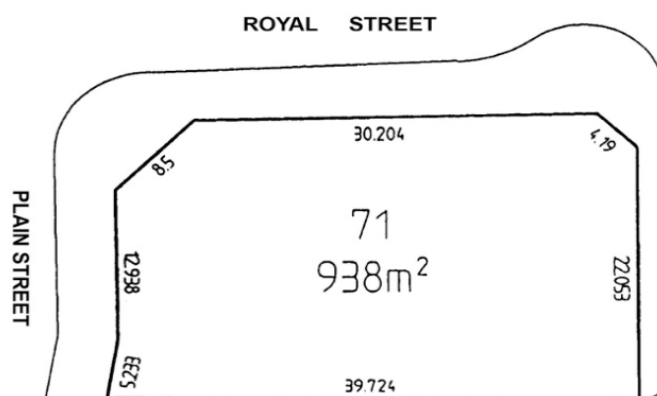


Figure 1: - Lot 71

2.0 PREFERRED USES

This site is to provide key local retail service functions to meet the day to day retail needs of residents of East Perth and beyond. The local government therefore encourages the development of a Super-deli or Mini-mart of approximately 750m² on the ground level. Consulting rooms, professional offices and residential uses are considered suitable for upper levels.

3.0 BUILDING FORM AND CHARACTER

- As this development site is highly visible from all aspects, it is imperative that the building presents well from every angle. The building design must respond to both the highly urban, commercial character of Royal Street and the more open thoroughfare of Plain Street. The building should effect the transition between these two zones as far as possible by making a strong corner statement. Two to three-storey (9.5m) or double volume construction is encouraged to ensure adequate building bulk is maintained at this corner location.
- The site forms a gateway to the Royal Street retail precinct west of Plain Street. Consequently, developers are encouraged to hold the building line to the property boundaries of Royal and Plain Streets to create an active pedestrian frontage at ground level. ~~Consideration is to be given to pedestrian movement from the car park on Lot 70. The capacity of this car park may be increased in the future by the construction of an upper level deck. Developers of Lot 71 need to consider providing direct access from such a future elevated deck to their development.~~

- The majority of ground floor facades should be glazed and interesting and modulated built form is sought. Particular regard will need to be given to facades which front Plain Street to ensure that they are visually active and articulated. Blank walls will not be accepted to Plain and Royal Streets.

4.0 BUILDING ENVELOPE

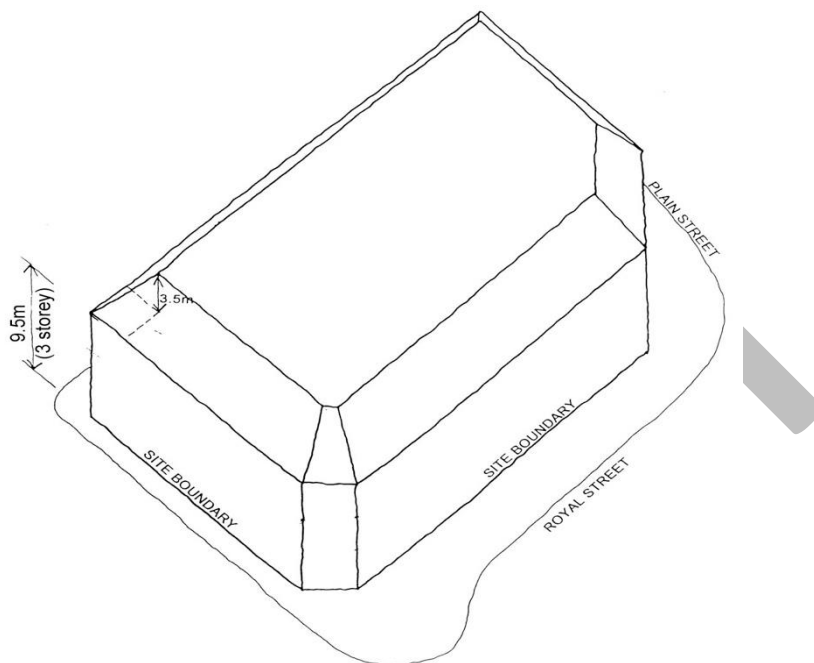


Figure 2: - Building Envelope Lot 71.
 (Note: Top portion of Building Envelope set at 45° to the vertical)

5.0 SETBACKS

SETBACKS FRONTAGE	MIN	MAX
Royal Street	Nil	Nil
Sovereign Close	3m	-
Plain Street	Nil	3m
Rear	3m	-

6.0 ACCESS AND PARKING

- Principle pedestrian access is to be provided from Royal Street and the sidewalk adjacent to Sovereign Close. ~~Due consideration is to be given to how pedestrians access the development from the car park at the rear of the site.~~ Vehicular access is to be from Sovereign Close. Provide appropriate and required parking for disabled people. Delivery areas are to be located near the southern boundary, and are to be accessible from the access road to Lot 70 and screened from view. The truck dock is to be provided within the site boundary.
- ~~It should be noted that the car park on Lot 70 is, and will remain, a public parking facility intended to service retail and commercial uses in this area.~~



DRAFT

PART FOUR - GUIDELINES APPLICABLE TO LOT 72

1.0 CONTEXT

This development of Lot 72 is critical to ensuring the success of creating an active and diverse retail precinct at this end of Royal Street. The development site is to be of appropriate urban character to create a gateway to the Haig Park residential area and to balance the development to the east and west. Development on this site needs to foster an interactive aspect along Royal Street with the adjacent retail functions of Lot 71 and Lot 75. This is particularly important as it is anticipated that collectively Lots 76, 71, 72 and 75 will create the core of the local retail facilities servicing the redevelopment area and surrounding precincts. To achieve this, development on Lot 72 needs to be located to reinforce the traditional relationship to the street and provide active ground floor tenancies. Figure 1 refers.

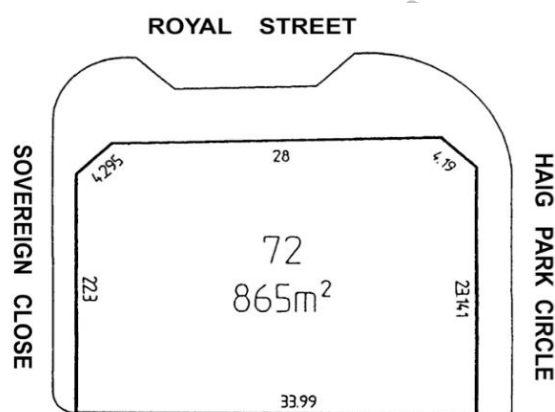


Figure 1 : - Lot 72

2.0 PREFERRED USES

Uses at ground level are to be retail, special retail, cafes, or other uses having an interactive shopfront presentation. It is imperative that the buildings on this site actively engage Royal Street and create a shopfront quality providing visual interest to pedestrians. Facilities which would present a blank frontage are considered inappropriate. It is suggested that ground level tenancies provide a range of shops to support the day to day retail and service needs of residents. Residential apartments, commercial offices, medical suites and other professional offices are considered suitable for upper levels.

3.0 BUILDING FORM AND CHARACTER

- Developments on this site need to respond to the high visibility of this development parcel. The site is highly visible from all sides and building designs need to be well considered from every angle. The north, east and west elevations of this development lot are particularly important in terms of the overall urban design of the Royal Street precinct. Buildings should address the entry to the Haig Park estate at the east of the site and acknowledge the importance of Royal Street and Sovereign Close. All traffic exiting the Haig Park precinct will have a clear view of the southern facade of buildings on Lot 72 and the design of this elevation needs to be well considered in the articulation of this building face.

- The emphasis of development on this site should be in establishing a truly inner-urban character. As such, building developments which are built to the property line of Royal Street will be highly encouraged. Similarly, upper levels should also extend to this property line.

4.0 BUILDING ENVELOPE

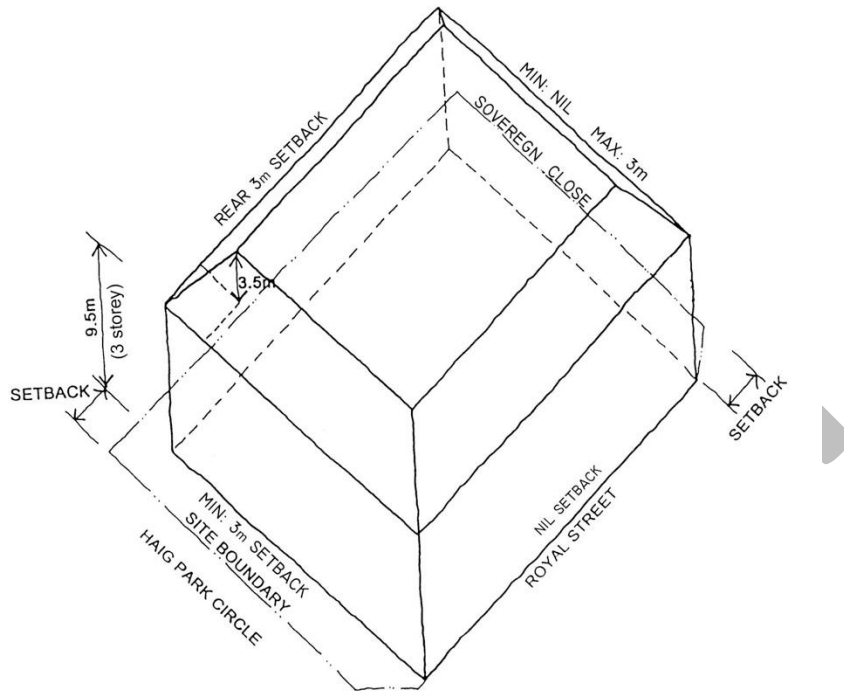


Figure 2: - Building Envelope Lot 72.

(Note: Top portion of Building Envelope set at 45° to the vertical.)

5.0 SETBACKS

SETBACKS FRONTAGE	MIN	MAX
Royal Street	Nil	Nil
Sovereign Close	Nil	3m
Haig Park Circle	3m	-
Rear	3m	-

6.0 ACCESS AND PARKING

- Principle pedestrian access is to be provided from Royal Street and the sidewalk adjacent to Sovereign Close. ~~Due consideration is to be given to how pedestrians access the development from the car park at the rear of the site.~~ Vehicular access is to be from Sovereign Close.
- ~~It should be noted that the car park on Lot 70 is, and will remain, a public parking facility intended to service retail and commercial uses in this area.~~

PART FIVE – GUIDELINES APPLICABLE TO LOT 73

1.0 CONTEXT

- This development site is one of the most prominently located within East Perth. It is critically placed in respect to the overall pattern of redevelopment at East Perth.
- Given the prominence of the site, the local government wishes to see a development of high quality to perform a landmark function. The site affords northern aspects to the main body of Claisebrook Cove and addresses Royal Street which is to become the major retail focus for East Perth. Developments on this site have the potential to be the "draw card" for this part of the City. The site is bounded by Royal Street, the Claisebrook Walk, a pedestrian access way and Victoria Gardens. As such, it is likely to be exposed to considerable pedestrian traffic from those who live in the surrounding areas and also from those who visit Claisebrook Cove.

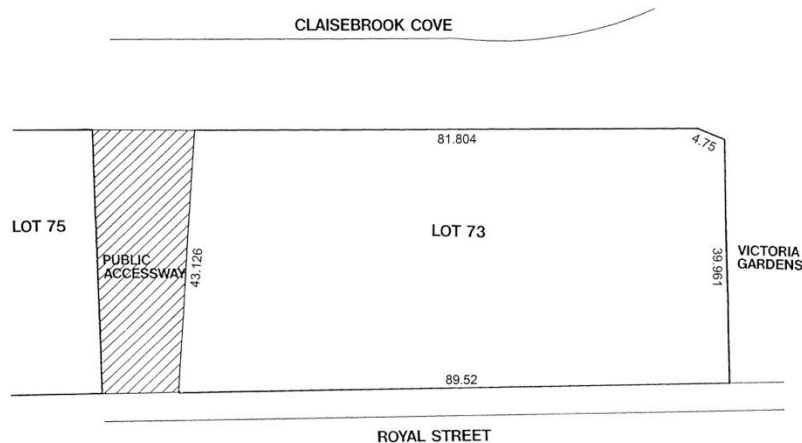


Diagram 1: - Lot boundary, Lot 73

2.0 PREFERRED USES

- Mixed use of a retail/residential nature (including a hotel) is preferred as the major use of this site. In terms of residential uses, up to one third (maximum) of the units may be provided as residential dwellings; the remaining units (two thirds minimum) are to be short-stay, serviced apartment accommodation.
- At the upper and lower ground levels, it is envisaged that the majority of uses will be of an active and specialty nature however, customer focused retail activities, such as banks and real estate agencies would be considered on the Royal Street frontage. Restaurants, cafes, specialty retail and activity supporting leisure orientated uses are considered suitable to face onto Claisebrook Walk.

3.0 BUILDING FORM AND CHARACTER

- This site is highly visible from every aspect and must be designed in character accordingly. The building design must have cognisance of the urban design of the South Cove and Haig Park precinct. Presentation to Victoria gardens is also of importance. Accordingly, developments must create an appropriate urban character to balance the expanse and openness of the adjacent cove and nearby Swan River. To achieve this, buildings on this lot are to be located to reinforce the relationship to Royal Street and Claisebrook Walk. Developments are to be orientated to interact with Claisebrook Cove and should emphasise public usage at both the Royal Street and Claisebrook Walk level. The local government seeks developments which

addresses these urban design issues and optimise the characteristics of the site with particular regards to the larger context of this development precinct.

- The site enjoys northern frontage to the Cove and it is envisaged that approved developments will make maximum use of this exposure. The topography of the site enables layering of floor levels to achieve a rich and dynamic development including parking below Royal Street level.
- As the site is highly visible beyond the subdivision, it is important that the elevations of this building are designed to present a very strong and well detailed development.
- Balconies, bay windows and the like along Royal Street, Claisebrook walk and Victoria Gardens are encouraged in order to articulate building facades. Blank walls will generally not be accepted particularly along the accessway frontages.
- The inclusion of balconies to take advantage of outdoor facility and views is encouraged. Balconies can also assist the composition, articulation and visual interest of buildings and should be enhanced by the provision of shading from summer sun.
- All roof top mechanical plant and roof penetrations are to be screened from view. If special enclosures are required as a result they are to be designed to form an integral part of the building.

4.0 GEO-TECHNICAL SITE CONDITIONS

Geo-technical briefing notes are available for inspection at the local government's offices and developers are recommended to seek specialist engineering advice in respect of foundation conditions. It is the responsibility of each developer to ensure that the design of their development is suitable for the site condition of the lot.

5.0 EXISTING SERVICES

Drawings showing the position and extent of existing services to which developments on Lot 75 will be connected are available for inspection at the local government's offices. Specialist engineering advice in respect of such connections is the responsibility of each developer who must also ensure that the service provided at the site boundaries are adequate for the development proposal.

6.0 BUILDING ENVELOPE

Refer to Diagram 4.

It is expected that the building will extend below existing levels to accommodate basement parking, services and facilities. Building below existing levels is limited only by functional, structural or geo-technical considerations.

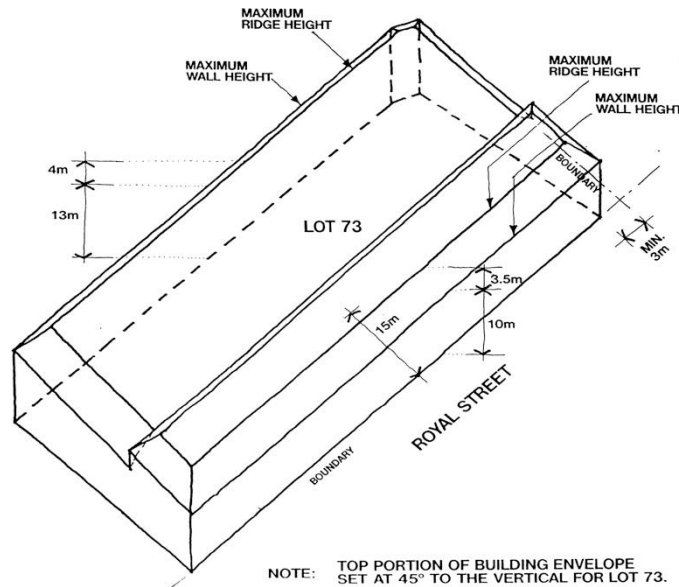


Diagram 2 : - Building Envelope

7.0 BUILDING HEIGHT

Refer to Diagram 3 for floor level references.

- Royal Street frontage

Maximum of 4 storeys (13 metres). Useable loft space within the roof volume with 'attic' type windows is permitted to the Claisebrook Walk frontage (4 metres). The attic type window may project through the building envelope set back as drawn in diagram 2.

- Victoria Gardens

Not to exceed the transition between the height and envelope requirements of Royal Street and Claisebrook Walk - refer also to diagram 4.

8.0 SETBACKS

(Refer to Diagram 5 for site delineation)

SETBACKS FRONTAGE	MIN	MAX
Royal Street	Nil	3m
Claisebrook Walk	Nil	3m
Victoria Gardens	3m	No requirement
PAW (West boundary)	Nil	Nil

Development proposals which are setback from the site boundaries are to have the setback areas designed and constructed at the developers cost to the approval of the local government and in such a manner that both hard and soft landscaping are integrated to that of the public domain.

9.0 ACCESS AND PARKING

- The building design should emphasise pedestrian entrances and it is imperative that active and commercial pedestrian frontages are provided to Royal Street, Claisebrook walk and to adjacent public spaces.
- Vehicular access may be gained by the fewest possible crossovers from Royal Street (up to a maximum of three). All car parking must be screened from view in a basement structure. In addition, parking will be permitted within a fully enclosed courtyard at Royal Street level. Service access is to be provided from Royal Street and service yards and truck docks are preferably located at basement level. If service areas are located at grade, they are to be screened from view.
- Retail fronting Royal Street may be serviced from kerb side but preferably from a truck dock contained within the relevant lot boundary.
- Disabled access is to be provided at both Royal Street and Claisebrook Walk and movement within the development for disabled persons in accordance with statutory codes is to be provided.
- Note that modification to the PAW between Lot 75 and Lot 76 are not envisaged and the local government will not consider any such modification except under special circumstances and then only at the cost of the developer. The developer is to provide protection to the existing improvements on this PAW during all construction work on Lot 73 leaving the steps in use for the public at all times. Make good any damage on completion of construction.

PART SIX – GUIDELINES APPLICABLE TO LOT 75

1.0 CONTEXT

- This development site is one of the most prominently located within East Perth. It is critically placed in respect to the overall pattern of redevelopment at East Perth.
- Given the prominence of the site, the local government wishes to see a development of high quality to perform a landmark function. The site affords northern aspects to the main body of Claisebrook Cove addressing Royal Street which is to become the major retail focus for East Perth. Developments on this site have the potential to be the "draw card" for this part of the City. The site is bounded by Royal Street, two landscaped walkways and the Claisebrook walk. As such, it is likely to be exposed to considerable pedestrian traffic from those who live in the surrounding areas and also from those who visit Claisebrook Cove.

2.0 PREFERRED USES

- Short stay accommodation such as serviced apartments or a hotel as the major use/s of this site. In the event that residential dwellings are proposed, up to one third (maximum) of the units may be provided as residential dwellings, the remaining units (two thirds minimum) are to be short-stay, serviced apartments or hotel accommodation.
- Eating and drinking places are to be provided to supplement the main use/function of the site, and are to be accessible to the public from Royal Street and Claisebrook walk on the waterfront promenade. A limited number of retail or similarly active uses are also considered appropriate supplementary functions.

3.0 BUILDING FORM AND CHARACTER

- The site forms a "gateway" to the Royal Street precinct and its western boundary frames the vistas from the top of Plain Street to Claisebrook Cove. The local government seeks the development which addresses these urban design issues and optimise the characteristics of the site with particular regards to the larger context of this development precinct.
- The site enjoys northern frontage to the Cove and it is envisaged that approved developments will make maximum use of this exposure. The topography of the site enables layering of floor levels to achieve a rich and dynamic development including parking below Royal Street level.
- Special consideration is to be given to creating an interactive frontage to the public open space and access way stairs on the corner of Royal and Plain Streets and a building set back with complimentary landscaping is encouraged to enhance the corner treatment of Plain and Royal Streets at the Royal Street level.
- The building form must acknowledge its "gateway" role and take advantage of its exposure.
- It is important that the building strongly addresses all public site edges with particular emphasis given to the treatment of Royal Street and Claisebrook Walk frontages. These facades should reinforce a theme of an active urban streetscape.
- As the site is highly visible beyond the subdivision, it is important that the elevations of this building are designed to present a very strong and well detailed development.
- Balconies, bay windows and the like along Royal Street, Claisebrook Walk and pedestrian accessway frontages are encouraged in order to articulate building facades and assist in the natural surveillance of these places. Blank walls will generally not be accepted.

- The inclusion of balconies to take advantage of outdoor facilities and views is encouraged. Balconies can also assist the composition, articulation and visual interest of buildings and should be enhanced by the provision of shading from summer sun.
- All roof top mechanical plant and roof penetrations are to be screened from view. If special enclosures are required they are to be designed to form an integral part of the building.

4.0 GEO-TECHNICAL SITE CONDITIONS

Geo-technical briefing notes are available for inspection at the local government's offices and developers are recommended to seek specialist engineering advice in respect of foundation conditions. It is the responsibility of each developer to ensure that the design of their development is suitable for the site conditions of the lot.

5.0 EXISTING SERVICES

Drawings showing the position and extent of existing services to which developments on lot 75 will be connected are available for inspection at the local government's offices. Specialist engineering advice in respect of such connections is the responsibility of each developer who must also ensure that the services provided at the site boundaries are adequate for the development proposal.

6.0 BUILDING ENVELOPE

Refer to Diagram 2.

It is expected that the building will extend below existing ground levels to accommodate basement parking, services and facilities. Building below existing ground levels is limited only by functional, structural or geo-technical considerations.

7.0 BUILDING HEIGHT

Refer to Diagram 3 for floor level reference.

- Royal Street frontage

Minimum of 2 storeys, maximum of 3 storeys (10m) being non-habitable roof space.

- Claisebrook walk frontages

Maximum of 4 storeys (13m). Useable loft floor space within the roof volume with 'attic' type windows is permitted to the Claisebrook Walk frontage. The attic type windows may project through the building envelope set back as drawn in Diagram 2.

8.0 SETBACKS

SETBACKS FRONTAGE	MIN	MAX
Royal Street	Nil	3m
Claisebrook Walk	Nil	3m
PAW (East Boundary)	Nil	Nil
PAW (West Boundary)	Nil	Nil

- The PAW on the corner of Plain and Royal Street has been widened in order to permit a generous presentation at this important location (Refer Diagram 1). Landscaped setbacks

form the PAW boundaries and an innovative architectural expression at the Royal Street level are encouraged to enhance the corner treatment.

- Development proposals which are setback from the site boundaries are to have the setback area designed and constructed at the developer's cost to the approval of the local government and in such a manner that both hard and soft landscaping are integrated to that of the immediately adjoining public domain.

9.0 ACCESS AND PARKING

- The building design should emphasise pedestrian entrances and it is imperative that active and commercial pedestrian frontages are provided to Royal Street, Claisebrook walk and to adjacent public spaces.
- Vehicular access may be gained by the fewest possible crossovers from Royal Street (up to a maximum of three). All car parking must be screened from view in a basement structure. In addition, parking will be permitted within a fully enclosed courtyard at Royal Street level. Service access is to be provided from Royal Street and service yards and truck docks are preferably located at basement level. If service areas are located at grade, they are to be screened from view.
- Retail fronting Royal Street may be serviced from kerb side but preferably from a truck dock contained within the relevant lot boundary.
- Disabled access is to be provided at both Royal Street and Claisebrook Walk and movement within the development for disabled persons in accordance with statutory codes is to be provided.

10.0 SEPARATE DEVELOPMENT OF LOT 75 AND 76

In the event of lots 75 and 76 being developed under separate ownership, the local government will require approved, legally recognised cross rights (in perpetuity) of access which will require the owner of lot 75 to provide for service to lot 76 and quite possibly the right for lot 76 to construct a car park within the basement level of lot 75. These guidelines cannot pre-empt the interface of use or parking requirements for either lot 75 or lot 76. Therefore, it is a requirement that final arrangements in this matter will be subject to negotiation in which the local government will take the approval and directive role.

11.0 MODIFICATIONS TO THE STEPS WITHIN THE P.A.W.

- The local government is prepared to consider reconstruction of the steps in the PAW between lots 75 and 76 in order to achieve compatible connecting access at level 2 (see Diagram 3) on lot 75 and lot 76. The reduced level of level 2 for both lots has been set at RL 5.15. However, by arrangement the respective developers (if separate) of lot 75 and lot 76 may agree to an amended reduced level requirement in this respect. If agreement cannot be reached in such circumstances, the local government will direct accordingly in order to ensure a reasonable and fair development of each site.
- Pedestrian access and the view corridor of this PAW must not be restricted. Consent of all landowners adjoining the PAW must be given to the proposed works before the local government will sanction such proposals.
- Note that modifications to the PAW between lot 75 and lot 76 are not envisaged and the local government will not consider any such modification except under special circumstances and then only at the cost of the developer. The developer is to provide protection to the

existing improvement on the PAW during all construction work on lot 75 leaving the steps in use for the public at all times. Any damage is to be made good on completion of construction.

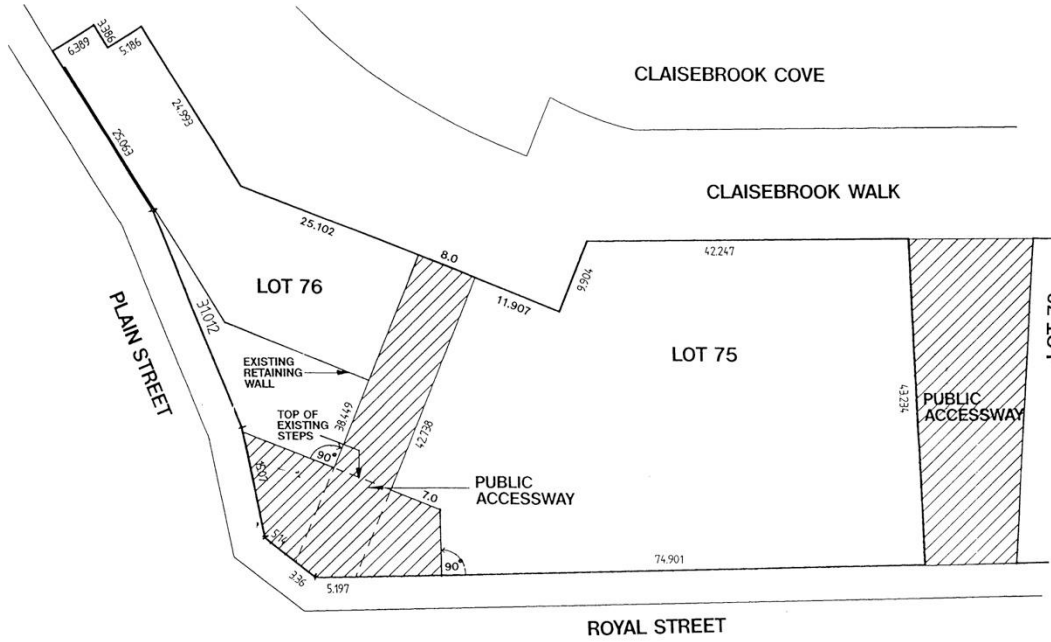


Diagram 1 : - Lot Boundaries, Lots 75 & 76

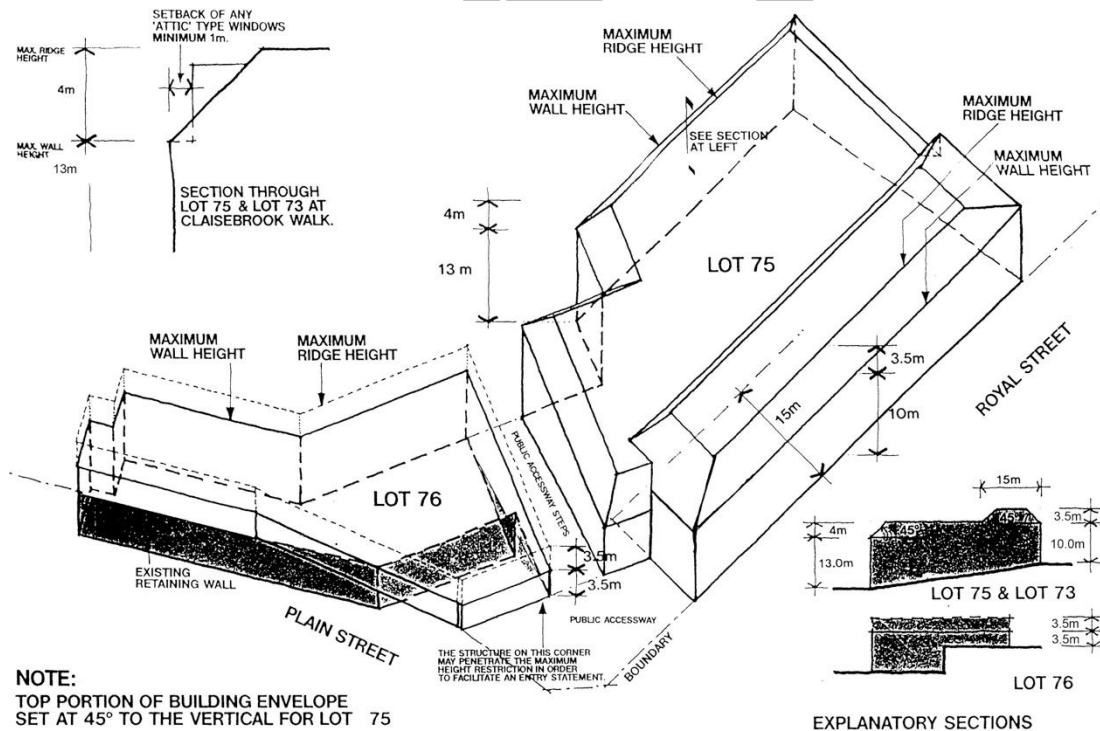


Diagram 2 : - Building Envelopes

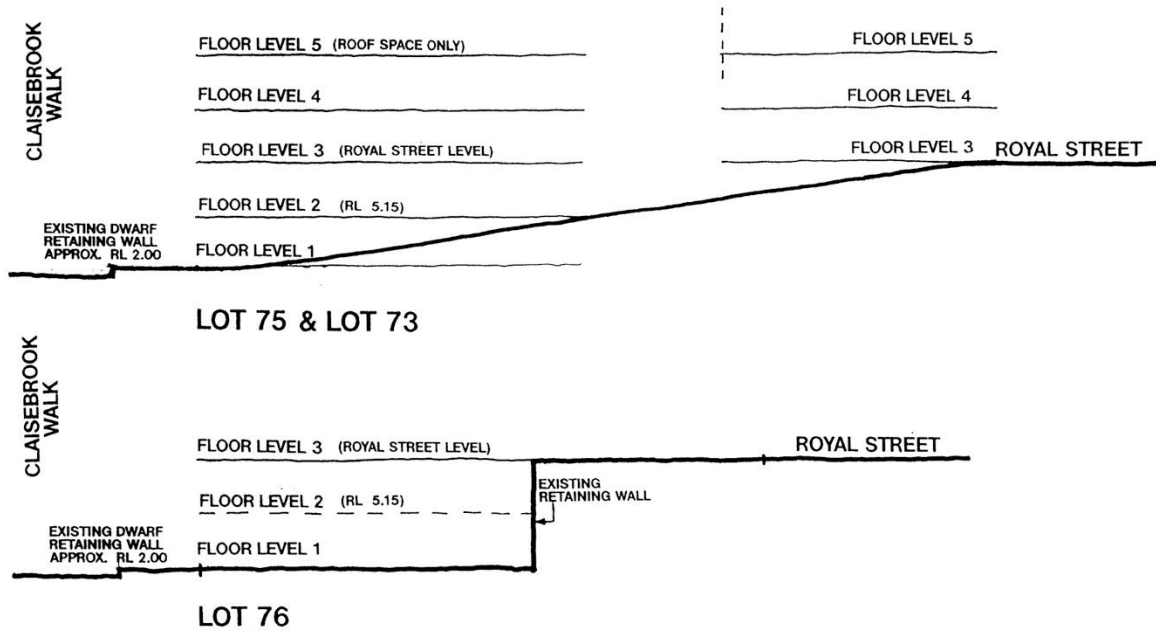


DIAGRAM 3 NOTATING THE RESPECTIVE LEVELS REFERRED TO IN THE WRITTEN GUIDELINES

Diagram 3: - Notating the respective levels referred to in the written guidelines

DRAFT

PART SEVEN – GUIDELINES APPLICABLE TO LOT 76

1.0 CONTEXT

- This development site is one of the most prominently located within East Perth. It is critically placed in respect to the overall pattern of redevelopment at East Perth.
- Given the prominence of the site, the local government wishes to see a development of high quality to perform a landmark function. The site affords northern aspects to the main body of Claisebrook Cove addressing Royal Street which is to become the major retail focus for East Perth. Developments on this site have the potential to be the "draw card" for this part of the City. The site is bounded by Royal Street, two landscaped walkways and the Claisebrook walk. As such, it is likely to be exposed to considerable pedestrian traffic from those who live in the surrounding areas and also from those who visit Claisebrook Cove.

2.0 PREFERRED USES

Short stay accommodation such as serviced apartments or a hotel are preferred as the major use of this site. Eating and drinking places are to be provided to supplement these functions, and are to be accessible to the public from Royal Street and Claisebrook Walk on the Waterfront Promenade. A limited number of retail or similar commercially active uses are also encouraged. Conference and seminar facilities are also considered appropriate supplementary functions.

3.0 BUILDING FORM AND CHARACTER

- The site forms a "gateway" to the Royal Street precinct and its western boundary frames the vistas from the top of Plain Street to Claisebrook Cove. The local government seeks the development which addresses these urban design issues and optimise the characteristics of the site with particular regards to the larger context of this development precinct.
- The site also commands impressive views across the Cove and out towards the Swan River. The site enjoys northern frontage to the Cove and it is envisaged that developments will address these urban design issues and optimise the characteristics of the site with particular regard to the larger context of the precinct.
- The topography of the site and the existing retaining wall enables layering of floor levels to achieve a rich and dynamic development. Special consideration is to be given to the creation of an interactive frontage to the public open space on the corner of Royal and Plain Street level and a generous building setback from the PAW boundary with complimentary landscaping is encouraged to enhance the corner treatment at Royal Street level.
- The building form must acknowledge its "gateway" role and take advantage of its exposure.
- Where the general guidelines refer to roofs pitched within a slope of between 30 and 45 degrees, on this particular site (lot 76) developers may vary this requirement in order to enhance an appropriate concept of a "gateway" statement. Refer to Diagram 2.
- It is important that the building strongly addresses all public site edges with particular emphasis given to the treatment of Royal Street and Claisebrook walk frontages. These facades would reinforce a theme of an active urban streetscape.
- As the site is particularly prominent, it is important that the elevations of this building are designed to present a very strong and well detailed development with well-ordered and carefully articulated facade elements. Blank walls will generally not be acceptable to any

facade and in this respect the local government will be particularly aware of the presentation to Plain Street and the Plain Street / Royal Street corner.

- The inclusion of balconies to take advantage of outdoor facilities and views is encouraged. Balconies can also assist the composition, articulation and visual interest of buildings and should be enhanced by the provision of shading from summer sun.
- All roof top mechanical plant and roof penetrations are to be screened from view. If special enclosures are required as a result they are to be designed to form an integral part of the building.

4.0 GEO-TECHNICAL SITE CONDITIONS

Geo-technical briefing notes are available for inspection at the local government's offices and developers are recommended to seek specialist engineering advice in respect of foundation conditions. It is the responsibility of each developer to ensure that the design of their development is suitable for the site conditions of the lot.

5.0 EXISTING SERVICES

Drawings showing the position and extent of existing services to which developments on Lot 76 will be connected are available for inspection at the local government's offices. Specialist engineering advice in respect of such connections is the responsibility of each developer who must also ensure that the services provided at the site boundaries are adequate for the development proposal.

6.0 BUILDING ENVELOPE

Refer to Diagram 2.

It is expected that the building will extend below existing ground levels to accommodate basement parking, services and facilities. Building below existing ground levels is limited only by functional, structural or geo-technical considerations. Note that development of car parking on Lot 76 may extend beneath the PAW corner open space and steps between Lots 75 and 76 and the local government will entertain the formulation of appropriate legal entitlement accordingly. (Note, 'separate development of Lot 75 and 76').

7.0 BUILDING HEIGHT

Refer to Diagram 3.

- Royal Street and Plain Street Frontages
Minimum of 1 storey, maximum of 1 storey (3.5m).
- Claisebrook Walk
2 storeys - one is to be at Royal Street (Level 3, Diagram 3), the other at Level 1 (Claisebrook Walk). The resulting floor at Level 1 may have an intermediate level mezzanine and, in any event, must provide at an intermediate level, common access to Lot 75 at Level 2 (RL 5.15).
- Consideration will be given to a structure higher than the building envelope described in Diagram 2 to an extent approximately indicated therein to assist in providing an entry statement on the Plain Street and Royal Street corner. The final dimension, height, use and design of any structure is at the developers' reasonable discretion but will be strictly to the approval of the local government. It is suggested that such a structure may also be used for the screening of air conditioning equipment and necessary roof penetrations but must not

contain habitable public space. The design is to be integral with the building design and respond to the urban requirements of the site.

8.0 SETBACKS

Refer to Diagram 1 for delineation

SETBACKS FRONTAGE	MIN	MAX
Plain Street	Nil	No requirement
Claisebrook Walk	No requirement	3m
East Boundary	Nil	Nil
North West Boundary	Nil	Nil

Note along the Plain Street bridge retaining wall there is to be nil setback at street level.

- The PAW on the corner of Plain and Royal Street has been widened in order to permit a generous presentation at this important location (Refer to Diagram 1). Landscaped setbacks form the PAW boundaries and an innovative architectural expression at the Royal Street level is encouraged to enhance the corner treatment.
- Development proposals which are setback from the site boundaries are to have the setback area designed and constructed at the developers cost to the approval of the local government and in such a manner that both hard and soft landscaping are integrated to that of the immediately adjoining public domain.

9.0 ACCESS AND PARKING

- Building design should emphasise pedestrian entrances and it is imperative that active and commercial pedestrian frontages are provided on all elevations wherever possible.
- No crossovers are to be provided to Lot 76.
- The vehicular access to Lot 76 must be via Lot 75.
- Universal access at grade is to be provided at both Royal Street and Claisebrook Walk.

10.0 SEPARATE DEVELOPMENT OF LOTS 75 AND 76

In the event of Lots 75 and 76 being developed under separate ownership, the local government will require approved, legally recognised cross rights (in perpetuity) of access which will require the owner of Lot 75 to provide access for service to Lot 76 and quite possibly the right for Lot 76 to construct a car park within the basement level of Lot 75. These guidelines cannot pre-empt the interface of use or parking requirements for either Lot 75 or Lot 76. Therefore, it is a requirement that final arrangements in this matter will be subject to negotiation in which the local government will take the approval and directive role.

11.0 MODIFICATIONS TO THE STEPS WITHIN THE P.A.W

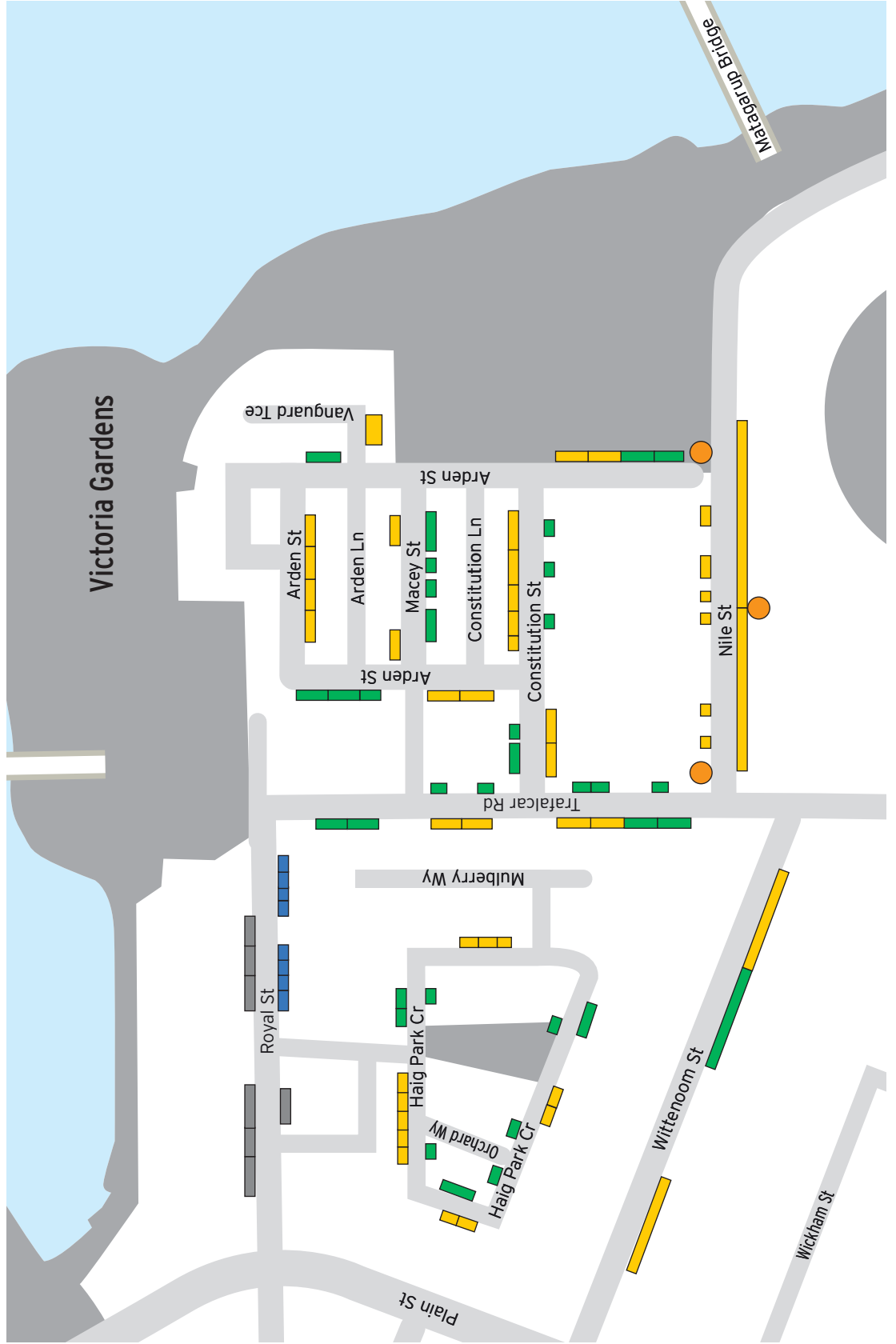
- The local government is prepared to consider reconstruction of the steps in the PAW between Lots 75 and 76 in order to achieve compatible connecting access at level 2 (see Diagram 3) on Lot 75 and Lot 76. The reduced level of level 2 for both lots has been set at RL 5.15. However, by arrangement the separate developers (if applicable) of Lot 75 and Lot 76, may agree to an amended reduced level requirement in this respect. If agreement cannot be reached in such circumstances the local government will direct accordingly in order to ensure a reasonable and fair development of each site.

- Pedestrian access and the view corridor of this PAW must not be restricted. Consent of all landowners adjoining the PAW must be given to the proposed works before the local government will sanction such proposals.

12.0 EXISTING RETAINING WALLS

- Structural drawings of the existing retaining walls for the bridge and within the site of Lot 76 and including drawings of the bridge footings are available for inspection at the local government's offices. It is the responsibility of each developer to ensure that the design of their development is suitable for the structural conditions and that all issues relative to the structure of the existing retaining walls, both for the bridge and pertaining to the site have been satisfactorily addressed. Note that certain footings relative to the bridge may encroach on Lot 76. The local government's requirements in this respect are to be ascertained by the developer and acknowledged in the building design.
- Existing handrails to the top of Plain Street retaining wall should be removed for the full extent of the new building where it has a zero set back to the street boundary. It is the responsibility of the developer to ensure that a safe and continuous barrier is maintained at the top of the retaining walls in accordance with all relevant codes and regulations.
- All sections of the existing retaining walls which are not concealed within the building are to be treated in a non-structural manner so that they become visually integrated with the total proposal to the local government's approval.

East Perth parking alterations (sheet 2)



Recommendation:

That Council RECEIVES the Financial Statements and the Financial Activity Statement for the period ended 31 October 2018, as detailed in Attachment 13.10A of this report.

FILE REFERENCE: P1014149-25
 REPORTING UNIT: Finance
 RESPONSIBLE DIRECTORATE: Corporate Services
 DATE: 22 November 2018
 ATTACHMENT/S: Attachment 13.10A – Financial Statements and Financial Activity Statement for the period ended 31 October 2018

Council Role:

- Advocacy *When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, town planning schemes and policies*
- Quasi-Judicial *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation Section 6.4(1) and (2) of the *Local Government Act 1995*
 Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*

Integrated Planning and Reporting Framework Implications

Strategic Community Plan
 Goal 8 - A city that delivers for its community

Details:

The Financial Activity Statement is presented together with a commentary on variances from the revised budget.

Financial Implications:

There are no direct financial implications arising from this report.

Comments:

The Financial Activity Statement commentary compares the actual results for the four months to 31 October 2018 with the original budget approved by Council at the Special Council Meeting held on **3 July 2018** and amended by Council at its meeting held on 28 August 2018.

**FINANCIAL ACTIVITY STATEMENT FOR THE FOUR MONTHS TO
31 OCTOBER 2018**

REPORT OF VARIANCES TO BUDGET

This report compares the actual performance for the four months to 31 October 2018 to the 2018/19 Budget adopted by Council on 3 July 2018 and amended by Council on 28 August 2018.

Operating Revenue

- Parking revenue for the year to date October was \$25.6 million, which was \$546,000 above the budget. The variance relates mainly to Undercover Car Parks.
- Fines and costs were \$3.3 million, being \$26,000 or 0.8% above budget for the period.
- Investment Income and Interest was \$102,000 above the budget mainly due to the performance of the Colonial Share index balanced fund.
- Rubbish collection fees were \$14,000 (0.2%) under budget for the period.

Operating Expenditure

- Employee costs for the year to date were \$25.6 million being 1.8% or \$478,000 below the budget due to vacant positions throughout the organisation.
- Materials and Contracts were \$3.9 million below the budget. The main areas of underspend were: Contractors \$1.3 million, various Maintenance accounts \$1.8 million, Fees and Charges \$356,000 and Advertising Costs \$477,000.
- Utilities were lower than the budget by \$84,000 due to lower than budgeted power consumption.
- Depreciation and Amortisation was under the budget by \$680,000 due to the impact of the 2017/18 revaluation on Infrastructure Assets.

Investing Activities

- Capital expenditure was \$6.5 million under budget for the year to date as detailed below.

**FINANCIAL ACTIVITY STATEMENT FOR THE FOUR MONTHS TO
31 OCTOBER 2018**

REPORT OF VARIANCES TO BUDGET

Capital expenditure Variance for the period to October 2018				
Details	Revised Budget 2018/19	Year to Date		
		Actual	Budget	Variance
Digital Workplace enhancements	1,487,734	236,017	370,964	(134,947)
Smart Cities	2,108,519	369,531	1,071,245	(701,714)
Core Systems upgrade	753,533	-	81,870	(81,870)
IPMS	6,587,470	47,186	-	47,186
HRIS	913,000	417,384	409,271	8,113
Lighting Car Parks	669,140	396,491	602,360	(205,869)
Fibre Optic Network/Public WIFI	350,655	20,894	125,655	(104,761)
2-way street projects	1,015,000	38,624	415,000	(376,376)
Wellington Square Enhancement	1,726,000	117,586	180,612	(63,026)
East End Revitalisation	1,200,000	68,357	161,108	(92,751)
Fleet and Plant Replacement (Transport)	535,000	-	224,000	(224,000)
Spring Street Pedestrian Crossing	300,000	3,822	187,000	(183,178)
East Perth Walkability Lighting Upgrade	270,000	43,435	193,399	(149,964)
Library Plaza Project Defect Rectification	500,000	7,578	200,000	(192,422)
Various Replacement Works - Concert Hall	450,000	33,366	200,000	(166,634)
First Planting Season	298,800	2,984	210,800	(207,816)
Drainage - Sherwood Court	250,000	-	242,000	(242,000)
Lighting - End of useful life replacement	659,160	83,785	300,000	(216,215)
Telemetric irrigation control system	605,664	-	400,000	(400,000)
Point Fraser boardwalk replacement	600,000	962	400,000	(399,038)
Council House Lighting	2,779,000	39,874	-	39,874
Projects with actual expenditure and no planned spend in the period	6,600,188	1,042,738	-	1,042,738
Projects with no planned and actual spend in the period	9,636,061	-	-	-
All other projects	17,195,273	3,881,241	7,394,161	(3,512,920)
TOTAL	57,490,197	6,851,854	13,369,444	(6,517,590)

Financing Activities

- Transfers to Reserves were under the budget by \$13.2 million mainly due to timing differences.

**FINANCIAL ACTIVITY STATEMENT FOR THE FOUR MONTHS TO
31 OCTOBER 2018**

REPORT OF VARIANCES TO BUDGET

- Transfers from Reserves were above budget by \$6.9 million due to timing differences.

Amounts sourced from Rates

- Rates revenue raised was \$492,000 or 0.5% above the budget due to higher than budgeted interim rates.

CITY OF PERTH

FINANCIAL ACTIVITY STATEMENT for the period ended 31 OCTOBER 2018

	Revised Budget 2018/19 \$	Actual YTD 31-Oct-18 \$	Revised Budget YTD 31-Oct-18 \$	Variance YTD 31-Oct-18 \$
Proceeds from Operating Activities				
Operating Revenue				
Parking Fees	72,705,796	25,560,963	25,015,125	545,837
Fines and Costs	9,739,069	3,339,159	3,313,314	25,846
Investment Income and Interest	4,767,575	2,081,348	1,979,830	101,518
Community Service Fees	1,702,938	556,659	550,525	6,134
Rubbish Collection	9,510,263	9,136,028	9,150,142	(14,114)
Rentals and Hire Charges	5,369,901	1,752,678	1,785,667	(32,989)
Recurrent Grants	1,440,658	339,437	294,681	44,755
Contributions, Donations and Reimbursements	664,172	306,857	213,339	93,519
Other Income	4,347,168	2,292,486	2,162,630	129,856
Distribution from TPRC	580,000	0	0	0
	110,827,540	45,365,614	44,465,253	900,361
Less: Operating Expenditure				
Employee Costs	78,297,999	25,631,366	26,109,850	478,484
Materials and Contracts	52,144,397	12,767,423	16,623,174	3,855,750
Utilities	3,242,445	971,915	1,056,155	84,240
Insurance Expenditure	861,507	269,856	281,772	11,916
Depreciation and Amortisation	36,371,570	11,443,813	12,123,856	680,043
Interest Expenses	961,020	368,421	353,628	(14,792)
Loss on Disposal of Assets	1,663,040	(15,248)	166,304	181,552
Expense Provisions	622,947	212,673	207,649	(5,024)
Other Expenditure	25,143,394	7,861,613	8,656,639	795,026
	199,308,319	59,511,831	65,579,027	6,067,196
Add back Depreciation	(36,371,570)	(11,443,813)	(12,123,856)	(680,043)
(Loss) / Profit on Disposals	(1,663,040)	15,248	(166,304)	(181,552)
	161,273,709	48,083,266	53,288,867	5,205,601
Net Surplus/(Deficit) from Operations	(50,446,168)	(2,717,652)	(8,823,615)	6,105,962
Capital Grants	1,469,412	562,681	150,866	411,815
Capital Expenditure	57,490,197	(6,851,854)	(13,369,444)	6,517,590
Proceeds from Disposal of Assets/Investments	1,516,025	278,786	510,880	(232,094)
Sub-total Investing Activities	60,475,634	(6,010,387)	(12,707,699)	6,697,312
Financing Activities				
Repayment of Borrowings	(7,448,608)	(3,677,425)	(3,677,425)	0
Transfers to Reserves	(40,649,178)	(518,675)	(13,698,216)	13,179,541
Transfer from Reserves	37,997,955	19,661,954	12,804,790	6,857,164
Sub-total Financing Activities	(10,099,831)	15,465,854	(4,570,851)	20,036,705
Add: Opening Funds	30,455,893	27,435,598	30,455,893	(3,020,295)
Net Surplus/(Deficit) before Rates	30,385,527	34,173,413	4,353,729	29,819,685
Amount Sourced from Rates	90,190,099	90,941,636	90,450,099	491,537
Closing Funds	120,575,626	125,115,049	94,803,827	30,311,222

CITY OF PERTH

CURRENT POSITION AS AT THE END OF THE PERIOD 31 OCTOBER 2018

Description	Revised Budget 2018/19	Actual YTD 31-Oct-18	Revised Budget YTD 31-Oct-18	Variance YTD 31-Oct-18
	\$	\$	\$	\$
Current Assets				
Cash and Cash Equivalents	5,341,951	10,340,923	8,814,443	1,526,480
Deposits and Prepayments	8,787,964	15,271,857	9,489,897	5,781,960
Money Market Investments - Municipal Funds	8,497,267	99,818,927	90,587,035	9,231,893
Money Market Investments - Restricted Funds	103,602,530	78,802,232	76,322,008	2,480,223
Trade and Other Receivables	12,211,455	29,367,712	17,587,486	11,780,226
Inventories	822,095	1,015,699	170,979	844,720
Total Current Assets	139,263,262	234,617,350	202,971,848	31,645,502
Current Liabilities				
Trade and Other Payables	18,947,077	30,088,025	31,140,758	(1,052,733)
Employee Entitlements	9,417,195	10,758,325	12,489,616	(1,731,291)
Provisions	500,092	612,044	705,254	(93,210)
Borrowings	7,448,608	6,439,382	6,439,382	0
Total Current Liabilities	36,312,972	47,897,776	50,775,010	(2,877,234)
Working Capital Position Brought Forward	102,950,290	186,719,574	152,196,838	34,522,736
Deduct Restricted Cash Holdings	(103,602,530)	(78,802,232)	(76,322,008)	(2,480,223)
Add Current Liabilities not expected to clear	0	10,758,325	12,489,616	(1,731,291)
Add Current Borrowings	7,448,608	6,439,382	6,439,382	0
Current Funds Position Brought Forward	6,796,368	125,115,049	94,803,827	30,311,222

Net Cash on Hand	\$	\$	\$	\$
Cash On Hand	5,341,951	10,340,923	8,814,443	1,526,480
Money Market Investments	112,099,797	178,621,159	166,909,043	11,712,116
Overdraft	0	0	0	0
Funds on Hand	117,441,748	188,962,082	175,723,486	13,238,596
Analysis of Funds on Hand				
Reserves	103,602,530	78,802,232	76,322,008	2,480,223
Provisions	9,917,287	11,370,369	13,194,870	(1,824,501)
General Funds	3,921,931	98,789,481	86,206,607	12,582,874
Funds on Hand	117,441,748	188,962,082	175,723,486	13,238,596

EXPLANATORY NOTES – FINANCIAL ACTIVITY STATEMENT

BACKGROUND

- Regulation 34 of the Local Government (Financial Management) Regulations 1996 was amended effective from 1 July 2005.
- The amendment prescribes a monthly Financial Activity Statement (FAS) reporting the sources and application of funds, as set out in the Rate Setting Statement which is included in the Annual Budget.

PURPOSE

- The FAS reports the actual financial performance of the City in relation to its adopted budget, which has been structured on financial viability and sustainability principles.
- The FAS is intended to act as a guide to Council of the impact of financial activities and the reasons for major variances to the annual budget estimates.

PRESENTATION

- Regulation 34 prescribes the minimum detail to be included in the FAS. These are listed below.
 - Annual Budget estimates, and approved revisions to these, are to be included for comparison purposes.
 - Actual amounts of income and expenditure to the end of the month of the FAS.
 - Material variances between the comparable amounts and commentary on reasons for these.
 - The net current assets at the end of the month to which the FAS relates.
- An explanation of the composition of the net current assets at the end of the month to which the FAS relates; less committed and restricted assets.
- Councils are given the option of adopting a format which is considered most appropriate to their needs. These options are listed below.
 - According to nature and type classification,
 - by program, or
 - by business unit.
- It is recommended that while the information presented by cost objects (programs and activities) or by cost centres (business units) are useful for expense allocation and cost centre accountability purposes, they are less informative and difficult to comprehend in matters of disclosure and less effective in cost management and control.
- The FAS has therefore been presented in the format using nature and type classification as the most meaningful disclosure to the Council and public.

FORMAT

- The FAS is formatted to align with the Rate Setting Statement.
- The first part deals with operating income and expenditure, excluding rate revenue.
- The next classification is the amount spent on capital expenditure and debt repayments.
- The classification 'Financing Activities' provides a statement of sources of funds other than from operating or rates revenue, which are usually associated with capital expenditure.
- Attached to the FAS is a statement of 'Net Current Assets' for the budget and actual expenditure to the end of the month to which the FAS relates.
- Opening and closing funds represent the balance of 'Net Current Assets', not including any funds which are committed or restricted.
- "Committed assets" means revenue unspent but set aside under the annual budget for a specific purpose.
- "Restricted assets" means those assets the uses of which are restricted, wholly or partially, by regulations or other externally imposed requirements", e.g. reserves set aside for specific purposes.
- To avoid duplication in calculating 'Closing Funds on hand', certain balances, such as provisions and borrowings, are also deducted.
- The total Closing Funds on hand are to be taken into account when calculating the amount to be raised by rates each year.
- The classification "Net Cash on Hand" represents the balances of funds held in cash or invested and the analysis into those funds reserved, carried forward or remaining unspent at the end of the month to which the FAS relates.



CITY of PERTH

Financial Report

For the 4 months ended 31 October 2018

**CITY OF PERTH
MUNICIPAL**

Statement of Comprehensive Income for the 4 months ended 31 October 2018

(By Program)

<i>Note</i>	Budget 2018/2019	Revised Budget YTD	Actual YTD 31/10/2018	YTD Variance		
	\$	\$	\$	\$	%	
OPERATING REVENUE						
General Purpose Funding Rates	91,205,599	91,386,099	91,785,053	398,954	0.4%	
General Purpose Funding Other	4,763,533	1,630,111	1,718,035	87,924	5.4%	
Law, Order, Public Safety	97,871	32,493	28,387	(4,106)	-12.6%	
Health	886,434	696,948	903,096	206,148	29.6%	
Education and Welfare	1,987,870	655,976	660,035	4,059	0.6%	
Housing	1,086,624	362,208	366,598	4,390	1.2%	
Community Amenities	12,820,109	10,006,192	9,850,198	(155,994)	-1.6%	
Recreation and Culture	1,736,788	562,799	705,314	142,515	25.3%	
Transport	84,690,064	29,079,880	29,683,172	603,292	2.1%	
Economic Services	1,067,654	425,299	463,308	38,009	8.9%	
Other Property and Services	675,094	77,347	144,058	66,711	86.2%	
Total Operating Income	201,017,640	134,915,352	136,307,254	1,391,902	1.0%	
OPERATING EXPENDITURE						
Governance	(8,388,979)	(2,780,902)	(2,479,113)	(301,789)	10.9%	
General Purpose Funding	(2,177,904)	(743,213)	(580,012)	(163,201)	22.0%	
Law, Order, Public Safety	(5,857,753)	(1,945,062)	(1,934,614)	(10,448)	0.5%	
Health	(1,800,788)	(585,556)	(504,064)	(81,492)	13.9%	
Education and Welfare	(3,859,097)	(1,268,449)	(1,335,206)	66,757	-5.3%	
Housing	(656,634)	(218,878)	(250,217)	31,339	-14.3%	
Community Amenities	(31,520,532)	(9,743,387)	(8,181,205)	(1,562,182)	16.0%	
Recreation and Culture	(32,865,760)	(10,979,598)	(10,509,260)	(470,338)	4.3%	
Transport	(84,244,158)	(28,115,558)	(25,325,472)	(2,790,086)	9.9%	
Economic Services	(16,965,145)	(5,907,723)	(5,369,740)	(537,983)	9.1%	
Other Property and Services	(9,888,529)	(3,124,397)	(3,058,175)	(66,222)	2.1%	
Total Operating Expenditure	(198,225,279)	(65,412,723)	(59,527,078)	(5,885,645)	9.0%	
NET FROM OPERATIONS	2,792,361	69,502,629	76,780,176	7,277,547	10.5%	
GRANTS/CONTRIBUTIONS						
For the Development of Assets						
- General Purpose Funding	60,000	-	-	-	0.0%	
- Recreation and Culture	375,000	150,866	-	-	0.0%	
- Transport	377,165	-	562,681	562,681	0.0%	
- Economic Services	657,247	-	-	-	0.0%	
Total Grants/Contributions	1,469,412	150,866	562,681	411,815	273.0%	
DISPOSAL/WRITE OFF OF ASSETS						
Gain/(Loss) on Disposal of Assets	2	(1,663,015)	(166,304)	15,250	181,554	-109.2%
Change in net assets resulting from operations before significant items	2,598,758	69,487,191	77,358,107	7,870,916	11.3%	
SIGNIFICANT ITEMS						
Distribution from TPRC	580,000	-	-	-	0.0%	
Change in net assets resulting from operations after significant items	3,178,758	69,487,191	77,358,107	7,870,916	11.3%	

**CITY OF PERTH
MUNICIPAL**

*Statement of Comprehensive Income for the 4 months ended 31 October 2018
(By Nature or Type)*

	Note	Budget 2018/2019	Revised Budget YTD	Actual YTD 31/10/2018	YTD Variance	
		\$	\$	\$	\$	%
OPERATING REVENUE						
Rates		90,190,099	90,450,099	90,941,636	491,537	0.5%
Grants and Contributions for Non Capital Purposes		2,104,830	508,020	646,294	138,274	27.2%
Fees and Charges		102,135,208	41,537,275	42,106,051	568,776	1.4%
Interest and Investment Income		4,767,575	1,979,830	2,081,348	101,518	5.1%
Other Revenue		1,819,928	440,128	531,925	91,797	20.9%
Total Revenue from Operating Activities		201,017,640	134,915,352	136,307,254	1,391,902	1.0%
OPERATING EXPENDITURE						
Employee Costs		(78,297,999)	(26,109,850)	(25,631,366)	(478,484)	1.8%
Materials and Contracts		(52,144,397)	(16,623,174)	(12,767,423)	(3,855,751)	23.2%
Utilities		(3,242,445)	(1,056,155)	(971,915)	(84,240)	8.0%
Depreciation and Amortisation		(36,371,570)	(12,123,856)	(11,443,824)	(680,032)	5.6%
Interest		(961,020)	(353,628)	(368,421)	14,793	-4.2%
Insurance		(861,507)	(281,772)	(269,856)	(11,916)	4.2%
Expenses Provision		(622,947)	(207,649)	(212,673)	5,024	-2.4%
Other Expenses from Ordinary Activities		(25,723,394)	(8,656,639)	(7,861,600)	(795,039)	9.2%
Total Expenses from Ordinary Activities		(198,225,279)	(65,412,723)	(59,527,078)	(5,885,645)	9.0%
Change in Net Assets from Ordinary Activities before Capital Amounts		2,792,361	69,502,629	76,780,176	7,277,547	10.5%
GRANTS/CONTRIBUTIONS						
Grants and Contributions- Capital		1,469,412	150,866	562,681	411,815	273.0%
NET OPERATING SURPLUS						
		4,261,773	69,653,495	77,342,857	7,689,362	11.0%
DISPOSAL/WRITE OFF OF ASSETS	2	(1,663,015)	(166,304)	15,250	181,554	-109.2%
SIGNIFICANT ITEMS						
Distribution from TPRC		580,000	-	-	-	0.0%
<i>Change in net assets resulting from operations after capital amounts and significant items</i>		3,178,758	69,487,191	77,358,107	7,870,916	11.3%

**CITY OF PERTH
MUNICIPAL**

Statement of Financial Position as at 31 October 2018

	Note	31/10/2018	30/06/2018
CURRENT ASSETS		\$	\$
Cash and Cash Equivalents	11	10,340,923	20,842,973
Deposits/Prepayments	4	15,271,857	1,737,175
Investments	3, 11	178,621,159	112,708,017
Trade and Other Receivables	5	13,715,817	10,118,755
Rates Receivable	1	15,651,895	606,839
Inventories		1,015,699	1,072,442
TOTAL CURRENT ASSETS		234,617,350	147,086,201
NON CURRENT ASSETS			
Investments	3	6,747,963	6,601,314
Trade and Other Receivables	5	62,451	62,649
Property, Plant and Equipment	8	724,095,434	730,211,561
Infrastructure	8	371,630,010	377,221,243
Capital Work in Progress	8	55,894,748	49,042,894
TOTAL NON CURRENT ASSETS		1,158,430,606	1,163,139,661
TOTAL ASSETS		1,393,047,956	1,310,225,862
CURRENT LIABILITIES			
Trade and Other Payables	6	30,088,025	21,199,331
Employee Benefits	7	10,758,325	10,505,607
Provisions	7	612,044	612,044
Loan Liability	9	6,439,382	7,448,608
TOTAL CURRENT LIABILITIES		47,897,776	39,765,590
NON CURRENT LIABILITIES			
Employee Benefits	7	1,480,878	1,480,878
Loan Liability	9	13,014,935	15,683,134
TOTAL NON CURRENT LIABILITIES		14,495,813	17,164,012
TOTAL LIABILITIES		62,393,589	56,929,602
NET ASSETS		\$1,330,654,367	\$1,253,296,260
EQUITY			
Accumulated Surplus		772,174,816	675,673,430
Asset Revaluation Reserve	10	477,204,391	477,204,391
Reserves	10	81,275,160	100,418,439
TOTAL EQUITY		\$1,330,654,367	\$1,253,296,260

**CITY OF PERTH
MUNICIPAL**

Statement of Changes in Equity for the 4 months ended 31 October 2018

	Accumulated Surplus	Asset Revaluation Reserve	Cash Backed Reserves	Total Equity
Balance at 1 July 2017	\$ 659,485,259	\$ 612,865,897	\$ 93,205,998	\$ 1,365,557,154
Change in net assets resulting from operations	(112,260,894)	-	-	(112,260,894)
Transfer to Cash Backed Reserves	(33,413,115)	-	33,413,115	-
Transfers to Asset Revaluation Reserve	(4,365,967)	4,365,967	-	-
Transfers from Asset Revaluation Reserve	140,027,473	(140,027,473)	-	-
Transfer from Cash Backed Reserves	26,200,674	-	(26,200,674)	-
Balance at 30 June 2018	\$675,673,430	\$477,204,391	\$100,418,439	\$1,253,296,260
Balance at 1 July 2018	\$ 675,673,430	\$ 477,204,391	\$ 100,418,439	\$ 1,253,296,260
Change in net assets resulting from operations	77,358,107	-	-	77,358,107
Transfer to Cash Backed Reserves	(518,675)	-	518,675	-
Transfers to Asset Revaluation Reserve	-	-	-	-
Transfers from Asset Revaluation Reserve	-	-	-	-
Transfer from Cash Backed Reserves	19,661,954	-	(19,661,954)	-
Balance at the end of the reporting period	\$772,174,816	\$477,204,391	\$81,275,160	\$1,330,654,367

**CITY OF PERTH
MUNICIPAL**

Statement of Cash Flows for the 4 months ended 31 October 2018

	Note	Budget	YTD Actual	YTD Variation	
		2018/2019	31/10/2018	\$	%
		\$	\$	\$	%
Cash Flows from Operating Activities					
Receipts					
Rates		89,209,455	89,215,727	6,272	0.0%
Fees and Charges		102,068,853	42,305,959	(59,762,894)	-58.6%
Interest		4,767,575	2,056,813	(2,710,762)	-56.9%
Other		1,819,928	717,465	(1,102,463)	-60.6%
		197,865,811	134,295,964	(63,569,847)	-32.1%
Payments					
Employee Costs		(78,378,106)	(26,598,280)	51,779,826	66.1%
Materials and Contracts		(56,252,703)	(22,804,903)	33,447,800	59.5%
Interest		(961,020)	(507,590)	453,430	47.2%
Other		(29,966,325)	(21,057,707)	8,908,618	29.7%
		(165,558,154)	(70,968,480)	94,589,674	57.1%
Net Cash Flows from Operating Activities	12	32,307,657	63,327,484	31,019,827	-96.0%
Cash Flows from Investing Activities					
Receipts					
Distribution from TPRC		-	-	-	0.0%
Proceeds from Disposal of Assets		1,516,025	278,786	(1,237,239)	-81.6%
Proceeds from Disposal of Investments(Non Current)		-	8,104	8,104	0.0%
Payments					
Purchase Land and Buildings		(11,459,765)	-	11,459,765	-100.0%
Purchase Infrastructure Assets		(20,265,755)	-	20,265,755	-100.0%
Purchase Plant and Mobile Equipment		(14,378,763)	-	14,378,763	100.0%
Purchase Office Furniture and Equipment		(10,184,778)	-	10,184,778	-100.0%
Work in Progress		-	(5,394,528)	(5,394,528)	0.0%
Purchase of Investments (Non Current)		-	(154,754)	(154,754)	
		(56,289,061)	(5,549,282)	50,739,779	90.1%
Net Cash Flows from Investing Activities		(54,773,036)	(5,262,392)	49,510,644	90.4%
Cash Flows from Financing Activities					
Repayment of Borrowings		(7,448,608)	(3,677,425)	3,771,183	50.6%
		(7,448,608)	(3,677,425)	3,771,183	50.6%
Cash Flows from Government and Other Parties					
Receipts from Appropriations/Grants					
Recurrent		3,262,399	460,754	(2,801,645)	-85.9%
Capital		1,469,412	562,681	(906,731)	-61.7%
		4,731,811	1,023,435	(3,708,376)	-78.4%
Net Increase (Decrease) in Cash Held		(25,182,176)	55,411,102	80,593,278	-320.0%
Cash at 1 July 2018		151,411,889	133,550,990	(17,860,899)	-11.8%
Cash at 31 October 2018	11	126,229,713	188,962,082	62,732,369	49.7%

MUNICIPAL

Notes to the Balance Sheet for the 4 months ended 31 October 2018

1 Rates Receivable

	Actual YTD 31/10/2018	2017/18 YTD 31/10/2017
Outstanding Amount at 30 June 2018	\$ 606,839	\$ 323,913
Rates Levied for the Year	90,698,691	89,323,207
Late Payment Penalties	-	78,175
Ex Gratia Rates	7,436	7,377
Rates Administration Fee	16,426	331,660
Rates Instalment Interest	355,308	357,685
Back Rates	73,573	(123,999)
Bins Levy	330,181	611,585
	92,088,454	90,909,603
Amount Received during the Period	76,436,559	76,144,432
Outstanding Amount at 31 October 2018	\$15,651,895	\$14,765,171

2 Gain/(Loss) on Disposal/Write off of Assets

	Annual Budget	Actual YTD 31/10/2018
Infrastructure		
Proceeds on Disposal	-	-
Less: Carrying amount of assets written off	1,917,040	-
(Loss) on Write Off	(1,917,040)	-
Plant and Mobile Equipment		
Proceeds on Disposal	1,516,025	278,786
Less: Carrying amount of assets sold/written off	1,262,000	263,536
Profit on Disposal /Write Off	254,025	15,250
Gain/(Loss) on Disposal/Write off of Assets	(\$1,663,015)	15,250

3 Investments

Current	31/10/2018	30/06/2018
Short Term Cash Investments *	\$	\$
Call Funds	8,545,193	19,384,434
Bank/Term Deposits	165,000,000	88,000,000
Managed Funds	5,075,966	5,323,583
Total Current Investments	\$178,621,159	\$112,708,017

* Short Term Cash Investments as stated in Note 11.

Non Current Investments	31/10/2018	30/06/2018
	\$	\$
Mortgage Backed Securities (MBS)	2,472,928	2,481,033
	2,472,928	2,481,033
Equity in Local Government House	10,000	10,000
Equity in Mindarie Regional Council	450,285	450,285
Equity in Tamala Park Regional Council	3,814,750	3,659,996
	\$6,747,963	\$6,601,314

MUNICIPAL

Notes to the Balance Sheet for the 4 months ended 31 October 2018

4 Deposits/Prepayments

	31/10/2018	30/06/2018
	\$	\$
Prepaid Insurance	1,584,925	-
Prepaid Parking Bay Licence Fees	11,855,227	113,564
Other	1,831,705	1,623,611
	\$15,271,857	\$1,737,175

5 Trade And Other Receivables

	31/10/2018	30/06/2018
Current	\$	\$
Emergency Services Levy (ESL)	4,144,926	114,563
Accrued Interest and Investment Income	1,116,737	1,092,202
Accrued Income	1,391,746	1,767,763
Modified Penalties/Fines and Costs	8,298,116	7,886,627
Debtors - General		
Australian Taxation Office - GST Refundable	-	1,024,489
Other Debtors	2,766,968	2,216,562
	17,718,493	14,102,206
Less: Provision for Doubtful Debts	(4,002,676)	(3,983,451)
	\$13,715,817	\$10,118,755
Non Current		
Pensioners' Rates Deferred	62,451	62,649
	\$62,451	\$62,649

6 Trade And Other Payables

	31/10/2018	30/06/2018
Current	\$	\$
Trade Creditors	1,533,162	15,035,282
Emergency Services Levy	17,110,609	-
Interest Payable on Loans	92,698	231,867
Accrued Expenses - Operating	5,602,430	2,471,480
Accrued Expenses - Capital	1,853,951	396,625
Advances Received for Recoverable Works	83,498	96,738
Income Received / Raised in Advance	1,049,904	1,083,716
Australian Taxation Office - GST Payable	221,657	-
Other Creditors	2,540,116	1,883,623
	\$30,088,025	\$21,199,331

MUNICIPAL

Notes to the Balance Sheet for the 4 months ended 31 October 2018

7 Employee Benefits

	31/10/2018	30/06/2018
Current	\$	\$
Leave Entitlements		
Annual Leave	4,834,687	4,792,212
Self Funded Leave	165,963	163,543
Long Service Leave	5,647,974	5,435,598
Recognition of Employees- Presentations	109,701	114,254
	\$10,758,325	\$10,505,607
Non Current		
Annual Leave	379,099	379,099
Long Service Leave	1,101,779	1,101,779
	\$1,480,878	\$1,480,878

Provisions

	31/10/2018	30/06/2018
Current	\$	\$
Workers Compensation	612,044	612,044
	\$612,044	\$612,044

8 Property, Plant and Equipment and Work in Progress

	31/10/2018	30/06/2018
	\$	\$
Land - fair value	418,170,435	418,170,435
Less: Accumulated Depreciation	(8,448,127)	(8,224,622)
	409,722,308	409,945,813
Buildings - at fair value	461,389,947	461,389,947
Less: Accumulated Depreciation	(193,850,142)	(190,281,745)
	267,539,805	271,108,202
Leasehold Improvements - at fair value	654,500	654,500
Less: Accumulated Depreciation	(100,889)	(94,569)
	553,611	559,931
Infrastructure Assets - at cost/fair value	601,956,717	601,956,717
Less: Accumulated Depreciation	(230,326,707)	(224,735,474)
	371,630,010	377,221,243
Plant and Mobile Equipment - at cost/fair value	47,734,775	48,244,193
Less: Accumulated Depreciation	(33,165,010)	(32,299,078)
	14,569,765	15,945,115
Office Furniture and Equipment - at cost/fair value	47,137,141	47,137,141
Less: Accumulated Depreciation	(15,427,196)	(14,484,641)
	31,709,945	32,652,500
Property, Plant and Equipment	1,095,725,444	1,107,432,804
Work in Progress - at cost	55,894,748	49,042,894
	55,894,748	49,042,894
Total Property, Plant and Equipment and Work in Progress	\$1,151,620,192	\$1,156,475,698

MUNICIPAL

Notes to the Balance Sheet for the 4 months ended 31 October 2018

8 Property, Plant and Equipment and Work in Progress - Movement at Cost

	Balance 30/06/2018	Acquisitions Actual YTD 31/10/2018	Transfers Actual YTD 31/10/2018	Initial Recognition of Assets Actual YTD 31/10/2018	Disposals/ Write off/ Actual YTD 31/10/2018	Revaluation Actual YTD 31/10/2018	Balance 31/10/2018
	\$	\$	\$	\$	\$		\$
Land	418,170,435	-	-	-	-	-	418,170,435
Buildings	461,389,947	-	-	-	-	-	461,389,947
Leasehold Improvements	654,500	-	-	-	-	-	654,500
Infrastructure Assets	601,956,717	-	-	-	-	-	601,956,717
Plant and Mobile Equipment	48,244,193	-	-	-	(509,418)	-	47,734,775
Office Furniture and Equipment	47,137,141	-	-	-	-	-	47,137,141
Work in Progress	49,042,894	6,851,854	-	-	-	-	55,894,748
	\$1,626,595,827	\$6,851,854	-	-	(509,418)	-	\$1,632,938,263

9 Loan Liability

	31/10/2018	30/06/2018
Current	\$	\$
Loans - Western Australian Treasury Corporation	6,439,382	7,448,608
Non Current		
Loans - Western Australian Treasury Corporation	13,014,935	15,683,134

10 Reserve Funds

Purpose of Reserve Fund	Balance 30/06/2018	Transfer from Accumulated Surplus	Transfer to Accumulated Surplus	Balance 31/10/2018
	\$	\$	\$	\$
Refuse Disposal and Treatment	3,758,149	23,928	(6,123)	3,775,954
Concert Hall - Refurbishment and Maint.	5,502,176	28,092	(788,508)	4,741,760
Asset Enhancement	30,621,651	195,697	(292,533)	30,524,815
Street Furniture Replacement	358,479	2,165	(113,393)	247,251
Parking Levy	21,222,806	21,692	(17,825,290)	3,419,208
Art Acquisition	399,275	2,603	(9,223)	392,655
Heritage Incentive	608,930	4,032	-	612,962
Parking Facilities Development	23,919,144	149,681	(626,884)	23,441,941
Employee Entitlements	1,924,579	12,136	-	1,936,715
David Jones Bridge	341,959	2,123	-	344,082
Bonus Plot Ratio	655,680	4,185	-	659,865
PCEC Fixed Plant Replacement	5,007,286	32,070	-	5,039,356
Enterprise and Initiative	5,477,133	36,303	-	5,513,436
Public Art	621,192	3,968	-	625,160
	100,418,439	518,675	(19,661,954)	81,275,160
* Asset Revaluation	477,204,391	-	-	477,204,391
	\$577,622,829	\$518,675	(\$19,661,954)	\$558,479,551

* The Asset Revaluation Reserve is a non cash backed reserve and cannot be used ,except for adjustments to fixed assets on their revaluation, disposal or write off

MUNICIPAL

Notes to the Balance Sheet for the 4 months ended 31 October 2018

11 Cash Reconciliation

	31/10/2018	30/06/2018
	\$	\$
Cash and Cash Equivalents	10,340,923	20,842,973
Short Term Cash Investments	178,621,159	112,708,017
	\$188,962,082	\$133,550,990

12 Reconciliation of Net Cash Provided By Operating Activities to Operating Surplus

	31/10/2018	30/06/2018
	\$	\$
Change in Net Assets Resulting from Operations	77,358,107	11,846,488
Adjustment for items not involving the movement of Funds:		
Depreciation	11,443,824	34,706,879
Doubtful Debts	19,225	312,664
(Gain)/Loss on Disposal/Write off/Contribution of Assets	(15,250)	1,717,911
	88,805,906	48,583,942
Revenues Provided By :		
Government Grants	(1,023,435)	(5,028,039)
	(1,023,435)	(5,028,039)
Change in Operating Assets and Liabilities		
Add Back		
Decrease in Inventories	56,743	-
Decrease in Deposits and Prepayments	-	98,131
Decrease in Deferred Debtors	198	-
Decrease in Accrued Income	376,017	1,405,487
Increase in Income Received /Raised in Advance	-	373,519
Increase in Accrued Interest Payable	-	75,420
Increase in Accrued Expenses	3,130,950	-
Increase in Provisions	252,718	530,691
Increase in Trade and Other Payables	4,486,650	3,367,298
Deduct		
Decrease in Income Received /Raised in Advance	(47,052)	-
Decrease in Accrued Interest Payable	(139,169)	-
Increases in Deferred Debtors	-	(16,293)
Decrease in Accrued Expenses	-	(1,293,063)
Increase in Inventories	-	(153,803)
Increase in Trade and Other Receivables	(19,012,825)	(1,457,099)
Increase in Prepayments	(13,534,682)	-
Increase in Accrued Interest and Investment Income	(24,535)	(386,685)
	(24,454,987)	2,543,603
Net Cash Provided by Operating Activities	\$63,327,484	\$46,099,506

MUNICIPAL

Notes to the Balance Sheet for the 4 months ended 31 October 2018

13 Ratios

	31/10/2018	30/06/2018
1 Current Ratio		
<u>Current Assets</u> minus Restricted Assets		
Current Liabilities minus Liabilities associated with Restricted Assets	3.25	1.24
2 Debt Ratio		
<u>Total Liabilities</u>		
Total Assets	4.48%	4.35%
3 Debt Service Ratio		
<u>Debt Service Cost</u>		
Available Operating Revenue	2.97%	3.87%
4 Rate Coverage Ratio		
<u>Net Rate Revenue</u>		
Operating Revenue	67.34%	44.79%
5 Outstanding Rates Ratio		
<u>Rates Outstanding</u>		
Rates Collectable	17.00%	0.67%
6 Untied Cash to Unpaid Creditors Ratio		
<u>Untied Cash</u>		
Unpaid Trade Creditors	71.85	2.37
7 Gross Debt to Revenue Ratio		
<u>Gross Debt</u>		
Total Revenue	14.27%	11.45%
8 Gross Debt to Economically Realisable Assets Ratio		
<u>Gross Debt</u>		
Economically Realisable Assets	1.90%	2.48%

Restricted Assets includes reserve funds and tied contributions not utilised at 31.10.2018

MUNICIPAL				
	31/10/2018		30/06/2018	
1 Current Ratio				
<u>Current Assets minus Restricted Assets</u>	<u>155,815,118</u>		<u>49,148,795</u>	
Current Liabilities minus Liabilities associated with Restricted Assets	47,897,776	3.25	39,765,590	1.24
2 Debt Ratio				
<u>Total Liabilities</u>	<u>62,393,589</u>		<u>56,929,602</u>	
Total Assets	1,393,047,956	4.48%	1,310,225,862	4.35%
3 Debt Service Ratio				
<u>Debt Service Cost</u>	<u>4,042,532</u>		<u>7,811,382</u>	
Available Operating Revenue	136,307,254	2.97%	201,993,617	3.87%
4 Rate Coverage Ratio				
<u>Net Rate Revenue</u>	<u>91,785,053</u>		<u>90,482,355</u>	
Operating Revenue	136,307,254	67.34%	201,993,617	44.79%
5 Outstanding Rate Ratio				
<u>Rates Outstanding</u>	<u>15,651,895</u>		<u>606,839</u>	
Rates Collectable	92,088,454	17.00%	90,759,161	0.67%
6 Untied Cash to Unpaid Creditors Ratio				
<u>Untied Cash</u>	<u>110,159,850</u>		<u>35,613,584</u>	
Unpaid Trade Creditors	1,533,162	71.85	15,035,282	2.37
7 Gross Debt to Revenue Ratio				
<u>Gross Debt</u>	<u>19,454,317</u>		<u>23,131,742</u>	
Total Revenue	136,307,254	14.27%	201,993,617	11.45%
8 Gross Debt to Economically Realisable Assets Ratio				
<u>Gross Debt</u>	<u>19,454,317</u>		<u>23,131,742</u>	
Economically Realisable Assets	1,021,417,946	1.90%	933,004,619	2.48%

Agenda **Payments from Municipal and Trust Funds – November 2018**
Item 13.11

Recommendation:

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 November 2018 be RECEIVED and recorded in the Minutes of the Council, the summary of which is as follows:

FUND	PAID
Municipal Fund	\$ 16,856,912.87
Trust Fund	\$ 15,252.54
TOTAL:	<u><u>\$ 16,872,165.41</u></u>

FILE REFERENCE: P1035536
 REPORTING UNIT: Finance
 RESPONSIBLE DIRECTORATE: Corporate Services
 DATE: 3 December 2018
 ATTACHMENT/S: A detailed list of payments made under delegated authority for the month ended 30 November can be accessed by the Commissioners via the Council Hub. Members of the public can access the list of payments on request.

Council Role:

- Advocacy *When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, town planning schemes and policies*
- Quasi-Judicial *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*



Information

*For the Council/Committee to note.***Legislation / Strategic Plan / Policy:**

Legislation Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Goal 7 - An open and engaged city

Policy

Policy No and Name: N/A

Comments:

Payments for the month of November 2018 included the following significant items, but exclude Payroll and payroll taxation payments to the Deputy Commissioner of Taxation:

- \$555,451.97 to Department of Local Government, Sport and Cultural Industries for recoup of salaries and superannuation for City of Perth Commissioners for the period to 6 September 2018;
- \$528,238.73 to The Department of Fire and Emergency Services for the annual 2018/19 ESL Fire and Emergency Services.

Report to the Ordinary Council Meeting**Agenda** **Policy Review - Safer Design**
Item 13.12**Recommendation:*****That Council ADOPTS the revised 'Safer Design Policy' listed in Attachment 13.12A.***

FILE REFERENCE:	P1018809
REPORTING UNIT:	Coordination and Design
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	26 November 2018
ATTACHMENT/S:	Attachment 13.12A – Proposed Safer Design Policy Attachment 13.12B – Existing Policy 6.12 – Safer Design

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	N/A
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 1 - A city for people
Policy	
Policy No and Name:	N/A

Purpose and Background:

On 17 January 2018, the City's Executive Leadership Group (ELG) endorsed an ongoing Policy Risk Review Framework. Review timeframes were based on the risk rating determined for the policy. The application of a risk assessment to the City's policies encourages regular and ongoing reviews of these important documents. This improves compliance and improves operational efficiency.

Policies have been categorised as:

- High risk. Due for review by December 2018;
- Medium risk. Due for review by July 2019; and
- Low risk. Due for review by December 2019.

To complement the Policy Risk Review Framework, the City has also begun to implement the policy recommendations of the Organisational Competency and Capability Assessment (OCCA), completed by Deloitte in 2017. These recommendations called for the City to reduce the degree of interpretation required when interpreting and applying its policies, whether by internal or external stakeholder(s). A holistic review and streamlining of the policy manual allows business units to better align their policies with the City's strategic directives (*Shaping Our Capital City: Strategic Community Plan 2029*) (SCP) and improve the interrelation between strategy, policy, legislation and internal procedures/business plans. This new approach also reflects the industry standard recommended in the Western Australian Local Government Association's guide to policy writing.

Details:

Current council Policy 6.12 – Safer Design was first adopted by Council at its meeting on **20 April 2004**. It was assessed as high-risk and therefore due for review in or before December 2018.

A review of the policy commenced in July 2018 by the Coordination and Design Unit (CDU). CDU consulted with relevant internal stakeholders and collaborated with Governance to obtain feedback and ensure compliance with the City's revised strategic policy approach.

It was determined during the review that the policy did not require significant changes. The areas of focus were ensuring the principles of safer design were clearly reflected in the policy statement; the policy aligned clearly with the relevant goal of the SCP; and the objective and scope were refined to clearly communicate the intent of the policy to internal and external stakeholders.

The review has identified that the current policy be simplified to better reflect the objective and it has also been modified to ensure information covered in other policies is not duplicated.

This policy will be un-pinned by strong procedures and business unit plan(s). The City will ensure that the implementation of the policy, procedures and operational plans meet any applicable legislative and industry best practice standard requirements.

Financial Implications:

There are no financial implications resulting from this report.

Comments:

The Safer Design Policy has been reviewed and changes have been made. The content has not changed significantly however, changes to formatting and tone of writing are somewhat substantial. The amendments predominantly address a need to refine the objective and scope of the policy.

The proposed amended policy will be assessed against the City's policy review risk criteria once adopted, to confirm if the changes made affect the risk rating and review timeframes.



Council Policy Manual

CP 6.12 Safer Design

POLICY OBJECTIVE

To:-

1. minimise opportunities for crime, through well designed and maintained buildings, structures and places;
 2. reduce the fear of crime for all users of the city;
 3. give priority to the most vulnerable areas, development and settings and also to the most vulnerable users, especially those with higher fears or a higher risk of crime;
 4. increase the use of public places and improve safe access to public facilities; and
 5. discourage graffiti and vandalism.
-

POLICY STATEMENT

The City of Perth is committed to:-

1. promoting a safe city for residents, businesses, workers and visitors. Through the 'Safer Design' Policy and Guidelines a range of general principles and their application to design elements, physical features and specific land uses are detailed;
 2. applying Safer Design principles to all of the City's practices involving the planning, design and management of the built environment, including building design, lighting, signage, landscaping and streetscape;
 3. improving perceptions of safety and reduce the risk of crime through the application of 'Safer Design' principles such as informal surveillance, wayfinding, mixed uses and activities at ground level;
 4. fostering pedestrian use of the public domain by encouraging a range of legitimate users who reflect the social and cultural context of the City of Perth;
 5. creating a sense of ownership of places and spaces and ensuring high standards of maintenance and management;
-



Council Policy Manual

CP 6.12 Safer Design

6. providing safe pedestrian access using physical and symbolic design to influence the movement of people, facilitate way-finding and address safety issues;
7. require a 'Safer Design' assessment or audit of vulnerable land uses, settings and elements that may compromise safety and amenity, for example public transport settings, entertainment venues and educational institutions; and
8. involving special needs groups such as women, seniors, Indigenous, people with disabilities and young people, wherever possible, in the design of the public realm.

Reference:

City Planning Scheme No. 2

Document Control Box							
Document Responsibilities:							
Custodian:	Planning and Development			Custodian Unit:	Co-ordination and Design		
Decision Maker:							
Compliance Requirements:							
Legislation:							
Industry:							
Organisational:							
Document Management:							
Risk Rating:		Review Frequency:		Next Due:		TRIM Ref:	P1018809
Version #	Decision Reference:			Synopsis:			
1.	OCM - 20/04/04 (255/04)			Previous Policy No. ST15			
2.							
3.							



Council Policy Manual

Safer design

Policy Objective

The objective of this policy is to ensure that City owned and managed public spaces are designed to make community members and visitors feel safe and opportunities for crime are minimised.

Policy Scope

This policy applies to all public places the City owns or has responsibility to care for, control and maintain, or that are acquired by or contributed to the City.

Policy Statement

The City recognises the critical role design plays in improving community safety, both real and perceived, to create a welcoming and vibrant city. The City is committed to improving the quality of life for community members and visitors, especially vulnerable groups, by reducing fear of crime and facilitating positive community engagement. The application of safer design principles delivers such benefits.

The following principles for designing safe and welcoming public spaces, based on internationally recognised 'Crime Prevention Through Environmental Design' principles, should be considered in the earliest stages of the design process. This includes but is not limited to the following:

- **Maximise surveillance** – locate and design public spaces that encourage activity and observation opportunities to enhance the overall feeling of safety and security
- **Clear space delineation** – use physical features to clearly define ownership and control of a space and to delineate private from public spaces
- **Ongoing maintenance** – ensure public spaces are fit for purpose and easy to maintain, increase feelings of safety and enjoyment for all users.

The City will carry out assessment, community consultation and audit of areas where increased safety risks may exist and ensure modifications incorporating safer design principles are made where it is considered necessary and reasonable to do so.

Document Control Box			
Document Responsibilities:			
Custodian:	Planning and Development	Custodian Unit:	Coordination and Design
Decision Maker:	Council		
Compliance Requirements:			
Legislation:	<i>Planning and Development Act 2005</i>		
Industry:			
Organisational:	Strategic Community Plan: Vision 2029+ City Planning Scheme No. 2 City of Perth Disability Access and Inclusion Plan 2016-2020		

		Design and Construction Notes CP1.2 Community Consultation CP2.3 Graffiti Treatment CP20.7 Lighting Policy			
Document Management:					
Risk Rating:		Review Frequency:		Next Due:	TRIM Ref:
Version #	Decision Reference:	Synopsis:			
1.	OCM - 20/04/04 (255/04)	Previous Policy No. ST15			
2.					

PROPOSED

Agenda
Item 13.13

**Review Complete – City of Perth Alfresco Dining Local Law 2009
(Repeal and Replace) City of Perth Outdoor Dining Local Law
2019**

Recommendation:

That Council:

1. ***in accordance with Section 3.16(3) of the Local Government Act 1995,***
 - 1.1 ***NOTES that four submissions were received during the public submission period in response to the review of the City of Perth Alfresco Dining Local Law 2009; and***
 - 1.2 ***CONSIDERS those submissions as detailed in Attachment 13.13A and 13.14B;***
2. ***in accordance with Section 3.16(4) of the Local Government Act 1995, receives this report to complete the review of the City of Perth Alfresco Dining Local Law 2009 and DETERMINES BY AN ABSOLUTE MAJORITY, to repeal this local law, as detailed in Attachment 13.13B;***
3. ***APPROVES in accordance with Section 3.12(3) of the Local Government Act 1995, the giving of a state-wide public notice of the intention to make the City of Perth Outdoor Dining Local Law 2019, as detailed in Attachment 13.13E, with the purpose and effect being:***
 - 3.1 ***Purpose: The purpose of this local law is to regulate the management of outdoor dining areas in any public place within the district;***
 - 3.2 ***Effect: The effect of this local law is to:***
 - a) ***enable the management of outdoor dining areas so that they do not interfere with the safe, accessible and reasonable movement of persons and vehicles; and***
 - b) ***encourage high quality outdoor dining to enhance amenity, vitality and ambience of the district.***

FILE REFERENCE: P1015923-2
REPORTING UNIT: Governance
RESPONSIBLE DIRECTORATE: Office of the Chief Executive
DATE: 1 October 2018

ATTACHMENT/S:

Attachment 13.13A - Public Submissions in response to the Alfresco Dining 2009 Local Law Review

Attachment 13.13B – Summary and consideration of Public Submissions in response to the Alfresco Dining 2009 Local Law Review

Attachment 13.13C - *City of Perth Alfresco Dining Local Law 2009* (to be repealed)

Attachment 13.13D - Comparison of Changes

Attachment 13.13E - Proposed City of Perth Outdoor Dining Local Law 2019

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:**Legislation**

Sections 3.12 and 3.16 of the *Local Government Act 1995*

Integrated Planning and Reporting Framework Implications**Strategic Community Plan**

Goal 2 - An exceptionally well designed, functional and accessible city

Policy

Policy No and Name:

14.1 - Alfresco Dining 2000

Purpose and Background:

Local Law History

At its meeting held on **2 June 2009**, Council resolved to make the *City of Perth Alfresco Dining Local Law 2009* as follows:

“Purpose: To provide for the regulation, control and management of alfresco dining areas in any public place within the district;

Effect: The effect of this local law is to control alfresco dining areas so that they do not interfere with the safe and reasonable movement of pedestrians and vehicles as well as to encourage high quality alfresco dining to enhance amenity, vitality and ambience of the city”

The City of Perth Alfresco Dining Local Law 2009 was published in the *Government Gazette* on 16 June 2009 and commenced operation 14 days afterwards.

There have been no amendments to the local law since its adoption.

Review History

The City has undertaken a comprehensive review of the *City of Perth Alfresco Dining Local Law 2009* and the policies associated with it.

A notice of motion was put to the Planning Committee meeting held on 21 June 2016, requesting:

“That the administration prepares a report for the consideration of outlining how the Alfresco Dining Local Law (2009) and Alfresco Dining Policy 2000 can be amended to allow licensees, to, on a temporary basis only, i.e. not more than once per week, be allowed to, inside their existing alfresco permit area, prepare food and drink.”

At its meeting held on **1 November 2016**, Council received a report requesting consideration on the implications of permitting the preparation of food and beverage on a temporary basis in alfresco areas and its implications on the *City of Perth Alfresco Dining Local Law 2009* and Council Policy 14.4 – Alfresco Dining Policy 2000.

An Alfresco Working Group (the Group) was established in March 2017 tasked with reviewing the Local Law, Policy, fee structure and design guidelines associated with alfresco dining. This review included community engagement and submissions from external stakeholders in July 2017 which informed the Groups’ preliminary recommendations to Council.

Details of the Community Engagement survey was provided to Council at its meeting held on **21 November 2017** which informed a suite of major changes including the development of a new Policy and Guidelines.

At its meeting held on **21 November 2017**, Council also endorsed the following:

“1.1 the implementation of an annual Alfresco Dining Fee Rate of \$40.00 per square metre from 1 January 2018 as detailed in this Report;

- 1.2 *the allowance of beverage preparation and service from within the outdoor dining area;*
 - 1.3 *the allowance of service of pre-packaged food from within the outdoor dining area;*
 - 1.4 *the change of program name to Outdoor Dining;*
 - 1.5 *the reduction of the pedestrian clearance in the new outdoor dining zones;*
 - 1.6 *the permission of alcohol consumption whilst standing in an outdoor dining area;*
 - 1.7 *the renewal period from annually to three yearly;*
 - 1.8 *the option of a payment plan; and*
 - 1.9 *the proposed future timeline as detailed in this report.*
2. *That Council NOTES, subject to endorsement in Part 1 above, the following will be submitted to Council for approval as detailed in this Report:*
- 2.1 *Amendments made to the City of Perth Alfresco Dining Policy 2000 and Alfresco Dining Local Law (2009)."*

At its meeting held on **31 July 2018**, Council endorsed the following:

- "1. APPROVES the draft Council Policy 14.1 Outdoor Dining Policy (as detailed in Attachment 13.11B) for consultation purposes;
2. NOTES that a review of the Outdoor Dining Policy will be undertaken after the first year and then updated every three years;
3. ENDORSES the draft Outdoor Dining Guidelines (as detailed in Attachment 13.11C for consultation purposes;
4. NOTES that the results of the consultation will be presented to Council at a future meeting as soon as is possible;
5. REVIEWS the proposed fee structure endorsed by Council 21 November 2017 item 1.1 which read endorsed: "the implementation of an annual alfresco dining fee of \$40 per square metre from 1 January 2018 as detailed in this report' to ensure that the City of Perth fee structure be competitive with other Perth local government fee structures;
6. INVESTIGATES the development of an online self-service function to facilitate the efficient and effective processing and management of applications; and
7. *Following the consultation process a revised policy and guidelines will be presented to Council for approval as soon as possible and no later than December 2018."*

The review process identified several amendments required to properly allow for the changes endorsed by Council in its meeting held on **21 November 2017** as well as opportunities for administrative efficiencies. Additionally, changes to legislation since its adoption include the introduction of the *City of Perth Act 2016* and amendments to the *Tobacco Products Control Act 2006*. The review considered the amendments to the policy and responses from stakeholders.

Local Law Legislative Process

Section 3.12 of the *Local Government Act 1995* details the procedure for making new local laws as follows:

- Council is to approve the giving of a State-wide public notice of the intention to make a local law or to review an existing local law. The public notice is to include the purpose and effect of the local law, inspection details and advice regarding the six-week public submission period;
- As soon as the public notice is given, the City is to provide a copy of the proposed local law to the Minister of Local Government; Heritage; Culture and the Arts and any other relevant Ministers to which the local law relates and to any person requesting a copy;

- After the last day for submissions, Council is required to consider any submissions received and may resolve by an absolute majority decision to make the local law, or to make a local law that is not significantly different from the proposed local law as advertised;
- If adopted, the City will subsequently be required to undertake the following to finalise this process:
 - Publish the local law in the *Government Gazette*;
 - Provide a copy of the relevant document to the Joint Standing Committee on Delegated Legislation 10 days after its publication in the *Government Gazette*;
 - Provide a copy of the Gazette to the Minister of Local Government; Heritage; Culture and the Arts and any other relevant Minister; and
 - Publish a local public notice advising the title of the local law, its purpose and effect, the day on which it becomes effective and advising that it may be inspected at the local government's offices.

Details:

On 11 December 2017, the City issued a state-wide notice for its intention to review the *City of Perth Alfresco Dining Local Law 2009*. At the close of submissions on 2 February 2018, four submissions from the public had been received in regard to the review of *City of Perth Alfresco Dining Local Law 2009*.

An internal review of the local law was also conducted that identified a number of required changes. The main drafting changes are outlined below:

- Removal of clauses relating to the requirement to display an approval sticker for alfresco dining as this was determined to be administratively inefficient and an unnecessary requirement;
- Amendments to ensure payments plans are allowed under the local law in accordance with the resolution of Council in its meeting held on **21 November 2017**;
- Amendments to remove references to no-smoking requirements on the basis these requirements are now regulated by and inconsistent with the provision of the *Tobacco Products Control Act 2006*;
- The Joint Standing Committee on Delegated Legislation (JSCDL) and the Department of Local Government, Sport and Cultural Industries (Department) have previously advised the use of the term "City" is less suitable than "local government." This has been amended in this local law and will be proposed for all future local law reviews to ensure consistency;
- Inclusion of requirements that ensure accessible movement is not impeded and aligns with the City's Disability Access and Inclusion Plan;
- Inclusion of "authorised persons" within the local law to ensure appropriate authorisation for officers administering and enforcing the local law;
- Additional clauses for been added to ensure that the permit holder's responsibilities to keep the area safe, clean and within the required location;
- Amendment to allow bonds to be required where permit holders install permanent fixtures into the public realm;
- Amendments to re-order clauses so that they now align with the relevant parts within the local law; and
- Minor amendments to references to legislation to ensure references and definitions remain current.

Legal advice was also sought in relation to the review of the *City of Perth Alfresco Dining Local Law 2009*, with this advice being considered as part of its development to avoid any risk of future disallowance by the JSCDL.

A detailed comparison of changes between the *City of Alfresco Dining Local Law 2009* and the proposed *Outdoor Dining Local Law 2019* is indicated in Attachment 13.13D.

Modified Penalties

The majority of Modified Penalties have been carried over into the proposed offences within the proposed *City of Perth Outdoor Dining Local Law 2019* with renumbering as required. Clauses related to smoking and the requirements for an alfresco sticker have been removed due to the removal of the associated clauses.

There are also proposed new penalties that align with new clauses in the local law. These new clauses require a person to:

- remove the outdoor dining furniture following cancellation of a permit;
- reinstate the public area, where damaged, following cancellation of a permit; and
- comply with the responsibilities of a permit holder to keep the outdoor dining area clean, well maintained, safe and within the permitted area.

A penalty is proposed in relation to each of these new clauses as a deterrent for breach of the requirements. The clauses support the protection of the public realm from damage and the public from obstructions and hazards that can occur from the conduct of the outdoor dining area.

The comparison between the Modified Penalties of the existing *City of Perth Alfresco Dining Local Law 2009* and the proposed new local law is detailed in Attachment 13.13D.

Risk Management Implications

It is noted that should the City of Perth not follow the local law creation process as detailed in the *Local Government Act 1995*, the local law may be disallowed by the JSCDL. The local law must also be cognisant of previous findings of the JSCDL, specifically with regard to provisions that the JSCDL has stated are outside the local law-making power of local governments

Stakeholder Engagement

Stakeholder engagement was undertaken in accordance with legislation. A public notice was advertised in the West Australian on Monday, 11 December 2017. This notice was also placed on the public notice board of the local government and the library.

Letters notifying of the review commencing were also sent to the below identified key stakeholders on 4 January 2018. Separately, in relation to the associated policies and guidelines a stakeholder engagement plan was undertaken. The results of these were considered to determine any implications for the City's local law.

Key Stakeholders:

- Australian Hotels Association WA;
- Business Improvement Group Northbridge (BigN);

- East Perth Community Safety Group;
- Historic Heart;
- Member for Perth;
- OnWilliam;
- Small Bar Association; and
- West Perth Local.

A summary of the responses and their consideration in relation to the local is detailed in Attachment 13.13B.

Financial Implications:

Costs of approximately \$3000 will be incurred for the Public Notice and gazettal of the local law. These costs will be met through existing operational budgets.

Comments:

An assessment has been undertaken on the scope of the Outdoor Dining Guidelines Peer Review which is to be considered at a future Council Meeting. The impacts of a fee determination will not affect the progress of this local law. Additionally, in respect to lodgement of applications the only potential impacts surrounding online lodgement would be for determinations relating to a requirement for any accompanying bond (where required) or for the provision of a neighbour's consent to an application (where an outdoor dining area is to extend beyond the frontage of the applicant's area into the neighbour's frontage).

25 January 2018

Mark Ridgwell
Manager Governance
City of Perth, Council House
27 St Georges Terrace
Perth WA 6000

Dear Mark,

By email: info.city@cityofperth.wa.gov.au

Letter of Support - City of Perth Alfresco Dining Local Law 2009 Review

I refer to the City of Perth Alfresco Dining Local Law 2009 Review.

This letter has been prepared on behalf of the freehold owners of 56 William Street, Perth, and the operator of the State Buildings, Treasury WA Pty Ltd. We unequivocally support the revisions endorsed by Council on 21 November 2017.

As both a landlord and hospitality operator within the Perth CBD, we have a keen interest in bringing additional vitality to our City's central streets. We strongly believe that the proposed revisions will support more alfresco activity throughout the City and Northbridge, improving both pedestrian activity & safety.

The 2017 Alfresco Dining area survey results suggest that existing local laws result in a lack of vibrancy, amenity and a sense of place, in our City's most important streets. Survey results indicated that 79% of people believed there is insufficient alfresco dining in the City and 91% are more likely to visit a business with alfresco dining. Survey respondents further advised that the City of Perth should make it easier for tenants to operate alfresco dining areas.

Therefore, we support the following revisions to the City of Perth Alfresco Dining Law 2009, as endorsed by Council:

- 1) The implementation of an annual Alfresco Dining Fee rate of \$40.00 per square metre from 1 January 2018;
- 2) The allowance of beverage preparation and service from within the outdoor dining area;
- 3) The allowance of service of pre-packaged food from within the outdoor dining area;
- 4) The change of program name to Outdoor Dining;
- 5) The reduction of the pedestrian clearance in the new outdoor dining zones;
- 6) The permission of alcohol consumption whilst standing in an outdoor dining area;

- 7) The renewal period from annually to three yearly; and
- 8) The option of a payment plan.

We look forward to the City of Perth implementing the proposed revisions and wish to thank you for your continual commitment to improving the City for both residents and tourists alike.

Yours sincerely,



Jamie Fini
Managing Director
FJM Property Pty Ltd
For and on behalf of 56 William Street Syndicate

Director
Treasury WA Pty Ltd



ABN 15 780 467 930

25th January 2018
Mr Mark Ridgewell
Manager Governance
City of Perth
GPO Box C120 Perth
Western Australia 6839
(by email)

Reference: City of Perth Alfresco Dining Local Law Review

Dear Sir

I respond to your letter of 4th January 2018 in regards to the above.
I circulated the proposed amendments to the executive and invited their comments.

It is fair to say that any reduction in red tape and or fees is welcomed by the businesses in Northbridge. There was a query from a restaurant operator around the proposal under item 6) if this was available to all Licensees. They felt if Hotels or Taverns only then it is "unfair". It is my understanding that this amendment (to permit standing & drinking) is only for Taverns & Hotels. I am not sure I (personally) agree it is "unfair" when you look at the provisions of alcohol service as part of a restaurant Liquor License.

In respect to item 5), this may need to be monitored as there have been incidents where conflict has arisen between pedestrians & diners & the service of food & drinks from inside the premises by staff to the alfresco area.

Overall we believe the Council is demonstrating trying to strike the correct balance between activation of public space & amenity whilst maintaining a sensible approach to public liability issues.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Michael D Keiller', is written over a white background.

Michael D Keiller
Chair bigN

FRINGE WORLD

FESTIVAL 2018

15 January 2018

Manager Governance
City of Perth
27 St Georges Terrace
Perth WA 6000

Dear Mr Mark Ridgwell
(Via email: Mark.Ridgwell@cityofperth.wa.gov.au)

Submission supporting revisions to the City of Perth Alfresco Dining Local Law 2009

I refer to the City of Perth Alfresco Dining Law 2009 Review that is currently being advertised.

The following submission has been prepared on behalf of Happy Heart Pty Ltd (Happy Heart) and should be considered as a letter of support to the proposed revisions to the City of Perth's Alfresco Dining Local Law 2009. The Fringe World Festival also strongly supports the revisions as a means to continue to add vibrancy to the life of the City of Perth and the lifestyle choices of its citizens and visitors.



















Both Fringe World Festival and Happy Heart have vested interest in the Northbridge area.

Northbridge is the heart and central home of the massively popular Fringe World Festival and the Fringe continues to be proud of the positive impact it has made on transforming people's expectations of the Northbridge entertainment precinct, the ongoing role it plays in bringing vitality to the precinct and attracting diverse markets that would otherwise stay clear.

Happy Heart will shortly commence an exciting transformation of The Rechabite Hall on William Street near the entrance to the Perth Cultural Centre into a world-class performance and hospitality facility – a venue where the kind of diverse and popular offering that Fringe World is all about has a place year-round in the precinct. Both Happy Heart and Fringe World strongly believe that the stimulation and support of more Alfresco activity throughout the City is a no-brainer means to bring more positive life to the City streets.

We also believe that more outdoor dining and hospitality options means the City continues to make the best of its natural assets and that fostering more people occupying the streets and pavements of the City will lead not only to better business for all parties and greater attraction for people to come to the City, it will also lead to greater safety and security as the more diverse and the greater the numbers of people that are occupying public spaces in the City both day and night, the more safe people feel. This has been a tried and true aspect of the success of Fringe World in the Northbridge area. It's also strongly supported by surveying conducted.

RUNNING 7 DAYS A WEEK
26TH | UNTIL | **25TH**
JANUARY | | **FEBRUARY**
VISIT OUR WEBSITE FOR MORE INFO:
WWW.FRINGEWORLD.COM.AU

 <small>Principal Supporter</small>	     <small>Government Partners</small>	   <small>Principal Partners</small>
    <small>Major Partners</small>	   <small>Media Partners</small>	  <small>Key Partners</small>

FRINGE WORLD

FESTIVAL 2018

Results from the 2017 Alfresco Dining area survey suggest that existing local law is not only inappropriate, but is unquestionably linked to ongoing issues that Northbridge and the City of Perth face regarding a lack of year-round vibrancy, amenity and sense of place.

Based on 243 responses, 79% of people believed that there is insufficient alfresco dining in the City of Perth. As well as having regard to a variety of other factors, respondents advised that stringent regulations and high fees impede local businesses from operating alfresco dining areas.

Further to the Council's meeting on 21 November 2017, both Happy Heart and the Fringe World Festival endorse the following revisions to the City of Perth Alfresco Dining Law 2009:

- 1) The implementation of an annual Alfresco Dining Fee rate of \$40.00 per square metre from 1 January 2018;
- 2) The allowance of beverage preparation and service from within the outdoor dining area;
- 3) The allowance of service of pre-packaged food from within the outdoor dining area;
- 4) The change of program name to Outdoor Dining;
- 5) The reduction of the pedestrian clearance in the new outdoor dining zones;
- 6) The permission of alcohol consumption whilst standing in an outdoor dining area;
- 7) The renewal period from annually to three yearly; and
- 8) The option of a payment plan.

We look forward to the ongoing work with all at the City of Perth in making our City all it can be and commend everyone at the City who work diligently and tirelessly to make life better for the City and its people.

Sincerely,



Marcus Canning
Director
HAPPY HEART Pty Ltd

Chief Executive
FRINGE WORLD Festival



25th January 2018
Mr Mark Ridgewell
Manager Governance
City of Perth
GPO Box C120 Perth
Western Australia 6839
(by email)

Reference: City of Perth Alfresco Dining Local Law Review

Dear Sir

I respond to your letter of 4th January 2018 in regards to the above. I acknowledge I sent letter on behalf of the Business Improvement Group of Northbridge. I did not wish to include my personal views within that correspondence to usurp the Committees comments.

I am something of a contrarian when it comes to alfresco; I don't share peoples obsession for it or believe in many instances it adds anything to the streetscape. Perhaps people like it because it makes us "more like Melbourne".

To my mind the numerical clauses **except for 5) &6)** are benign.

I have concerns around 5) given the historical instances where staff & pedestrian have come into conflict under the existing arrangements as well as anti social behavior with pedestrians interfering with diner's food. I think this needs to be monitored to see how it pans out.

Point 6) is possibly the most contentious. It raises concerns around breakages and bottles lying around that could be used as weapons. I trust that everyone "does the right thing" and it is outrageously successful; only time will tell. Will the alfresco area be able to operate until the venue closes ie if venue closes at 2am alfresco in operation until then or align with the lockout condition that is on many of the Licensed venues (ie 1/2hr before closing) or blanket midnight? I don't know if this has been considered.

My other concern is the design criteria. Currently there are some very poor examples of alfresco. There are also venues that set them up but do nothing to activate them or encourage patrons to use. Is it proposed to set guidelines or provide sketch designs of what is proposed so operators can be held to account?

All in all I am not against the proposal however, will wait to be dazzled by the architectural brilliance that will transform the streets. I have been very fortunate to visit many happening vibrant cities around the world most of which do not rely upon alfresco for their survival.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Michael Keiller', with a stylized, cursive script.

Michael Keiller

#	CM Ref	Date	Type	Summary of comments	Consideration of comments
01	39949/18	25/01/18	Community Organisation	<p>The comments generally supported Council's resolution of 21 November 2017 and provided support for reduction in red tape and fees.</p> <p>It raised some concerns in relation to points five and six of that resolution: <i>"5) The reduction of the pedestrian clearance in the new outdoor dining zones; 6) The permission of alcohol consumption whilst standing in an outdoor dining area;"</i></p> <p>In relation to points 5 of that resolution it noted that the reduction of the pedestrian clearance in the new outdoor dining zones would need to be carefully monitored to avoid conflict between pedestrians, diners, and service.</p> <p>In relation to point 6 of that resolution it advises that members of the community organisation were concerned about the fairness of which businesses might be allowed to allow consumption of alcohol while standing.</p>	<p>These comments have been carefully taken into consideration in the formation of the guidelines and policy.</p> <p>In relation to the local law, setbacks are not prescribed but the new local law allows for consideration to be given to pedestrian movement. The precise setbacks can be assessed and modified more efficiently via the guidelines.</p> <p>The City's support of liquor for those standing and the specified circumstances is not addressed within the local law as this is a matter of policy and state legislation. There is no prohibition or endorsement within the local law.</p> <p>The terms of the Council resolution have been carefully considered to ensure the local law accommodates them.</p>
02	39578/18	15/01/18	Community Organisation	<p>The comments endorsed Council's resolution of 21 November 2017 being:</p> <ol style="list-style-type: none"> 1) The implementation of an annual Alfresco Dining Fee rate of \$40.00 per square metre from 1 January 2018; 2) The allowance of beverage preparation and service from within the outdoor dining area; 3) The allowance of service of pre-packaged food from within the outdoor dining area; 	<p>The terms of the Council resolution have been carefully considered to ensure the local law accommodates them.</p> <p>While some matters are more appropriate to be addressed in policy, guidelines, and budgets (particularly fees, specified setbacks, and ability to consume alcohol) the amendments have been included into the proposed local law that:</p> <ul style="list-style-type: none"> • allow for payment plans, • ensure there is not prohibition of service or prepacked food or preparation of drinks,

#	CM Ref	Date	Type	Summary of comments	Consideration of comments
				<p>4) The change of program name to Outdoor Dining;</p> <p>5) The reduction of the pedestrian clearance in the new outdoor dining zones;</p> <p>6) The permission of alcohol consumption whilst standing in an outdoor dining area;</p> <p>7) The renewal period from annually to three yearly; and</p> <p>8) The option of a payment plan.</p>	<ul style="list-style-type: none"> • increase the standard licence term; and • change the name of the program.
03	39949/18	25/01/18	Food business owner	<p>The comments raised some concerns in relation to points five and six of Council's resolution of 21 November 2017 being :</p> <p><i>"5) The reduction of the pedestrian clearance in the new outdoor dining zones;</i></p> <p><i>6) The permission of alcohol consumption whilst standing in an outdoor dining area; "</i></p> <p>In relation to points 5 of that resolution it noted that the reduction of the pedestrian clearance in the new outdoor dining zones would need to be carefully monitored to avoid conflict between pedestrians, diners, and service.</p> <p>In relation to point 6 of that resolution it raised the concern regarding potential for glass breakages and how long venues will be allowed to operate for.</p>	<p>These comments have been carefully taken into consideration in the formation of the guidelines and policy.</p> <p>In relation to the setbacks, they are not prescribed but the new local law allows for consideration to be given to pedestrian movement. The precise setbacks can be assessed and modified more efficiently via the guidelines.</p> <p>In relation to closure times, the local law is broad enough to allow outdoor areas to be closed prior to the business if required as there is flexibility within the local law.</p> <p>In relation to glass breakages, the local law requires the permit holder to maintain the outdoor dining area in a clean and safe manner as well as clearing debris that stems for the outdoor dining area.</p>
04		25/01/18	Land/Business Owner Representative	<p>The comments endorsed Council's resolution of 21 November 2017.</p>	<p>The terms of the Council resolution have been carefully considered to ensure the local law accommodates them.</p> <p>While some matters are more appropriate to be addressed in policy, guidelines, and budgets (particularly fees, specified setbacks, and ability to consume alcohol)</p>

#	CM Ref	Date	Type	Summary of comments	Consideration of comments
					<p>the amendments have been included into the proposed local law that:</p> <ul style="list-style-type: none">• allow for payment plans,• ensure there is not prohibition of service or prepacked food or preparation of drinks,• increase the standard licence term; and• changing the name of the program.

*Local Government Act 1995***CITY OF PERTH****ALFRESCO DINING LOCAL LAW 2009****ARRANGEMENT****PART 1 - PRELIMINARY**

- 1.1 Citation**
- 1.2 Commencement**
- 1.3 Purpose and effect**
- 1.4 Repeal**
- 1.5 Transitional**
- 1.6 Application**
- 1.7 Interpretations**

PART 2 - LICENCE

- 2.1 Licence required**
- 2.2 Exemptions**
- 2.3 Application for a licence**
- 2.4 Relevant considerations in determining application for licence**
- 2.5 Decision on application for licence**
- 2.6 Conditions which may be imposed on a licence**
- 2.7 Compliance with conditions**
- 2.8 Amendment of licence conditions**
- 2.9 Duration of licence**
- 2.10 Renewal of licence**
- 2.11 Transfer of licence**
- 2.12 Cancellation or suspension of licence**
- 2.13 Display and production of licence and approval sticker**
- 2.14 Smoking and no smoking areas**

PART 3 - OBJECTIONS AND APPEALS**3.1 Application of Part 9 Division 1 of the Act****PART 4 - ENFORCEMENT****4.1 Direction of authorised person to be obeyed****4.2 Notice to repair damage to public place****4.3 City may undertake requirements of notice****4.4 Removal and impounding of goods****4.5 Offences****4.6 Infringement and infringement withdrawal notices****4.7 Offence description and Modified Penalty****4.8 Authorised persons****FIRST SCHEDULE**

EXISTING

Local Government Act 1995

CITY OF PERTH

ALFRESCO DINING LOCAL LAW 2009

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 2 June 2009 to make the following Local Law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Perth Alfresco Dining Local Law 2009*.

1.2 Commencement

- (1) Subject to subclause (2), this local law comes into operation 14 days after the date of its publication in the *Government Gazette*.
- (2) Clause 2.14 of this local law comes into operation on 1 July 2009.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of alfresco dining areas in any public place within the district.
- (2) The effect of this local law is to control alfresco dining areas so that they do not interfere with the safe and reasonable movement of pedestrians and vehicles as well as to encourage high quality alfresco dining to enhance amenity, vitality and ambience of the city.

1.4 Repeal

The following local laws are repealed on the day that this local law comes into operation:

- (1) City of Perth Alfresco Dining Local Law 2000 as published in the *Government Gazette* on 10 November 2000; and
- (2) Part 7 of the City of Perth Amendment Local Law 2007 as published in the *Government Gazette* on 29 February 2008.

1.5 Transitional

A licence issued in accordance with the *City of Perth Alfresco Dining Local Law 2000-*

- (a) is to be taken to be a licence granted under this local law;
- (b) is to be valid for the period specified in the licence; and
- (c) may be earlier cancelled or suspended under this local law.

1.6 Application

This local law applies throughout the district.

EXISTING

1.7 Interpretations

In this local law, unless the context otherwise requires-

“**Act**” means the *Local Government Act 1995*;

“**alfresco dining area**” means an area in which tables, chairs and other structures are provided for the purpose of the supply of food or beverages or both by the public or the consumption of food or beverages or both by the public;

“**alfresco dining**” means outdoor dining or drinking or both in a public place;

“**approval sticker**” means a sticker issued by the City signifying that a licence has been issued;

“**authorised person**” means the CEO or any other person authorised by the City under section 9.10 of the Act to be an authorised person for the purposes of enforcing the provisions of this local law;

“**CEO**” means the Chief Executive Officer of the City;

“**City**” means the City of Perth;

“**City property**” means anything except a thoroughfare-

- (a) which belongs to the City;
- (b) of which the City 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;

“**Council**” means the Council of the City;

“**district**” means the district of the City;

“**food business**” has the same meaning as the *Food Act 2008*;

“**fee**” means a fee or charge imposed under sections 6.16 to 6.19 of the Act;

"furniture" means chairs, tables, waiters' stations, planter boxes, umbrellas, screens, barriers, awnings, portable gas heaters and any other structure set up in the alfresco dining area;

"Health Act" means the *Health Act 1911*;

"licence" means a licence issued by the City under this local law to set up and conduct an alfresco dining area;

"licence period" means the period referred to in clause 2.9;

"licence plan" means a plan attached to and forming part of a licence depicting the parts of a street or public place within which an alfresco dining area may be set up and conducted;

"licensee" means a proprietor of a food business who holds a valid licence;

"Liquor Control Act" means the *Liquor Control Act 1988*;

"local public notice" has the meaning given to it in section 1.7 of the Act;

"month" means calendar month;

"no smoking area" means an alfresco dining area where smoking a tobacco product is not permitted and no smoking signs are displayed;

"no smoking sign" means a sign displaying the phrase "no smoking" or "smoking prohibited" in letters that are at least 20mm in height or the symbol designated in ISO 7010 : 2003 indicating smoking is prohibited and having a diameter of at least 70mm;

"pedestrian mall" means any road or portion of a road that is gazetted as a pedestrian mall;

"public place" means any thoroughfare, pedestrian mall or City property;

"proprietor" has the same meaning as the *Food Act 2008*;

"Regulations" means the *Local Government (Functions and General) Regulations 1996*;

"smoke" has the same meaning as the *Tobacco Products Control Act 2006* and "smoking" has its correlated meaning;

"thoroughfare" has the meaning given to it in the Act;

“**tobacco product**” has the same meaning as the *Tobacco Products Control Act 2006*;

“**utility**” means any public or private body which provides an essential 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;

“**valid**”, in relation to a licence issued under this local law, means current and for which all the associated fees have been paid in full; and

“**vehicle crossing**” means a crossing used by vehicles to allow access from a thoroughfare to private land or a private thoroughfare.

PART 2 - LICENCE

2.1 Licence required

Unless exempt under clause 2.2, a person shall not set up or conduct an alfresco dining area in any public place-

- (a) other than in a portion of a public place adjoining a food business;
- (b) unless the person is the proprietor of a food business or is acting on behalf of the proprietor of a food business referred to in paragraph (a);
- (c) unless the person is the holder of valid licence issued under this local law; and
- (d) other than in accordance with the licence plan and any terms and conditions set out in, or applying in respect of, the licence.

2.2 Exemptions

- (1) The City may exempt a person or class of persons in writing from the requirement to have a licence.
- (2) Any exemption in subclause (1) may be exercised-
 - (a) on the application of a person; or
 - (b) at the City’s discretion.
- (3) An exemption in subclause (1) may be given subject to any conditions the City sees fit.

- (4) An exemption may apply to, or in respect of-
 - (a) a particular event, street festival, carnival or activity approved by the City;
 - (b) particular goods or services; or
 - (c) a period of time.

2.3 Application for a licence

- (1) A person who is required to obtain a licence under this local law shall apply for the licence in accordance with subclause (2).
- (2) An application for a licence under this local law shall-
 - (a) be in the form determined by the City;
 - (b) be signed by the proprietor of a food business adjacent to the portion of the public place to which the application relates;
 - (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.
- (3) The City may require an applicant to provide additional information reasonably related to an application before determining the application.
- (4) The City may require an applicant to give local public notice of the application for a licence.
- (5) The City may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3) or (4).

2.4 Relevant considerations in determining application for licence

In determining an application for a licence, the City is to have regard to-

- (a) the alfresco dining policy or any other relevant policies of the City; and
- (b) any other matters that it considers to be relevant.

2.5 Decision on application for licence

- (1) The City may, in respect of an application for a licence-
 - (a) approve the application unconditionally or subject to any conditions; or
 - (b) refuse to approve the application.
- (2) Without limiting the scope of the City's discretion under subclause 1(b), the City may refuse an application for a licence if, in its opinion-
 - (a) the proposed alfresco dining does not conform with the requirements of the Health Act or any other written law;
 - (b) the proposed alfresco dining area is undesirable;
 - (c) the proposed furniture is unsuitable, in any respect, to the location in which the licence is to operate;
 - (d) the proposed licensee has been convicted during the preceding five years of an offence against -
 - (i) this local law;
 - (ii) the City of Perth Alfresco Dining Local Law 2000;
 - (iii) Part 7 of the City of Perth Amendment Local Law 2007;
 - (iv) the Health Act;
 - (v) the Liquor Control Act; or
 - (vi) any other written law which affects alfresco dining; or
 - (e) the proposed licensee is not a fit and proper person to hold a licence.
- (3) If the City approves an application for a licence, it is to issue to the applicant a licence in the form determined by the City.
- (4) If the City refuses to approve an application for a licence, 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.

- (5) Where a clause of this local law refers to conditions which may be imposed on a licence or which are to be taken to be imposed on a licence, the clause does not limit the power of the City to impose other conditions on the licence under subclause (1)(a).
- (6) Where a clause of this local law refers to the grounds on which an application for a licence may be or is to be refused, the clause does not limit the power of the City to refuse the application for a licence on other grounds under subclause (1)(b).

2.6 Conditions which may be imposed on a licence

The City may approve an application for a licence subject to conditions relating to-

- (a) the area or location to which the licence applies;
- (b) the number, type, form and construction, as the case may be, of any furniture which may be used in the alfresco dining area;
- (c) the care, maintenance and cleaning of any furniture used in the alfresco dining area;
- (d) the removal and storage of furniture used in the alfresco dining area prior to the closure of the adjacent food business;
- (e) the requirement to maintain pedestrian access between the alfresco dining area and the adjacent food business;
- (f) the alfresco dining area not impeding or obstructing a public place used by either pedestrians or vehicles;
- (g) the requirement to maintain clear sight lines for vehicles entering or leaving a thoroughfare or a vehicle crossing;
- (h) the obtaining of public risk insurance in an amount and on the terms reasonably required by the City;
- (i) the grant of another approval, permit, licence or authorisation which may be required under any written law;
- (j) the duration and commencement of the licence;
- (k) the placement of advertising on furniture within the alfresco dining area;
- (l) the payment of all fees, charges, rates and taxes levied or incurred as a result of the establishment and operation of the alfresco dining area;

- (m) the payment of costs associated with the City preparing the public place for the use as an alfresco dining area including but not limited to the reshaping of footpaths and marking the boundaries of the alfresco dining area.

2.7 Compliance with conditions

Where-

- (a) an application for a licence has been approved subject to conditions; or
- (b) a licence is to be taken to be subject to conditions under this local law, the licensee shall comply with each of those conditions.

2.8 Amendment of licence conditions

- (1) A licensee may apply in writing to the City to amend any of the terms or conditions of the licence.
- (2) The City may, in respect of an application under subclause (1)-
 - (i) amend the licence, either in accordance with the application or otherwise as it sees fit; or
 - (ii) decline to amend the licence.
- (3) The City may, at any time, amend any of the terms and conditions of the licence.
- (4) If the City amends a licence under this clause, it is to notify the licensee 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 licence apply from the date of the notification.
- (5) If the City amends a licence otherwise than in accordance with an application from the licensee, it is, as soon as practicable after the decision to amend is made-
 - (i) to give to the licensee written notice of, and written reasons for, its decision to amend; and
 - (ii) inform the licensee of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.

2.9 Duration of licence

A licence is valid for twelve months from the date on which it is issued, unless it is-

- (a) otherwise stated in this local law or in the licence; or
- (b) cancelled under clause 2.12.

2.10 Renewal of licence

- (1) A licensee may apply to the City of Perth in writing no later than two months before the expiry of a licence for the renewal of the licence.
- (2) The provisions of this local law relevant to the licence which is to be renewed shall apply, with such modifications as are required, to an application for the renewal of a licence.

2.11 Transfer of licence

- (1) An application for the transfer of a valid licence is to-
 - (a) be in the form determined by the City;
 - (b) provide the information required by the form or by any other clause of this local law;
 - (c) be signed by the licensee and the proposed transferee of the licence; and
 - (d) be forwarded to the City together with any transfer fee imposed and determined by the City.
- (2) The City may refuse to consider or determine an application for the transfer of a licence, which is not in accordance with subclause (1).
- (3) The City may approve an application for the transfer of a licence, refuse to approve it or approve it subject to such terms and conditions as it sees fit, and if it is approved, the proposed transferee shall become the licensee from the date of the approval.

2.12 Cancellation or suspension of licence

- (1) A licence may be cancelled by the City on any one or more of the following grounds-
 - (a) the licensee has not complied with-
 - (i) a condition of the licence; or
 - (ii) a provision of this local law or any other written law which may relate to the activity regulated by the licence;
 - (b) if it is relevant to the activity regulated by the licence-
 - (i) the licensee is an undischarged bankrupt, or is in liquidation;
 - (ii) the licensee has entered into a composition arrangement with creditors; or
 - (iii) a manager, administrator, trustee, receiver, or receiver and manager, is appointed in relation to any part of the licensee's undertakings or property;
 - (c) the proprietor of the food business changes;
 - (d) the setting up or conduct of the alfresco dining area, or the behaviour of customers within the alfresco dining area, is causing a nuisance.
- (2) The City may cancel or suspend a licence if the City or a utility requires access to or near the place to which a licence applies, for the purposes of carrying out works in or near the vicinity of that place.
- (3) If the City cancels or suspends a licence 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 licensee is served with the cancellation or suspension notice.

- (4) On the cancellation of a licence, the licensee shall return the licence and approval sticker as soon as practicable to the City.
- (5) On the cancellation or suspension of a licence, the licensee is, subject to subclause (6), to be taken to have forfeited any fees paid in respect of the licence.
- (6) Where a licence is cancelled or suspended through no fault of the licensee, the City may refund to the licensee all or part of the licence fee in respect of what would otherwise have been the balance of the term of the licence.

2.13 Display and production of licence and approval sticker

- (1) A licensee shall produce to an authorised person his or her valid licence immediately on being required to do so by an authorised person.
- (2) A licensee shall display an approval sticker in accordance with the conditions set out in the licence.

2.14 Smoking and no smoking areas

- (1) An alfresco dining area licenced under this local law shall be deemed to be a no smoking area.
- (2) A licensee shall establish the alfresco dining area as a no smoking area.
- (3) A person shall not smoke a tobacco product in a licenced alfresco dining area.

PART 3 - OBJECTIONS AND APPEALS

3.1 Application of Part 9 Division 1 of the Act

- (1) Where the City makes a decision as to whether it will-
 - (a) grant an application for a licence;
 - (b) vary, cancel or suspend a licence; or
 - (c) impose or amend a condition to which a licence is subject,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.

PART 4 - ENFORCEMENT

4.1 Direction of authorised person to be obeyed

- (1) A licensee who is given a lawful direction by an authorised person or a member of the W.A. Police shall comply with that direction.
- (2) A licensee shall not obstruct or hinder an authorised person in the performance of that person's duties.

4.2 Notice to repair damage to public place

Where any portion of a public place has been damaged as a result of the use of that public place as an alfresco dining area, the City may, by notice to the licensee, order the licensee to repair or replace that portion of the public place to the satisfaction of the City.

4.3 City may undertake requirements of notice

If a person fails to comply with a notice under clause 4.2, the City may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

4.4 Removal and impounding of goods

Where an alfresco dining area is conducted without a licence or in contravention of a condition of a licence, any furniture may be removed and impounded by an authorised person under regulation 29 of the Regulations.

4.5 Offences

- (1) A 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) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

- (3) A person who commits an offence under this local law shall be liable, on conviction-
- (a) in the case of a breach of clause 2.14, to a penalty not exceeding \$2,000;
 - (b) in the case of any other clause other than clause 2.14, 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.

4.6 Infringement and infringement withdrawal notices

For the purposes of this local law-

- (a) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

4.7 Offence description and Modified Penalty

The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

4.8 Authorised persons

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
CITY OF PERTH
ALFRESCO DINING LOCAL LAW 2009
OFFENCES AND MODIFIED PENALTIES

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	2.1	Set up or conduct and alfresco dining area without a valid licence	300
2	2.7	Failure to comply with a condition of licence	100
3	2.13(1)	Failure to produce to an authorised person a valid licence when requested to do so	100
4	2.13(2)	Failure to display an approval sticker	100
5	2.14(2)	Failure to establish an alfresco dining area as a no smoking area	200
6	2.14(3)	Smoking in an alfresco dining area	100
7		Other offences not specified	100

Dated: 2009.

The Common Seal of the)
City of Perth was)
affixed by the authority of a)
resolution of the Council)
in the presence of-)

LISA SCAFFIDI
The Rt Hon the Lord Mayor.

FRANK EDWARDS
Chief Executive Officer.

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
Alfresco Dining Local Law 2009	Alfresco Outdoor Dining Local Law 2009 2019	Change of “Alfresco” to “Outdoor”
Under the powers conferred by the <i>Local Government Act 1995</i> and under all other powers enabling it, the Council of the City of Perth resolved on 2 June 2009 to make the following Local Law.	Under the powers conferred by the <i>Local Government Act 1995</i> and under all other powers enabling it, the Council of the City of Perth resolved on [DATE] 2 June 2009 to make the following Local Law <u>this local law</u> .	Council Resolution date still yet to be established.
PART 1 - PRELIMINARY	Part 1 - Preliminary	
1.1 Citation	1.1 Citation <u>Short title</u>	This is the latest style adopted by the Office of Parliamentary Counsel.
This local law may be cited as the <i>City of Perth Alfresco Dining Local Law 2009</i> .	This local law may be cited as is the City of Perth <u>Outdoor Alfresco Dining Local Law 2019</u> 2009 .	
1.2 Commencement	1.2 Commencement	There is no requirement to delay the commencement of any clause. The change from “comes” to “will come” is a minor drafting change to be consistent with the <i>City of Perth Parking Local Law 2017</i> .
(1) Subject to subclause (2), this local law comes into operation 14 days after the date of its publication in the <i>Government Gazette</i> . (2) Clause 2.14 of this local law comes into operation on 1 July 2009.	(1) Subject to subclause (2), This local law comes <u>will come</u> into operation 14 days after the date of its publication in the <i>Government Gazette</i> . (2) Clause 2.14 of this local law comes into operation on 1 July 2009.	
1.3 Purpose and effect	1.3 Purpose and effect <u>intent</u>	The use of “intent” is more consistent with section 1.3 of the <i>Local Government Act 1995</i> . Additionally, in accordance with section 18 of the <i>Interpretation Act 1984</i> the purpose or object (as well as the expressed intent) is relevant to the interpretation of a local law while effect is not necessarily.
(1) The purpose of this local law is to provide for the regulation, control and management of alfresco dining areas in any public place within the district. (2) The effect of this local law is to control alfresco dining areas so that they do not interfere with the safe and reasonable movement of pedestrians and vehicles as well as to encourage high quality alfresco dining to enhance amenity, vitality and ambience of the city.	(1) The purpose of this local law is to provide for the regulation <u>regulate</u> the management of alfresco outdoor dining areas in any public place within the district. (2) The effect of this local law This local law is <u>intended</u> – (a) to control alfresco <u>enable outdoor</u> dining areas to be <u>managed</u> so that they do not interfere with the safe, <u>accessible</u> and reasonable movement of pedestrians <u>persons</u> and vehicles as well as; and (b) to encourage high quality alfresco outdoor dining to enhance amenity, vitality and ambience of the <u>city district</u> .	Minor amendments are proposed to increase clarity. The inclusion of the term accessible is in line with the City’s commitment under its Disability Access and Inclusion Plan to promote accessible movement.

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
		The amendment from the city to the district is more accurate than amending to local government as the intent is to encourage high quality outdoor dining within the district rather than within the organisation.
<p>1.4 Repeal</p> <p>The following local laws are repealed on the day that this local law comes into operation:</p> <p>(1) City of Perth Alfresco Dining Local Law 2000 as published in the Government Gazette on 10 November 2000; and</p> <p>(2) Part 7 of the City of Perth Amendment Local Law 2007 as published in the Government Gazette on 29 February 2008.</p>	<p>1.4 Repeal</p> <p>The following local laws are repealed on the day that this local law comes into operation:</p> <p>(1) City of Perth Alfresco Dining Local Law 2000 2009 as published in the Government Gazette on 10 November 2000 <u>16 June 2009, is repealed.</u>; and</p> <p>(2) Part 7 of the City of Perth Amendment Local Law 2007 as published in the Government Gazette on 29 February 2008.</p>	The amendments are to indicate the local law to be repealed.
<p>1.5 Transitional</p> <p>A licence issued in accordance with the <i>City of Perth Alfresco Dining Local Law 2000</i> –</p> <p>(a) is to be taken to be a licence granted under this local law;</p> <p>(b) is to be valid for the period specified in the licence; and</p> <p>(c) may be earlier cancelled or suspended under this local law.</p>	<p>1.5 Transitional</p> <p>A licence issued in accordance with <u>under</u> the <i>City of Perth Alfresco Dining Local Law 2000-2009</i> -</p> <p>(a) is to be taken to be a licence granted <u>permit issued</u> under this local law;</p> <p>(b) is to be valid for the period specified in the licence; and</p> <p>(c) may be earlier cancelled or suspended under this local law.</p>	<p>The term “in accordance with” is changed to under for consistency with the rest of the clause. It is also simpler to demonstrate a licence had been issued “under”, rather than “in accordance with” a local law.</p> <p>“Granted” has been amended to “issued” for consistency with the other provisions of this local law.</p> <p>The term licence has been amended to the term permit for administrative ease only.</p>

Comparison with *Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019*

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	Comments
<p>1.6 Application</p> <p>This local law applies throughout the district.</p>	<p>1.6 Application</p> <p>This local law applies throughout the district.</p>	No change.
<p>1.7 Interpretations</p> <p>In this local law, unless the context otherwise requires -</p>	<p>1.7 Interpretations Terms used</p> <p>In this local law, unless the context otherwise requires -</p>	“Terms used” is the latest style adopted by the Office of Parliamentary Counsel.
<p>“Act” means the <i>Local Government Act 1995</i>;</p>	<p>“Act” means the <i>Local Government Act 1995</i>;</p>	Formatting change only
<p>“alfresco dining area” means an area in which tables, chairs and other structures are provided for the purpose of the supply of food or beverages or both by the public or the consumption of food or beverages or both by the public;</p>	<p>alfresco dining area” means an area in which tables, chairs and other structures are provided for the purpose of the supply of food or beverages or both by the public or the consumption of food or beverages or both by the public;</p>	A similar definition has been included for outdoor dining area and has been relocated below alphabetically.
<p>“alfresco dining” means outdoor dining or drinking or both in a public place;</p>	<p>“alfresco dining” means outdoor dining or drinking or both in a public place;</p>	A similar definition has been included for outdoor dining and has been relocated below alphabetically.
<p>“approval sticker” means a sticker issued by the City signifying that a licence has been issued;</p>	<p>“approval sticker” means a sticker issued by the City signifying that a licence has been issued;</p>	The definition of approval sticker has been removed as the clause requiring an approval sticker has been removed.
<p>“authorised person” means the CEO or any other person authorised by the City under section 9.10 of the Act to be an authorised person for the purposes of enforcing the provisions of this local law;</p>	<p>“authorised person” means the CEO or any a person authorised by the City local government under section 9.10 of the Act to be perform any of the functions of an authorised person for the purposes of enforcing the provisions of under this local law;</p>	<p>Changed the term “City” to “local government”.</p> <p>The clause has been amended for consistency with the other recently adopted local laws including the <i>City of Perth Parking Local Law 2017</i>. The Inclusion of functions of an authorised person is consistent with WALGA Model Local Laws.</p>
<p>“CEO” means the Chief Executive Officer of the City;</p>	<p>“CEO” means the Chief Executive Officer of the City local government;</p>	Changed the term “City” to “local government”.

Comparison with *Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019*

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	Comments
“City” means the City of Perth;	“City” means the City of Perth;	Removed the term “City” and replaced with “local government” as per advice received from DLGC and JSCDL. A new term for local government has been relocated alphabetically.
“City property” means anything except a thoroughfare – (a) which belongs to the City; (b) of which the City is the management body under the <i>Land Administration Act 1997</i> ; or (c) which is an “otherwise unvested facility” within section 3.53 of the Act;	“City property” means anything except a thoroughfare – (a) which belongs to the City; (b) of which the City is the management body under the <i>Land Administration Act 1997</i>; or which is an “otherwise unvested facility” within section 3.53 of the Act;	A corresponding definition has been included for local government property and has been relocated below alphabetically.
“Council” means the Council of the City;	“Council” means the Council of the City <u>local government</u> ;	Changed the term “City” to “local government”. Council is lower case to be consistent with the <i>Local Government Act 1995</i> .
	<i>disability access and inclusion plan of the local government</i> means the plan prepared and published by the local government, from time to time, under Part 5 of the <i>Disability Services Act 1993</i>	A definition is required as the term has now been included within the local law.
“district” means the district of the City;	“district” means the district of the City <u>local government</u> ;	Changed the term “City” to “local government”.
“fee” means a fee or charge imposed under sections 6.16 to 6.19 of the Act;	“fee” means a fee or charge imposed under sections 6.16 to 6.19 of the Act;	Formatting change only.
	<i>food</i> has the meaning given in the <i>Food Act</i> ;	To provide a general definition for food.
	<i>Food Act</i> means the <i>Food Act 2008</i> ;	Food Act 2008 is used several times in the legislation and so was defined to be consistent with other references to legislation.

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
“food business” has the same meaning as the <i>Food Act 2008</i> ;	“food business” has the same meaning <u>given in</u> as the <i>Food Act 2008</i> ;	“2008” has been cut in alignment with the new definition for Food Act. Minor rewording for clarity.
	footpath has the meaning given in the <i>Road Traffic Code 2000</i> ;	Term footpath now included within the local law and definition not included accordingly.
“furniture” means chairs, tables, waiters’ stations, planter boxes, umbrellas, screens, barriers, awnings, portable gas heaters and any other structure set up in the alfresco dining area;	“furniture” means chairs, tables, waiters’ stations, planter boxes, umbrellas, screens, barriers, awnings, portable gas heaters and any other structure set up in the alfresco <u>outdoor</u> dining area;	Change the term alfresco to outdoor.
“Health Act” means the <i>Health Act 1911</i> ;	“Health Act” means the <i>Health (Miscellaneous Provisions) Act 1911</i> ;	The title of the legislation changed following the commencement of the <i>Public Health Act 2016</i> .
“licence” means a licence issued by the City under this local law to set up and conduct an alfresco dining area;	“licence” means a licence issued by the City under this local law to set up and conduct an alfresco dining area;	A similar definition has been included for permit and has been relocated below alphabetically.
“licence period” means the period referred to in clause 2.9;	“licence period” means the period referred to in clause 2.9;	A similar definition has been included for permit period and has been relocated below alphabetically.
“licence plan” means a plan attached to and forming part of a licence depicting the parts of a street or public place within which an alfresco dining area may be set up and conducted;	“licence plan” means a plan attached to and forming part of a licence depicting the parts of a street or public place within which an alfresco dining area may be set up and conducted;	A similar definition has been included for permit plan and has been relocated below alphabetically.
“licensee” means a proprietor of a food business who holds a valid licence;	licensee” means a proprietor of a food business who holds a valid licence;	A similar definition has been included for permit holder and has been relocated below alphabetically.
“Liquor Control Act” means the <i>Liquor Control Act 1988</i> ;	“Liquor Control Act” means the <i>Liquor Control Act 1988</i> ;	Formatting change only.
	City local government means <u>the local government of</u> the City of Perth;	New definition included for clarity as advised by the DLGC and the JSCDL replaces definition of City.

Comparison with *Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019*

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	Comments
		Definition consistent with the <i>Parking Local Law 2017</i> and the <i>Thoroughfares and Public Places Local Law 2017</i> .
	City property means anything except a thoroughfare— (a) which belongs to the City; (b) of which the City is the management body under the <i>Land Administration Act 1997</i> ; or which is an “otherwise unvested facility” within section 3.53 of the Act; local government property has the meaning given in the Act;	Definition changed to align with the <i>Local Government Act 1995</i> .
“ local public notice ” has the meaning given to it in section 1.7 of the Act;	“local public notice” has the meaning given to it in section 1.7 of the Act;	Amendment to remove a specific reference to a section of legislation as there is only one definition of local public notice within the Act.
“ month ” means calendar month;	“month” means calendar month;	The definition of month has been removed as the term month is no longer used in this local law.
“ no smoking area ” means an alfresco dining area where smoking a tobacco product is not permitted and no smoking signs are displayed;	“no smoking area” means an alfresco dining area where smoking a tobacco product is not permitted and no smoking signs are displayed;	The definition of no smoking area has been removed as the clause requiring no smoking area to be established has been removed.
“ no smoking sign ” means a sign displayed the phrase “no smoking” or “smoking prohibited” in letters that are at least 20mm in height or the symbol designated in ISO 7010 : 2003 indicating smoking is prohibited and having a diameter of at least 70mm;	“no smoking sign” means a sign displayed the phrase “no smoking” or “smoking prohibited” in letters that are at least 20mm in height or the symbol designated in ISO 7010 : 2003 indicating smoking is prohibited and having a diameter of at least 70mm;	The definition of no smoking sign has been removed as the clause requiring no smoking sign to be displayed has been removed. The definition is also inconsistent with the requirements of the <i>Tobacco Products Control Act 2006</i> .
“ alfresco dining ” means outdoor dining or drinking or both in a public place;	Alfresco outdoor dining means outdoor dining or drinking or both in a public place;	Definition of outdoor dining required to replace definition of alfresco dining. Amendments in accordance with decision to rename program to “outdoor dining”
“ alfresco dining area ” means an area in which tables, chairs and other structures are provided for the	alfresco outdoor dining area means an area in which tables, chairs and other structures are provided for the purpose of the -	Change of name to outdoor dining area.

Comparison with *Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019*

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	Comments
purpose of the supply of food or beverages or both by the public or the consumption of food or beverages or both by the public;	(a) supply or consumption of food or beverages or both to the public; or (b) preparation and supply of beverages to the public; or (c) safe storage of pre-packaged meals for supply to, or consumption by, the public;	Additional uses added to the purpose of the outdoor dining area to allow for the use of the outdoor dining area for these purposes.
“pedestrian mall” means any road or portion of a road that is gazetted as a pedestrian mall;	“ pedestrian mall ” means any road or portion of a road that is gazetted as a pedestrian mall;	Formatting change only.
	licence permit means a licence permit issued by the City local government or an authorised person under this local law to set up and conduct an alfresco dining area ;	Definition of permit required to replace definition of licence. Changed the term “City” to “local government” and added authorised officer to be consistent with <i>City of Perth Parking Local Law</i> and to confirm the authority of an authorised person to issue licences. It is unnecessary to specify that the permit is to set up and conduct an alfresco dining area.
	licence permit period means the period referred to in clause 2.9 <u>2.11</u> ;	Definition of permit period required to replace definition of licence period. Amendments only in accordance with new definitions and renumbering.
	licence permit plan means a plan attached to and forming part of a licence permit depicting the parts of a street or public place within which an alfresco outdoor dining area may be set up and conducted;	Definition of permit plan required to replace definition of licence plan. Amendments only in accordance with new definitions.
	licensee permit holder means a proprietor of a food business who holds a valid licence permit ;	Definition of permit holder required to replace definition of licensee. Amendments only in accordance with new definitions.
“proprietor” has the same meaning as the <i>Food Act 2008</i> ;	“ proprietor ” has the meaning given in the <i>Food Act</i> 2008 ;	“2008” has been cut in alignment with the new definition for Food Act.
	Public Health Act means the <i>Public Health Act 2016</i> ;	The Public Health Act is now referenced following the introduction of the <i>Public Health</i>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
		Act 2016. While the <i>Health (Miscellaneous Provisions) Act 1911</i> still contains most of the relevant provisions the operative clauses of the <i>Health (Miscellaneous Provisions) Act 1911</i> will transition over the next few years,
“ public place ” means any thoroughfare, pedestrian mall, or City property;	“ public place ” means any thoroughfare, pedestrian mall or <u>City local government</u> property;	Changed the term “City” to “local government”
“ Regulations ” means the <i>Local Government (Functions and General) Regulations 1996</i> ;	“ Regulations ” means the <i>Local Government (Functions and General) Regulations 1996</i> ;	Formatting change only.
“ smoke ” has the same meaning as the <i>Tobacco Products Control Act 2006</i> and “smoking” has its correlated meaning;	“ smoke ” has the same meaning as the <i>Tobacco Products Control Act 2006</i> and “ smoking ” has its correlated meaning;	The definition of smoke has been removed as the clause requiring no smoking areas to be established has been removed.
“ thoroughfare ” has the meaning given to it in the Act;	“ thoroughfare ” has the meaning given to it in the Act;	Minor formatting and rewording for clarity.
“ tobacco product ” has the same meaning as the <i>Tobacco Products Control Act 2006</i> ;	“tobacco product” has the same meaning as the <i>Tobacco Products Control Act 2006</i>;	The definition of tobacco product has been removed as the clause requiring no smoking area to be established has been removed.
“ utility ” means any public or private body which provides an essential 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;	“ utility ” means any public or private body which provides an essential 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;	Formatting change only.
“ valid ”, in relation to a licence issued under this local law, means current and for which all the associated fees have been paid in full; and	“ valid ”, in relation to a licence issued under this local law <u>permit</u> , means current and for which - <ul style="list-style-type: none"> (a) <u>all the associated fees have been paid in full; or</u> (b) <u>if any part of the associated fees are permitted by the local government to be paid in installments, all installments due to be paid by the permit holder have been paid in full; and</u> 	The deletion of “is issued under this local law” is because the word are unnecessary because of the definition of ‘permit’. Deleting these words also helps ensure that this definition would applies to transitional license under clause 1.5. The term licence has been amended to permit.

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
		The addition to of subclause (b) is intended to allow for the payment of fees in accordance with a payment plan.
<p>“vehicle crossing” means a crossing used by vehicles to allow access from a thoroughfare to private land or a private thoroughfare.</p>	<p>“vehicle crossing” means a crossing used by vehicles to allow access from a thoroughfare to private land or a private thoroughfare.</p>	Formatting change only.
<p>PART 2 – LICENCE</p>	<p>Part 2 – <u>Licence-Permit</u></p>	Term licence changed to permit for administrative ease and consistency as permit is used in all other local laws.
<p>2.1 Licence required</p> <p>Unless exempt under clause 2.2, a person shall not set up or conduct an alfresco dining area in any public place –</p> <ul style="list-style-type: none"> (a) other than in a portion of a public place adjoining a food business; (b) unless the person is the proprietor of a food business or is acting on behalf of the proprietor of a food business referred to in paragraph (a); (c) unless the person is the holder of a valid licence issued under this local law; and (d) other than in accordance with the licence plan and any terms and conditions set out in, or applying in respect of, the licence. 	<p>2.1 <u>Licence-Permit</u> required</p> <p>Unless exempt under clause 2.2, a person shall not <u>must</u> set up or conduct an <u>alfresco outdoor</u> dining area in any a public place-</p> <ul style="list-style-type: none"> (a) other than in a portion of a public place <u>adjoining adjacent to</u> a food business; (b) unless the person is the proprietor of a food business or is acting on behalf of the proprietor of a food business referred to in paragraph (a); (c) unless the person is the a <u>the a permit holder of a valid licence issued under this local law;</u> and (d) other than in accordance with the <u>permit, including the permit plan and any terms and conditions set out in, or applying in respect of, the licence permit.</u> 	<p>Subclause (a) has been amended from adjacent to adjoining. This occurs in all further instances. Due to the requirements of setbacks to allow safe pedestrian movement most alfresco areas are adjacent rather than adjoining.</p> <p>Instances of shall have been amended to must in all circumstances for clarity and consistency with other local laws.</p> <p>Subclause (c) has been amended to remove the reference to a valid licence. The inclusion is unnecessary as the definition of a permit holder required to permit to be valid.</p> <p>Subclause (d) has been amended to ensure the permit plan that can be issued with a permit is referenced.</p>
<p>2.2 Exemptions</p>	<p>2.2 Exemptions</p>	Changed the term “City” to “local government” and added authorised officer to

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(1) The City may exempt a person or a class of persons in writing from the requirement to have a licence.</p> <p>(2) Any exemption in subclause (1) may be exercised –</p> <p>(a) on the application of a person; or</p> <p>(b) at the City’s discretion.</p> <p>(3) An exemption in subclause (1) may be given subject to any conditions the City sees fit.</p> <p>(4) An exemption may apply to, or in respect of –</p> <p>(a) a particular event, street festival, carnival or activity approved by the City;</p> <p>(b) particular goods or services; or</p> <p>(c) a period of time.</p>	<p>(1) The City <u>local government or an authorised person</u> may exempt <u>give a written exemption</u> to a person or class of persons in writing from the requirement to have a licence <u>permit</u>.</p> <p>(2) Any <u>An</u> exemption may be exercised <u>given</u> -</p> <p>(a) on the application of a person; or</p> <p>(b) at the City’s <u>discretion of the local government or an authorised person</u>.</p> <p>(3) An exemption in subclause (1) may be given subject to any conditions the City <u>local government or an authorised person</u> sees fit.</p> <p>(4) An exemption may apply to, or in respect of-</p> <p>(a) a particular event, street festival, carnival or activity approved by the City <u>local government or an authorised person</u>;</p> <p>(b) particular goods or services; or</p> <p>(c) a period of time.</p>	<p>confirm authority of an authorised person to exempt from requirement to hold a permit.</p> <p>Minor amendments have been made for clarity.</p>
<p>2.3 Application for a licence</p> <p>(1) A person who is required to obtain a licence under this local law shall apply for the licence in accordance with subclause (2).</p> <p>(2) An application for a licence under this local law shall –</p> <p>(a) be in the form determined by the City;</p> <p>(b) be signed by the proprietor of a food business adjacent to the portion of the public place to which the application relates;</p> <p>(c) provide the information required by the form; and</p>	<p>2.3 Application for a <u>licence permit</u></p> <p>(1) A person who is required to obtain a <u>licence permit</u> under this local law shall <u>must</u> apply for the permit in accordance with subclause (2).</p> <p>(2) An application for a licence under this local law <u>shall permit must</u> -</p> <p>(a) be in the form determined by the City <u>CEO or an authorised person</u>;</p> <p>(b) provide the information <u>or documents</u> required by -</p>	<p>Changed licence to permit.</p> <p>Changed City to local government.</p> <p>Added authorised officer to confirm authority of an authorised person to require information for a permit or to require local public notice.</p> <p>Changed all instances of shall to must for clarity and consistency with other local laws.</p> <p>Additional amendments have been made to confirm that an adjacent business is only required to consent to the application if the outdoor dining area is to extend in front of a</p>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(d) be forwarded to the CEO together with any fee imposed and determined by the City.</p> <p>(3) The City may require an applicant to provide additional information reasonably related to an application before determining the application.</p> <p>(4) The City may require an application to give local public notice of the application for a licence.</p> <p>(5) The City may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3) or (4).</p>	<p>(i) the form; <u>or</u></p> <p>(ii) <u>the local government or an authorised person;</u></p> <p>(b) be signed by the proprietor of a food business adjacent to the portion of the public place to which the application relates;</p> <p>(c) <u>be signed by the applicant for the permit;</u></p> <p>(d) <u>be signed by any neighbouring business owner and any neighbouring building owner where the proposed outdoor dining area is intended to extend beyond the public area in front of the applicant’s food business into a public area directly in front of the premises of that neighbouring business owner or neighbouring building owner; and</u></p> <p>(e) <u>include an acknowledgement from each neighbouring business owner and each neighbouring building owner referred to in paragraph (d) that the extension of the outdoor dining area, as proposed, will result in that area no longer being available for their use during the outdoor dining trading hours; and</u></p>	<p>neighbouring property and otherwise only by the applicant. Clause (e) inserted so the individual consenting is aware that this may restrict use of their frontage.</p> <p>Clause amended to state signed by the applicant is to allow for circumstances where a person applies on behalf of the permit holder.</p> <p>Subclauses renumbered to allow for new subclause.</p> <p>“and determined” in subclause (e) deleted as it is unnecessary.</p>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
	<p>(f) be forwarded to the CEO <u>local government</u> together with the appropriate fee, <u>if any</u>, imposed and determined by the City local government.</p> <p>(3) The City <u>local government</u> or an authorised person may require an applicant to provide additional information reasonably related to an application before determining the application.</p> <p>(4) The City <u>local government</u> or an authorised person may require an applicant to give local public notice of the application for a licence <u>permit</u>.</p> <p>(5) The City <u>local government</u> or an authorised person may refuse to consider an application for a licence <u>permit</u> which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3) or (4).</p>	
<p>2.4 Relevant considerations in determining application for licence</p> <p>In determining an application for a licence, the City is to have regard to –</p> <p>(a) the alfresco dining policy or any other relevant policies of the City; and</p> <p>(b) any other matters that it considers to be relevant.</p>	<p>2.4 Relevant considerations in determining application for <u>licence permit</u></p> <p>In determining an application for a licence <u>permit</u>, City <u>local government</u> or an authorised person is to <u>may</u> have regard to –</p> <p>(a) any alfresco dining policy and relevant polices of the City <u>local government</u>;</p> <p>(b) <u>the disability access and inclusion plan of the local government</u>; and</p> <p>(c) any other matters that it <u>the local government or the authorised person</u> considers to be relevant.</p>	<p>Changed licence to permit.</p> <p>Changed City to local government.</p> <p>Added authorised officer to confirm authority of an authorised person to require information for a permit or to require local public notice.</p> <p>The reference to the alfresco dining policy was deleted due to the change of name and in</p>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
		<p>recognition of the multiple relevant policies such as Heritage and Signage Policies.</p> <p>The reference to the Disability Access and Inclusion Plan of the local government was added to support accessibility considerations being properly considered.</p>
<p>2.5 Decision on application for licence</p> <p>(1) The City may, in respect of an application for a licence –</p> <p>(a) approve the application unconditionally or subject to any conditions; or</p> <p>(b) refuse to approve the application.</p> <p>(2) Without limiting the scope of the City’s discretion under subclause 1(b), the City may refuse an application for a licence if, in its opinion –</p> <p>(a) the proposed alfresco dining does not conform with the requirements of the Health Act or any other written law;</p> <p>(b) the proposed alfresco dining area is undesirable;</p> <p>(c) the proposed furniture is unsuitable, in any respect, to the location in which the licence is to operate;</p> <p>(d) the proposed licensee has been convicted during the preceding five years of an offence against –</p> <p>(i) this local law;</p> <p>(ii) the <i>City of Perth Alfresco Dining Local Law 2000</i>;</p>	<p>2.5 Decision on application for licence permit</p> <p>(1) <u>The City local government or an authorised person</u> may, in respect of an application for a <u>licence permit</u></p> <p>(a) approve the application unconditionally subject to any conditions; or</p> <p>(b) refuse to approve the application.</p> <p>(2) Without limiting the scope of the City’s discretion of the local government or authorised person <u>City local government or an authorised person</u> under subclause (1)(b), the <u>City local government or an authorised person</u> may refuse an application for a <u>licence permit</u> if, in their opinion</p> <p>(a) the proposed alfresco <u>outdoor</u> dining does not conform with the requirements of the Health Act or any other written law;</p> <p>(b) the proposed alfresco dining area is undesirable;</p> <p>(c) the proposed licensee has been convicted during the preceding five years of an offence against -</p> <p>(b) the proposed <u>design or</u> furniture is unsuitable, in any respect, to the location in which the <u>licence permit</u> is to operate;</p> <p>(c) the proposed <u>licensee permit holder</u> has been convicted during the preceding five<u>5</u> years of an offence against -</p> <p>(i) this local law;</p> <p>(ii) the <i>City of Perth Alfresco Dining Local Law 2000</i><u>2009</u>;</p> <p>(iii) Part 7 of the City of Perth Amendment Local Law 2007;<u>the Food Act</u></p>	<p>Licence changed to permit.</p> <p>City changed to local government.</p> <p>Alfresco changed to outdoor.</p> <p>Authorised person included to confirm authority to determine whether to approve a permit.</p> <p>Deletion of the clause providing that a outdoor dining permit may be refused if undesirable. This clause is broad and vague and risks disallowance from the JSCDL if retained.</p> <p>The addition of current legislation relevant for outdoor dining and amendment of outdated legislation titles.</p> <p>A new clause has been added to allow refusal of the basis of unreasonable impediment to pedestrian traffic.</p> <p>Renumbering of clause and reformatting.</p> <p>Minor amendments for clarity</p>

Comparison with *Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019*

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(iii) Part 7 of the City of Perth Amendment Local Law 2007;</p> <p>(iv) the <i>Health Act</i>;</p> <p>(v) the <i>Liquor Control Act</i>; or</p> <p>(vi) any other written law which affects alfresco dining; or</p> <p>(e) the proposed licensee is not a fit and proper person to hold a licence.</p> <p>(3) If the City approves an application for a licence, it is to issue to the applicant a licence in the form determined by the City.</p> <p>(4) If the City refuses to approve an application for a licence, it is, as soon as practicable after the decision is made –</p> <p>(a) to give the applicant written notice of, and written reasons, for the refusal; and</p> <p>(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.</p> <p>(5) Where a clause of this local law refers to conditions which may be imposed on a licence or which are to be taken to be imposed on a licence, the clause does not limit the power of the City to impose other conditions on the licence under subclause (1)(a).</p> <p>(6) Where a clause of this local law refers to the grounds on which an application for a licence may be or is to be refused, the clause does not limit the power of the City to refuse the application for a licence on other grounds under subclause (1)(b).</p>	<p>(iv) the Health Act;</p> <p>(v) <u>the Public Health Act</u>;</p> <p>(vi) the Liquor Control Act;</p> <p>(vii) any other written law which affects <u>alfresco outdoor dining</u>;</p> <p>(d) the proposed licensee <u>permit holder</u> is not a fit and proper person to hold a <u>licence permit</u>; or</p> <p>(e) <u>the pedestrian flow on a footpath would be unreasonably impeded.</u></p> <p>(3) If the <u>City local government</u> or an authorised person approves an application for a <u>licence permit</u>, it is to issue to the applicant a <u>licence permit</u> and, if required, a <u>permit plan</u> in the form determined by the <u>City CEO</u>.</p> <p>(4) If the <u>City local government</u> or an authorised person refuses to approve an application for a <u>licence permit</u>, it is, as soon as practicable after the decision is made -</p> <p>(a) to give the applicant written notice of, and written reasons for, the refusal; and</p> <p>(b) <u>to</u> 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.</p> <p>(5) Where a clause of this local law refers to conditions which may be imposed on a licence or which are to be taken to be imposed on a licence <u>permit</u> the clause does not limit the power of the local government to impose other conditions on the <u>licence permit</u> under subclause (1)(a).</p> <p>(6) Where a clause of this local law refers to the grounds on which an application for a <u>licence permit</u> may be or is to be refused, the clause does not limit the power of the <u>City local government</u> to refuse the application for a <u>licence permit</u> on other grounds under subclause (1)(b).</p>	

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>2.6 Conditions which may be imposed on a licence</p> <p>The City may approve an application for a licence subject to conditions relating to –</p> <ul style="list-style-type: none"> (a) the area or location to which the licence applies; (b) the number, type, form and construction, as the case may be, of any furniture which may be used in the alfresco dining area; (c) the care, maintenance and cleaning of any furniture used in the alfresco dining area; (d) the removal and storage of furniture used in the alfresco dining area prior to the closure of the adjacent food business; (e) the requirement to maintain pedestrian access between the alfresco dining area and the adjacent food business; (f) the alfresco dining area not impeding or obstructing a public place used by either pedestrians or vehicles; (g) the requirement to maintain clear sight lines for vehicles entering or leaving a thoroughfare or a vehicle crossing; (h) the obtaining of public risk insurance in an amount and on the terms reasonably required by the City; (i) the grant of another approval, permit, licence or authorisation which may be required under any written law; (j) the duration and commencement of the licence; 	<p>2.6 Conditions which may be imposed on a licence permit</p> <p>The City <u>local government or an authorised person</u> may approve an application for a permit subject to conditions relating to-</p> <ul style="list-style-type: none"> (a) the area or location to which the <u>licence permit</u> applies; (b) the number, type, form and construction as the case may be, of any <u>structure or furniture</u> which may be used in the alfresco <u>outdoor</u> dining area; (c) the care, maintenance and cleaning of any <u>structure or furniture</u> used in the alfresco <u>outdoor</u> dining area; (d) the removal and storage of furniture used in the alfresco dining area, prior to the <u>each</u> closure of the adjacent food business, <u>of any structure or furniture used in the outdoor dining area</u>; (e) the requirement to maintain <u>maintenance of</u> pedestrian access between the alfresco <u>outdoor</u> dining area and the adjacent food business; (f) the alfresco <u>outdoor</u> dining area not impeding or obstructing a public place used by either pedestrians or vehicles; (g) the requirement to maintain <u>maintenance of</u> clear sight lines for vehicles entering or leaving a thoroughfare or a vehicle crossing; (h) the obtaining <u>and maintaining</u> of public risk insurance in an amount and on the terms reasonably required by the <u>City local government or an authorised person</u>; (i) the grant of another approval, licence, permit or <u>other</u> authorisation which may be required under any written law; (j) the duration and commencement <u>and duration</u> of the <u>licence permit</u>; (k) the placement of advertising on <u>any structure or furniture</u> within the alfresco <u>outdoor</u> dining area; 	<p>Licence changed to permit. City changed to local government. Alfresco changed to outdoor.</p> <p>Authorised person included to allow and authorised person to determine conditions appropriate for a permit.</p> <p>New clause to allow the City to require a condition relating to cleaning of debris associated with the outdoor dining area.</p> <p>New clause to allow for a bond to be required where the applicant intends to install permanent fixtures.</p> <p>New clause to determine time that the outdoor furniture must not be set up. This is to prevent the operation where inconsistent with legal requirements and the ensure the alfresco is not preventing the City from undertaking regularly scheduled street cleaning.</p> <p>Renumbering of clause and reformatting.</p> <p>Minor amendments for clarity</p>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(k) the placement of advertising on furniture within the alfresco dining area;</p> <p>(l) the payment of all fees, charges, rates and taxes levied or incurred as a result of the establishment and operation of the alfresco dining area;</p> <p>(m) the payment of costs associated with the City preparing the public place for the use as an alfresco dining area including but not limited to the reshaping of footpaths and marking the boundaries of the alfresco dining area.</p>	<p>(l) the payment of all fees, charges, rates and taxes imposed or incurred as a result of the establishment or operation of the outdoor dining area;</p> <p><u>(m) the clearing of the outdoor dining area and the immediate surrounds of any rubbish, matter or thing coming from or caused by patrons of the outdoor dining area;</u></p> <p><u>(n) specified times during which an outdoor dining area must not be set up or conducted;</u></p> <p><u>(o) the payment of costs associated with the City local government preparing the public place for the use as an alfresco-outdoor dining area including but not limited to such as the reshaping of footpaths and marking the boundaries of the outdoor dining area; and</u></p> <p><u>(p) the payment of a bond or the provision of a bank guarantee or other security for the purpose of ensuring that –</u></p> <p><u>(i) a public place can be repaired or reinstated where the operation of the outdoor dining area, including the installation of any structure or furniture, will or may or cause damage to or permanently alter the public place; and/or</u></p> <p><u>(ii) conditions of approval insofar as they relate to the public place or local government property are complied with.</u></p>	
<p>2.7 Compliance with conditions</p> <p>Where –</p> <p>(a) an application for a licence has been approved subject to conditions; or</p> <p>(b) a licence is to be taken to be subject to conditions under this local law,</p>	<p>2.7 Compliance with conditions</p> <p>Where (a) — an application for a licence <u>permit</u> has been approved subject to conditions; or</p> <p>(b) — a licence is to be taken to be subject to conditions under this local law,</p>	<p>There is not clause within the local law that provides a condition that a permit is taken to be subject to. The clause has been deleted accordingly.</p>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
the licensee shall comply with each of those conditions.	the licensee shall <u>permit holder must</u> comply with each of those conditions.	
	<p>2.8 Payment and return of bond or security</p> <p><u>(1) A bond required as a condition of a permit is to be paid into an account established by the local government or an authorised person for the purposes of this clause.</u></p> <p><u>(2) A bond, or a bank guarantee or other security, required as a condition of a permit is to be returned to the permit holder if the local government or an authorised person is satisfied that the operation of the outdoor dining area, including the installation of any structure or furniture, has not caused damage to or permanently altered the public place affected by the outdoor eating area.</u></p>	<p>New clause added.</p> <p>The clause provides for the process of administering a bond. Requiring a bond as a condition of approval has been added to clause 2.6 so clauses relating to operation of the bond were required.</p>
	<p>2.9 Responsibilities of permit holder</p> <p><u>A permit holder must –</u></p> <p><u>(a) not allow the operation of the outdoor dining area to extend beyond the area specified in the permit or depicted in the permit plan;</u></p> <p><u>(b) keep the outdoor dining area free of any obstacle or thing likely to cause injury to persons or property;</u></p> <p><u>(c) ensure that any structure or furniture used in or in connection with the outdoor dining area remains within the outdoor dining area or the permitted storage location and does not impede pedestrian flow or access;</u></p> <p><u>(d) repair any damage to the surface of the outdoor dining area, and to any fixtures, fittings or utility services in or on the outdoor dining area, caused by or attributable to the conduct of the outdoor dining area;</u></p> <p><u>(e) pay all fees or taxes imposed or incurred as a result of the establishment or operation of the outdoor dining area;</u></p> <p><u>(f) ensure that trading within the outdoor dining area is limited to the operating hours stated in the permit; and</u></p>	<p>New clause added.</p> <p>The listed obligations are essential whether or not they are listed as a condition.</p>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
	(g) <u>pay the costs associated with any alteration, repair, reinstatement or reconstruction of all or part of the outdoor dining area or adjacent public place required as a result of the operation of the outdoor dining area.</u>	
<p>2.8 Amendment of licence conditions</p> <p>(1) A licensee may apply in writing to the City to amend any of the terms or conditions of the licence.</p> <p>(2) The City may, in respect of an application under subclause (1) –</p> <p>(i) amend the licence, either in accordance with the application or otherwise as it sees fit; or</p> <p>(ii) decline to amend the licence.</p> <p>(3) The City may, at any time, amend any of the terms and conditions of the licence.</p> <p>(4) If the City amends a licence under this clause, it is to notify the licensee 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 licence apply from the date of notification.</p> <p>(5) If the City amends a licence otherwise than in accordance with an application from the licensee, it is, as soon as practicable after the decision to amend is made –</p> <p>(i) to give the licensee written notice of, and written reasons for, its decision to amend; and</p>	<p>2.8 2.10 Amendment of licence permit conditions</p> <p>(1) A licensee <u>permit holder</u> may apply in writing to the City-local government to amend any of the terms or conditions of the licence <u>permit</u>.</p> <p>(2) The City-local government or an <u>authorised person</u> may, in respect of an application under subclause (1) -</p> <p>(a) amend the licence <u>permit</u>, either in accordance with the application or otherwise as it sees fit; or</p> <p>(b) decline to amend the licence <u>permit</u>.</p> <p>(3) The City-local government or an <u>authorised person</u> may, at any time, amend any of the terms and <u>or</u> conditions of the licence <u>permit</u>.</p> <p>(4) If the City local government or an <u>authorised person</u> amends a licence <u>permit</u> under this clause, it is to notify the licensee <u>permit holder</u> 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 licence <u>permit</u> apply from the date of the notification.</p> <p>(5) If the City local government or an <u>authorised person</u> amends a licence <u>permit</u> otherwise than in accordance with an</p>	<p>Licence changed to permit. Licensee changed to permit holder. City changed to local government.</p> <p>Authorised person included to grant authority to:</p> <ul style="list-style-type: none"> • approve or refuse a request for amendment of conditions; or • amend a condition if necessary. <p>New clause to confirm that approval is required for any transfer.</p> <p>Renumbering of clause and reformatting.</p> <p>Minor amendments for clarity.</p>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(ii) inform the licensee of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.</p>	<p>application from the licensee <u>permit holder</u>, it is, as soon as practicable after the decision to amend is made -</p> <p>(a) (i) to give to the licensee <u>permit holder</u> written notice of, and written reasons for, its decision to amend; and</p> <p>(b) (ii) to inform the licensee <u>permit holder</u> of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.</p>	
<p>2.9 Duration of licence</p> <p>A licence is valid for twelve months from the date on which it is issued, unless it is –</p> <p>(a) otherwise stated in this local law or in the licence; or</p> <p>(b) cancelled under clause 2.12.</p>	<p>2.9 <u>2.11</u> Duration <u>Validity of licence-permit</u></p> <p>(1) A licence <u>permit</u> is valid for twelve months <u>3 years</u> from the date on which it is issued, unless it is -</p> <p>(a) it is otherwise stated in this local law or in the licence <u>permit</u>; or</p> <p>(b) the permit holder ceases being the proprietor of the adjacent food business and no transfer of the permit has been approved under clause 2.13;</p> <p>(c) any public liability insurance policy required as a condition of the permit lapses, is cancelled, or is no longer in operation; or</p> <p>(b)(d) <u>it is</u> cancelled under clause 2.12 <u>2.14</u>.</p>	<p>Renumbered clause.</p> <p>Licence changed to permit. 12 months changed to 3 years in line with proposal to extend the period that permits are valid for.</p> <p>Additional clauses to confirm where a permit is no longer valid including insurance as the requirement for the permit holder to remain the same person unless a transfer was been approved.</p> <p>The requirement to maintain public liability insurance is for the protection of the public.</p> <p>Minor amendments for clarity.</p>
<p>2.10 Renewal of licence</p> <p>(1) A licensee may apply to the City of Perth in writing no later than two months before the expiry of a licence for the renewal of the licence.</p>	<p>2.10 <u>2.12</u> Renewal of licence <u>permit</u></p> <p>(1) A licensee <u>permit holder</u> may apply to the City of Perth in writing no later than two months, to the local government, at or before the expiry of a licence <u>the permit</u>, for the renewal of the licence <u>permit</u>.</p>	<p>Licence changed to permit. Licensee changed to permit holder. City changed to local government.</p> <p>The requirement to apply two months prior to the expiry of a permit for its renewal has been</p>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(2) The provisions of this local law relevant to the licence which is to be renewed shall apply, with such modifications as are required, to an application for the renewal of a licence.</p>	<p>(2) The provisions of this local law relevant to the licence <u>permit</u> which is <u>sought</u> to be renewed shall apply, with such modifications as are required, to an application for the renewal of a licence <u>the permit</u>.</p> <p>(3) <u>To avoid doubt, the local government or an authorised person may refuse to consider an application for renewal of a permit until any fee outstanding in relation to a permit is paid.</u></p>	<p>removed. It is not administratively necessary to require such a lengthy period of time.</p> <p>Minor amendments for clarity.</p>
<p>2.11 Transfer of licence</p> <p>(1) An application for the transfer of a valid licence is to –</p> <p>(a) be in the form determined by the City;</p> <p>(b) provide the information required by the form or by any other clause of this local law;</p> <p>(c) be signed by the licensee and the proposed transferee of the licence; and</p> <p>(d) be forwarded to the City together with any transfer fee imposed and determined by the City.</p> <p>(2) The City may refuse to consider or determine an application for the transfer of a licence, which is not in accordance with subclause (1).</p> <p>(3) The City may approve an application for the transfer of a licence, refuse to approve it or approve it subject to terms and conditions as it sees fit, and if it is approved, the proposed transferee shall become the licensee from the date of approval.</p>	<p>2.11 2.13 Transfer of licence <u>permit</u></p> <p>(1) <u>A permit cannot be transferred without the approval of the local government or an authorised person.</u></p> <p>(1)(2) An application for the transfer of a valid licence <u>permit</u> is to –</p> <p>(a) be in the form determined by the City <u>CEO</u>;</p> <p>(b) provide the information required by the form or by <u>under</u> any other clause of this local law;</p> <p>(c) be signed by the licensee <u>permit holder</u> and the proposed transferee of the licence <u>permit</u>; and</p> <p>(d) be forwarded to the City <u>local government</u> together with any transfer fee imposed and determined by the City <u>local government</u>.</p> <p>(2)(3) <u>The City <u>local government</u> or an authorised person may refuse to consider or determine an application for the transfer of a licence <u>permit</u> which is not in accordance with subclause (1)(2).</u></p>	<p>Licence changed to permit. Licensee changed to permit holder. City changed to local government.</p> <p>Authorised person included to confirm authority to approve or refuse the transfer of a permit.</p> <p>New clause to confirm that approval is required for any transfer.</p> <p>Renumbering of clauses to allow for new clause and consequential amendments.</p> <p>Minor amendments for clarity.</p>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
	<p>(3) (4) The <u>City local government</u> or an <u>authorised person</u> may approve an application for the transfer of a <u>licence permit</u>, refuse to approve it or approve it subject to such terms and conditions as it sees fit; and, if it is approved, the proposed transferee shall <u>is to become the licensee permit holder</u> from the date of the approval.</p>	
<p>2.12 Cancellation or suspension of licence</p> <p>(1) A licence may be cancelled by the City on any one or more of the following grounds –</p> <p>(a) the licensee has not complied with –</p> <p>(i) a condition of the licence; or</p> <p>(ii) a provision of this local law or any other written law which may relate to the activity regulated by the licence;</p> <p>(b) if it is relevant to the activity regulated by the licence –</p> <p>(i) the licensee is an undischarged bankrupt, or is in liquidation;</p> <p>(ii) the licensee has entered into a composition arrangement with creditors; or</p> <p>(iii) a manager, administrator, trustee, receiver, or receiver and manager, is appointed in relation to any part of the licensee’s undertakings or property;</p> <p>(c) the proprietor of the food business changes;</p>	<p>2.12 <u>2.14</u> Cancellation or suspension of <u>licence permit</u></p> <p>(1) A <u>licence permit</u> may be cancelled by the <u>City local government or an authorised officer</u> on any one or more of the following grounds-</p> <p>(a) the <u>licensee permit holder</u> has not complied with-</p> <p>(i) a term or condition of the <u>licence permit</u>; or</p> <p>(ii) a provision of this local law, or a provision of any other written law which may relate <u>relates</u> to the activity regulated by the <u>licence permit</u>;</p> <p>(b) if it is relevant to the activity regulated by the <u>licence permit</u> -</p> <p>(i) the <u>licensee permit holder</u> is an undischarged bankrupt, or is in liquidation;</p> <p>(ii) the <u>licensee permit holder</u> has entered into a composition arrangement with creditors; or</p>	<p>Licence changed to permit. Licensee changed to permit holder. City changed to local government.</p> <p>Authorised person included to confirm authority to cancel a permit.</p> <p>Requirement under previous subclause (4) to return an approval sticker removed as there is no longer a requirement to display an approval sticker.</p> <p>“Served” in clause 3(a) changed to “give” for consistency with the rest of the clause Clause and subclauses renumbered.</p> <p>Requirement to reinstate the public realm whether damaged or altered added to protect the public realm.</p> <p>Minor further amendments made for clarity.</p>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(d) the setting up or conduct of the alfresco dining area, or the behaviour of customers within the alfresco dining area, is causing a nuisance.</p> <p>(2) The City may cancel or suspend a licence if the City or a utility requires access to or near the place to which a licence applies, for the purposes of carrying out works in or near the vicinity of that place.</p> <p>(3) If the City cancels or suspends a licence under this clause, it is, as soon as practicable after the decision is made –</p> <p>(a) to give the permit holder written notice of, and reasons for, the decision;</p> <p>(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</p> <p>(c) the cancellation or suspension takes effect from the date on which the licensee is served with the cancellation or suspension notice.</p> <p>(4) On the cancellation of a licence, the licensee shall return the licence and approval sticker as soon as practicable to the City.</p> <p>(5) On the cancellation or suspension of a licence, the licensee is, subject to subclause (6), to be taken to have forfeited any fees paid in respect of the licence.</p> <p>(6) Where a licence is cancelled or suspended through no fault of the licensee, the City may refund to the licensee all or part of the licence</p>	<p>(iii) a manager, administrator, trustee, receiver, or receiver and manager, is appointed in relation to any part of the licensee's <u>permit holder's</u> undertakings or property;</p> <p>(c) <u>the permit holder ceases being the proprietor of the food business changes; and</u></p> <p>(d) the setting up or conduct of the alfresco-outdoor <u>alfresco</u> dining area, or the behaviour of customers within the alfresco <u>outdoor</u> dining area, is causing a nuisance.</p> <p>(2) <u>The City local government or an authorised officer may cancel or suspend a licence permit if the City local government or an authorised officer or a utility requires access to or near the place to which a licence the permit applies, for the purposes of carrying out works in or near the vicinity of that place.</u></p> <p>(3) <u>The local government or an authorised person must cancel a permit if –</u></p> <p>(a) <u>a neighbouring business owner or a neighbouring property owner (as described in clause 2.3(2)(d)) notifies the local government and the permit holder in writing that it withdraws its consent to the continuing operation of the outdoor eating area in front of the premises of that neighbouring business owner or neighbouring building owner (as the case may be);</u></p> <p>(b) <u>the permit has not been amended to be consistent with that withdrawal of consent; and</u></p> <p>(c) <u>within 10 days of the written notification under paragraph (a), the permit holder has not applied in writing to the local government under clause 2.10 to amend the permit to be consistent with that withdrawal of consent.</u></p>	

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>fee in respect of what would otherwise have been the balance of the term of the licence.</p>	<p>(3)(4) If the <u>City local government</u> or an authorised officer cancels or suspends a <u>licence permit</u> under this clause,—</p> <p>(a) it is, as soon as practicable after the decision is made—</p> <p>(a)(i) to give the permit holder written notice of, and reasons for, the decision; <u>and</u></p> <p>(b)(ii) <u>to</u> 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</p> <p>(b) the cancellation or suspension takes effect from the date on which the <u>licensee permit holder</u> is served with given the cancellation or suspension notice <u>under subclause (4)(a)(i)</u>.</p> <p>(4) — On the cancellation of a licence, the licensee shall return the licence and approval sticker as soon as practicable to the City.</p> <p>(5) On the cancellation or suspension of a <u>licence</u>, the <u>licensee</u> is permit, subject to subclause (6), to be taken to have forfeited the permit holder is not entitled to any refund in respect of any fees paid in respect of the <u>licence permit</u>.</p> <p>(6) Where a <u>licence permit</u> is cancelled or suspended through no fault of the <u>licence permit holder</u>, the <u>City local government</u> may refund to the <u>licensee permit holder</u> all or part of the <u>licence permit</u> fee in respect of what would otherwise have been the balance of the term of the <u>licence permit</u>.</p> <p>(7) If a permit expires or is cancelled, the permit holder must —</p>	

Comparison with *Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019*

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	Comments
	<p><u>(a) remove all furniture, equipment, structures and other things placed in the outdoor dining area; and</u> <u>(b) reinstate the area to the satisfaction of the local government or an authorised person or pay the costs of that reinstatement.</u></p>	
	<p><u>2.15 Temporary removal of an outdoor eating area may be requested</u> <u>(1) A permit holder must, when requested to do so –</u> <u>(a) on reasonable grounds - by an authorised person or a member of the Police Force; or</u> <u>(b) in the event of an emergency or for the purposes of public safety – by an emergency services agency,</u> <u>temporarily remove, in accordance with the request, all or any of the structures or furniture in or on the outdoor dining area.</u> <u>(2) The permit holder may replace the structures and furniture after being authorised by a person described in subclause (1)(a) or (b).</u></p>	<p>New clause added to ensure furniture that can be moved is removed when circumstances require. This new clause is particularly intended for severe weather conditions which could lift allow unfixed furniture to be a hazard.</p>
<p>2.13 Display and production of licence and approval sticker</p> <p>(1) A licensee shall produce to an authorised person his or her valid licence immediately on being required to do so by an authorised person.</p> <p>(2) A licensee shall display an approval sticker in accordance with the conditions set out in the licence.</p>	<p>2.16 Display and Production of licence and approval sticker permit (1) A licensee permit holder must produce to an authorised person his or her permit immediately on being required to do so by an authorised person. (2) A licensee shall display an approval sticker in accordance with the conditions set out in the licence.</p>	<p>Licence changed to permit. Licensee changed to permit holder. Requirement to display an approval sticker removed as it is unnecessary.</p>
<p>2.14 Smoking and no smoking areas</p> <p>(1) An alfresco dining area licensed under this local law shall be deemed to be a no smoking area.</p>	<p>2.14 Smoking and no smoking areas (1) An alfresco dining area licensed under this local law shall be deemed to be a no smoking area.</p>	<p>Clauses relating to smoking and smoking areas have been removed due to the clauses being covered by, and in some instances inconsistent with, the <i>Tobacco Products Control Act 2006</i> following ammendments to</p>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(2) A licensee shall establish the alfresco dining area as a no smoking area.</p> <p>(3) A person shall not smoke a tobacco product in a licensed alfresco dining area.</p>	<p>(2) A licensee shall establish the alfresco dining area as a no smoking area.</p> <p>A person shall not smoke a tobacco product in a licensed alfresco dining area.</p>	<p>this act after the commencement of the <i>City of Perth Alfresco Local Law 2009</i>.</p>
	<p>2.17 Permit limitation A permit does not give the permit holder exclusive possession or use of the outdoor dining area to which it applies.</p>	<p>New clause 2.17 was included to confirm the space remains public realm.</p>
<p>PART 3 – OBJECTIONS AND APPEALS</p>	<p>Part 3 – Objections and Appeals</p>	
<p>3.1 Application of Part 9 Division 1 of the Act</p> <p>(1) Where the City makes a decision as to whether it will –</p> <p>(a) grant an application for a licence;</p> <p>(b) vary, cancel or suspend a licence; or</p> <p>(c) impose or amend a condition to which a licence is subject,</p> <p>the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.</p> <p>(2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the City.</p>	<p>3.1 Application of Part 9 Division 1 of the Act</p> <p>(1) Where the City <u>If the local government or an authorised person</u> makes a decision as to whether it will –</p> <p>(a) <u>to grant an application for a licence permit;</u></p> <p>(b) <u>to vary, cancel or suspend a licence permit; or</u></p> <p>(c) <u>to impose or amend a condition to which a licence permit is subject; or</u></p> <p>(d) <u>apply the proceeds of a bond, bank guarantee or other security under clause 4.3(2),</u></p> <p>the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.</p> <p>(2) Under these provisions, an affected person may have the right to object to, or to appeal against, a the decision of the City <u>local government or an authorised person.</u></p>	<p>Licence changed to permit. City changed to local government.</p> <p>Authorised person included to confirm a decision made by either the local government or an authorised person may be appealed or objected to.</p> <p>Subclause (d) included to confirm the law provides for objections or appeals to be made in relation to a decision to use a bond.</p> <p>Other minor amendments for clarity.</p>
<p>PART 4 – ENFORCEMENT</p>	<p>Part 4 - Enforcement</p>	

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>4.1 Direction of authorised person to be obeyed</p> <p>(1) A licensee who is given a lawful direction by an authorised person or a member of the W.A. Police shall comply with that direction.</p> <p>(2) A licensee shall not obstruct or hinder an authorised person in the performance of that person’s duties.</p>	<p>4.1 Direction of authorised person to be obeyed</p> <p>(1) A licensee <u>permit holder</u> who is given a lawful direction by an authorised person or a member of the W.A. Police <u>Force</u> shall <u>must</u> comply with that direction.</p> <p>(2) A licensee shall <u>permit holder must</u> not obstruct or hinder an authorised person in the performance of that person’s duties <u>functions</u>.</p>	<p>“Duties” has been replaced with “Functions” as functions includes both duties and powers in accordance with section 5 of the <i>Interpretation Act 1984</i>.</p> <p>Licensee changed to permit holder.</p> <p>All instances of shall changed to must in accordance with prior advice and for consistency with the <i>City of Perth Parking Local Law 2017</i>.</p>
<p>4.2 Notice to repair damage to public place</p> <p>Where any portion of a public place has been damaged as a result of the use of that public place as an alfresco dining area, the City may, by notice to the licensee, order the licensee to repair or replace that portion of the public place to the satisfaction of the City.</p>	<p>4.2 Notice to repair damage to public place</p> <p>(1) Where any portion of a public place has been damaged, <u>physically altered, or soiled</u> as a result of the use of that public place as an alfresco <u>outdoor</u> dining area, the City <u>local government</u> or an <u>authorised person</u> may, by <u>written</u> notice to the licensee <u>permit holder</u>, order the licensee <u>permit holder</u> to repair or replace that portion of the public place to the satisfaction of the City <u>local government</u> or an authorised person at the permit holder’s cost.</p> <p>(2) <u>In this clause, permit holder includes the person who was the permit holder when the portion of the public place was damaged, altered or soiled.</u></p>	<p>Alfresco changed to outdoor. Licensee changed to permit holder. City changed to local government.</p> <p>Added authorised officer to confirm authority of an authorised person to require the public realm to be repaired or reinstated.</p> <p>W.A. Police changed to Police Force to be consistent with the <i>Police Act 1892</i>.</p> <p>Subclause (2) has been added because, under the definition of ‘permit holder’ in clause 1.7, and without subclause (2), the City would not be able to give a notice under this clause to a person whose permit had expired – even though that person was responsible for the damage.</p>
<p>4.3 City may undertake requirements of notice</p>	<p>4.3 City <u>Local government</u> may undertake requirements of notice</p>	<p>City changed to local government.</p>

Comparison with *Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019*

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	Comments
<p>If a person fails to comply with a notice under clause 4.2, the City may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.</p>	<p>(1) If a person fails to comply with a notice under clause 4.2, the <u>City local government or an authorised person</u> may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.</p> <p>(2) <u>To meet its costs incurred under this clause, the local government or an authorised person may apply the proceeds of any bond, bank guarantee or other security paid or provided as a condition of approval.</u></p> <p>(3) <u>The liability of a permit holder to pay the local government’s costs under this clause is not limited to any amount paid or provided under any bond, bank guarantee or other security as a condition of approval.</u></p>	<p>Added authorised officer to confirm authority of an authorised person to undertake an action.</p> <p>Subclause (2) and (3) added to allow bonds, where held, to be used in relation to undertaking the requirements of a notice.</p>
<p>4.4 Removal and impounding of goods</p> <p>Where an alfresco dining area is conducted without a licence or in contravention of a condition of a licence, any furniture may be removed and impounded by an authorised person under regulation 29 of the Regulations.</p>	<p>4.4 Removal and impounding of goods</p> <p>Where an alfresco <u>outdoor</u> dining area is conducted without a licence <u>permit</u> or in contravention of a <u>term or</u> condition of a licence-permit, any <u>structure or</u> furniture may be removed and impounded by an authorised person under regulation 29 of the Regulations.</p>	<p>Alfresco changed to outdoor. Licence changed to permit.</p>
<p>4.5 Offences</p> <p>(1) A 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.</p> <p>(2) An offence against a clause specified in the First Schedule of this local law is a prescribed</p>	<p>4.5 Offences</p> <p>(1) A 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.</p> <p>(2) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.</p>	<p>The words “or directed” have been deleted to be consistent with the <i>City of Perth Parking Local Law</i> and because the term “required” includes being directed.</p> <p>First Schedule has been changed to “Schedule” as there is no other Schedule.</p>

Comparison with *Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019*

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	Comments
<p>offence for the purposes of section 9.16(1) of the Act.</p> <p>(3) A person who commits an offence under this local law shall be liable, on conviction –</p> <p>(a) in the case of a breach of clause 2.14, to a penalty not exceeding \$2,000;</p> <p>(b) in the case of any other clause other than clause 2.14, 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.</p>	<p>(3) A person who commits an offence under this local law shall be is liable, on conviction-</p> <p>(a) in the case of a breach of clause 2.14, to a penalty not exceeding \$2,000;</p> <p>(b) in the case of any other clause other than clause 2.14, 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 continues.</p>	<p>Reference to the offence related to previous clause 2.14 has been removed as the clause has been removed.</p> <p>Other minor drafting amendments are in alignment with the <i>City of Perth Parking Local Law 2017</i> for consistency and legal advice received in relation to that local law.</p>
<p>4.6 Infringement and infringement withdrawal notices</p> <p>For the purposes of this local law –</p> <p>(a) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the Regulations; and</p> <p>(b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.</p>	<p>4.6 Infringement and infringement withdrawal notices</p> <p>For the purposes of this local law –</p> <p>(a) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the Regulations; and</p> <p>(b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.</p>	<p>No change.</p>
<p>4.7 Offence description and Modified Penalty</p> <p>The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.</p>	<p>4.7 Offence description and modified penalty</p> <p>The amount appearing in the final column of the First Schedule directly opposite an offence described <u>adjacent to a clause specified</u> in that Schedule is the modified penalty for that offence.</p>	<p>The offence description has been removed from this clause. The purpose of removing offence descriptions is to avoid any perceived inconsistency with a summarised description of the offence and the elements of the offence.</p>

Comparison with Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>4.8 Authorised persons 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.</p>	<p>4.8 Authorised persons Unless expressly stated otherwise by the <u>City local government</u>, a person appointed by the <u>City local government</u> to be an authorised person for the purposes of this local law is taken to have also been appointed by the <u>City local government</u> to be an authorised person for the purposes of sections 9.13 and section 9.16 of the Act in relation to offences against this local law.</p>	<p>First Schedule has been changed to “Schedule” as there is no other Schedule. City changed to local government. References to section 9,13 of the <i>Local government Act 1995</i> have been deleted as there are no vehicle offences within this local law.</p>
<p>FIRST SCHEDULE CITY OF PERTH ALFRESCO DINING LOCAL LAW 2009 OFFENCES AND MODIFIED PENALTIES</p>	<p>FIRST SCHEDULE CITY OF PERTH ALFRESCO <u>OUTDOOR DINING LOCAL LAW 2009</u> OFFENCES AND MODIFIED PENALTIES</p>	<p>First Schedule has been changed to “Schedule” as there is no other Schedule Alfresco changed to outdoor Date amended to date a local law.</p>
<p>1. Clause 2.1 – Set up or conduct an alfresco dining area without a valid licence. Modified Penalty \$300.</p>	<p>1. Clause 2.1 – Set up or conduct an alfresco dining area without a valid licence. Modified Penalty \$300.</p>	<p>Description removed. The purpose of removing offence descriptions is to avoid any perceived inconsistency with a summarised description of the offence and the elements of the offence.</p>
<p>2. Clause 2.7 – Failure to comply with a condition of a licence. Modified Penalty: \$100</p>	<p>2. Clause 2.7 – Failure to comply with a condition of a licence. Modified Penalty: \$100</p>	<p>Description removed. The purpose of removing offence descriptions is to avoid any perceived inconsistency with a summarised description of the offence and the elements of the offence.</p>

Comparison with *Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019*

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
3. Clause 2.13(1) – Failure to produce to an authorised person a valid licence when requested to do so. Modified Penalty: \$100	Clause 2.13(1) – Failure to produce to an authorised person a valid licence when requested to do so. Modified Penalty: \$100 2.16 - Modified Penalty: \$100	Description removed. The purpose of removing offence descriptions is to avoid any perceived inconsistency with a summarised description of the offence and the elements of the offence. Penalty is equivalent previous clause 2.13(1) but renumbered. Penalty for failure to comply with the requirement to produce on being required to do so by an authorised person.
4. Clause 2.13(2) – Failure to display an approval sticker. Modified Penalty: \$100	Clause 2.13(2) – Failure to display an approval sticker. Modified Penalty: \$100	Penalty removed as required to display an approval sticker has been removed.
5. Clause 2.14(2) – Failure to establish an alfresco dining area as a no smoking area. Modified Penalty: \$200	Clause 2.14(2) – Failure to establish an alfresco dining area as a no smoking area. Modified Penalty: \$200	Penalty removed as required to establish a no smoking area has been removed. Any enforcement related to smoking would be under the <i>Tobacco Products Control Act 2006</i> .
6. Clause 2.14(3) – Smoking in an alfresco dining area. Modified Penalty: \$100	Clause 2.14(3) – Smoking in an alfresco dining area. Modified Penalty: \$100	Penalty removed as required to establish a no smoking area has been removed. Any enforcement related to smoking would be under the <i>Tobacco Products Control Act 2006</i>
	2.14(6) - Modified Penalty: \$100	New Penalty required for new clause. Penalty required as a deterrent for where person fails to remove furniture or structures or reinstate public realm following the cancellation of a permit.
	2.15 - Modified Penalty: \$100	New Penalty required for new clause. Penalty required as a deterrent for where person fails to remove furniture or structures when required to do so by police, emergency personal, or an authorised officer.

Comparison with *Alfresco Dining Local Law 2009 with Outdoor Dining Local Law 2019*

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	Comments
7. Other offences not specified. Modified Penalty: \$100	Other offences not specified. Modified Penalty: \$100	No change

*Local Government Act 1995***CITY OF PERTH****OUTDOOR DINING LOCAL LAW 2019****ARRANGEMENT****Part 1 - Preliminary**

- 1.1 Short title
- 1.2 Commencement
- 1.3 Purpose and intent
- 1.4 Repeal
- 1.5 Transitional
- 1.6 Application
- 1.7 Terms used

Part 2 - Permit

- 2.1 Permit required
- 2.2 Exemptions
- 2.3 Application for a permit
- 2.4 Relevant considerations in determining application for permit
- 2.5 Decision on application for permit
- 2.6 Conditions which may be imposed on a permit
- 2.7 Compliance with conditions
- 2.8 Payment or return of bond or security
- 2.9 Responsibilities of permit holder
- 2.10 Amendment of permit conditions
- 2.11 Validity of permit
- 2.12 Renewal of permit
- 2.13 Transfer of permit
- 2.14 Cancellation or suspension of permit
- 2.15 Temporary removal of an outdoor eating area may be requested
- 2.16 Production of permit
- 2.17 Permit limitation

Part 3 - Objections and appeals

- 3.1 Application of Part 9 Division 1 of the Act

Part 4 - Enforcement

- 4.1 Direction of authorised person to be obeyed
- 4.2 Notice to repair damage to public place
- 4.3 Local government may undertake requirements of notice
- 4.4 Removal and impounding of goods
- 4.5 Offences
- 4.6 Infringement and infringement withdrawal notices
- 4.7 Offence and modified penalty
- 4.8 Authorised persons

Schedule

PROPOSED

Local Government Act 1995

CITY OF PERTH

OUTDOOR DINING LOCAL LAW 2019

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 [DATE] to make this local law.

Part 1 - Preliminary

1.1 Short title

This is the *City of Perth Outdoor Dining Local Law 2019*.

1.2 Commencement

This local law will come into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Purpose and intent

- (1) The purpose of this local law is to regulate the management of outdoor dining areas in any public place within the district.
- (2) This local law is intended –
 - (a) to enable outdoor dining areas to be managed so that they do not interfere with the safe, accessible and reasonable movement of persons and vehicles; and
 - (b) to encourage high quality outdoor dining to enhance amenity, vitality and ambience of the district.

1.4 Repeal

The *City of Perth Alfresco Dining Local Law 2009*, published in the *Government Gazette* on 16 June 2009, is repealed.

1.5 Transitional

A licence issued under the *City of Perth Alfresco Dining Local Law 2009* -

- (a) is taken to be a permit issued under this local law;
- (b) is valid for the period specified in the licence; and
- (c) may be cancelled or suspended under this local law.

1.6 Application

This local law applies throughout the district.

1.7 Terms used

In this local law, unless the context otherwise requires -

Act means the *Local Government Act 1995*;

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

Council means the council of the local government;

district means the district of the local government;

disability access and inclusion plan of the local government means the plan prepared and published by the local government, from time to time, under Part 5 of the *Disability Services Act 1993*;

fee means a fee or charge imposed under sections 6.16 to 6.19 of the Act;

food has the meaning given in the *Food Act*;

Food Act means the *Food Act 2008*;

food business has the meaning given in the *Food Act*;

footpath has the meaning given in the *Road Traffic Code 2000*;

furniture means chairs, tables, waiters' stations, planter boxes, umbrellas, screens, barriers, awnings, portable gas heaters and any other structure set up in the outdoor dining area;

Health Act means the *Health (Miscellaneous Provisions) Act 1911*;

Liquor Control Act means the *Liquor Control Act 1988*;

local government means the local government of the City of Perth;

local government property has the meaning given in the Act;

local public notice has the meaning given in the Act;

outdoor dining means outdoor dining or drinking or both in a public place;

outdoor dining area means an area in which tables, chairs and other structures are provided for the purpose of the -

- (a) supply or consumption of food or beverages or both to the public; or
- (b) preparation and supply of beverages to the public; or
- (c) safe storage of pre-packaged meals for supply to, or consumption by, the public;

pedestrian mall means any road or portion of a road that is gazetted as a pedestrian mall;

permit means a permit issued by the local government or an authorised person under this local law;

permit period means the period referred to in clause 2.11;

permit plan means a plan attached to and forming part of a permit depicting the parts of a street or public place within which an outdoor dining area may be set up and conducted;

permit holder means a proprietor of a food business who holds a valid permit;

proprietor has the meaning given in the *Food Act*;

Public Health Act means the *Public Health Act 2016*;

public place means any thoroughfare, pedestrian mall or local government property;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

thoroughfare has the meaning given in the Act;

utility means any public or private body which provides an essential 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;

valid, in relation to a permit, means current and for which -

- (a) all the associated fees have been paid in full; or
- (b) if any part of the associated fees are permitted by the local government to be paid in installments, all installments due to be paid by the permit holder have been paid in full; and

vehicle crossing means a crossing used by vehicles to allow access from a thoroughfare to private land or a private thoroughfare.

Part 2 - Permit

2.1 Permit required

Unless exempt under clause 2.2, a person must not set up or conduct an outdoor dining area in a public place -

- (a) other than in a portion of a public place adjacent to a food business;
- (b) unless the person is the proprietor of a food business or is acting on behalf of the proprietor of a food business referred to in paragraph (a);
- (c) unless the person is a permit holder; and
- (d) other than in accordance with the permit, including the permit plan and any conditions set out in, or applying in respect of, the permit.

2.2 Exemptions

- (1) The local government or an authorised person may give a written exemption to a person or class of persons from the requirement to have a permit.
- (2) An exemption may be given -
 - (a) on the application of a person; or
 - (b) at the discretion of the local government or an authorised person.

- (3) An exemption may be given subject to any conditions the local government or an authorised person sees fit.
- (4) An exemption may apply to, or in respect of -
 - (a) a particular event, street festival, carnival or activity approved by the local government or an authorised person;
 - (b) particular goods or services; or
 - (c) a period of time.

2.3 Application for a permit

- (1) A person who is required to obtain a permit under this local law must apply for the permit in accordance with subclause (2).
- (2) An application for a permit must -
 - (a) be in the form determined by the CEO or an authorised person;
 - (b) provide the information or documents required by -
 - (i) the form; or
 - (ii) the local government or an authorised person;
 - (c) be signed by the applicant for the permit;
 - (d) be signed by any neighbouring business owner and any neighbouring building owner where the proposed outdoor dining area is intended to extend beyond the public area in front of the applicant's food business into a public area directly in front of the premises of that neighbouring business owner or that neighbouring building owner;
 - (e) include an acknowledgement from each neighbouring business owner and each neighbouring building owner referred to in paragraph (d) that the extension of the outdoor dining area, as proposed, will result in that area no longer being available for their use during the outdoor dining trading hours; and
 - (f) be forwarded to the local government together with the appropriate fee, if any, imposed by the local government.
- (3) The local government or an authorised person may require an applicant to provide additional information reasonably related to an application before determining the application.
- (4) The local government or an authorised person may require an applicant to give local public notice of the application for a permit.
- (5) The local government or an authorised person 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 subclause (3) or (4).

2.4 Relevant considerations in determining application for permit

In determining an application for a permit, the local government or an authorised person may have regard to –

- (a) any relevant policies of the local government;
- (b) the disability access and inclusion plan of the local government; and
- (c) any other matters that the local government or the authorised person considers to be relevant.

2.5 Decision on application for permit

- (1) The local government or an authorised person may, in respect of an application for a permit -
 - (a) approve the application subject to any conditions; or
 - (b) refuse to approve the application.
- (2) Without limiting the scope of the discretion of the local government or authorised person under subclause (1)(b), the local government or authorised person may refuse an application for a permit if, in their opinion -
 - (a) the proposed outdoor dining does not conform with the requirements of any written law;
 - (b) the proposed design or furniture is unsuitable, in any respect, to the location in which the permit is to operate;
 - (c) the proposed permit holder has been convicted during the preceding 5 years of an offence against -
 - (i) this local law;
 - (ii) the *City of Perth Alfresco Dining Local Law 2009*;
 - (iii) the *Food Act*
 - (iv) the *Health Act*;
 - (v) the *Public Health Act*;
 - (vi) the *Liquor Control Act*; or
 - (vii) any other written law which affects outdoor dining;
 - (d) the proposed permit holder is not a fit and proper person to hold a permit; or
 - (e) the pedestrian flow on a footpath would be unreasonably impeded.
- (3) If the local government or an authorised person approves an application for a permit, it is to issue to the applicant a permit in the form determined by the CEO.
- (4) If the local government or an authorised person 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) to 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.
- (5) Where a clause of this local law refers to conditions which may be imposed on a permit the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (6) Where a clause of this local law refers to the grounds on which an application for a permit may be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

2.6 Conditions which may be imposed on a permit

The local government or an authorised person may approve an application for a permit subject to conditions relating to -

- (a) the area or location to which the permit applies;
- (b) the number, type, form and construction of any structure or furniture which may be used in the outdoor dining area;
- (c) the care, maintenance and cleaning of any structure or furniture used in the outdoor dining area;
- (d) the removal and storage, prior to each closure of the adjacent food business, of any structure or furniture used in the outdoor dining area;
- (e) the maintenance of pedestrian access between the outdoor dining area and the adjacent food business;
- (f) the outdoor dining area not impeding or obstructing a public place used by either pedestrians or vehicles;
- (g) the maintenance of clear sight lines for vehicles entering or leaving a thoroughfare or a vehicle crossing;
- (h) the obtaining and maintaining of public risk insurance in an amount and on the terms reasonably required by the local government or an authorised person;
- (i) the grant of another approval, licence, permit or other authorisation which may be required under any written law;
- (j) the commencement and duration of the permit;
- (k) the placement of advertising on any structure or furniture within the outdoor dining area;
- (l) the payment of all fees and taxes imposed or incurred as a result of the establishment or operation of the outdoor dining area;
- (m) the clearing of the outdoor dining area and the immediate surrounds of any rubbish, matter or thing coming from or caused by patrons of the outdoor dining area;

- (n) specified times during which an outdoor dining area must not be set up or conducted;
- (o) the payment of costs associated with the local government preparing the public place for use as an outdoor dining area such as the reshaping of footpaths and marking the boundaries of the outdoor dining area; and
- (p) the payment of a bond or the provision of a bank guarantee or other security for the purpose of ensuring that –
 - (i) a public place can be repaired or reinstated where the operation of the outdoor dining area, including the installation of any structure or furniture, will or may or cause damage to or permanently alter the public place; and/or
 - (ii) conditions of approval insofar as they relate to the public place or local government property are complied with.

2.7 Compliance with conditions

Where an application for a permit has been approved subject to conditions the permit holder must comply with each of those conditions.

2.8 Payment and return of bond or security

- (1) A bond required as a condition of a permit is to be paid into an account established by the local government or an authorised person for the purposes of this clause.
- (2) A bond, or a bank guarantee or other security, required as a condition of a permit is to be returned to the permit holder if the local government or an authorised person is satisfied that the operation of the outdoor dining area, including the installation of any structure or furniture, has not caused damage to or permanently altered the public place affected by the outdoor eating area.

2.9 Responsibilities of permit holder

A permit holder must —

- (a) not allow the operation of the outdoor dining area to extend beyond the area specified in the permit or depicted on the permit plan;
- (b) keep the outdoor dining area free of any obstacle or thing likely to cause injury to persons or property;
- (c) ensure that any structure or furniture used in or in connection with the outdoor dining area remains within the outdoor dining area or the permitted storage location and does not impede pedestrian flow or access;
- (d) repair any damage to the surface of the outdoor dining area, and to any fixtures, fittings or utility services in or on the outdoor dining area, caused by or attributable to the conduct of the outdoor dining area;
- (e) pay all fees or taxes imposed or incurred as a result of the establishment or operation of the outdoor dining area;
- (f) ensure that trading within the outdoor dining area is limited to the operating hours stated in the permit; and

- (g) pay the costs associated with any alteration, repair, reinstatement or reconstruction of all or part of the outdoor dining area or adjacent public place required as a result of the operation of the outdoor dining area.

2.10 Amendment of permit conditions

- (1) A permit holder may apply in writing to the local government to amend any of the terms or conditions of the permit.
- (2) The local government or an authorised person 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 local government or an authorised person may, at any time, amend any of the terms or conditions of the permit.
- (4) If the local government or an authorised person 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 local government or an authorised person 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) to 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.

2.11 Validity of permit

- (1) A permit is valid for 3 years from the date on which it is issued, unless -
 - (a) it is otherwise stated in this local law or in the permit;
 - (b) the permit holder ceased being the proprietor of the adjacent food business and no transfer of the permit has been approved under clause 2.13;
 - (c) any public liability insurance policy required as a condition of the permit lapses, is cancelled, or is no longer in operation; or
 - (d) it is cancelled under clause 2.14.

2.12 Renewal of permit

- (1) A permit holder may apply in writing to the local government, at or before the expiry of the permit, for the renewal of the permit.

- (2) The provisions of this local law relevant to the permit which is sought to be renewed apply, with such modifications as are required, to an application for the renewal of the permit.
- (3) To avoid doubt, the local government or an authorised person may refuse to consider an application for renewal of a permit until any fee outstanding in relation to a permit is paid.

2.13 Transfer of permit

- (1) A permit cannot be transferred without the approval of the local government or an authorised person.
- (2) An application for the transfer of a valid permit is to -
 - (a) be in the form determined by the CEO;
 - (b) provide the information required by the form or under any other clause of this local law;
 - (c) be signed by the permit holder and the proposed transferee of the permit; and
 - (d) be forwarded to the local government together with any transfer fee imposed by the local government.
- (3) The local government or an authorised person may refuse to consider or determine an application for the transfer of a permit which is not in accordance with subclause (2).
- (4) The local government or an authorised person may approve an application for the transfer of a permit, refuse to approve it or approve it subject to such terms and conditions as it sees fit and, if it is approved, the proposed transferee is to become the permit holder from the date of the approval.

2.14 Cancellation or suspension of permit

- (1) A permit may be cancelled by the local government or an authorised officer on any one or more of the following grounds -
 - (a) the permit holder has not complied with -
 - (i) a term or condition of the permit; or
 - (ii) a provision of this local law, or a provision of any other written law which relates to the activity regulated by the permit;
 - (b) if it is relevant to the activity regulated by the permit -
 - (i) the permit holder is an undischarged bankrupt, or is in liquidation;
 - (ii) the permit holder has entered into a composition arrangement with creditors; or
 - (iii) a manager, administrator, trustee, receiver, or receiver and manager, is appointed in relation to any part of the permit holder's undertakings or property;

- (c) the permit holder is no longer the proprietor of the food business; and
 - (d) the setting up or conduct of the outdoor dining area, or the behaviour of customers within the outdoor dining area, is causing a nuisance.
- (2) The local government or an authorised officer may cancel or suspend a permit if the local government or a utility requires access to or near the place to which the permit applies, for the purposes of carrying out works in or near the vicinity of that place.
- (3) The local government or an authorised person must cancel a permit if –
 - (a) a neighbouring business owner or a neighbouring property owner (as described in clause 2.3(2)(d)) notifies the local government and the permit holder in writing that it withdraws its consent to the continuing operation of the outdoor eating area in front of the premises of that neighbouring business owner or neighbouring building owner (as the case may be);
 - (b) the permit has not been amended to be consistent with that withdrawal of consent; and
 - (c) within 10 days of the written notification under paragraph (a), the permit holder has not applied in writing to the local government under clause 2.10 to amend the permit to be consistent with that withdrawal of consent.
- (4) If the local government or an authorised officer cancels or suspends a permit under this clause –
 - (a) it is, as soon as practicable after the decision is made -
 - (i) to give the permit holder written notice of, and reasons for, the decision; and
 - (ii) to 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
 - (b) the cancellation or suspension takes effect from the date on which the permit holder is given the notice under subclause (4)(a)(i).
- (5) On the cancellation or suspension of a permit, subject to subclause (6), the permit holder is not entitled to any refund in respect of any fees paid in respect of the permit.
- (6) Where a permit is cancelled or suspended through no fault of the permit holder, the local government may refund to the permit holder all or part of the permit fee in respect of what would otherwise have been the balance of the term of the permit.
- (7) If a permit expires or is cancelled, the permit holder must —
 - (a) remove all furniture, equipment, structures and other things placed in the outdoor dining area; and
 - (b) reinstate the area to the satisfaction of the local government or an authorised person or pay the costs of that reinstatement.

2.15 Temporary removal of an outdoor eating area may be requested

- (1) A permit holder must, when requested to do so –

- (a) on reasonable grounds - by an authorised person or a member of the Police Force; or
- (b) in the event of an emergency or for the purposes of public safety – by an emergency services agency,

temporarily remove, in accordance with the request, all or any of the structures or furniture in or on the outdoor dining area.

- (2) The permit holder may replace the structures and furniture after being authorised by a person described in subclause (1)(a) or (b).

2.16 Production of permit

A permit holder must produce to an authorised person his or her permit immediately on being required to do so by an authorised person.

2.17 Permit limitation

A permit does not give the permit holder exclusive possession or use of the outdoor dining area to which it applies.

Part 3 - Objections and appeals

3.1 Application of Part 9 Division 1 of the Act

- (1) If the local government or an authorised person makes a decision –
 - (a) to grant an application for a permit;
 - (b) to vary, cancel or suspend a permit;
 - (c) to impose or amend a condition to which a permit is subject; or
 - (d) apply the proceeds of a bond, bank guarantee or other security under clause 4.3(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, the decision of the local government or an authorised person.

Part 4 - Enforcement

4.1 Direction of authorised person to be obeyed

- (1) A permit holder who is given a lawful direction by an authorised person or a member of the Police Force must comply with that direction.
- (2) A permit holder must not obstruct or hinder an authorised person in the performance of that person's functions.

4.2 Notice to repair damage to public place

- (1) Where any portion of a public place has been damaged, physically altered, or soiled as a result of the use of that public place as an outdoor dining area, the local government or an authorised person may, by written notice to the permit holder,

order the permit holder to repair or replace that portion of the public place to the satisfaction of the local government or an authorised person at the permit holder's cost.

- (2) In this clause, **permit holder** includes the person who was the permit holder when the portion of the public place was damaged, altered or soiled.

4.3 Local government may undertake requirements of notice

- (1) If a person fails to comply with a notice under clause 4.2, the local government or an authorised person may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.
- (2) To meet its costs incurred under this clause, the local government or an authorised person may apply the proceeds of any bond, bank guarantee or other security paid or provided as a condition of approval.
- (3) The liability of a permit holder to pay the local government's costs under this clause is not limited to any amount paid or provided under any bond, bank guarantee or other security as a condition of approval.

4.4 Removal and impounding of goods

Where an outdoor dining area is conducted without a permit or in contravention of a term or condition of a permit, any structure or furniture may be removed and impounded by an authorised person under regulation 29 of the Regulations.

4.5 Offences

- (1) A person who fails to do anything required 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) An offence against a clause specified in the Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is liable on 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 continues.

4.6 Infringement and infringement withdrawal notices

For the purposes of this local law -

- (a) the form of the infringement notice referred to in section 9.17 of the Act, is that of Form 2 in Schedule 1 of the Regulations; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

4.7 Offence and modified penalty

The amount appearing in the final column of the Schedule adjacent to a clause specified in in that Schedule is the modified penalty for that offence.

4.8 Authorised persons

Unless expressly stated otherwise by the local government, a person appointed by the local government to be an authorised person for the purposes of this local law is taken to have also been appointed by the local government to be an authorised person for the purposes of section 9.16 of the Act in relation to offences against this local law.

PROPOSED

SCHEDULE
CITY OF PERTH
OUTDOOR DINING LOCAL LAW 2019
OFFENCES AND MODIFIED PENALTIES

Item No	Clause No	Modified Penalty \$
1	2.1	300
2	2.7	100
3	2.9	100
4	2.14(6)	100
5	2.15	100
6	2.16	100
7	Other offences not specified	100

Dated - 2019

The Common Seal of the)
City of Perth was)
affixed by the authority of a)
resolution of the Council)
in the presence of-)

ERIC LUMSDEN
Chair of Commissioners.

Murray Jorgensen
Chief Executive Officer.

ITEM 13.14 – OUTDOOR DINING – POLICY AND GUIDELINES

FOR THE ORDINARY COUNCIL MEETING

18 DECEMBER 2018

TO BE CIRCULATED UNDER SEPARATE COVER

Report to the Ordinary Council Meeting

Agenda Item 13.15 **Point Fraser - Lease Issues – 25 (Lot 306) Riverside Drive Point Fraser, East Perth - City of Perth (Sub-Landlord) to City Foreshore Investments Pty Ltd as Trustee for the City Foreshore Development Trust (Sub-Tenant)**

Recommendation:***That Council:***

1. ***APPROVES the appointment of an independent arbitrator to resolve the dispute between the City of Perth and City Foreshore Investments Pty Ltd in accordance with Lease Clause 14.20 (Lot 306) Riverside Drive, Point Fraser, East Perth;***
2. ***APPROVES BY AN ABSOLUTE MAJORITY a three month trial with revised parking fees at Point Fraser Car Park:***
 - 2.1 ***6am - 6pm*** ***1 hour free with ticket, then \$2.50 per hour;***
 - 2.2 ***6pm - 6am*** ***\$5 flat rate after 6pm;***
3. ***APPROVES a new Car Park Management Plan for Point Fraser be developed taking into consideration the results of the external parking review and results of the trial; and***
4. ***APPROVES that the area known as the “overflow car park” be decommissioned as a car park.***

FILE REFERENCE:	P1026773
REPORTING UNIT:	Properties
RESPONSIBLE DIRECTORATE:	Construction and Maintenance
DATE:	12 December 2018
ATTACHMENT/S:	Confidential Attachment 13.15A – Fee Options <i>(Confidential Attachments are distributed to Commissioners under separate cover)</i>

Council Role:

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |

- Quasi-Judicial *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation	<i>Commercial Tenancies (Retail) Act 1985</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 7 - An open and engaged city Goal 8 - A city that delivers for its community
Policy	
Policy No and Name:	9.10 – Management of Leases 9.14 – Disposal of Property

Purpose and Background:

Point Fraser is classed as an A Class Reserve requiring approval of Parliament of Western Australia for any amendments to the purpose of the land. The A Class Reserve classification is generally used to protect areas of high conservation interest or significant community value.

Lease

The City of Perth holds a ground sub-lease with City Foreshore Investments Pty Ltd (CFI) dated 30 May 2012. This is enabled via a head-lease with the Minister for Lands.

The basis of the tenure is:

- Term of the head-lease - 21 years commencing 30 June 2012 with an Option for a further term of 21 years. Rent: \$1 p.a; and
- Term of the sub-lease - 21 years less 1 day commencing 30 June 2012 with an Option for a further term of 21 years less 1 day. Rent: To be advised based on market value.

Earlier this year CFI requested an extension from the City of four years to the current lease, however the advice from the Office of the Minister for Lands is to progress with a new 25 year lease rather than an extension. The City has recently engaged valuers and surveyors to prepare the commercial terms for the new lease.

Lease matters to consider

1. The current lease agreement was executed in 2011, yet the lease fixes the commencement date of the lease as 30 June 2012 with certain clauses to consider:

Clause 4.1 Rent. There is no fixed rent value, however, the lease sets the mechanism to determine the rent value which is via market rent valuation with yearly CPI increase. The rent must be paid from the Rent Commencement Date i.e. the day after practical completion of CFI's works according to the lease.

Clause 5.1 Rates and taxes. CFI must pay all rates and taxes to relevant authorities every year from the Lease Commencement Day.

Clauses 8.1 and 8.2 All repairs and maintenance including capital works of the leased premises have to be at CFI's expense.

Clauses 11.1 and 11.3 The City or its agents are entitled to enter the leased premises and perform works as required prior to notifying CFI in compliance with CFI's right to quiet enjoyment.

Clause 12 CFI cannot sublease the premises without written consent from the City. The procedure is identical if there is a change in the shareholding of CFI. So far, CFI has advised the City of the changes in the shareholding. Nonetheless, the City has not received a written proposal and consequently the City has not given written approval to the change in the shareholding.

Clause 14.15 The City reserves the right to provide access from the leased premises to adjacent land (i.e. tenants), to install structures and services from the leased premises to adjacent land and to provide easements to third parties for access purposes.

Clause 14.21 The parties agree that subsequent negotiations will occur: a) in good faith, and b) under the provisions of the Car Park Management Plan provided by City of Perth Parking (CPP).

The Car Park Management Plan section 4.3 states:

'The car park will operate as a long-stay and short stay parking facility until such time as the Point Fraser project is complete and the commercial complex is fully operational. At this time, parking needs will be reviewed to meet both community and commercial needs.

A fee structure suitable for the location will be established and advertised. The fee structure will be used as a tool to manage parking at the facility'.

There is no obligation for the City to provide certain number of bays nor a free parking scheme under the lease itself.

The City is required to consider the Car Park Management Plan and now that the site is fully operational and the external review is underway as to the appropriate pricing structure, the City will review the Car Park Management Plan for the Point Fraser site to be submitted to Council for endorsement in early 2019.

The Western Australian Planning Commission (WAPC) has to approve any Development Application as the land is unallocated Crown Land contained within the Metropolitan Region Scheme outside of the City of Perth's jurisdiction; yet the City provides input to WAPC.

2. WAPC approved the development in 2012 with 28 conditions including provision of public toilets within the development, environmental requirements and power given to the Swan River Trust and the City of Perth to enforce and supervise some of the conditions.
3. The City sent proposed new commercial terms based in part on the existing lease but normalising the extent of the encroachment in adjacent land. To note, the works that encroached onto adjacent land were conducted by CFI, not the City.

As it stands, there are three options:

- The area is left as is (2,200 sqm) and rent remains \$99,000 p.a;
- The area extends to the boundary of the Lot 306 (4,063 sqm) increasing rent to \$182,835 p.a; and
- The area extends to the encroachment on the other three adjacent lots (5,726 sqm) increasing rent to \$257,670 p.a.

Signage

CFI has proposed the City vary the design of the information contained on the pylon located on Riverside Drive road reserve. The ability to approve the installation of a new pylon sign proposed by CFI lies with the City of Perth, as the City has delegated authority from Main Roads WA (MRWA) for this approval.

Feedback from the City's Principal Statutory Planner is that there would need to be some changes made to the sign prior to it being approved. The structure also requires a Development Application and Building Permit be approved prior to commencement of work on the sign.

The City of Perth Design Review Group (DRG) has also made recommendations as follows:

Signage Content:

- There should be greater or increased references to the City's public recreation facilities at Point Fraser Reserve, including Point Fraser stormwater treatment wetland, playground including accessible swing and BBQ facilities; and
- The text size for the header 'Point Fraser' should be increased as it appears too minor given the overall size of the sign. Whilst space is limited there is potential for the double stacking of the words "Point Fraser", this would increase its prominence particularly when viewed from distance.

Sign Scale:

Whilst the existing sign is 6 metres in height and the proposed replacement sign includes a relatively minor increase of 500mm (main sign structure) to 1 metre (stainless steel post) it is considered that the scale of the sign is out of context with the surrounding area and should be reduced. The existing sign was not subject to any design review prior to its installation and if it were to be assessed then it is unlikely the 6 metre height would have been supported.

LED Parking Counter:

- The City's Transport Unit has recommended that the text colour used for the bay counter not be red, amber or green, therefore, some consideration of the most appropriate alternative is required; and
- MRWA have reviewed the proposal and advised they have no objection to the sign.

Overflow Car Park Area

In July 2018, the City informed CFI that it would be decommissioning the overflow area and it would not be available as an overflow car park. This is due to advice from the Department of Transport and environmental considerations on the Class A reserve site.

The City advises against asphaltting of the soft overflow area due to environmental significance and potential adverse impact.

The City's Parks Unit has also indicated that construction of a paved surface would result in significant damage to tree roots, which would further impact the balance of the ecosystem in Point Fraser.

The current design and significance allowed the Point Fraser development to win the National Award for Urban Design in 2005; and the WA Case Earth Award for Environmental Excellence in 2004. The City's current strategic view for the Point Fraser Reserve is that ongoing operations are expected to be carbon neutral, which contravenes the possibility of increasing the hardstand area.

The Point Fraser development is promoted as representing the City's commitment to innovation and sustainable development. The City conducts three university tours each year around the Point Fraser reserve to discuss the water sensitive urban design and water treatment wetland. Point Fraser is also used as a case study for successful habitat creation in an urban context.

Since 2016, the City has received correspondence from the Department of Transport (DoT) in relation to the *Perth Parking Management Act 1999* and Perth Parking Policy and parking on reserves for events. The DoT provided the following commentary on the use of overflow parking at Point Fraser in a letter to the City on 12 June 2018:

The Department of Transport would not support an application for special events parking for 'On the Point' patrons because hospitality events to be held at the location are unlikely to create a parking demand spike that cannot be accommodated by existing parking facilities in the vicinity and public transport provision.

Overall the Department notes that:

- *There is already a large supply of public parking within the vicinity of Point Fraser including the Point Fraser carpark, on street parking along Terrace Road and Plain Street and over 1,100 off-street public parking bays within a 600m radius of the site at Plain Street, Queens Gardens and Heirison Island.*
- *Within a one-kilometre radius of the site, parking is provided by Wilsons and Secure Parking at Bennett Street, Queens Riverside and Fortescue Centre.*
- *The location is well served by both public transport and active transport with a shared path network along the river foreshore and several highly-frequent bus services operating along Adelaide Terrace;*

Private parking providers consider event parking anti-competitive since they are required to pay a \$4.50 per work day levy on licensed bays to offer parking public parking facilities while 'overflow' parking is exempt from this fee. Previously, the Department of Transport has received a number of complaints when event parking has been provided and car park operators have licensed parking bays in the vicinity sitting vacant.

Parking Fees

The City has made a number of pricing adjustments for Point Fraser CPP car park recognising both the unique site and supporting CFI since On the Point opened.

- Prior to the development of On the Point, Point Fraser was seen as a long-term car park and parking fees were as follows:
 - Mon to Sun \$2.90 per hour
 - Mon to Fri \$12.20 – 10 hour maximum
 - Night rate \$8.40
 - Weekend and public holiday - \$10.10 – 10 hour maximum
- After the opening of the On the Point precinct, parking fees were changed at the request of CFI to encourage the turnover of bays which was aimed at discouraging city workers from parking at Point Fraser all day. The City also worked with CFI to encourage long term parkers to transition to Queens Gardens car park.
 - 6am - 6pm \$4 per hour
 - 6pm - 6am \$4 per hour to a maximum of \$12
- During consultations with CFI, upon the opening of On the Point, the City advised businesses that they had an obligation to be proactive in advising patrons of the limited parking during their booking process and via websites. To assist CFI with this the City created an infographic guide in March 2017 and provided text to be used on their websites. It was sent to the businesses at Point Fraser for distribution to their customers in the format they required.
- At its meeting held on **31 July 2018**, Council endorsed the reduction in fees for Point Fraser:
 - 6am – 6pm \$3 per hour - \$1 per hour – motorcycles
 - 6pm – 6am \$10 flat rate or \$3 per hour
\$3 flat rate or \$1 per hour – motorcycles

Following the CFI request for further pricing considerations at Point Fraser, two hours free and then \$2.50 per hour, the City considered a number of options listed below (financial impacts

outlined in Confidential Attachment 13.15A) as well as the data available which highlighted that nearly 50% of patrons spend between 1 - 2 hours at the site;

- Option 1: 1 hour free, then \$2.50 per hour and \$5 flat rate after 6pm.
- Option 2: \$2.50 per hour 6am - 6pm.
- Option 3: \$2 per hour 6am - 6pm.

The City proposes to conduct a three month trial running from the end of December 2018 until 30 March 2019. This trial period is proposed to provide support to On the Point businesses through the summer season whilst the City waits for the outcomes of the external review into parking to be presented and reviewed by the City. The City reserves its right to cease the trial period at any time during the three month period. Following the trial period, a review will be undertaken and the results and recommendations will be presented to Council as part of the revised Parking Management Plan.

Following approval of the trial the City will issue a public notice under Section 6.19 of the *Local Government Act 1995*:

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

Due to lead times for purchase of advertising media, it may take up to 10 business days from date of decision, before the new fee may be enacted.

Financial Implications:

The costs of representation are paid separately by each party. The costs of mediation and the payor are determined by the arbitrator. The financial implications related to parking operations is detailed in Confidential Attachment 13.15A.

CONFIDENTIAL ATTACHMENT 13.15A
ITEM 13.15 - POINT FRASER - LEASE ISSUES – 25 (LOT 306)
RIVERSIDE DRIVE POINT FRASER, EAST PERTH - CITY OF PERTH
(SUB-LANDLORD) TO CITY FORESHORE INVESTMENTS PTY LTD AS
TRUSTEE FOR THE CITY FORESHORE DEVELOPMENT TRUST (SUB-
TENANT)

FOR THE ORDINARY COUNCIL MEETING

18 DECEMBER 2018

DISTRIBUTED TO COMMISSIONERS UNDER SEPARATE COVER

Recommendation:

That Council REFUSES the applications dated 15 November 2018 by Deputy Lord Mayor Jemma Green for reimbursement of legal expenses.

FILE REFERENCE: P1011904
 REPORTING UNIT: Governance
 RESPONSIBLE DIRECTORATE: Office of the Chief Executive
 DATE: 10 December 2018
 ATTACHMENT/S: Attachment 13.16A - Council Policy 10.16 – Legal Representation for Members and Employees
 Confidential Attachment 13.16B – Applications for Legal Expenses Reimbursement
 Confidential Attachment 13.16C – Legal Opinion – Assessment of Application
(Confidential Attachments are distributed to Commissioners under separate cover)

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	Section 9.56 of the <i>Local Government Act 1995</i> Department of Local Government Operational Guidelines Number 14 - Legal Representation for Council Members and Employees
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 7 - An Open and Engaged City
Policy	
Policy No and Name:	10.16 – Legal Representation for Members and Employees

Purpose and Background:

On the 15 November 2018, two applications were received from suspended Deputy Lord Mayor Jemma Green for reimbursement of legal expenses in accordance with Council Policy 10.16.

Each application relates to complaints made against Deputy Lord Mayor Jemma Green to the Local Government Standards Panel (Standards Panel). One Application relates to SP 13 of 2018; the other relates to SP 15 of 2018. Both complaints were made on 22 February 2018. The Standards Panel delivered its finding and reasons for SP 13 of 2018 on 23 July 2018, and for SP 15 of 2018, on 3 September 2018. In both matters, the Standards Panel found that Deputy Lord Mayor Jemma Green did not commit the alleged minor breaches under the *Local Government (Rules of Conduct) Regulations 2007*.

In relation to SP 13 of 2018, Deputy Lord Mayor Jemma Green is seeking reimbursement of legal costs amounting to \$7,018. In relation to SP 15 of 2018, Deputy Lord Mayor Jemma Green is seeking reimbursement of legal costs amounting to \$7,137.35.

Details:

Section 9.56 of the *Local Government Act 1995* (the Act) provides protection from actions in tort for anything a council member or employee has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law.

Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district.

Section 6.7(2) of the Act provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions, a council can expend funds to provide legal representation for council members and employees, as long as it believes that the expenditure falls within the scope of the local government's function.

In accordance with Department of Local Government Operational Guidelines Number 14 - Legal Representation for Council Members and Employees, the City of Perth has established a

Council Policy (Refer to Attachment 13.16A) to determine the criteria for eligibility and handling of claims to assist with Legal Representation.

Deputy Lord Mayor Jemma Green submitted two applications for reimbursement of legal expenses which are detailed in Confidential Attachment 13.16B.

City of Perth Policy 10.16 - Legal Representation for Members and Employees establishes a number of criteria in order for a person to be eligible for reimbursement for legal expenses. The criteria and assessment are detailed below.

Criteria	Assessment
The legal representation costs must relate to a matter that arises from the performance, by the member or employee, of his or her functions as a member or employee.	This matter relates to Deputy Lord Mayor Jemma Green's conduct as an Elected Member.
The legal representation cost must be in respect of legal proceedings that have been, or may be, commenced.	<p>The policy defines as;</p> <p>"legal proceedings" may be civil, criminal <u>or</u> <u>investigative</u> (including an inquiry under any written law).</p> <p>A Standards Panel matter does not involve civil or criminal proceedings. The only possible application applicable criterion is that the proceedings were investigative.</p> <p>Standards Panel is not an investigative body, and it does not possess or exercise investigate functions, as outlined in the reasons for the decisions of the Standards Panel relating to Deputy Lord Mayor Jemma Green.</p> <p>On this basis, this criterion has not been satisfied.</p>
In performing his or her function, to which the legal representation relates, the member or employee in the Chief Executive Officer's, or where the employee is the Chief Executive Officer, the Council's opinion must have acted in good faith, and conduct under the City's Code of Conduct, Local Government (Rules of Conduct) Regulations 2007 or other written law	<p>As the matter does not relate to legal proceedings (above) this criteria has not been assessed.</p> <p>Standards Panel did not make any adverse findings in respect of the matters which were dealt with in the complaints.</p>

Criteria	Assessment
The legal representation costs do not relate to a matter or dispute in respect of a Local Government Election process.	<p>As the matter does not relate to legal proceedings (above) this criteria has not been assessed.</p> <p>The legal representation costs do not relate to a local government election process.</p>

Council, in respect of an application for payment of legal representation costs, may:

“5.1

(a) refuse the application;

(b) grant payment; or

(c) grant payment subject to conditions.”

Council has a broad discretion in determining what category of legal costs can be incurred by a Council Member or employee that may be paid by the local government.

Determination should be made on the principles of:

(a) a focus on transparency, including the justification and need for the proposed expenses;

(b) ensuring a clear nexus between expenses paid by the City and the functions of an Elected Member under the Act and *Local Government (Functions and General) Regulations 1996*; and

(c) ensuring appropriate mechanisms are in place to enable the appropriate expenditure of ratepayer funds and to ensure any costs are applied by way of a consistent and equitable process.

Applications for legal representation reimbursement as a result of matter before the Standards Panel have not previously been made or accepted. This is based on the role and performance of the Standards Panel, in that:

1. it does not allow oral evidence;
2. an Elected Member is not subject to cross examination and cannot be compelled to answer questions, or to provide evidence or to produce documents; and
3. an Elected Member is restricted to providing a written response to the complaint and providing written information relevant to the response.

Should Council determine that the application should be accepted despite the definitions within the Council Policy on “Legal Proceedings” then there remain other aspects of the applications that do not satisfy the requirement of the Council policy.

Application for Payment requirements (Clause 3)

Council Policy states that an Elected Member *“who seeks payment under this policy ... must ... so far as possible ... make the application in paragraph (a) before seeking the legal representation to which the application relates.”*

Circumstances which restrict an Elected Member from making an application before seeking legal representation have been considered for previous applications such as where an individual is restricted by an order/notice by the Corruption and Crime Commission and is prohibited or restricted from speaking to a third party. No circumstances of this type are applicable in respect to Standards Panel matters.

Council Powers (Clause 5)

One of the reasons for the requirement for an applicant *‘so far as possible, to make the application ... before seeking the legal representation to which the application relates’* is set out in clause 5.4 of the Council Policy which states -

“In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant or to the City under the City’s member or employee insurance policy”

Because Deputy Lord Mayor Jemma Green did not make the applications before seeking the legal representation to which the applications relate, the City has lost its ability to seek to have the reimbursement of legal expenses paid under the City’s insurance policy – which would have limited the expenditure of public funds to the amount of the insurance excess.

Financial Implications:

The total amount sought to be reimbursed by this claim is \$14,155.35 (including GST).

Comments:

It is recommended that the application be refused as it does not meet the criteria and requirements of Council Policy ‘10.16 – Legal Representations for Elected Members and Employees’.

The legal costs incurred by a Council Member in relation to a Standards Panel Matter are not ‘legal representation costs’ for which payment may or should be made under CP 10.16.



Council Policy Manual

CP10.16 Legal Representation for Members and Employees

POLICY OBJECTIVE

The objective of this policy is to provide a framework and guidelines to assist the Council in determining when the City should provide financial assistance to members and employees for legal representation.

POLICY STATEMENT

Under the *Local Government Act 1995*, the City of Perth is empowered to protect the interests of individual members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In these situations the City may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In this policy:-

“approved solicitor” is to be:-

- a) An Australian legal practitioner under the *Legal Profession Act 2008*; and
- b) approved in writing by the Chief Executive Officer;

“member or employee” means a current or former, Elected Member, a commissioner, a member of a Committee of Council or an employee of the City;

“legal proceedings” may be civil, criminal or investigative (including an inquiry under any written law);

“legal representation” is the provision of legal services, to or on behalf of a member or employee, by an approved solicitor that are in respect of:-

- a) a matter or matters arising from the performance of the functions of the member or employee; and
- b) legal proceedings involving the member or employee that have been, or may be, commenced;



Council Policy Manual

CP10.16 Legal Representations for Members and Employees

“legal representation costs” are the costs, including fees and disbursements, properly incurred in providing legal representation;

“legal services” includes advice, representation or documentation that is provided by an approved solicitor;

“payment” by the City of legal representation costs may be either by:-

- a) a direct payment to the approved solicitor (or the relevant firm); or
- b) a reimbursement to the member or employee.

1. FINANCIAL ASSISTANCE CRITERIA

1.1 The City may provide financial assistance for legal representation of a member or employee based on the following criteria:-

- (a) the legal representation costs must relate to a matter that arises from the performance, by the member or employee, of his or her functions as a member or employee;
- (b) the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
- (c) in performing his or her function, to which the legal representation relates, the member or employee, in the opinion of the Chief Executive Officer (or where the employee is the Chief Executive Officer, in the opinion of the Council) must have acted reasonably, in good faith, and consistently with the City’s Code of Conduct, *Local Government (Rules of Conduct) Regulations 2007* (in the case of an Elected Member) and other written laws; and
- (d) the legal representation costs do not relate to a matter or dispute in respect of a local government election.

2. EXAMPLES OF LEGAL PROCEEDINGS

2.1 If the criteria in clause 1 are satisfied, the Council may approve the payment of legal representation costs:-



Council Policy Manual

CP10.16 Legal Representations for Members and Employees

- (a) where proceedings are brought against a member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the member or employee;
 - (b) where proceedings are commenced by a member or employee to enable them to carry out their local government functions - for example, where a member or employee seeks a restraining order against a person using threatening behaviour to the member or employee; or
 - (c) for involvement in a statutory or other inquiry that requires information to be given, or to which information is given, by a member or employee in connection with his or her functions.
- 2.2 The City will not make payment for legal representation costs to a member or employee for a defamation or negligence action, instituted by the member or employee.

3. Application For Payment

- 3.1 A member or employee who seeks payment under this policy:-
- (a) must make an application in writing, to the CEO (unless the CEO is the applicant, in which case the application is to be submitted to the Director Corporate Services) with the following details:-
 - (i) the matter for which legal representation is sought;
 - (ii) how that matter relates to the functions of the member or employee making the application;
 - (iii) the solicitor (or firm) who is to be asked to provide legal representation;
 - (iv) the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
 - (v) the estimated cost (if known) of the legal representation; and
 - (vi) why it is in the interests of the City for payment to be made; and



Council Policy Manual

CP10.16 Legal Representations for Members and Employees

- (b) so far as possible, to make the application in paragraph (a) before seeking the legal representation to which the application relates.

3.2 The application must be accompanied by a signed declaration by the relevant member or employee that he or she:-

- (a) has read, and understands, the terms of this Policy;
- (b) has acted reasonably and in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates;
- (c) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clauses 5.7 and 7 and any other conditions to which the approval is subject; and
- (d) undertakes to repay to the City any legal representation costs in accordance with the provisions of clauses 5.7 and 7, as may be required by the City and the terms of this Policy.

3.3 Once an application is received in accordance with this Policy a report is to be prepared by the CEO (or, where the CEO is the applicant, the Director Corporate Services) containing details of the application, an assessment of the request, an estimate of costs and a recommendation for consideration by the Council.

4. Legal Representation Costs – Limit

4.1 Unless otherwise determined by the Council, payment of legal representation costs in respect of a single application is not to exceed \$10,000.

4.2 A member or employee may make one or more additional applications to the Council in respect of the same matter.

5. Council's Powers

5.1 The Council, in respect of an application for payment of legal representation costs, may:-

- (a) refuse the application;
- (b) approve payment; or



Council Policy Manual

CP10.16 Legal Representations for Members and Employees

- (c) approve payment subject to conditions.
- 5.2 Conditions under clause 5.1 may include, but are not limited to:-
 - (a) a financial limit; and
 - (b) a requirement to enter into a security deed in accordance with clause 5.3.
- 5.3 A member or employee in respect of whom payment of legal representation that exceed or may exceed \$5,000 has been approved must execute a security deed, prepared by the City, which sets out the terms and conditions on which the assistance is offered, including any repayment requirements under clauses 5.7 and 7.
- 5.4 In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant or to the City under the City's member or employee insurance policy (or its equivalent).
- 5.5 The Council may, cancel or vary an approval, or any conditions of approval, for the payment of legal representation costs.
- 5.6 The Council may determine that a member or employee in respect of whom payment of legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:-
 - (a) not acted reasonably or in good faith; or
 - (b) given false or misleading information in respect of the application.
- 5.7 Where the Council makes a determination under clause 5.6 or where a court, tribunal, inquiry or other body finds that a member or employee has acted unlawfully or in a way that constitutes misconduct:-
 - (a) no further payments of legal representation costs are to be made; and
 - (b) the legal representation costs paid by the City must be repaid by the member or employee in accordance with clause 7.
- 5.8 Where the Council resolves to cancel or vary an approval under clause 5.5, but no determination has been made under clause 5.6: -



Council Policy Manual

CP10.16 Legal Representations for Members and Employees

- (a) the member or employee is to be notified as soon as possible of the decision; and
- (b) subject to clauses 5.7 and 7, the member or employee is not required to bear the cost of or to refund, any legal representation costs incurred prior to notification as long as those costs were incurred in accordance with the prior approval.

5.9 Nothing in clause 5.8 prevents a later determination being made under clause 5.6 that requires repayment under clause 5.7 or clause 7.

6. Chief Executive Officer's Powers

- 6.1 Where a delay in the approval of an application would be detrimental to the applicant, the CEO, subject to clause 6.2, may exercise, on behalf of the Council, any of the powers of the Council under clause 5.1 and 5.2, below \$5,000 in respect of each application.
- 6.2 For the purposes of clause 6.1, an application from the CEO is to be dealt with by the Director Corporate Services.
- 6.3 An application approved by the CEO under clause 6.1, or by the Director Corporate Services under clause 6.2 is to be submitted to the next Ordinary Meeting of the Council which may exercise any of its powers under this Policy, including its powers under clause 5.5.

7. Repayment of Legal Representation Costs

- 7.1 A member or employee whose legal representation costs have been paid by the City must repay the City:-
 - (a) all or part of those costs – in accordance with any determination by the Council under clause 5.6; or
 - (b) as much of those costs as are available to be paid by way of set-off – where the member or employee receives, or is entitled to receive, money paid by way of costs, damages, or settlement, in respect of the matter for which the City paid the legal representation costs.



Council Policy Manual

CP10.16 Legal Representations for Members and Employees

- 7.2 The City may take action in a court of competent jurisdiction to recover any money due to it under this Policy.

Document Control Box							
Document Responsibilities:							
Custodian:	Manager Governance			Custodian Unit:	Governance		
Decision Maker:	Council						
Compliance Requirements:							
Legislation:	Sections 3.1 and 6.7(2) of the <i>Local Government Act 1995</i>						
Industry:							
Organisational:	Security deed (TRIM 228961/16)						
Document Management:							
Risk Rating:	Medium	Review Frequency:	Two years	Next Due:	2018	TRIM Ref:	75522/04
Version #	Decision Reference:		Synopsis:				
1.	OCM 15/07/08 (727/08)		Original				
2.	OCM 01/02/11(33/11)		Amended.				
3.	OCM 13/12/16 (199/16)		Amended				

CONFIDENTIAL ATTACHMENT 13.16B AND 13.16C
ITEM 13.16 - REQUEST FOR REIMBURSEMENT OF LEGAL EXPENSES
– DEPUTY LORD MAYOR JEMMA GREEN

FOR THE ORDINARY COUNCIL MEETING

18 DECEMBER 2018

DISTRIBUTED TO COMMISSIONERS UNDER SEPARATE COVER

**ITEM 13.17 - FINANCIAL STATEMENTS AND FINANCIAL ACTIVITY
STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2018**

FOR THE ORDINARY COUNCIL MEETING

18 DECEMBER 2018

TO BE CIRCULATED UNDER SEPARATE COVER

Agenda **Annual Report and Audited Financial Statements for the Year**
Item 13.18 **Ended 30 June 2018**

Recommendations:

That Council in accordance with Section 5.54(1) of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY the Annual Report, attached as Attachment 13.18A, which is inclusive of the Audited Financial Statements for the year ended 30 June 2018.

The Committee recommendation to Council for this report was resolved by the Special Audit and Risk Committee at its meeting held on 10 December 2018.

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

FILE REFERENCE:	P1000838-6
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	5 December 2018
ATTACHMENTS:	Attachment 13.18A – Annual Report <i>(To be circulated under separate cover)</i> Attachment 13.18B – Financial Statements for the Year Ended 30 June 2018 <i>(To be circulated under separate cover)</i> Attachment 13.18C – Grant Thornton Client Representation Letter Attachment 13.18D – Office of the Auditor General Management Representation Letter Attachment 13.18E – Office of the Auditor General Management Representation Letter Appendix Attachment 13.18F – Grant Thornton Audit Findings Report

Council Role:

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |

- Quasi-Judicial *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

Purpose and Background:

Section 5.54(1) of the *Local Government Act 1995* (Act) requires the Annual Report for the financial year ended 30 June 2018, be accepted by Council no later than 31 December 2018.

The Financial Statements for the year ended 30 June 2018 have been audited and will be signed by the City's CEO and the Auditor General subsequent to the Audit and Risk Committee meeting to be held on 10 December 2018.

Section 5.53 (2) of the Act prescribes that the following information must be included in the Annual Report:

- “(a) a report from the Mayor or President;*
(b) a report from the CEO;
(c) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
(d) the financial report for the financial year.
(e) such information as may be prescribed in relation to the payments made to employees;
(f) the auditor's report for the financial year;
(ga) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
(gb) details of entries made under section 5.121 during the financial year in the register of complaints, including -
(i) the number of complaints recorded in the register of complaints;
(ii) how the recorded complaints were dealt with;
(iii) any other details that the regulations may require; and
(iv) such other information as may be prescribed.”

The information contained in Attachment 13.18A addresses all the details required for a Local Government's Annual Report.

Legislation / Strategic Plan / Policy:

Legislation	Section 6.4 of the <i>Local Government Act 1995</i> Regulation 36 of the <i>Local Government (Financial Management) Regulations 1996</i> Regulations 9 and 10 of the <i>Local Government (Audit) Regulations 1996</i> Principle 6 of the State Records Principles and Standards 2002
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 8 - A city that delivers for its community
Policy	
Policy No and Name:	N/A

Details:

The Financial Statements (refer to Attachment 13.18A) address all statutory financial requirements imposed on the City and comply with the Australian Accounting Standards.

The Annual Report is an important document through which the City communicates with its stakeholders, notes its achievement during the preceding financial year and sets out its vision for the future. The document includes the Annual Financial Statements, other required statutory information and additional information to enable stakeholders to assess the financial health of the City.

The net result prior to changes to the revaluation of assets was a surplus of \$24.3 million. This compares with a budget of \$5.4 million.

Revenue

- Rates collected are \$0.2 million above the original budget due to higher than forecast interim rates; and
- Fees and charges are \$3.2 million above budget mainly due to parking revenue being above budget.

Expenditure

- Employee costs were in line with budget for the year;
- Materials and contracts are \$1.3 million below the original budget. Savings were achieved in property maintenance, consultancy, other professional fees and security costs; and
- Depreciation and amortisation is \$1.2 million above the original budget. Higher asset additions including contributed assets are the reason for this variance.

Significant Items

- Assets totalling \$6.8 million were transferred to the City from external parties during the year. The majority of these contributed assets were transferred from the Metropolitan Redevelopment Authority (MRA);
- The City's share of profit of land sold by the Tamala Park Regional Council (TPRC) was \$0.6 million;
- The City engaged an external valuer to assess its investment in agricultural assets (three tree plantations). The valuer determined that the plantations had no value, resulting in a write off of \$0.8 million;
- The City purchased Air Rights over the City Station Complex in 1987. It has been determined that these rights were subsumed back into the land prior to the redevelopment of the complex. The Air Rights purchased for \$2.0 million have therefore been written off;
- The provision for the replacement of assets at the Perth Convention and Exhibition Centre carpark was extinguished resulting in a write off of \$4.6 million as it was deemed to be no longer required (ie. covered by the relevant reserve account); and
- Infrastructure assets were revalued following a thorough review of unit rates which were validated by an independent quantity surveyor Rawlinsons. This resulted in a net reduction in asset value of \$136.6 million mainly due to changes in the value of earthworks which was previously overstated compared to industry benchmarks.

Balance Sheet

- Current assets increased by \$5.2 million as a result of an increase in net cashflow;
- Non-current assets have decreased by \$127.7 million due mainly to the revaluation of infrastructure assets;
- Trade creditors increased slightly by \$0.2 million;
- Non-current loans fell by \$5.1 million due to principal repayments with no new loans drawn down;
- The total liability for employee benefits increased by \$0.5 million to \$12.6 million at 30 June 2018;
- The Accumulated Surplus increased by \$16.2 million due mainly to the net surplus from operations; and
- The Asset Revaluation Reserve decreased by \$135.7 million due to the revaluation of infrastructure assets. Other reserves increased by \$7.2 million.

Net Cash Flow was positive \$4.7 million over the year. Operating activities generated \$48.0 million, capital expenditure on fixed assets was \$40.2 million net of disposal proceeds, \$6.4 million of loan principal was repaid and \$5.6 million of grants were received.

Reconciliation of Actual Results to Budget (On a Cash Basis)

The following table shows a reconciliation of the differences between the Actual and Budgeted results for 2017/18 on a cash basis. The movement in Balance Sheet accounts is an estimate as the City does not prepare a full balance sheet as part of the budgeting process.

	\$m
Increase in Net Result (excluding non-cash items)	7.9
Underspend in Capital Expenditure (net of asset sale proceeds)	19.4
	27.3
Represented by	
Increase in Cash Backed Reserves	18.5
Movement in Balance Sheet Accounts including Cash	8.8
	27.3

Audit Issues

No significant items were raised in the audit management letter and management is responding to all items raised.

Financial Implications:

This report and the financial statements demonstrate the sound financial position of the City at 30 June 2018.

Comments:

The City's financial position remains strong with the positive operating result for the year.

ATTACHMENT 13.18A
ITEM 13.18 - ANNUAL REPORT AND AUDITED FINANCIAL
STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018

FOR THE ORDINARY COUNCIL MEETING

18 DECEMBER 2018

TO BE CIRCULATED UNDER SEPARATE COVER

ATTACHMENT 13.18B
ITEM 13.18 - ANNUAL REPORT AND AUDITED FINANCIAL
STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018

FOR THE ORDINARY COUNCIL MEETING

18 DECEMBER 2018

TO BE CIRCULATED UNDER SEPARATE COVER

Patrick Warr
Grant Thornton Audit Pty Ltd
Central Park, Level 43
152-158 St Georges Terrace
Perth WA 6000

Correspondence to:
PO Box 7757
Cloisters Square
Perth WA 6850

Dear Patrick,

Audit for the year ended 30 June 2018

This representation letter is provided in connection with your audit of the financial report of City of Perth (“Entity”) for the financial year ended 30 June 2018, for the purpose of you expressing an opinion as to whether the financial report is, in all material respects, in accordance with the Local Government Act 1995 (the Act) and the Local Government (Financial Management) Regulations 1996, including:

- giving a true and fair view of the entity’s financial position as at 30 June 2018 and of its performance for the year ended on that date;
- complying with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (the Act) and the Local Government (Financial Management) Regulations 1996; and;
- presented fairly in accordance with the Australian Accounting Standards including the Australian Accounting Interpretations and other relevant legislation.

presented fairly in accordance with the Australian Accounting Standards including the Australian Accounting Interpretations and other relevant legislation.

We acknowledge our responsibility for ensuring that the financial report is in accordance with Accounting Standards (including Australian Accounting Interpretations), International Financial Reporting Standards as disclosed in the financial report and the Local Government Act 1995 (the Act) and the Local Government (Financial Management) Regulations 1996 and confirm that the financial report is free of material misstatement, including omissions and that we have approved the financial report.

We understand that your examination was made in accordance with Australian Auditing Standards and was, therefore, designed primarily for the purpose of expressing an opinion on the financial report of City of Perth taken as a whole, and that your tests of the accounting

records and other auditing procedures were limited to those which you considered necessary for that purpose.

We confirm, to the best of our knowledge and belief, the following representations made to you during your audit:

General

- 1 We have made available to you:
 - a all financial records and related data, other information, explanations and assistance necessary for the conduct of the audit; and
 - b minutes of all meetings of the Council and the Audit and Risk Committee.
- 2 There are no material transactions that have not been properly recorded in the accounting records underlying the financial report.
- 3 We confirm that there have been no changes to the accounting policies applied in the previous annual financial report or the methods used in applying them, other than those disclosed in the financial report.
- 4 We have established and maintained adequate internal control to facilitate the preparation of a reliable financial report, and adequate financial records have been properly maintained.
- 5 We have no plans or intentions that may materially affect the carrying values, or classifications of assets and liabilities.
- 6 We confirm the appropriateness of the measurement of accounting estimates, including related assumptions, used in the preparation of the financial report and the consistency in application of the processes.
- 7 The following have been properly recorded or disclosed in the financial report
 - a share options, warrants, conversion or other requirements;
 - b arrangements involving restrictions on cash balances, compensating balances and line of credit or similar arrangements; and
 - c agreements to repurchase assets previously disposed.
- 8 We confirm the reasonableness of significant assumptions, including whether they appropriately reflect management's intention and ability to carry out specific courses of action on behalf of City of Perth where relevant to the fair value measurement or disclosures.

- 9 Other than as disclosed to you, there have been no:
- a irregularities involving management or employees who have significant roles in the system of internal control structure;
 - b irregularities involving other employees, that could have a material effect on the financial report;
 - c communications from regulatory agencies concerning non-compliance with, or deficiencies in, financial reporting practices that could have a material effect on the financial report; or
 - d known actual or possible non-compliance with laws and regulations.
- 10 Details have been furnished to you about all material contracts that may affect the financial report for the year ended 30 June 2018 or that have become effective since that date.
- 11 We are not aware of any pending litigation involving the Entity other than the matters disclosed in the financial report.
- 12 All contingent liabilities have been provided for or noted in the financial report.
- 13 There were no material commitments for goods or services or purchase commitments in excess of normal requirements or at prices in excess of the prevailing market prices at year end, other than disclosed in the financial report.
- 14 There were no material commitments for construction or acquisition of property, plant and equipment or to acquire other non-current assets, such as investments or intangibles, other than those disclosed in the financial report.

Capital management

- 15 All disclosures in the financial report in respect of capital management processes reflect actual processes in place during the reporting period.

Events subsequent to balance date

- 16 No events, other than those disclosed in the financial report, have occurred subsequent to the balance sheet date or are pending that would require adjustment to, or disclosure in, the financial report or amendments to significant assumptions used in the preparation of the accounting estimates.

Fraud and error

- 17 We have disclosed to you:
- a the results of our assessment of the risk that the financial report may be materially misstated as a result of fraud.
 - b our knowledge of fraud or suspected fraud affecting the entity involving:

- i management
 - ii employees who have significant roles in internal control
 - iii others where the fraud could have a material effect in the financial report
- c our knowledge of any allegations of fraud or suspected fraud, affecting City of Perth's financial report communicated to us by employees, former employees, analysts, regulators or others.
- 18 We acknowledge our responsibility for the design and implementation of internal control to prevent and detect fraud and error.

Assets

- 19 City of Perth has satisfactory title to all assets, and there are no liens or encumbrances on such assets that have not been disclosed nor has any asset been pledged as collateral.
- 20 For assets carried at fair value, we have assessed fair value in accordance with the applicable requirements of *AASB 116 Property, Plant and Equipment*, *AASB 138 Intangible Assets*, *AASB 13 Fair Value Measurement* and *AASB 139 Financial Instruments: Recognition and Measurement*.
- 21 We confirm that the contributed assets is reported for all such assets and that these were transferred at fair value.

Impairment of assets

- 22 We have considered the requirements of *AASB 136 Impairment of Assets* when assessing the carrying amount of assets and in ensuring that no assets are stated in excess of their recoverable amount.
- 23 Where available-for-sale financial assets have suffered a significant or prolonged decline in the fair value below initial cost then the amount of the impairment has been taken to the income statement.

Property, plant and equipment

- 24 During the year all additions to property, plant and equipment represented the cost of additional assets, or additions and improvements to existing assets, and no material items of capital expenditure were written off against profits.
- 25 Rates of depreciation applied to reduce book values of individual assets to their estimated residual values, reflect the probable useful lives of those assets to City of Perth.
- 26 The City of Perth has no "make good" obligations in respect of its property, plant and equipment for which it would be required to make a restorative provision under *AASB*

137 Provisions, Contingent Liability and Contingent Assets which have not been included in the financial report.

- 27 We confirm that the reported amount of Work in Progress of \$49 million represents expenditure that will be capitalised as it has a future economic benefit to the City.

Inventory

- 28 Inventories in the balance sheet comprise the whole of the Entity inventories and work in progress wherever situated and stocks held on consignment from or on behalf of other parties have been excluded.

- 29 We have made provision for all expected future losses on contracts entered into at the reporting date, based on estimated costs to complete, including appropriate overhead expenditure.

- 30 Full provision has been made in respect of all defective, obsolete or slow moving inventory.

Receivables

- 31 Balances owing by trade and other debtors at balance date are valid receivables and do not include charges for goods on consignment, approval or repurchase agreements.

- 32 All known bad debts have been written off and the provision for doubtful debts in our opinion is adequate and has been calculated in accordance with the requirements of *AASB 139 Financial Instruments: Recognition and Measurement*.

Insurance

- 33 All assets and insurable risks of the Entity are adequately covered by insurance.

Financial assets

- 34 The sensitivity analysis disclosed in the financial report for foreign exchange risk, interest rate risk and other price risk are all based upon reasonably possible fluctuations in currencies, interest rates and prices for the period until the next annual financial report is expected to be signed.

- 35 All quantitative disclosures in the financial report relating to risk exposures in respect of financial instruments at reporting date are representative of exposures during the financial year.

- 36 All concentrations of credit risk, liquidity risk and market risk (including currency risk, interest rate risk and other price risk) have been properly disclosed in the financial report.

- 37 Disclosures relating to processes for managing risk in relation to financial instruments reflect actual processes in place during the reporting period.

- 38 All information regarding transactions involving trading with derivatives has been made available to you. All derivatives have been marked to market at the year end and recorded at this value in the financial report.
- 39 We confirm that the reported amount of the Mortgage Backed Securities represents the market value of these investments.

Liabilities

- 40 All material liabilities at the balance sheet date have been taken up in the books of account, including the liability for all purchases to which title has passed prior to the balance date, and for all items included in inventory.
- 41 We have disclosed the existence of any loans approved but not drawn down at the reporting date.
- 42 No asset of the City of Perth has been pledged as security for any liability, except as disclosed in the financial report.
- 43 All amounts of capital repayment and interest due to be paid to lenders during the reporting period were made on time, in accordance with provision of the loan agreement, except as disclosed in the financial report.
- 44 There are no financial guarantee contracts in place to third parties which could be called upon in the event of a default, other than those disclosed in the financial report.

Bank facilities

- 45 We confirm that we complied with the terms and conditions of the bank facilities agreement including that we have not breached any reportable covenants contained within the agreement.
- 46 We consider the classification of the loan liability between current and non-current is appropriate.

Taxation

- 47 Adequate amounts have been accrued for all local and foreign taxes on income including amounts applicable to prior years not finally settled and paid.
- 48 We confirm there are no disputes with any taxation authorities whose effects should be considered for disclosure in the financial report or as a basis for recording an expense.

Related parties

- 49 All details of related party transactions and related amounts receivable or payable, including sales, purchases, loans, transfers, leasing arrangements and guarantees (written or oral), have been correctly recorded in the accounting records and have been properly disclosed in the Entity's financial report or notes thereto, where required by statute, the

Australian Accounting Standards, or where such disclosure is necessary for the true and fair presentation of the Entity's financial report.

- 50 We confirm that there are no related party transactions that are required to be disclosed pursuant to AASB124 Related Party Disclosures including the Lord Mayor, Councillors and Key Management Personnel.

Ratios

- 51 All ratios presented within the financial statements have either been produced on historic data which is disclosed within the financial statements or based on management's best estimate of future income and expenditure based on past performance.
- 52 We confirm that the estimates used in determining the asset ratios have been reviewed for accuracy and consistency and are management's best estimate of the current and future value of the inputs. Further, we confirm that the amounts used in the Long-Term Financial Plan and Asset Management Plan are based on approved forecasts.

Revenue

- 53 Revenue has been recognised in accordance with AASB 118, and where applicable, our assessment of the percentage completion accurately reflects the status of the project in accordance with project milestones.

Electronic presentation of audited financial report

- 54 If we publish the financial report on our website, we acknowledge that:
- we are responsible for the electronic presentation of the financial report;
 - we will ensure that the electronic version of the audited financial report and the auditor's report on the web site are identical to the final signed hard copy version;
 - we will clearly differentiate between audited and unaudited information in the construction of the City of Perth's web site as we understand the risk of potential misrepresentation;
 - we have assessed the controls over the security and integrity of the data on the web site and that adequate procedures are in place to ensure the integrity of the information published; and
 - we will only present the auditor's report where the full financial report is published on the website.

Going concern

- 55 We have made an assessment of the City of Perth's ability to continue as a going concern when preparing the financial report. We are not aware of any material

uncertainties related to events or conditions that may cast significant doubt upon the City of Perth’s ability to continue as a going concern.

Legal matters

56 There were no legal matters pending or undertaken during, or at the end of, the reporting period, and no un-asserted claims or assessments that our lawyer has advised us are probable of assertion which could give rise to a liability or which requires disclosure in the financial report.

Audit adjustments

57 We acknowledge that:

- a. uncorrected misstatements have been brought to our attention by the auditor.
- b. we have considered the effect of any uncorrected misstatements, aggregated during and pertaining to the latest period, on the financial report and consider the misstatements are immaterial individually and in aggregate to the financial report taken as a whole; and
- c. a summary of uncorrected misstatements has been attached to this letter.

Yours sincerely

City of Perth

Name: _____

Title: _____

Name: _____

Title: _____

Dated this day of



Evaluation of PAJEs - City of Perth

JE No.	Account Description	Amount DR(CR)	Assets	Liabilities	Equity	Income Effect
1	Net Share of Interest in Mindarie Regional Council	(2,643,734)			2,643,734	2,643,734
1	Equity Tamala Park Regional Council	151,031	151,031			
1	Net Share of Interest in Local Government House	(144,668)			144,668	144,668
1	Equity Mindarie Regional Council	5,208,591	5,208,591			
1	Investment Local Government House	144,668	144,668			
1	Net Share of Interest in Tamala Park Regional Council	(151,031)			151,031	151,031
1	Revaluation Reserve - Mindarie Regional Council	(2,564,857)			2,564,857	
	To bring equity investments to fair value at year end.					
	Total Passed Adjustments		5,504,290	-	5,504,290	2,939,433
	Total Rpt Bal, before PAJEs		1,310,225,859	56,929,604	1,253,296,255	(112,260,895)
	Effect of PAJEs on Total Rpt Bal		0.4%	0.0%	0.4%	-2.6%

Our Ref:
Your Ref:

Ms Caroline Spencer
Auditor General
Office of the Auditor General
7th Floor, Albert Facey House
469 Wellington Street
PERTH WA 6000

Dear Ms Spencer

**REPRESENTATION LETTER IN RESPECT OF THE CITY OF PERTH'S ANNUAL
FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2018**

This representation letter is provided in connection with your audit of the City of Perth's annual financial report for the year ended 30 June 2018 for the purpose of expressing an opinion as to whether the annual financial report is fairly presented in accordance with the *Local Government Act 1995* (the Act), the *Local Government (Financial Management) Regulations 1996* and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.

We submit the following representations for the year ended 30 June 2018 after making appropriate enquiries and according to the best of our knowledge and belief. This representation covers all material items in each of the categories listed below.

1. GENERAL

- (a) We have fulfilled our responsibilities for the preparation and fair presentation of the annual financial report in accordance with the *Local Government Act 1995* (the Act), the *Local Government (Financial Management) Regulations 1996* and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.
- (b) We have advised your auditors of all material contentious methods used in the presentation of the financial report.
- (c) There have been no changes in accounting policies or application of those policies that would have a material effect on the financial report, except as disclosed in Note 1 to the financial report.
- (d) The prior period comparative information in the financial report has not been restated except as disclosed in the Statement of Cash Flows and Note 27 Financial Ratios to the financial report.
- (e) Significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable. We confirm the disclosures related to accounting estimates are complete and appropriate.

- (f) We have established and maintained an adequate internal control structure and adequate financial records as we have determined are necessary to facilitate the preparation of the financial report that is free from material misstatement, whether due to fraud or error.
- (g) We have provided your auditors with
 - (i) Access to all information of which we are aware that is relevant to the preparation of the financial report, such as records, documentation and other matters.
 - (ii) Additional information that your auditors have requested for the purpose of the audit.
 - (iii) Unrestricted access to persons within the City from whom your auditors determined it necessary to obtain audit evidence.
- (h) All transactions have been recorded in the accounting and other records and are reflected in the financial report.
- (i) All internal audit reports and reports resulting from other management reviews, including legal issues and legal opinions which have the capacity to be relevant to the fair presentation of the financial report including, where relevant, minutes of meetings, have been brought to your auditors' attention and made available to them.
- (j) We have advised your auditors of all known instances of non-compliance or suspected non-compliance with laws and regulations whose effects should be considered when preparing the financial report.
- (k) We have provided to your auditors the results of our assessment of the risk that the financial report may be materially misstated as a result of fraud.
- (l) No frauds or suspected frauds affecting the City involving:
 - (i) Management;
 - (ii) Employees who have significant roles in internal control; or
 - (iii) Others where the fraud could have a material effect on the financial reporthave occurred to the knowledge of management of the City.
- (m) To our knowledge no allegations of fraud or suspected fraud affecting the City's financial report has been communicated to us by employees, former employees, analysts, regulators or others.
- (n) We have disclosed to your auditors all known actual or possible litigation and claims whose effects should be considered when preparing the financial report, and they have been accounted for and disclosed in accordance with Australian Accounting Standards.

2. FAIR VALUE MEASUREMENTS AND DISCLOSURES

We confirm that where assets and liabilities are recorded at fair value, the value attributed to these assets and liabilities is the fair value.

We confirm that the carrying amount of each physical non-current asset does not materially differ from its fair value at the end of the reporting period. Significant fair value assumptions, including those with high estimation uncertainty, are reasonable.

We confirm the measurement methods, including related assumptions, used by management in determining fair values are appropriate and have been consistently applied.

We confirm that the fair value disclosures in the financial report are complete and appropriate.

3. GOING CONCERN

We confirm that the going concern basis of accounting is appropriate for the annual financial report.

4. CONTINGENT LIABILITIES

There are no material contingent liabilities at year end that have not been completely and adequately disclosed in the Notes to the financial report.

5. COMMITMENTS FOR CAPITAL AND OTHER EXPENDITURE

Other than those commitments reported in the Notes to the financial report, there were no significant commitments for capital or other expenditure contracts carrying over at year end.

6. FINANCIAL LIABILITY FOR CONTAMINATED SITES

We are aware of our obligations under the *Contaminated Sites Act 2003* and have reported to the Department of Water and Environmental Regulation, all land owned, vested or leased by the City that is known to be, or is suspected of being, contaminated. All actual liabilities or contingent liabilities, if any, have been recognised and/or disclosed in the financial report as appropriate.

7. RELATED ENTITIES

We acknowledge our responsibility under section 17(1) of the *Auditor General Act 2006* (as applied by section 7.12AL of the *Local Government Act 1995*) to give written notice to the Auditor General if any of the City's functions are being performed in partnership or jointly with another person or body, through the instrumentality of another person or body, and/or by means of a trust. We confirm that we have provided the Auditor General with details of all related entities in existence at 30 June 2018.

8. RELATED PARTIES

We have disclosed to your auditors the identity of the City's related parties, as defined in Australian Accounting Standards, of which we are aware, and all the related party relationships and transactions of which we are aware. These include the City's key management personnel (KMP) and their related parties, including their close family members and their controlled and jointly controlled entities.

We have appropriately accounted for and disclosed such relationships and transactions in accordance with the requirements of Australian Accounting Standards.

9. KEY MANAGEMENT PERSONNEL COMPENSATION

We confirm the City's key management personnel (KMP) have not received any other money, consideration or benefit (except amounts being reimbursements for out of pocket expenses) which has not been included in the compensation disclosed in the Notes to the financial report.

10. SUBSEQUENT EVENTS

No matters or occurrences have come to our attention between the date of the financial report and the date of this letter which would materially affect the financial report or disclosures therein, or which are likely to materially affect the future results or operations of the City.

11. INTERNAL CONTROL

We acknowledge our responsibility for the design, implementation and maintenance of internal control to prevent and detect fraud.

12. INSURANCE

We have established procedures to assess the adequacy of insurance cover on all assets and insurable risks. We believe, where appropriate, assets and insurable risks are adequately covered by insurance.

13. RISK MANAGEMENT

We confirm that we have established and maintained a risk management framework that is appropriate to the City.

14. FINANCIAL RATIOS

We confirm that the financial ratios included in the annual financial report have been prepared and fairly presented in accordance with the *Local Government (Financial Management) Regulations 1996*.

We confirm that the asset consumption ratio and the asset renewal funding ratio are supported by verifiable information and reliable assumptions.

We confirm that the estimates used in determining the asset ratios have been reviewed for accuracy and consistency and are management's best estimate of the current and future value of the inputs. Further, we confirm that the amounts used in the Long-Term Financial Plan and Asset Management Plan are based on approved forecasts.

15. ACCOUNTING MISSTATEMENTS

The effects of uncorrected misstatements are immaterial, both individually and in the aggregate, to the financial report taken as a whole. A summary of these uncorrected misstatements is listed below.

Account	Reported balance	Actual balance	Variance
Equity Investment - Local Government House	10,000	154,668	- 144,668
Equity Investment - Mindarie Regional Council	450,285	5,658,876	- 5,208,591
Revaluation Reserve - Mindarie Regional Council	-	2,564,857	2,564,857
Equity Investment - Tamala Park Regional Council	3,659,996	3,811,027	- 151,031
Net Share of Interest in Equity Investments (P&L)	114,540	3,053,973	2,939,433

16. ELECTRONIC PRESENTATION OF THE AUDITED ANNUAL FINANCIAL REPORT AND AUDITOR'S REPORT

- (a) We acknowledge that we are responsible for the electronic presentation of the annual financial report.
- (b) We will ensure that the electronic version of the audited annual financial report and the auditor's report presented on the City's website is the same as the final signed versions of the audited annual financial report and the auditor's report.
- (c) We have clearly differentiated between audited and unaudited information in the construction of City's website and understand the risk of potential misrepresentation in the absence of appropriate controls.
- (d) We have assessed the security controls over the audited annual financial report and the auditor's report and are satisfied that procedures in place are adequate to ensure the integrity of the information provided.
- (e) We will ensure that where the auditor's report on the annual financial report is provided on the website, the annual financial report is also provided in full.

17. OTHER (UNAUDITED) INFORMATION IN THE ANNUAL REPORT

We will provide the final version of the annual report to you when available, to enable you to complete your required procedures.

Director Corporate Services (or the equivalent)
[PRINT NAME]

Date

Chief Executive Officer
[PRINT NAME]

Date

CITY OF PERTH**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2018****FINDINGS IDENTIFIED DURING THE FINAL AUDIT**

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
1. Investments		X	
2. KMP Declarations		X	
3. Capital Assets			X
4. Financial Ratios		X	
5. Audit Preparation		X	

KEY TO RATINGS

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

- Significant** - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.
- Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor** - Those findings that are not of primary concern but still warrant action being taken.

CITY OF PERTH**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2018****FINDINGS IDENTIFIED DURING THE FINAL AUDIT****Finding 1 – Investments - Mortgage Backed Securities**

Section 19 C (2) of the Local Government (Financial Management) Regulations 1996 prescribes the investment of Council funds, including deposits with authorised institutions.

The Council holds at reporting date and continues to hold Mortgage Backed Securities at a reported value of \$2.48 million.

It is noted that these investments are not a prescribed investment pursuant to Part 19 C (2) of the Local Government (Financial Management) Regulations 1996. However, Clause 44 (Local government Act 1995, Transitional provisions, Provisions for the Local Government Amendment Act 2012, Schedule 9.3, Division 2) allow the Council to hold these investments under grandfathering arrangements as they were existing investments prior to Ascent of the Amendment Act 2012.

**Rating: Moderate
Implication**

The grandfathering arrangement does not allow reinvestment into Mortgage Backed Securities.

Recommendation

We recommend that Council continue to monitor this investment to identify an appropriate time to divest.

Management Comment

The City accepts the two investments in question don't comply with current regulations. The City has held these investments for many years on the basis of advice from our financial advisors that such arrangements are "grandfathered" – i.e. once sold they cannot be repurchased.

Responsible Person: Director Corporate Services / Manager Finance

Completion Date: Monitored on a regular basis.

CITY OF PERTH**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2018****FINDINGS IDENTIFIED DURING THE FINAL AUDIT****Finding 2 – Key Management Personnel Declarations**

We note the annual declaration process was incomplete as 10% (i.e. 2 of 20) of Councillor Declarations were not returned to the City due to Councillors' refusal to complete these documents.

Rating: Moderate**Implication**

There is increased risk that disclosure of related party transactions for Key Management Personnel are omitted.

Recommendation

It is recommended that for 2019, the City takes steps to ensure these declarations are completed and returned in a timely manner.

Management Comment

The City has no ability to make this a mandatory process and can only provide advice and guidance for Elected Members. However, it is made a mandatory process for employees, whereby disciplinary action can be taken for refusal to abide by the disclosure requirements.

Responsible Person: Manager Governance

Completion Date: May 2019

CITY OF PERTH**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2018****FINDINGS IDENTIFIED DURING THE FINAL AUDIT****Finding 3 – Capital Assets**

When comparing the Hansen8 report to the pre-revaluation reports, it was noted that 17 assets (totalling \$120,465 value and \$1,690 depreciation) were erroneously excluded due to future dated commission dates, resulting in their exclusion from the revaluation and depreciation processes.

Rating: Minor**Implication**

A complete listing of all fixed assets and their related cost is necessary to ensure associated revaluations and depreciation expenses are accurately reported.

Recommendation

It is recommended that the City enhance its processes to ensure a complete listing of all capital assets is maintained and is agreed to the general ledger.

Management Comment

The City maintains a complete listing of all capital assets and reconciles it to the general ledger on a monthly basis. Variances were investigated and measures were implemented to address this and updated the QAQC report to ensure that this does not happen in the future.

Responsible Person: Manager Asset Management

Completion Date: 31 December 2018 and ongoing monitoring on a monthly basis.

CITY OF PERTH**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2018****FINDINGS IDENTIFIED DURING THE FINAL AUDIT****Finding 4 – Financial Ratios**

During our audit we noted there were instances where the existing ratio calculations were not consistent with the information contained therein or reporting requirements.

Rating: Minor**Implication**

There is increased risk of inaccurate reporting of ratios in the annual financial report.

Recommendation

Ratios should be reported consistently and in accordance with the *Local Government (Financial Management) Regulations 1996*.

Management Comment

The City recognises that certain of the ratios, on a historical basis, were calculated incorrectly. This has been corrected in the 2018 financial statements.

Responsible Person: Chief Accountant / Manager Asset Management

Completion Date: Completed and will be monitored monthly

DRAFT

CITY OF PERTH**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2018****FINDINGS IDENTIFIED DURING THE FINAL AUDIT****Finding 5 – Audit Preparation**

At the time of the audit, the City's accounting records, supporting schedules, documents, and other files (including a finalised trial balance and draft financial statements) were not finalised and were not in a position for audit commencement.

Rating: Moderate**Implication**

Delay in the progress and completion of audit procedures and inefficiencies experienced.

Recommendation

To enhance the year-end financial reporting process, it is recommended a more rigorous process be implemented that incorporates accepted timelines, collaboration from all stakeholders and finalised reconciliations and supporting schedules to enable an efficient and effective reporting and auditing process.

Management Comment

The City's trial balance was not finalised as at 30th September due to issues with the revaluation of infrastructure assets and as a result the financial statements were not in draft.

The City's reconciliations, supporting schedules and documentation agreed to the draft trial balance at the 30th September. While this documentation cannot be considered complete until the trial balance is finalised, the finance team does produce workpapers and reconciliations on a monthly basis which are audited by the Chief Accountant. The City therefore considers this documentation to be in order at the required date.

Responsible Person: Chief Accountant

Completion Date: 30 September 2019 but monitored monthly from 30 June 2019 to ensure completion by the legislated date.



Audit Findings Report (AFR)

City of Perth

Audit Committee: Year ended 30 June 2018



CITY of PERTH



Members of the Audit Committee

City of Perth

Council House
17 St Georges Terrace
PERTH WA 6000

Dear Committee Members

AUDIT FINDINGS REPORT FOR THE YEAR ENDED 30 June 2018

Please find attached our Report to the Audit Committee for the year ended 30 June 2018.

We have substantially completed our audit work, with only the following matters outstanding:

- subsequent events review;
- receipt of management's representation letter (attached); and
- receipt of signed Chief Executive Officer's Statement.

We expect the OAG to sign an unqualified audit report with an emphasis of matter after these matters are completed. The emphasis of matter in our report will be in relation to land under roads.

We take this opportunity to extend our appreciation to the finance team for their assistance and cooperation during the course of the audit.

This report has been prepared for the Audit Committee and Management of City of Perth only. It should not be quoted or referred to, in whole or in part, without our prior written consent. No warranty is given to, and no liability will be accepted from, any party other than City of Perth.

This report should be read in conjunction with our audit engagement letter and any other formal correspondence addressed to the Audit Committee regarding this year's audit.

We strive for a high level of client satisfaction, and our business is built around the relationships we maintain with our clients. We want to hear feedback from our clients, both positive and negative, to ensure the services we provide exceed expectations.

We trust that you find this report informative and we appreciate the opportunity to be of service to you.

Grant Thornton

Central Park, Level 43,
152 - 158 St Georges Terrace
Perth WA 6000

www.grantthornton.com.au

If you have any queries or wish to discuss any issues further, please do not hesitate to contact either Caitlin McGowan or me.

Yours faithfully
GRANT THORNTON AUDIT PTY LTD



P W Warr
Partner

Contents



Patrick Warr

Partner

D +61 8 9480 2182

M +61 432 042 855

E patrick.warr@au.gt.com



Caitlin McGowan

Manager

D +61 8 9480 2191

M +61 450 616 458

E caitlin.mcgowan@au.gt.com

Audit focus areas	4
Current year recommendations	9
Prior year recommendations	12
Fraud risk	13
Communication of audit matters with those charged with governance	14
Schedule of uncorrected misstatements	16
Developments in financial reporting	17
About Grant Thornton Australia	18



Audit focus areas: summary

Focus area	Risk*	Management judgement	Material adjustment	Control recommendation	Control deficiency classification	Pending matters
Revenue Recognition	Significant risk	Yes	-	-	-	-
Capital Assets	Significant risk	Yes	-	-	Deficiency	-
Employee Compensation	Other risk	Yes	-	-	-	-
Operating Expenses	Other risk	-	-	-	-	-

* Risk refers to Significant Risk or Other Risk (per ASA 315) Significant risk means an identified and assessed risk of material misstatement that, in the auditor's judgement, requires special audit consideration.

Audit materiality

Materiality is the magnitude of a misstatement or omission from the financial report or related disclosures that the audit team believes would make it probable that the judgement of a reasonable person relying on the information would have been changed or influenced by the misstatement or omission.

Our audit has been conducted based on a quantitative materiality.

Materiality benchmarks are selected to represent the measure which is more relevant to users of the financial report.

Basis

Total expenditure

Legend

Material weakness

A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the company's annual or interim financial statements will not be prevented or detected on a timely basis.

Significant deficiency

A significant deficiency is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those responsible for oversight of the company's financial reporting.

Deficiency

A deficiency in internal control exists when the design or operation of the a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect, misstatements on a timely basis.

Management recommendation

Represents process recommendations identified from our procedures which are not categorised as control gaps.



Revenue Recognition

Account description	Type	2018 \$000	2017 \$000	Risk	Management judgement
Revenue from Operating activities	Revenue	201,994	201,063	Significant risk	Yes
Trade and Other Receivables	Asset	12,463	12,435	Other risk	Yes

Details of risk

Revenue relates to the following:

- Rates
- Operating Grants, Subsidies and Contributions
- Fees and Charges
- Interest Earnings
- Other Revenue

Each of the main streams of revenue has a different recognition criteria and this increases the complexity of accounting and the likelihood of errors.

How our audit addressed the audit focus area

Our procedures included, amongst others:

- Analytical procedures over significant revenue streams to identify variances from expectations and obtain explanation/corroborations from management where appropriate;
- Substantive procedures on significant grants revenue received during the period and ensure that the amounts received (agreed to receipts in bank statement) were in line with the funding agreements;
- Recalculation of interest revenue received on the basis of average monthly cash and investment balances held and the interest rates achieved as per third party confirmation letters;
- Sampling operating revenue fees and charges to ensure that revenue recognised is valid;
- Reviewing subsequent receipts, to determine whether receivables were fairly stated and recoverable; and
- Assessing collectability of debtors and adequacy of doubtful debts provisions.

Conclusions

The substantive procedures did not detect any material misstatement of reported revenues and receivables.

Material control deficiencies

Prior year: no material deficiencies noted.

Current year: no material deficiencies noted.



Capital Assets

Account description	Type	2018 \$000	2017 \$000	Risk	Management judgement
Property, Plant and Equipment	Asset	758,435	746,829	Other Risk	Yes
Infrastructure	Asset	377,221	517,437	Significant Risk	Yes

Details of risk

Capital Assets transactions and balances are considered a risk due to the judgement applied in determining capitalisation, appropriate useful economic lives and depreciation rates and whether an impairment ought to be applied to carrying values.

Revaluations include certain assumptions and estimates, and amounts are deemed material.

How our audit addressed the audit focus area

Our procedures included, amongst others:

- Verifying the asset register against trial balance reported amounts;
- Assessing the appropriateness of the useful lives of capital assets, accuracy of depreciation charges and possible impairment;
- Performing substantive testing on property plant and equipment additions, disposals and write-offs;
- Testing revaluations performed by Management's expert including the review of the inputs and assumptions for reasonableness and determining that the results were accurately recorded in the General Ledger and proper disclosures made within the financial report.; and
- Assess the management expert for relevant qualifications, skills and experience.

Conclusions

We have not noted any material misstatement while performing our review of the Property, Plant and Equipment and Infrastructure assets.

Material control deficiencies

Prior year: no material deficiencies noted.

Current year: deficiency identified due to assets being erroneously excluded from revaluation process, see further details on page 10.



Employee compensation

Account description	Type	2018 \$000	2017 \$000	Risk	Management judgement
Employee Costs	Expense	74,720	76,219	Other Risk	No
Provision for Employee Entitlements	Liability	12,599	12,068	Other risk	Yes

Details of risk

Employee benefits expense makes up a large proportion of the City's outgoings.

Given the high volume of transactions that occur, Grant Thornton believes that there is risk of human error.

In addition, the calculation of payroll liabilities is subject to management's judgement, particularly in the calculation of Long Service Leave due to the assumptions required.

How our audit addressed the audit focus area

Our procedures included, amongst others:

- Performing analytical procedures over payroll expenses on a fortnightly basis and compare the expense to both the prior year and our expectations for the current financial period;
- Recalculating year-end payroll accrual and compare to management's calculation;
- Ensuring completeness of Annual Leave and Long Service Leave balances by comparing all employees on the last pay run to the Annual Leave and Long Service Leave schedules at year end;
- Recalculating the Annual Leave and Long Service Leave accruals based upon the client schedule and expectations of Grant Thornton; and
- Substantively testing a number of individuals – agreeing pay rates, opening balances, leave accrued and leave taken to supporting records.

Conclusions

We have not noted any material misstatement while performing our review of employee compensation.

Material control deficiencies

Prior year: no material deficiencies noted.

Current year: no material deficiencies noted.



Operating Expenses

Account description	Type	2018 \$000	2017 \$000	Risk	Management judgement
Operating Expenses	Expense	191,572	190,569	Other Risk	Yes
Trade and Other Payables	Liability	20,967	20,773	Other risk	No

Details of risk

Operating expenses are material amounts, and accruals represent an area of management judgment that may increase the likelihood of errors due to the complexity of the supporting calculations. As a result, payables related to core activities understated or not recorded in the correct period has been identified as an audit risk area.

How our audit addressed the audit focus area

Our procedures included, amongst others:

- Reviewing the trade creditor account to determine if any positive debtor amounts required reclassification to prepayments;
- Performing a search for unrecorded liabilities by scanning payments made and invoices received post year-end to ensure they were recorded in the correct period;
- Reviewing period end accrual balances to ensure the accrual balances are not materially misstated;
- Reviewing disbursement cut-off procedures;
- Holding discussions with management and staff in relation to treatment of unprocessed invoices;
- Selecting a sample of expense transactions to agree to supplier invoice to determine if the expense amount was appropriate; and
- Performing analytical procedures over operating expenses, comparing expenditures to both the prior year and our expectations through minute reviews and discussions with management, and authorised budgets

Conclusions

We have not noted any material misstatement while performing our review of operating expenses and the related payables.

Material control deficiencies

Prior year: no material deficiencies noted.

Current year: no material deficiencies noted.



Current year recommendations

The following recommendations have been made which identified potential control weakness for consideration but also identified opportunities for future efficiencies and strengthening of controls.

Area	Control deficiency classification	Observation and implication	Recommendation	Management response
Audit Preparation	Significant deficiency	<p>At the time of the audit, the City's accounting records, supporting schedules, documents, and other files (including a finalised trial balance and draft financial statements) were not finalised and were not in a position for audit commencement.</p> <p>Delay in the progress and completion of audit procedures and inefficiencies experienced.</p>	To enhance the year-end financial reporting process, it is recommended a more rigorous process be implemented that incorporates accepted timelines, collaboration from all stakeholders and finalised reconciliations and supporting schedules to enable an efficient and effective reporting and auditing process.	<p>The City's trial balance was not finalised as at 30th September due to issues with the revaluation of infrastructure assets and as a result the financial statements were not in draft.</p> <p>The City's reconciliations, supporting schedules and documentation agreed to the draft trial balance at the 30th September. While this documentation cannot be considered complete until the trial balance is finalised, the finance team does produce workpapers and reconciliations on a monthly basis which are audited by the Chief Accountant. The City therefore considers this documentation to be in order at the required date.</p>
KMP Declarations	Significant deficiency	<p>We note the annual declaration process was incomplete as 10% (i.e. 2 of 20) of Councillor Declarations were not returned to the City due to Councillors' refusal to complete these documents.</p> <p>There is increased risk that disclosure of related party transactions for Key Management Personnel are omitted.</p>	It is recommended that for 2019, the City takes steps to ensure these declarations are completed and returned in a timely manner.	The City has no ability to make this a mandatory process and can only provide advice and guidance for Elected Members. However, it is made a mandatory process for employees, whereby disciplinary action can be taken for refusal to abide by the disclosure requirements.

Legend

Material weakness

A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the company's annual or interim financial statements will not be prevented or detected on a timely basis.

Significant deficiency

A significant deficiency is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by these responsible for oversight of the company's financial reporting.

Deficiency

A deficiency in internal control exists when the design or operation of the a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect, misstatements on a timely basis.

Management recommendation

Represents process recommendations identified from our procedures which are not categorised as control gaps.



Current year recommendations

The following recommendations have been made which identified potential control weakness for consideration but also identified opportunities for future efficiencies and strengthening of controls.

Area	Control deficiency classification	Observation and implication	Recommendation	Management response
Capital Assets	Deficiency	<p>When comparing the Hansen8 report to the pre-revaluation reports, it was noted that 17 assets (totalling \$120,465 value and \$1,690 depreciation) were erroneously excluded due to future dated commission dates, resulting in their exclusion from the revaluation and depreciation processes.</p> <p>A complete listing of all fixed assets and their related cost is necessary to ensure associated revaluations and depreciation expenses are accurately reported.</p>	It is recommended that the City enhance its processes to ensure a complete listing of all capital assets is maintained and is agreed to the general ledger.	The City maintains a complete listing of all capital assets and reconciles it to the general ledger on a monthly basis. Variances were investigated and measures were implemented to address this and updated the QAQC report to ensure that this does not happen in the future.
Financial Ratios	Significant deficiency	<p>During our audit we noted there were instances where the existing ratio calculations were not consistent with the information contained therein or reporting requirements.</p> <p>There is increased risk of inaccurate reporting of ratios in the annual financial report.</p>	Ratios should be reported consistently and in accordance with the Local Government (Financial Management) Regulations 1996.	The City recognises that certain of the ratios, on a historical basis, were calculated incorrectly. This has been corrected in the 2018 financial statements.

Legend

Material weakness

A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the company's annual or interim financial statements will not be prevented or detected on a timely basis.

Significant deficiency

A significant deficiency is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by these responsible for oversight of the company's financial reporting.

Deficiency

A deficiency in internal control exists when the design or operation of the a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect, misstatements on a timely basis.

Management recommendation

Represents process recommendations identified from our procedures which are not categorised as control gaps.



Current year recommendations

The following recommendations have been made which identified potential control weakness for consideration but also identified opportunities for future efficiencies and strengthening of controls.

Area	Control deficiency classification	Observation and implication	Recommendation	Management response
Investments	Significant deficiency	<p>The Council holds at reporting date and continues to hold Mortgage Backed Securities at a reported value of \$2.48 million. Section 19 C (2) of the Local Government (Financial Management) Regulations 1996 prescribes the investment of Council funds, including deposits with authorised institutions.</p> <p>It is noted that these investments are not a prescribed investment pursuant to Part 19 C (2) of the Local Government (Financial Management) Regulations 1996. However, Clause 44 (Local government Act 1995, Transitional provisions, Provisions for the Local Government Amendment Act 2012, Schedule 9.3, Division 2) allow the Council to hold these investments under grandfathering arrangements as they were existing investments prior to Ascent of the Amendment Act 2012.</p> <p>The grandfathering arrangement does not allow reinvestment into Mortgage Backed Securities.</p>	We recommend that Council continue to monitor this investment to identify an appropriate time to divest.	The City accepts the two investments in question don't comply with current regulations. The City has held these investments for many years on the basis of advice from our financial advisors that such arrangements are "grandfathered" – i.e. once sold they cannot be repurchased.

Legend

■ Material weakness

A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the company's annual or interim financial statements will not be prevented or detected on a timely basis.

■ Significant deficiency

A significant deficiency is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by these responsible for oversight of the company's financial reporting.

■ Deficiency

A deficiency in internal control exists when the design or operation of the a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect, misstatements on a timely basis.

■ Management recommendation

Represents process recommendations identified from our procedures which are not categorised as control gaps.



Prior year recommendations

Area	Control deficiency classification	Prior observation & recommendation	Current year update	Status
Asset disposals	Deficiency	Cut-off issue noted regarding asset disposed of and the disposal recorded in the incorrect period. We recommended that Management perform a cut-off review at the end of the fiscal year in order to ensure that records are accurate and complete.	We are satisfied that management have adequately addressed this issue during the year.	Resolved
Compliance with AASB 124- Related Party disclosures	Deficiency	There is no formal policy in place to ensure the completeness of related party transactions and their disclosures. We recommended that Management establish a formal policy for the procedures and processes around properly capturing and reporting related party transactions, including ensuring a complete list of all related parties is maintained.	We are satisfied that management have adequately addressed this issue during the year.	Resolved

Legend

■ Material weakness

A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the company's annual or interim financial statements will not be prevented or detected on a timely basis.

■ Significant deficiency

A significant deficiency is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by these responsible for oversight of the company's financial reporting.

■ Deficiency

A deficiency in internal control exists when the design or operation of the a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect, misstatements on a timely basis.

■ Management recommendation

Represents process recommendations identified from our procedures which are not categorised as control gaps.



Fraud risk

Scope of audit services regarding fraud

In accordance with Auditing Standard ASA 240, our required objectives with regards to fraud are:

- to identify and assess the risks of material misstatement of the financial report due to fraud;
- to obtain sufficient appropriate audit evidence regarding the assessed risks of material misstatement due to fraud, through designing and implementing appropriate responses; and
- to respond appropriately to fraud or suspected fraud identified during the audit.

Risk of management override of controls

Although the level of risk of management override of controls may vary from entity to entity, the risk is nevertheless present in all entities. Due to the unpredictable way in which such override could occur, it is a risk of material misstatement due to fraud and thus a significant risk.

Responsibility of the Directors and management

The Directors and management are required to consider the risk of fraud within the Council, and are responsible for maintaining a system of internal control to prevent, or detect material misstatements to the financial statements arising from instances of fraud.

How serious are risks of fraud?

The 2016 Global Fraud Survey conducted by the Association of Certified Fraud Examiners demonstrates the risk and impact of fraud:



83%

of reported cases are asset misappropriation



2/3

of reported fraud occurred in privately held and public companies



Most fraud is detected by whistle-blowers and the most common reason for fraud occurring was lack of internal controls

What have we done in our audit to address the risk of fraud?

- Considered conditions present that increase the risk of fraud.
- Conducted planning discussions with management regarding the risk or existence of fraud, policies and procedures in place to prevent and detect fraud.
- Planned the nature and extent of our audit tests having regard to the risk of fraud, noting revenue recognition is required to be an assumed fraud risk.
- Reviewed accounting estimates for management bias.
- Evaluated the business rationale for unusual transactions.
- Maintained professional scepticism throughout the audit.
- Reviewed the appropriateness of journal entries and year-end accounting adjustments.
- Evaluated if any identified audit misstatements are indicative of fraud.
- Incorporated unpredictable audit procedures into our audit plan and testing.

Conclusion

Management confirmed that to the best of its knowledge and belief there have been no instances of fraud during the period, and our procedures did not uncover any matters to report.



Communication of audit matters with those charged with governance

In accordance with Auditing Standards, we are required to communicate a number of matters with those charged with governance which is covered by our Audit Planning Report, within this Audit Findings Report, and in the table below.

* Reference to 'material' implies the exception would cause the financial report to be materially misstated

Matters for Grant Thornton to consider	Description	Exceptions
Irregularities and illegal acts	We have not become aware of any material irregularities or illegal acts	No
Non-compliance with laws and regulations	We have not become aware of any material non-compliance with laws and regulations	No
Access to books and records, and conduct of audit	We have been presented with all the necessary books and records and explanations requested of management	No
Appropriateness of accounting policies	We have not detected any material deficiencies in the accounting policies disclosed. There have been no significant changes in significant accounting policies or their application during the year	No
Material uncertainties and going concern	We have not detected any material deficiencies in management's assessment of the going concern assumption	No
Disagreements with management	We have had no disagreements with management. No exceptions	No
Difficulties encountered during the audit	There were no difficulties encountered during the audit	No
Consultation with other accountants	We are not aware of any consultations about accounting or auditing matters between management and other independent public accountants, nor are we aware of opinions obtained by management from other independent public accountants on the application of generally accepted accounting principles.	No
Expected modifications / exceptions to the audit report	See commentary in table below.	Yes

Matters raised as an exception	Description	Impact
Expected exception to the audit report	EOM has been raised in regard to land under roads.	We draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the City's financial reporting responsibilities under the Act. Regulation 16 of the Local Government (Financial Management) Regulations 1996 (Regulations), does not allow a local government to recognise some categories of land, including land under roads, as assets in the annual financial report. My opinion is not modified in respect of this matter.



Communication of audit matters with those charged with governance

Independence and the provision of non-audit services

We confirm that the engagement team and others in the firm, as appropriate, the firm, and when applicable, network firms have complied with the relevant ethical requirements regarding independence. All relationships and other matters between the firm, network firms and the City that in the auditor's professional judgement, may reasonably be thought to bear on independence are on the right.

The relevant rules and regulations regarding independence include:

- Section 307C of the *Corporations Act 2001*
- APES 110 *Code of Ethics for Professional Accountants*

Description of non-audit services	Approximate fees \$000	Safeguards and independence considerations
N/A – No non-audit services provided. Several grant acquittal audits completed.	5	Approved by OAG, fees and services provided not considered a conflict of audit interest.



Schedule of uncorrected misstatements

No.	Description	Asset \$000		Liability \$000		Equity \$000		Net Profit \$000	
		DR	CR	DR	CR	DR	CR	DR	CR
1	To bring equity investments to fair value at year end.	5,504	-	-	-	-	5,504	-	2,939
Total differences		5,504	-	-	-	-	5,504	-	2,939

1	Account	Report Balance \$000	Actual Balance \$000	Variance \$000
	Equity Investment - Tamala Park Regional Council	10	155	(145)
	Equity Investment - Mindarie Regional Council	450	5,658	(5,208)
	Revaluation Reserve - Mindarie Regional Council	-	(2,565)	2,565
	Equity Investment - Local Government House	3,660	3,811	(151)
	Net Share of Interest in Equity Investments (P&L)	115	3,054	2,939

We have discussed with management the above uncorrected misstatements, and are satisfied that both individually and in aggregate, they are not material to the financial report as a whole.

Disclosure deficiencies

No material disclosure deficiencies were noted in our audit of the financial statements.



Developments in financial reporting

Listed below are new accounting standards that may impact on ABC Limited in future reporting periods.

Standard	Application from annual periods	Links for further information
AASB 15 <i>Revenue from Contracts with Customers</i>	Commencing: For-profit entities: 1 January 2018 Not-for-profit entities: 1 January 2019	IFRS Newsletter (October 2016) – Special Edition on Revenue
AASB 9 <i>Financial Instruments (2014)</i>	Commencing 1 January 2018	TA Alert 2014-09 IFRS Newsletter (September 2014) Special Edition on Financial Instruments
AASB 16 <i>Leases</i>	Commencing 1 January 2019	TA Alert 2016-01 IFRS News – Special Edition on Leases
AASB 1058 <i>Income of Not-for-Profit Entities</i>	Commencing 1 January 2019	TA Alert 2016-18 TA Alert 2017-12

Technical Accounting (TA) Alerts and other technical resources

We understand the task of keeping up with changes can be daunting, particularly given the length of some of the new standards; to assist you with this we publish TA Alerts on our website: www.grantthornton.com.au.

TA Alerts also cover some contentious / difficult accounting concepts which the technical teams of both Grant Thornton International and Grant Thornton Australia have received a number of queries requiring guidance or clarification.

In addition, there are a range of other IFRS / technical resources available on our website, including:

- [Impairment of Assets - A guide to applying IAS 36 in practice](#)
- [Under control? A Practical guide to applying IFRS 10 consolidated Financial Statements](#)
- [Navigating the accounting for business combinations: Applying IFRS 3 in practice](#)
- [Deferred tax: A Chief Financial Officer's guide to avoiding the pitfalls](#)
- [AASB 107: Statement of Cash Flows – A guide to avoiding common pitfalls and application issues](#)
- [AASB 132: Financial Instruments Presentation – Liability or equity?](#)
- [Intangible Assets in a Business Combination – Identifying and Valuing Intangibles under IFRS/AASB 3: Business Combinations](#)
- [Example financial statements](#)

Grant Thornton also has dedicated technical resources / National Assurance Quality which you can get in touch with via your local audit contact or directly by email: National.Assurance.Quality@au.gt.com.



\$230m

National Turnover (FY 2017)



1,160

People Nationally



14

Core Industries



6

Offices



5

Integrated Service Lines

Audit & Assurance

Compliance audits and reviews

Expert opinions

External audits

Internal audits

IFRS advice and training

Reviews of financial reports

Systems and controls reviews

Business Advisory

Asia advisory

Business risk services

Leadership talent and culture

Performance improvement

Public sector advisory

Technology advisory

Technology solutions

Financial Advisory

Capital markets

Due diligence

Financing

Family law

Financial modelling

Initial Public Offerings

Insolvency

Investigations

IT forensics

Mergers and acquisitions

Restructuring and turnaround

Risk management

Superannuation

Private Advisory

Business planning

Compliance services

Outsourced accounting

Private wealth advisory

Tax advisory services

Tax

Business planning

Corporate advisory

Employment taxes

Expatriate taxes

Fringe benefits tax

GST and indirect taxes

International tax

Research and development

Risk management

Transfer pricing

Grant Thornton Audit Pty Ltd ACN 130 913 594
a subsidiary or related entity of Grant Thornton Australia Limited ABN 41 127 556 389

'Grant Thornton' refers to the brand under which the Grant Thornton member firms provide assurance, tax and advisory services to their clients and/or refers to one or more member firms, as the context requires. Grant Thornton Australia Ltd is a member firm of Grant Thornton International Ltd (GTIL). GTIL and the member firms are not a worldwide partnership. GTIL and each member firm is a separate legal entity. Services are delivered by the member firms. GTIL does not provide services to clients. GTIL and its member firms are not agents of, and do not obligate one another and are not liable for one another's acts or omissions. In the Australian context only, the use of the term 'Grant Thornton' may refer to Grant Thornton Australia Limited ABN 41 127 556 389 and its Australian subsidiaries and related entities. GTIL is not an Australian related entity to Grant Thornton Australia Limited. Liability limited by a scheme approved under Professional Standards Legislation. Liability limited by a scheme approved under Professional Standards Legislation.

