



City of **Perth**

Minutes

Ordinary Council Meeting

3 November 2020

Approved for release

Michelle Reynolds

Chief Executive Officer

13 November 2020

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby certified as confirmed.

Presiding member's signature _____

Date _____

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1. Declaration of opening

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

2. Acknowledgement of Country/Prayer

Acknowledgement of Country

The Lord Mayor read the acknowledgement of country:

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

Prayer

The Chief Executive Officer read the prayer:

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

3. Attendance

Elected members in attendance

Lord Mayor	Basil Zempilas (Presiding Member)
Deputy Lord Mayor	Sandy Anghie
Councillors	Liam Gobbert
	Brent Fleeton
	Catherine Lezer
	Rebecca Gordon
	Di Bain
	Viktor Ko
	Clyde Bevan

Officers in attendance

Chief Executive Officer	Michelle Reynolds
General Manager Corporate Services	Bill Parker
General Manager Planning and Economic Development	Jayson Miragliotta
General Manager Community Development	Anne Banks-McAllister
General Manager Infrastructure and Operations	Chris Kopec
Acting Project Director Strategic Finance	Roan Barrett
Alliance Manager Executive Services	Kylie Johnson
Alliance Manager Governance	Danielle Uniza
Governance Coordinator	Siobhan Rippington
Governance Officer	Vanessa Phillips
Governance Officer	Ashlee Rutigliano

3.1 Apologies

Nil

3.2 Leave of absence

Nil

3.3 Applications for leave of absence

Nil

4. Announcements by the Lord Mayor

The Lord Mayor made the following announcement:

Last Wednesday on the radio at 5.25am, I made some comments about gender identification which were inappropriate.

From that day forward, I have apologised for those comments. I need everyone to know my apology is sincere. When I say I am sorry – I mean it.

I apologised in the publication Out in Perth, and in the West Australian on Thursday, I devoted most of the 6PR Breakfast show on Thursday morning to apologise. I met with Graham Watson, the managing editor of Out in Perth magazine to begin not only my education, but to also help educate the audience.

I held a news conference on Thursday in which I reiterated my apology – that featured on all of the days radio bulletins and news services on TV.

I spoke to all of the staff here at the City of Perth via video on Thursday and the next day I used my newspaper column to again apologise and accept responsibility for the pain my comments had caused.

On Friday, I took the opportunity to speak personally with as many of the staff at the City of Perth, to apologise for letting them down and accept I had put them in a difficult position. My comments in no way affected their views.

That is a sentiment I have expressed to all of the Councillors in this room and all of the City of Perth staff.

Last Wednesday on the radio, I was not speaking for them – far from it.

Yesterday, I met with members of the trans and non-binary community in WA and representatives of the LGBTIQ+ community. At the meeting, Hunter Gurevich, the Chair Trans Folk, Curtis Ward the President of Pride WA, Emery Wishart, the Vice Chair of TransFolk WA and Choon Tan, Vice Chair Pride WA.

I appreciated the chance to say sorry directly to them. I had spoken to them on the phone, and this was a chance for me to speak with them directly. I appreciated that opportunity. I also appreciated the opportunity to listen and to hear what they had to say to me.

On Saturday, I have been invited to meet with five members of the Trans and non-binary communities to listen to their stories and I will be there.

I will also be at the Inaugural Rainbow Talks Event during PrideFest on November 14. An event which looks at finding ways to be more inclusive and a better ally for the trans and gender diverse communities.

I understand my actions will speak louder than words and I have committed to learning and better understanding the gender diverse community. That process has begun. I ask you, community members, the staff at the City of Perth and those on Council, to judge me by my actions.

I want to reiterate, the comments I made do not reflect in any way the views of the eight councillors present today or any of the staff at the City of Perth.

But I thank my fellow Councillors for uniting behind me, despite the difficult situation I have put them in, by agreeing to participate in training with me, so we can better understand the gender diverse communities and better represent them. I want to thank the staff at the City of Perth who have also agreed to do this.

The City is developing a plan to ensure everyone in our community is safe and knows they are welcome. And this will be reflected also in a new Code of Conduct the Councillors and I will begin working on this month.

Finally, I won't you to know I accept my responsibility, as a Lord Mayor, as a leader, as a City of Perth ratepayer, a husband and as a father, and I take that responsibility very seriously.

I made a mistake last week, I regret that mistake. I owned that mistake and I am here tonight to own it.

I am sorry.

I will be better, I will do better and it's up to me from this moment forward to demonstrate that to each and every one of you. Thank you for your understanding.

5. Public Participation

5.1 Public Questions

A question was received at the Special Council Meeting held on 20 October 2020 in relation to taxi ranks. The response has been published in the meeting agenda.

Scott Aungier, 4 Lassen Gardens Ballajura

Q When will the tender for the sweeping and degreasing of the car parks be awarded?

A The General Manager Infrastructure and Operations responded: The tender was separated into three parts and was awarded on 16 October 2020.

Part A (specialised cleaning of roads and footpaths) was awarded to Environpath Pty Ltd.

Part B (specialised sweeping of City of Perth car parks) was awarded to Specialised Cleaning Group, trading as Clean Sweep.

Part C (specialised degreasing and cleaning of City of Perth car parks) was awarded to Environpath Pty Ltd.

Kevin Baker, 5A/70 Terrace Road East Perth

Q How on earth did Origin Fields festival get approved for the same location (Langley Park), again so very close to numerous residential apartment buildings, again finishing at 1:00am on New Year's Eve morning?

A The General Manager Community Development responded: The 'Feel Alive Again' music event is organised by Origin Fields Pty Ltd and it will be held at Langley Park on New Year's Eve.

A review of all officially logged complaints following the 2019 Origin Music festival was undertaken, with the following changes to the 2020 event being made to reduce the impact on residents:

- Reduction in the event duration to 10 hours on 1 day, compared to 16 hours over 2 days previously.
- Reduction to 2 stages.
- A 12.30am finishing time, rather than 1am (which was the previous finish time).
- Music line-up does not include R&B or heavy bass-driven music.
- The event organisers are offering 'stay-cation' vouchers and discounted tickets to impacted residents. (This wasn't previously offered).
- Stage and speaker layouts have been designed to maintain maximum screening from buildings, with feedback from previous music events in Langley Park being taken into consideration.
- The City will avoid the placement of portaloos adjacent to Terrace Road, which has been issue for residents in the past.

The City has conducted the following engagements to date:

- Approximately 1,400 hand delivered letter drops occurred on Wednesday 21 October (72 days prior to the event) to the highest impacted residents and businesses.
- Emails have been sent to impacted residents (including Strata Managers) and to businesses where the City has email contact addresses.
- Dedicated times have been set aside for residents and businesses to be able to book a 1-on-1 phone conversation with our Manager Customer Experience and an Event Representative (if requested).
- Early feedback received from residents and businesses is being passed onto the event organiser and our internal departments to take into consideration, and changes will be made where possible and practical.

As of 3 November, the City had received:

- Enquiries from 1 resident and 1 business,
- Complaints from 4 residents, and
- Requests to purchase discounted tickets to the event by 9 residents.

The complaints relate to:

- Residents access (for road closures).
- Concerns of antisocial behaviour.
- Duration of event (including bump-in and bump-out times).

- Noise levels.
- Inappropriate content (including lyrics / language / video content).
- Whether there would be fireworks this year.
- Location of portaloos.

The City will deliver a second letter to impacted residents and businesses no later than 14 days prior to the event with more details including a map of road closures, the event's complaints line, and alternative parking arrangements

Bruna Aguiar, 97 Grosvenor Road Mount Lawley

Q What actions, if any, will the Lord Mayor take to ensure that the LGBTQ+ community of our city is not discriminated against or harmed — emotionally or physically — following his comments on the 6PR radio station about trans folk?

A The Lord Mayor responded: Thank you for the questions. As stated, I have taken the opportunity already to meet with members of the LGBTQ+ community. I met with the Chair of TransFolk and the President of Pride WA and representatives from both groups. It is my job, as a leader of the City of Perth, to ensure that everybody feels welcome and safe in the city of Perth. That is my job, along with the Councillors and the Administration of the City of Perth. It is a responsibility that we take very seriously.

We will be doing everything that we can to ensure that community expectations are met. We've taken a number of steps already, as I mentioned. Both Elected Members and the City of Perth as an organisation have expressed their individual support for the gender-diverse community. We will be undergoing training, and I will be meeting with members of the community to make sure that I am better aware and fully across any issues, any difficulties, anything that makes it tricky for people to be the person that they want to be in the city of Perth. That is my undertaking – to understand that, and to action it.

Leonie Ramsey, 73 Doncaster Grange Butler

Q Can Council look into the cost-benefit analysis of using laneways, extending malls and streets near cinema and pub/bar locations at night to turn Perth into the best pre COVID-19 culture you find in Melbourne, France, Italy, Spain – with tapas bars, outdoor long tables and night eating/socialising?

A The General Manager Economic Development and Planning responded: The City is pursuing a review of all of its laneways, and has taken a number of improvements to particularly such as Wolf Lane, Grand Lane, McLean's Lane and Prince Lane.

We are systematically going through all of our laneways to look at commercialisation opportunities off the back of the laneways themselves, or improving pedestrian thoroughfares, cleanliness, safety and lighting in those laneways.

The City has received some money through the Perth City Deal to look at 2 laneways, in Northbridge specifically, to deal with bar and redevelopment opportunities at the back of the laneways for existing bars and so forth. That is one of many the City is pursuing at the moment.

The City also has two more laneways in the back of Hay Street Mall, primarily at the new pizzeria that is being built in Hay Street Mall, and that's the start of the extension of that laneway for outdoor dining activation.

The City is keen to see transformation of its laneways, not dissimilar to Melbourne but I think we can do it better.

David Goncalves, 407/35 Bronte Street East Perth

Q Council has before it a proposal to utilise the Rod Evans Community Centre as a women-in-crisis shelter. Can the Mayor, and each Councillor, please state whether they support the use of this shelter by trans women who face higher rates of discrimination, and are statistically at a higher rate of needing to access life-saving refuge and crisis shelters?

Will access to this shelter be determined by the Lord Mayor's former self-declared definition of "if you've got a penis, you're a bloke – if you've got a vagina, you're a woman"?

And if not, will the City engage with the trans and queer community groups to ensure access is determined by definitions that are grounded in equality, decency and human rights?

A The Lord Mayor responded:

I thank you for your question. As I have said, the City recognises that members of the LGBTQI+ community continue to experience discrimination and may not receive equitable access to the support services they require. It is our job to improve that situation.

It is one of the reasons why we are embarking on a journey of learning. We need to be better educated, and better prepared so that everybody within the city of Perth feels safe and feels welcome.

That is an undertaking that we make to you, and all members of the gender-diverse community tonight and going forward. I thank you for your question.

The General Manager Community Development further responded: I would like to confirm that any individual who does identify as a woman is absolutely entitled to access the safe space for women.

Paul-Alain Hunt, 67/6 Campbell Street West Perth

Q Will each of the Councillors and Lord Mayor commit to undertaking formal awareness training offered by a registered training provider, following the Lord Mayor's transphobic comments?

A The Lord Mayor responded: Yes, and I would ask you to refer to the statement made in Section 4 made earlier tonight.

Q Can each Councillor tell me why they believe this training is important and whether they would be willing to attend awareness training?

A The Lord Mayor responded: I believe I've answered this, for me and for the Councillors, and I think it's my responsibility to answer – unless any of the Councillors at any time have anything to add.

Q The Lord Mayor has been widely criticised for his comments on his 6PR breakfast program. I hold with me today a printed copy of a petition to move the Perth PrideFest to the City of Vincent. Does each Councillor know that over 2019 the Perth PrideFest had an estimated economic impact of A\$7.27million (over a fortnight)?

Does each Councillor admit that losing this spending from the streets of Perth to the City of Vincent would have a negative impact on local businesses in the City of Perth?

A The Lord Mayor responded: Thank you. We are well aware as a Council, and it is why we took the opportunity to meet with Choon Tan the Vice Chair of Pride WA and Curtis Ward the President of Pride WA to reiterate that we are very keen to continue to see the PrideFest held within the City of Perth.

There is, I should point out, no Pride Parade this year due to COVID-19. That decision was taken previously to tonight. The CEO and I were in attendance with our visitors yesterday, and we were delighted to hear that there is no desire whatsoever from Pride WA to move PrideFest out of the City of Perth.

Q Can the Lord Mayor and each Councillor please provide their views of the Lord Mayor's comments (on 6PR breakfast), whether they support them or condemn them?

A The Lord Mayor responded: I would like to think that I've made clear, on behalf of the Councillors, that the comments I made on 6PR in no way reflect their views. Nor do they reflect the views of anyone working at the City of Perth.

I would like to think I've explained with the apologies I have made; the statement that I have read tonight and sitting before you tonight – I understand the mistake that I made – I am sorry for that mistake – and it is my undertaking to you that it will not happen again. I understand.

Q Does the Lord Mayor now admit that being an elected representative and public officer while also holding positions in the media are counterintuitive and not appropriate?

A The Lord Mayor responded: I have said all the way along, I believe it's an advantage for me, and it's a skill set I can bring to this role. I have to be better at managing the roles. I do not believe it is something that will not allow me to be the best Lord Mayor for the City of Perth that I can be. I will continue to use those other things to my advantage in this role, to be as effective as I possibly can be for the ratepayers and residents of the City of Perth. Thank you.

Jill Reitsema, 12 Side Street Canning Vale

Q Could the option of special parking permits, for those working in volunteer positions for hospitals and other not-for-profit organisations, be considered by the Council?

A The Chief Executive Officer responded: The City appreciates the initiative, and will be exploring the option in coming weeks.

David Goncalves, 407/35 Bronte Street East Perth

Q When will this elected Council undertake to engage with the trans community following the Mayor's characterisation and implied definition that trans people not have a right to exist?

As convention dictates, a Board should resign when it has an intransigent leader who refuses to go. Can each Councillor state whether they believe the responsibility only remains at the top, or whether they themselves should resign collectively?

A The Lord Mayor responded: I have made comments on behalf of the Councillors tonight in my opening remarks. Unless any of the Councillors have any further to add, I will defer to the statement I read at the start of the night.

As it pertains to understanding the responsibility – it is a responsibility that is understood. We have confirmed our support for the LGBTIQ+ community. We will undertake training. I've been delighted that my fellow Councillors have agreed to undertake that training with me – I'm very appreciate of that. Many of the staff members have also indicated that they will do that – I thank them for that.

Q I would appreciate a response from each Councillor.

A Cr Bain responded: Thank you for your question. I absolutely condemn the comments that our Lord Mayor has said, but he has unreservedly apologised, and I think the last thing the City needs is further instability. So, on behalf of myself as a Councillor, I am very sorry for the comments that have been made, and the distraction this has been. I will personally be very interested in the awareness training.

Q Why have elected Councillors failed to address calls from residents and stakeholders over this last week to move any motions in support of a clear statement against transphobia, or broader calls for the City to develop firm policy to promote equality, diversity and inclusion?

Will Council at least commit to developing future policy in way that engages with those with lived experience of discrimination in order to provide a framework for how it interacts with those within its community who face ongoing and systemic discrimination?

Will this policy be limited to the 'Code of Conduct' or will it take on a wider and better role to define the relationship the City has with those in the queer and trans community, in a way that builds real engagement?

Will this be led by staff, or by those with a moral and democratic responsibility to undertake policy change as elected representatives?

- A** The Lord Mayor responded: Thank you for your question. Training has been offered by TransFolk of WA, and that has been accepted. As per my remarks at the start of this meeting, the City is developing a plan to ensure that everyone in our community is safe and knows that they are welcome. This will be reflected in the new Code of Conduct that the Councillors and I will begin working on this month.

I accept my responsibility as the Lord Mayor, and I know the Councillors accept their responsibility also. Unless any of the Councillors have anything further to add, I will leave the answer to your question at that point.

- Q** My question was about policy rather than your specific apology and comments. I don't feel that has been addressed.

- A** The Deputy Lord Mayor responded: The City of Perth, any myself personally, fully support the valued LGBTQIA community and are committed to supporting diversity. We are looking at setting up an advisory committee which will formally participate in helping us develop a policy.

The Lord Mayor responded: Policy being formulated is part of the Code of Conduct that we are going to develop. That work will begin this month. I appreciate your questions. Thank you for being here.

Paul Benson, 15 Kathleen Street Bassendean

- Q** We are approaching the third anniversary of the historic result of the marriage equality survey. Many members of the LGBTQIA+ community watched the result together on the big screen at Northbridge Piazza.

Given the special place this location has in the hearts of the LGBTQIA+ community, in recognition of the historic significance of the event, and as a demonstration of the Council's commitment to support the LGBTQIA+ community, will members of the Council support re-naming Northbridge Piazza to "Equality Square"?

- A** The General Manager Community Development responded: The City will take this question on notice and investigate the opportunity to rename Northbridge Piazza to "Equality Square" to mark the 3rd anniversary of marriage equality in Australia on 9 December.

Shaun Mackenzie, 13 Bayswater Street Bedford

- Q** I would like to extend my thank you for your apology and actions to educate yourself and the Councillors. Given your comments, are you going to pledge to make any form of monetary donation to support any of the groups in the LGBTQIA community, such as Pride WA or TransFolk of WA? Or will that be extended to the City of Perth?

- A** The Lord Mayor responded: I have made a personal donation on behalf of my wife and family already. We had also pledged, separately to the Council, that the must-have fashion item of the campaign (the

orange Basil cap and t-shirt) was going to be made available to members of the public and we were going to make the donations to charity.

We hadn't worked out which charity that was going to be, but it was my pleasure to tell TransFolk of WA yesterday that the least I can do is to make all of the proceeds available from the sale of that merchandise (of which there has been quite a few sales) – that will all go to TransFolk of WA. I was delighted this was accepted graciously, and most appreciatively. TransFolk of WA advised that would make a great deal of difference to the work that they do.

Q I did not want to be here this evening. I'm sure many people did not want to be here this evening. I would rather be at home with my partner right now. I think you need to take into account the fact that you have wasted the time of everyone in the City of Perth, and across Perth. I hope you do live up to your actions that you have said tonight. I hope you know that the community will hold you to account in the coming months.

A The Lord Mayor responded: Thank you. You are right. This is not how we had hoped to have our first Ordinary Council Meeting. The error on my behalf last week needed to be addressed, so that we could be clear that I understand the error of my ways – the mistakes I made. I can pledge to you, and everybody in the room that I will undertake the training; speak to all of the relevant people; and importantly, which began yesterday and continues on Saturday, to listen to members of the gender-diverse community so that I better understand.

I would also like to say that one of the things that brought me here, and one of the reasons I thought I could make a good Lord Mayor was because of the leadership skills I hope to bring to the role. Now I admit, on that score, it's been a poor week – but I have an opportunity now to put those leadership skills to work. It is my responsibility to learn from what took place last week, and to use everything that I have available to me to make sure that I am better educated, and that people in our community are better educated. That ultimately, the city of Perth is a better and safer place.

I am sorry for wasting your time. It's a fair point that you make. I make a commitment to you to better for myself, and to be better for the City of Perth. Thank you for being here tonight.

Deborah Elkes, 18 Lynx Place Rockingham

Q Lord Mayor and members of the Council, thank you for allowing me to ask my question. I'm the mother a trans woman, and Lord Mayor I really appreciate your actions moving forward to better understand our community.

In light of the views expressed by you regarding the transgender community I would like to ask you and the City of Perth if you would agree to the establishment of a fund that provides trans people with a higher education degree, or scholarship on behalf of Pride WA perhaps that could pay for one or more trans-persons degrees?

A The Lord Mayor responded: Thank you for your question. There are a lot of things for to consider, and there have been already out of our conversation yesterday and with other groups we have spoken to, a lot of great ideas of how we can make a meaningful contribution going forward.

I would ask that you put that very fine suggestion in writing to the Administration so that the matter can be considered properly as per procedure and protocol. Thank you for being here.

Sarah Feldman, 27/191 James Street Northbridge

Q Is it a conflict of interest for the Lord Mayor to be paid by multiple, media employers?

A The Lord Mayor responded: I do not believe so, no. I should point out that those issues very much to the fore during our campaign and the ratepayers and residents of the City of Perth had the opportunity to vote on that issue. They had that opportunity and have done so.

Q Voting was not compulsory however. How can the people of Perth receive unbiased accurate coverage of the Lord Mayor's words and actions when he is a paid employee of several major media platforms in Western Australia?

A The Lord Mayor responded: I offer the same answer I have my media colleagues – many of which have taken me up on that invitation. The media should, and have already gone their hardest at me, as they would anyone in the public eye. It's their job as journalists, representing the organisations that they represent, to do their job. I don't think there has been any interpretation in any way other than reporting what has taken place in regards to this issue, or any other issues that have been before the Council.

In many ways that a question for the editors of those publications or news services. I have said to all my colleagues "go your hardest" – "do your job" – "I am owed no special favours, I do not expect any special favours, and I don't believe I will get any".

Peter Foley, 88 Redfern Street Subiaco

Q On 28 of October on 6PR the Lord Mayor breached the City's Code of Conduct in six ways, as outlined by Pride WA and TransFolk of WA.

Given these clear breaches of conduct will the Lord Mayor be standing down? If not, what actions are being taken to ensure the Lord Mayor and his Council don't breach this conduct in the future?

The principles which were breached include:

- The responsibility to avoid discrimination, abuse or exploitation of others.
- The responsibility to respect the rights of individuals and groups allowing them their opinion and their right to be different; and
- The responsibility to enable and empower others to achieve their potential by promoting their physical, mental and social wellbeing.
- The responsibility to contribute to the wellbeing of individuals and society by exercising due diligence and a duty of care to others.
- The responsibility to treat others as they would like to be treated, doing good and not doing harm; and

- The responsibility to uphold the rights of those who are unable to do so, advocating for others where required.

A The Lord Mayor responded: Again, I would refer to my opening remarks outlining the training that I will undertake and the City's plan to develop a way forward to ensure everyone in our community is safe and knows that they are welcome. I reiterate this will be reflected in a new Code of Conduct that the Council and I will begin working on this month.

I made a mistake last week. I understand the gravity of that mistake. I am deeply apologetic for the pain I have caused many people and I've seen that on display in this room tonight. I accept it – I own it – and it is my job to demonstrate that with my actions, more so than my words, that I understand. I am genuinely and truly sorry. That now is my job to do, and I will.

Glen Morgan, 3/12 Tully Road East Perth

Q I wanted to say to the Lord Mayor that you've come under a lot of heat this last evening and quite rightly, but I would like to express appreciation for the respectful way you have answered the questions. In my mind I think you have clearly got the message, and going forward I would like to wish you and all of the Councillors all the very best.

A The Lord Mayor responded: Thank you. I appreciate that. It's very kind of you to say. Yes, I understand – I've got the message.

Matthew Harris, 2 Jardee Close, Dianella WA 6059

Q I played footy for Wembley, and we've all played football together. We have a history of mate-ship. I understand you as a dad, and myself as a father. I am the father of a child that is now identifying as non-binary. I want to just acknowledge that you've been through a lot of stress today and the last week, but I hope that you have learned as a dad even though your kids are little.

My child is now fifteen, and only 12 months ago identified as non-binary. It is a big journey. Coming from the usual western suburbs upbringing of where we came from, and not everyone does, it's a bit of a shock – but it's a learning process. We support our child 100% through love, and I think that is the key to understanding moving forward for yourself. Be educated – one day your child could turn around and say "Dad, I'm not what you thought I was". It's a matter of love and support and getting through it together.

Having played footy, I really hope that you will move forward with this – I know you will because you're a smart fellow. Provide an opportunity for all Perth people to have the best chance moving forward. Just say "we support you – we understand – we can do this together".

A The Lord Mayor responded: Thank you, and I wish you all the best with your journey. To be honest, that is a conversation that my wife and I have had many times. There's formal training for me to undergo, but my wife has started that training in many ways in that we have had many conversations of the nature you outlined – thank you for expressing that.

It's been an education for my family in other ways – because of my actions, they've had to go through a difficult time (the same way many of the Councillors or members of the City of Perth staff). That in itself has provided a leaning opportunity.

I'm here as the Lord Mayor, and that's a responsibility I understand. I'm also here as a husband, a community leader, and as a father. It's my job to roll all of those things into one now and be the best of all of those I can be. Because of good grace shown to me in the room tonight, and by my fellow Councillors and staff members of the City of Perth, I've got an opportunity to make the most of something I did poorly last week. How lucky am I to be given that opportunity to show people what I can do, and hopefully to become a leader in this space? Thank you again.

Terry Maller, 1/70 Goderich Street East Perth

Q The previous Council had a heritage policy, which was developed over some period of time through the Committee process, whereby if you had a heritage property and you wanted to bring it back to its original state you got rate relief and other benefits.

The Bon Marche Arcade came up under that policy, and Commissioner Hammond dismissed it out of hand as it was private property. Yet two private heritage properties in Goderich Street were awarded.

I would ask that the Council go back and revisit this policy and come back as to whether it is going to continue to, or not.

A The Chief Executive Officer responded: The Administration will take that on notice. We will examine and seek out your question formally.

5.2 Deputations

Nil

6. Disclosures of Interests

The following disclosures of interest were received:

Name	Councillor Bain
Item number and title	12.3 – Business Improvement Grants 2020/21
Nature of interest	Direct Financial Interest on point 1.1 of officer recommendation
Interest description	Councillor Bain has received an electoral gift from Jeff Leach

Name	Councillor Bain
Item number and title	12.3 – Business Improvement Grants 2020/21
Nature of interest	Impartiality

Interest description	Cr Bain was photographed with Christian Watters in her electoral campaign material
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Name	Councillor Bain
Item number and title	15.1 – Appointment of elected members to committees of Council and external bodies
Nature of interest	Direct Financial Interest
Interest description	Relating to the City Amenity Advisory Committee, Councillor Bain received an electoral gift from Les Wilson

Name	Councillor Bain
Item number and title	15.1 – Appointment of elected members to committees of Council and external bodies
Nature of interest	Impartiality
Interest description	Relating to the City Amenity Advisory Committee, Anne-Maree Ferguson was the former contractor for Activate Perth when Cr Bain was Chair in 2018/19

Name	Councillor Lezer
Item number and title	12.3 – Business Improvement Grants 2020/21
Nature of interest	Impartiality
Interest description	Councillor Lezer met with the owner of the Mustang Bar several times during her election campaign

Name	Councillor Fleeton
Item number and title	18.1 – Notice of Motion – 3 hour free parking trial
Nature of interest	Direct Financial Interest
Interest description	Councillor Fleeton’s client City Foreshore Investments Pty Ltd has a lease on the Point Fraser development at 306 Riverside Drive which utilizes the CPP Point Fraser car park

Name	Councillor Gobbert
Item number and title	11.1 - Final Adoption of Amendment No. 43 to City Planning Scheme No. 2 to Introduce Additional Uses and a Special Control Area over 707 (Lot 500) Murray Street, West Perth
Nature of interest	Impartiality

Interest description	The proponent is known to Councillor Gobbert through a former Committee they served on together, namely Future Perth, where he was the secretary and the proponent was the Chairman
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Name	Lord Mayor Zempilas
Item number and title	12.3 – Business Improvement Grants 2020/21
Nature of interest	Impartiality
Interest description	Lord Mayor Zempilas has declared an impartiality interest as Michael Keiller is known to the Lord Mayor through his campaign. Michael Keiller is the part-owner to Mustang Bar.

Name	Councillor Bevan
Item number and title	12.3 – Business Improvement Grants 2020/21
Nature of interest	Direct Financial Interest
Interest description	Councillor Bevan owns Friends Restaurant and 12 of the 16 receivers of grants are food and beverage outlets.

7. Confirmation of minutes

Council Resolution (0311/01)

Mover Cr Gordon
Seconder Cr Gobbert

That Council:

1. CONFIRMS the minutes of the [Ordinary Council Meeting](#) held on 29 September 2020
2. CONFIRMS the minutes of the [Special Council Meeting](#) held on 2 October 2020
3. CONFIRMS the minutes of the [Special Audit and Risk Committee](#) held on 14 October 2020
4. CONFIRMS the minutes of the [Special Council Meeting](#) held on 20 October 2020
5. NOTES the notes of the [Agenda Briefing Session](#) held on 27 October 2020

to the best of their knowledge.

CARRIED UNOPPOSED (9/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer
Against None

8. Questions by members which due notice has been given

Nil

9. Correspondence

Nil

10. Petitions

Nil

11. Planning and Economic Development Alliance Reports

11.1 Final Adoption of Amendment No. 43 to City Planning Scheme No. 2 to Introduce Additional Uses and a Special Control Area over 707 (Lot 500) Murray Street, West Perth

Responsible Officer	Jayson Miragliotta, General Manager Planning and Economic Development Alliance
Voting Requirement	Simple Majority
Attachments	Attachment 11.1A - Location Plan and Site Context Attachment 11.1B - Scheme Amendment Report Attachment 11.1C - Schedule of Submissions

Purpose

The purpose of this report is for Council to consider the outcomes of consultation on Amendment No. 43 to City Planning Scheme No. 2 (CPS2) located at the corner of Thomas and Murray Streets, West Perth. This amendment will facilitate redevelopment of an at-grade car park as a mixed-use development including a Woolworths supermarket.

Recommendation

That Council:

1. SUPPORTS Amendment No. 43 to City Planning Scheme No. 2 without modification as per Attachment 11.1B, pursuant to regulation 53(1) of the Planning and Development (Local Planning Scheme) Regulations 2015
 2. ADOPTS the amended Precinct Plan as detailed in Attachment 11.1B – Scheme Amendment Report pursuant to clause 3A of Schedule A (Supplemental Provisions) of City Planning Scheme No. 2, and subject to the gazettal of Amendment No. 43.
-

Background

1. On 26 May 2020, Council resolved to initiate Amendment No. 43. The amendment proposes to include additional land uses and a Special Control Area over No. 707 (Lot 500) Murray Street, West Perth. The landowners are Fabcot Pty Ltd (Woolworths).
2. The amendment will facilitate a supermarket-led mixed-use development on the subject site by:
 - (a) introducing additional land uses to permit the supermarket
 - (b) increasing the maximum plot ratio from 2:1 to 4:1
 - (c) including objectives/design criteria to guide the future redevelopment of the site.

A copy of the Scheme Amendment Report is provided at Attachment 11.1B.

3. The draft City Planning Strategy identifies the provision of a supermarket in West Perth as an important element to improve the liveability of the neighbourhood for residents, businesses and workers.
4. Located at the corner of Thomas and Murray Streets, this site is an important gateway site into the city, well positioned between the West Perth neighbourhood centre and the future Subi East redevelopment site (former Princess Margaret Hospital). The City of Perth (City) has worked closely with the applicant and landowner to ensure this amendment delivers land uses and built form expectations that will provide benefit to the area and community and will continue this as part of the Development Approval process.

Discussion

5. The matters raised in the submissions and the City's Administration response are set out in Attachment 11.1B. The key themes of the submissions are:
 - a. Transport
 - i. impact on the surrounding road network and on-street parking
 - ii. improving pedestrian connectivity across Thomas Street and between the West Perth town centre and the Subi East redevelopment area
 - iii. short-stay public parking is not supported as this is sufficiently guided and allowed for under the Perth Parking Policy 2014.
 - b. Built Form and Landscaping - concerns about the redevelopment having full site coverage with nil setbacks, resulting in a lack of adequate landscaping.
 - c. Electrical Sub-Station - suggestion that the adjoining electrical sub-station site be hidden or relocated as part of any future redevelopment.

Stakeholder Engagement

6. The Amendment was referred to the Environmental Protection Authority (EPA) for its consideration of the need for formal environmental assessment. On 15 July 2020, the EPA advised that the Amendment would not need to be assessed.
7. Following receipt of the EPA's advice, the Amendment was advertised for comment from 27 July 2020 to 11 September 2020. The methods of advertising included:
 - a. Letters to relevant State Government agencies
 - b. 309 letters being sent to surrounding landowners and stakeholders
 - c. A notice being published in the local newspapers (Western Suburbs Weekly and The Perth Voice) on 27 July 2020
 - d. Information being published on the City website
 - e. Information being made available for viewing at the City Customer Experience Centre and the City Library.
8. Eight submissions were received: four from community members, three from State Government departments, and one from an adjoining local government.

The submissions were generally supportive of the proposed amendment with the following matters raised:

- a. Concerns about the impact that redevelopment would have on the surrounding road network and on-street parking
 - b. That vehicular access to/from the subject site should be limited to Cook and Murray Streets to protect the function and operation of Thomas Street as a regional road
 - c. The need to improve pedestrian connectivity across Thomas Street and between the West Perth town centre and Subi East Redevelopment (former PMH site), and that pedestrian and cycle paths could be provided through the subject site connecting the Thomas Street underpass and Cook Street
 - d. An additional objective being added specific to short-stay public parking on the subject site;
 - e. Concerns about the redevelopment having full site coverage with no setbacks, resulting in a lack of adequate landscaping
 - f. Hiding or relocating the adjoining electrical sub-station site as part of any future redevelopment.
9. A summary of the submissions received, and the City's responses are provided in Attachment 11.1C.

Decision Implications

10. Council is required to pass a resolution to either:
 - a. support the amendment without modification
 - b. support the amendment with proposed modifications to address issues raised in the submissions or
 - c. Not support the amendment.

11. Once Council has made a decision, Amendment No. 43 is required to be provided to the Western Australian Planning Commission for its consideration and recommendation to the Minister for Planning for final decision. Should Council decide not to support Amendment No.43, the applicant has no right of appeal.

Strategic, Legal and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Place A well-planned and functional built form environment promoting world class architecture, appreciation of heritage, diversity of land use and a sustainable, affordable and accessible integrated transport system.
Strategic Community Plan Objective:	2.9 Land use, transport and infrastructure planning that encourages and facilitates a wide range of public and private sector investment and development.
Issue Specific Strategies and Plans:	Draft City Planning Strategy In preparing the new Scheme, consider development incentives to encourage the establishment of a supermarket in Hay Street West activity centre to support resident’s ability to ‘live local’.
Legal and Policy	
Legislation:	<p><i>Planning and Development Act 2005</i> Section 75(a)(b) – Amending scheme Provides legislative power to the Council to initiate changes to its planning scheme.</p> <p>Section 81(a)(b) – EPA referral Requires local governments to refer planning scheme amendments to the Environmental Protection Authority for review before commencing consultation.</p> <p>Section 84 – Advertising Requires local governments to advertise the planning scheme amendment for consultation.</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Regulations 47 – Advertisement of standard amendment Sets out the minimum requirements for how a planning scheme amendment should be advertised for consultation.</p> <p>Regulation 50 – Consideration of submissions on standard amendments Sets out requirements for considering consultation outcomes and Council’s decision options on the planning scheme amendment.</p> <p>Regulation 53 – Information on standard amendment to be provided to the Commission Sets the requirements for a schedule of submissions, consideration of each submission, and any proposed modifications and reasoning.</p> <p>City Planning Scheme No. 2 Part 2, Clause 19 – refers to Additional Uses</p>

	Sets out the criteria for applying an Additional Use to a site. Part 5, Clause 39 – refers to Special Control Areas Identifies the use and location of Special Control Areas. Clause 3A of Schedule A Supplemental Provisions – refers to amending Precinct Plans.
Legal Advice:	Not applicable
Policy:	CPS2 Precinct Plan No. 10 - West Perth This policy directs that the West Perth precinct will be developed as a residential quarter, accommodating a range of housing types along with support facilities. Further, the precinct is to be a secondary business area adjacent to the city centre.

Financial Implications

There are no direct financial implications with this report. The applicant is responsible for the City's costs in assessing, advertising and finalising the scheme amendment documentation.

Relevant Documents

Not applicable.

Further information

Resulting from discussion and questions raised from the Agenda Briefing Session on 27 October 2020, the following additional information is provided:

12. The current planning scheme (City Development Design Guidelines) state:
 - a. Car parking areas should be located as an undercroft/basement to the building, or towards the rear of the site and screened from public view.
 - b. New multi-storey car parks should incorporate interactive street frontages, such as land uses which promote activity. Where car parking levels (including undercroft levels) are visible from a street or public space, high quality architectural detailing should be incorporated into the facade of all floors.
 - c. Also, the City's Parking Policy states:
 - i. Private off-street parking is to generally be located at the rear of developments, and in some precincts beneath developments.
 - ii. Parking shall not be provided between the building and the street.
 - d. In terms of the new planning scheme this detail is yet to be worked through, but as a general position the current policy setting is correct in that at-grade parking should be avoided as part of new developments. This approach will be taken for this site.

13. Each of the submissions were carefully considered, however, in a number of instances they were outside the control of the Scheme amendment or more appropriately dealt with through the Development Approval process.

In the case of the submission from West Perth Local, prior to the initiation of the amendment the administration and the proponent had discussed in detail the landscaping requirements of the planning scheme and the minimum layout requirement for a full range supermarket on the site.

The current setback requirements for the site are set out in Precinct Plan No. 10 – West Perth. Precinct Plans are treated similarly to planning policies and can be varied but there needs to be good reasons.

The landowner had sought agreement to ‘lock in’ a variation of setbacks. This was not supported because it pre-empts the Development Approval process.

So while the design of the supermarket is still being developed and the setbacks have not been determined it was considered that the scheme amendment provisions provide an appropriate way forward by setting out outcomes that must to be met to possibly allow a variation of planning standard.

Council Resolution (0311/02)

Mover Cr Gobbert

Secunder Deputy Lord Mayor Anghie

That Council:

1. **SUPPORTS** Amendment No. 43 to City Planning Scheme No. 2 without modification as per Attachment 11.1B, pursuant to regulation 53(1) of the Planning and Development (Local Planning Scheme) Regulations 2015
2. **ADOPTS** the amended Precinct Plan as detailed in Attachment 11.1B – Scheme Amendment Report pursuant to clause 3A of Schedule A (Supplemental Provisions) of City Planning Scheme No. 2, and subject to the gazettal of Amendment No. 43.

CARRIED UNOPPOSED (9/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

Against None

11.2 Final Adoption of Amendment No. 44 to City Planning Scheme No. 2 to introduce a Special Control Area over 707 (Lot 14) and 725 (Lot 101) Wellington Street and 482-484 (Lot 2), 486-488 (Lot 1) and Lot 66 Murray Street, Perth

Responsible Officer	Jayson Miragliotta – General Manager, Planning and Economic Development Alliance
Voting Requirement	Simple Majority
Attachments	Attachment 11.2A – Location Plan Attachment 11.2B - Initiated Scheme Amendment Report Attachment 11.2C – Response to Submissions Attachment 11.2D – Perth Parking Policy Allowances Attachment 11.2E – Modifications to Scheme Amendment

Purpose

The purpose of this report is for Council to consider the outcomes of consultation on Amendment No. 44 to City Planning Scheme No. 2 (CPS 2) located at the corner of Wellington and Elder Streets, Perth. This Amendment will help facilitate an approved office and residential redevelopment of the land.

Recommendation

That Council:

1. SUPPORTS Amendment No. 44 to City Planning Scheme No. 2 with modification as per Attachment 11.2E, pursuant to regulation 53(1) of the Planning and Development (Local Planning Scheme) Regulations 2015
 2. ADOPTS the amended Precinct Plan as included in Attachment 11.2B, pursuant to clause 3A of Schedule A (Supplemental Provisions) of City Planning Scheme No. 2, and subject to the gazettal of Amendment No. 44 to City Planning Scheme No. 2
-

Background

1. On 20 February 2020, the Perth Local Development Assessment Panel granted development approval to a mixed-use development over the subject site, as outlined in Attachment 11.2A. The approved development includes 99 tenant bays to service the proposed office development accessed off Elder Street and 169 residential bays to service the proposed residential development accessed off Murray Street.
2. Condition 9 of the development approval states:
“The subject lots being amalgamated into one lot on one Certificate of Title or alternatively a Special Control Area being established over the site to enable the applicable development standards and requirements to be applied to the site as though it was a single lot and being initiated prior to the building permit stage and finalised prior to occupation of the buildings.”
3. In response to the above condition, the City of Perth (City) received a request on 25 March 2020 from PTS Town Planning on behalf of the landowners to amend City Planning Scheme No. 2 (CPS2) to introduce a Special Control Area (SCA) over 707 (Lot 14) and 725 (Lot 101) Wellington Street, 482-484 (Lot 2) and 486-488 (Lot 1) and Lot 66 Murray Street, Perth.
4. Amendment No.44 to CPS2 (the Amendment) is intended to introduce a SCA over the subject site to facilitate its coordinated redevelopment by allowing the five separate lots to be treated as one site for the purposes of calculating plot ratio and bonus plot ratio as well as the tenant parking allowance under the Perth Parking Policy (PPP).
5. On 26 May 2020, Council resolved to initiate the Amendment. A copy of the initiated Scheme Amendment report is provided in Attachment 11.2B, which includes further details of the SCA provisions and the subject site context.

Discussion

6. The State Government’s Perth Parking Policy (PPP) provides guidance on commercial tenant parking and public parking within the Perth Parking Management Area. This area covers most of the city (excludes Crawley-Nedlands), as well as small parts of the City of Vincent.
7. Pedestrians and public transport are intended to have priority in the heart of the City and the PPP therefore seeks to reduce the number of parking bays which are accessed via higher priority streets as well as the number of vehicle crossovers. The PPP identifies four categories of streets with Category 1 and 2 streets being higher priority streets.
8. The PPP specifies the maximum number of tenant parking bays that can be located on a single lot based on street priority, type of access (at-grade or integrated) and lot size. It restricts the sharing of tenant bays across different lots.
9. In relation to the subject site, the PPP identifies Wellington Street as a Category 2 street, Murray Street as a Category 3 street and Elder Street as a Category 4 street meaning that a greater number of tenant parking bays are allowed if they are accessed off Elder Street compared to Murray Street,

and likewise, a greater number of tenant bays are allowed if they are accessed off Murray Street compared to Wellington Street. The current tenant parking allowances under the PPP for the subject land are outlined in Attachment 11.2D.

10. A revised development application could be submitted which significantly increases tenant parking beyond the 99 bays currently approved for the subject site, however this could happen under the PPP regardless of Amendment No. 44.
11. Currently under the PPP the parking allowance, which is calculated and distributed on an individual lot basis, could cumulatively total 160 bays across the subject site based on at-grade access and total 210 bays based on integrated access.
12. Whilst the applicant has advised that it is not the intent to maximise the tenant car parking allowance in this manner, and this could occur regardless of the Amendment (if the landowner chose to amalgamate the lots rather than pursue an SCA), modification of the Amendment is recommended to address this issue.
13. The DoT (Department of Transport) has recommended a cap of 160 tenant bays based on at-grade rates, whilst the applicant has recommended a cap of 183 tenant bays based primarily on integrated access rates.
14. Any tenant parking rates applied to the SCA should:
 - a. generally be consistent with the PPP
 - b. not be overly complex
 - c. be flexible so as to not pre-empt what form any future development and associated car parking and access may take.
15. Whilst it is appropriate for the Scheme Amendment to reference the PPP, it should not duplicate the provisions of the PPP. This creates the potential for inconsistency of provisions, particularly if the PPP is amended in future.
16. The City has worked with both the DoT and the applicant to find an acceptable outcome. It is important to note that this scheme amendment is a requirement to enable an existing development approval to proceed.
17. It is recommended that the Amendment be supported subject to clause 31.4 being modified so that it reads as follows:
 - a. *The tenant car parking allowance for the Special Control Area shall be the sum of the allowances calculated on an individual lot basis in accordance with the Perth Parking Policy*
 - b. *The tenant car parking may be distributed across the Special Control Area as if it were one lot*
 - c. *The tenant car parking facilities located on one site/lot within the Special Control Area may be leased or used by the tenants of another site/lot within the Special Control Area.*

Under the current lot configuration this would result in a maximum of 160 or 210 tenant bays depending on the form of access. The provisions would however allow for these tenant parking bays to be shared

and distributed across the SCA rather distributed on an individual lot basis. The modifications are further detailed in Attachment 11.2E.

18. The applicant has advised that they are comfortable with the proposed modifications to the Amendment. The DoT has advised that it still has concerns that the proposed provisions do not prevent the worst-case scenario of up to 246 tenant bays being built anywhere in the SCA, if the existing lots are amalgamated and all access to the tenant bays can be provided from Elder Street. As noted, this could occur regardless of the Amendment.
19. Any future development application which proposes an increase in tenant parking bays or alternative access points would be required to submit a traffic or parking impact statement to determine the impact on the surrounding road network.
20. It is noted that Main Roads WA (MRWA) has indicated that it has no objections to the proposed amendment or SCA. It has not raised any concerns about parking and access off Elder Street or access to the Kwinana Freeway.

Stakeholder Engagement

21. The Amendment was referred to the Environmental Protection Authority (EPA) for its consideration of the need for formal environmental assessment. On 2 July 2020, the EPA advised that the Amendment would not need to be assessed.
22. Following receipt of the EPA's advice, the Amendment was advertised for comment from 27 July 2020 to 11 September 2020. The method of advertising included:
 - a. A letter being sent to the DoT and subsequently to MRWA upon the DoT's advice
 - b. 201 letters being sent to surrounding landowners and stakeholders
 - c. A notice being published in the local newspaper (Western Suburbs Weekly) on 27 July 2020
 - d. Information being published on the City's website
 - e. Information being made available for viewing at the City Customer Experience Centre.
23. Two submissions were received from the DoT and MRWA.
24. DoT advised that it was generally supportive of the Amendment, however raised concerns regarding possible future parking numbers. Specifically, that the SCA could allow a revised development application to significantly increase tenant parking beyond the 99 bays currently approved for the site, particularly if these are accessed off Elder Street. The DoT stated that this would have significant impacts on the transport network in the vicinity, including access to the Kwinana Freeway. To address this issue, it requested that the Amendment be modified to include a maximum tenant parking cap of 160 bays based on the at-grade rates of the PPP.
25. MRWA advised that it had no objections to the Amendment.
26. The DoT's comments were referred to the applicant for response. The applicant advised that it was not the intent to maximise tenant car parking by accessing all of the parking from Elder Street and that in any case, this would not be practical given the level differences and existing easements across the

site. The applicant advised that it would not object to the Amendment being modified to include a maximum tenant car parking cap as suggested by DoT but that this should be based on the tenant car parking outcomes that would otherwise apply if not for Amendment No. 44 and SCA.

27. The applicant recommended a maximum tenant parking cap of 183 tenant parking bays based primarily on the integrated access rates of the PPP.
28. The DoT provided further comments in relation to the applicant's response expressing continued concerns.
29. A summary of the submissions received, including the applicant's and Administration's responses (discussed below) are provided in Attachment 11.2C.

Decision Implications

30. Council is required under the relevant planning legislation to pass a resolution to either:
 - a. To support the amendment without modification
 - b. To support the amendment with proposed modifications to address issues raised in the submissions
 - c. Not to support the amendment.
31. Once Council has made a resolution, the Amendment is required to be provided to the Western Australian Planning Commission for its consideration and recommendation to the Minister for Planning.
32. Should Council decide not to support the Amendment, the applicant has no right of appeal.

Strategic, Legal and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Place A well-planned and functional built form environment, promoting world class architecture, appreciation of heritage, diversity of land use and sustainable, affordable and accessible integrated transport system.
Strategic Community Plan Objective:	2.9 Land use, transport and infrastructure planning that encourages and facilitates a wide range of public and private sector investment and development.
Issue Specific Strategies and Plans:	Draft City Planning Strategy
Legal and Policy	
Legislation:	<i>Planning and Development Act 2005</i> Section 75(a)(b) – Amending scheme Provides legislative power to the Council to initiate changes to its planning scheme. Section 81(a)(b) – EPA referral

	<p>Requires local government to refer planning scheme amendments to the Environmental Protection Authority for review before commencing consultation.</p> <p>Section 84 – Advertising</p> <p>Requires local governments to advertise the planning scheme amendment for consultation.</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p>Regulations 47 – Advertisement of standard amendment</p> <p>Sets out the minimum requirements for how a planning scheme amendment should be advertised for consultation.</p> <p>Regulation 50 – Consideration of submissions on standard amendments</p> <p>Sets the requirements for considering consultation outcomes and Council’s decision options on the planning scheme amendment.</p> <p>Regulation 53 – Information on standard amendment to be provided to the Commission</p> <p>Sets the requirements for a schedule of submissions, consideration of each submission, and any proposed modifications and reasoning.</p> <p>City Planning Scheme No. 2</p> <p>Clause 3A of Schedule A (Supplemental Provisions) refers to amending Precinct Plans whilst Clause 39 refers to Special Control Areas.</p>
Legal advice:	Not applicable
Policy:	<p>Perth Parking Policy 2014</p> <p>This policy sets out the approach by the State Government, following consultation with the City and other responsible planning authorities to the development and management of parking facilities that fall within the Perth Parking Management Area (PPMA).</p>

Financial Implications

There are no direct financial implications with this report. The applicant is responsible for the City’s cost in assessing, advertising and finalising the Amendment documentation.

Relevant Documents

Not applicable.

Further information

Not applicable.

Council Resolution (0311/03)

Mover Cr Gobbert

Seconder Cr Bevan

That Council:

1. **SUPPORTS** Amendment No. 44 to City Planning Scheme No. 2 with modification as per Attachment 11.2E, pursuant to regulation 53(1) of the Planning and Development (Local Planning Scheme) Regulations 2015
2. **ADOPTS** the amended Precinct Plan as included in Attachment 11.2B, pursuant to clause 3A of Schedule A (Supplemental Provisions) of City Planning Scheme No. 2, and subject to the gazettal of Amendment No. 44 to City Planning Scheme No. 2

CARRIED UNOPPOSED (9/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

Against None

12. Community Development Alliance Reports

12.1 Christmas Lights Trail Budget Variation

Responsible Officer	Anne Banks-McAllister, General Manager Community Development
Voting Requirement	Simple Majority
Attachments	Not applicable

Purpose

To recognise additional external contributions of \$447,500 and an offsetting increase in the expenditure allocated to the Christmas Lights Trail project budget from \$1,000,000 to \$1,477,500.

Recommendation

That Council APPROVES an amendment to the 2020/21 budget to recognise additional external contributions of \$447,500 and an offsetting increase in the expenditure allocated to the Christmas Lights Trail project budget from \$1,000,000 to \$1,477,500.

Background

1. Since 2017 the Christmas Lights Trail has continued to grow in scale and excellence through ongoing support from diverse stakeholders, significant visitor attendance and positive community sentiment.
2. The Christmas Lights Trail comprises over 25 unique lighting installations and experiences throughout the CBD and Northbridge with a satellite location in East Perth and for the first time in 2020, a satellite location in West Perth.
3. The Christmas Lights Trail embodies the City of Perth (City) strategic vision: Vibrant, Connected, Progressive. It seeks to connect our diverse community through memorable experiences, adds vibrancy with creative lighting displays, and is fast becoming a staple, iconic Perth event supporting economic growth and enhancing social and cultural capital.
4. The 2019 trail attracted approximately 333,000 local, domestic and foreign visitors over 42 nights through the delivery of 27 creative lighting installations and complimentary roving performances.
5. The City aims to reduce cost to ratepayers and extend the trail by securing grants and financial contributions from third parties. This provides greater economic, social and cultural value to our stakeholders. This is evidenced through year-on-year data analysis, which shows the City's expenditure on the Christmas Lights Trail has increased by 66% from 2017 to 2020, whilst the total project budget including income has increased by 133%.
 - a. For example, in 2019 the City's investment of \$945,631 was augmented by \$222,885 in cash sponsorship from retail centre partnerships and a Lotterywest grant of \$150,000 (total budget of \$1.32M). The total direct economic impact of the event was \$6.82M. This represents a return on investment of \$5.17 per dollar spent overall, and \$7.21 per dollar spent by the City.
5. The City's Commissioners approved a comprehensive \$20,115,000 COVID-19 Economic Rebound Strategy at the Ordinary Council Meeting held on 30 June 2020.
6. This included the annual Christmas Lights Trail as a key project. The total discretionary cost allocation for this project is \$1,000,000.

Discussion

7. Planning for the 2020 trail has commenced, and the City has negotiated external contributions to the value of \$477,500 from various stakeholders including major retail centres and Lotterywest; a 114% increase on 2019 income. This represents an overall 48% increase to the original 2020/21 project budget, approved at the Ordinary Council Meeting held on 30 June 2020.
8. The expectation of contributing stakeholders is that their funding will add to, and expand the scope of the trail, rather than decrease the direct investment into the project by the City. Specifically:
 - a. Partners' investment generally goes towards an experience near their retail centre/area to encourage visitors to interact in the vicinity. This includes upscaling the installation to bespoke, higher-quality installations chosen by the partners.

- b. Funds go towards increased roving entertainers along the trails.
 - c. ~~Christmas installations will be included in West Perth for the first time in the trail's history due to a West Perth based partner coming on board.~~ Christmas installations will be included in West Perth for the first time in the trail's history due to an increase in Lotterywest funding.
 - d. COVID-19 has made necessary the review of cleaning and security required for each site to mitigate risks to community health and safety. Part of the Lotterywest grant will go towards sanitizer, increased cleaning regime, distancing decals, signage, COVID-19 Marshalls and other measures to assist with health and safety at each interactive site.
9. This additional project scope creates substantial opportunities for the City and our community. It contributes to realising our aspirations of Partnership and Prosperity by increasing activation in the city and bolstering the economic resilience of the event during the challenging COVID-19 environment.

Stakeholder Engagement

10. The City commenced partnership negotiations with the property and retail sectors for financial contributions to the 2020 Christmas Lights Trail in February. The value our stakeholders place on the Christmas Light Trail, and industry confidence in the potential economic impact of the event, is evidenced by the significant financial commitment from external sources which has increased year-on-year.
11. At a combined workshop with the Events, Arts and Culture Advisory Committee and Marketing and Promotion Advisory Committee on 17 August 2020, committee members provided their feedback on the Christmas Lights Trail including likes, dislikes and opportunities to add value. The findings of this workshop identified:
- a. Support for the social value of the Christmas Lights Trail
 - b. Support for the extension of the Christmas Lights Trail dates into the New Year
 - c. Opportunity to increase retail conversion
 - d. Opportunity to theme trail sections to target different audiences
 - e. Opportunity to bolster the trail through complementary events ie. music

Decision Implications

12. The budget variation will enable the funds to be spent on the Christmas Lights Trail 2020, in line with stakeholder expectation.
14. There is potential to overrun or underspend the project budget due to the complexity of negotiating financial partnerships which vary each year. This is mitigated through commencing partnership discussions as early as possible, and forecasting expenditure based on predicted income with some flexibility in project output to reduce or increase in response to any last-minute changes in income.
15. Stakeholders investing in the Christmas Lights Trail do so on the basis that the City uses these funds to achieve mutually beneficial outcomes.

16. If the recommendation is not adopted and the income is not allocated to the Christmas Lights Trail discretionary project budget, the contributions will go into general revenue instead of being allocated to this project as intended.

External Contributing Partners and Sponsors

Partner
Brookfield Commercial Operations Pty Ltd – ABN 86 120 690 940
Western Australian Land Authority - ABN 34 868 192 835 and Metropolitan Redevelopment Authority - ABN 69 902 571142 (Development WA)
The Trust Company (Australia) Limited – ABN 21 000 000 993
The Trustee for Perth Theatre – ABN 73 260 603 839
ISPT Pty Ltd – ABN 28 064 041 283
CBUS Property 140 William Street Pty Ltd – ABN 33 723 480 185
Western Australian Museum - ABN 95 249 517 733
Grant
Lotteries Commission - ABN 78 531 150 466

Strategic, Legal and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	People A safe, activated and welcoming city that celebrates its diversity and sense of community, providing unique educational, cultural, sporting and lifestyle offerings
Strategic Community Plan Objective:	1.6 Thriving and sustainable cultural, artistic and heritage industries, activities and events that encourage locals and visitors to come back for more.
Issue Specific Strategies and Plans:	Operating Projects. Christmas Lights Trail/similar significant post COVID-19 Activation Trail.
Legal and Policy	
Legislation:	Not applicable
Legal advice:	Not applicable
Policy:	1.2 Community Consultation Developing a strong sense of community ownership for the initiatives of the City. 9.5 Sponsorship of City of Perth Activities Developing an alternate source of income to facilitate and improve the provision of the City's services. 9.6 Budget Variations Seeking a variation to the Council's budget where new income is received and no estimate of that income is included in the Council's adopted budget.

Financial Implications

The financial implications of the recommendation will require additional expenditure, as an unbudgeted item.

Account Number	1064 100 50 10365 6301	Operating
Account Description	Christmas Lights Trail	
Current Budget	\$0	
Amendment to Budget	\$477,500	
Revised Budget	\$477,500	
Budget Impact	Favourable	

There will be a requirement for a corresponding amendment to the 2020/21 budget for expenditure as follows:

Account Number	1064 100 50 10365	Operating
Account Description	Christmas Lights Trail	
Current Budget	\$1,000,000	
Amendment to Budget	\$477,500	
Revised Budget	\$1,477,500	
Budget Impact	Unfavourable	

Overall, the impact on the budget is neutral.

The proposed adjustment is funded through external contributions which have been negotiated with relevant stakeholders. The majority of these partnership agreements have been confirmed and expenditure commitments will be subject to receipt of income.

Relevant Documents

[COVID-19 Economic Rebound Strategy](#)

Further Information

Resulting from discussion and questions raised from the Agenda Briefing Session on 27 October 2020, the following additional information is provided:

17. A correction has been made to Paragraph 8C to read:

Christmas installations will be included in West Perth for the first time in the trail's history due to an increase in Lotterywest funding.

Council Resolution (0311/04)

Mover Cr Lezer
Seconder Cr Gobbert

That Council APPROVES an amendment to the 2020/21 budget to recognise additional external contributions of \$447,500 and an offsetting increase in the expenditure allocated to the Christmas Lights Trail project budget from \$1,000,000 to \$1,477,500.

CARRIED UNOPPOSED (9/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer
Against None

12.2 COVID-19 Rebound Economic Development Sponsorship – StudyPerth International Education Action Plan Initiatives

Responsible Officer	Anne Banks-McAllister, General Manager, Community Development
Voting Requirement	Simple Majority
Attachments	Not applicable

Purpose

To recommend Economic Development Sponsorship to Perth Education City Inc. trading as StudyPerth, under the COVID-19 Grants and Sponsorship Program.

Recommendation

That Council APPROVES an Economic Development Sponsorship of \$150,000 (ex GST) to Perth Education City Inc. for the StudyPerth International Education Action Plan Initiatives 2020/21.

Background

1. As part of the City of Perth's (City) economic development activities, the City seeks to strategically engage with key industry sectors to assist in nurturing a thriving, diverse and competitive business environment. Education and international student services is a key sector of strategic importance for the Perth economy.
2. This request for sponsorship has been considered under the City's COVID-19 Rebound Grants and Sponsorship program which has been developed to support the objectives outlined in the City's COVID-19 Rebound Strategy to *'Reinvent and Revive: Innovate alongside our community and stakeholders to revive Perth as a destination of choice to visit, live, work, invest or study in'*.
3. The StudyPerth project strongly aligns with the City's aspiration of 'Prosperity' by contributing to strategic investment and development driven by key opportunities such as student education and higher education.

Discussion

Applicant Details

Entity Name	Perth Education City Inc. (Trading as StudyPerth)
Entity Type	Other Unincorporated Entity
ABN	76842611690
ABN status	Active
ATO Endorsed Charity type	Not endorsed

4. StudyPerth aims to provide a leadership role in building the profile of the international education sector and promote Perth as a world-class study destination in collaboration with government, educational institutions and stakeholders.
5. The objectives of StudyPerth are to:
 - a. coordinate the marketing of Perth's international education brand in priority and emerging markets
 - b. promote collaboration and cooperation between international education providers, government, business and other stakeholders in Perth
 - c. implement initiatives focused on enhancing the experience of international students in Perth.
6. StudyPerth supports a membership base comprising all major universities and a majority of the public and private education providers in vocational training, schools, intensive English language and pathway colleges. StudyPerth receives funding from local, State and Federal grants, as well as from membership contributions.

The Economic Value of International Education

7. International education has been a growing source of export income for Western Australia in recent years. Export revenue from international education in WA has increased by 51% to \$2.1 billion in 2018-19 from its most recent low in 2012/13.

8. In March 2020, StudyPerth commissioned a report¹ through ACIL Allen on the economic contribution of international education in WA, which included the following findings:
 - a. On average, each international student in 2019 contributed \$39,417 to the State economy
 - b. 53,404 international students contributing an aggregate of \$2.1 billion to WA
 - c. The sector supported 4,144 Full Time Equivalent (FTE) jobs directly, and indirectly created a further 7,790 FTE, equivalent to 1FTE job for every 5 international students
 - d. Of the \$2.1 billion contributed to the economy, \$582.9 million supported the Education & Training sector, while the remaining \$1.522 billion was injected into a variety of other sectors, such as retail, accommodation, food, transport and tourism.

International Education – WA Context (pre-COVID-19)

9. WA's share of the international education market in Australia had fallen to 5.3 per cent in 2018/19, from a high of 8.1 per cent in 2009/10.
10. Over the last two years, deliberate and critical changes have been made in response to Western Australia's loss of market share. In 2018, the WA Government launched its first international education strategy, developed in partnership with StudyPerth, to attract international students to Western Australia and grow the State's share of the international education market. This subsequently led to the development of the StudyPerth Action Plan, which is ongoing in its implementation until 2023.
11. The sector ended 2019 strong and optimistic with indicators suggesting the new initiatives were having a positive impact. In March 2020 international student commencements were up 4% year-on-year, whereas nationally there was a 0.8% decrease.

Short Term Objectives (COVID-19 Rebound)

12. Since March 2020, the travel restrictions resulting from the COVID-19 pandemic have had a profound impact on the international education sector in Western Australia and have required StudyPerth to review their operations and plans to continue to attract international students in the future, and support the approximate 34,000 international students still residing in Perth.
13. The decisions and actions taken in the short-term are critical and likely to affect the success and sustainability of the international education sector in the long-term. StudyPerth aims to ensure that the international education sector is well positioned to emerge strongly and sustainably from COVID-19 and consolidate its position as an important component of a diversified economy.
14. The City's sponsorship will support StudyPerth to achieve the following in the short-term:
 - a. Increase the number of students studying remotely and build a pipeline of international students who will transition to onshore learning when boarder restrictions are lifted
 - b. Enhance the awareness of Perth as a first-choice study destination (a focus on increasing awareness with potential students while travel and border restrictions are still in place)
 - c. Utilise data gained in campaigns to provide insight into priority market identification in the transition period from COVID-19.

Strategic Long-Term Objectives

15. The City's ability to attract and retain increased international student numbers is recognised and capitalised upon in the announcement of the Perth City Deal. As part of this deal, by 2025 \$695M will be invested in moving Edith Cowan University's law and business schools, along with the world class Western Australian Academy of Performing Arts into the Perth CBD. In addition to this, \$360M will be invested in establishing new campuses for Curtin University and Murdoch University in the CBD, including an eSports Stadium, and knowledge and innovation precinct. These developments will bring a critical mass of up to 25,000 students and staff and over \$1.5 billion of investment into the Perth CBD which StudyPerth will leverage for additional expenditure and vibrancy for local businesses.
16. These investments increase the attractiveness of Perth as a study destination and will support the work done by StudyPerth to promote and raise awareness of the attractiveness of Perth as a study destination.

Project Details

Category	Economic Development Sponsorship
Project Title	StudyPerth International Education Action Plan Initiatives (2020/21 Financial Year)
Total project cost	\$3,700,000
Total amount requested	\$150,000 (4% of the total project cost)
Recommendation	Approval
Recommendation amount	\$150,000 (4% of the total project cost)
Assessment score	51.17 out of 65 (79%)

StudyPerth International Education Action Plan Initiatives

17. In 2020/21, StudyPerth will seek to restore and rebuild a robust student intake to Western Australia using an integrated marketing approach across the entire student journey that emphasises Western Australia's emerging value proposition as a State that prepares international students with the skills, networks, confidence and experience to prosper in their lives.
18. The following three initiatives would be supported by the City of Perth's sponsorship:

Market Action Plans

Market Action Plans will promote Perth as a first-choice study destination in priority regions. The marketing message will emphasise the safety and security offered by Perth and WA, as well as the value proposition of a WA education.

StudyPerth ProsPER

- a. ProsPER was developed and launched in the 2019/2020 financial year. It is an online platform to assist international students with the skills, experience, networks, confidence and knowledge needed to prosper in their lives and careers and offers students (prospective and current) a platform for engagement with other students, employers, mentors and other valuable networks.

- b. In the 2020/2021 financial year, ProsPER will continue to be developed and improved with the implementation of new modules, updating of current modules and customisation of the user experience. Ongoing marketing will also be undertaken to increase the reach and uptake of the platform.

Sector Engagement and Support

- a. StudyPerth engages and supports its membership, the broader international education sector and other stakeholders including the City in a variety of ways, including market and industry intelligence, production of physical and digital marketing collateral, digital advertising and membership services. StudyPerth also runs industry events and workshops, student engagement, welcome events and (when unaffected by COVID-19) the Airport Welcome Service
- b. StudyPerth is available to provide City staff with specialist advice as required
- c. 95% of engagement activities will be within the City bringing students, business community, community organisations and educational institutions into the City.

Previous Support and Acquittals (5-year period)

Year	Amount	Project
2015-16	\$137,000	StudyPerth
2016-17	\$143,000	StudyPerth (Year 1 of 3-year sponsorship)
2017-18	\$198,000	StudyPerth (Year 2 of 3-year sponsorship)
2018-19	\$183,000	StudyPerth (Year 3 of 3-year sponsorship)
2019-20	\$175,000	StudyPerth
TOTAL	\$836,000	

Sponsorship Recognition

19. In addition to the broader benefits of the sponsorship outlined above, the applicant will provide the following opportunities for acknowledgement of the City's support:
- The City would be acknowledged as a 'Capital City Sponsor'
 - The City logo would be included on any related promotional materials including the Ambassador uniform
 - The City would have the opportunity to display signage at any official launches or associated events
 - Destination marketing plans would be aligned with branding initiatives in consultation with the City
 - A City representative welcome video to be included as part of students' orientation.

Economic Development Sponsorship - Assessment Scorecard

20. The application was assessed in accordance with Policy 18.13 Grants and Sponsorship Policy.

Essential Assessment Criteria	Score (max 5)
<i>All applicants 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 strategic importance to the City of Perth's economy?	4.67
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?	4.5
Prestige and Significance	
To what extent does the applicant demonstrate prestige and significance through the quality of proposed speakers, participants, sponsors, media or the involvement or endorsement from international federations and organisations?	4
Project Plan and Other Funding Sources	
Has the applicant provided evidence of a robust project plan?	3.67
Has the applicant included a budget detailing investment through a variety of funding sources, illustrating that the project is not reliant on City of Perth funding to be delivered?	3
Has the applicant demonstrated what specific elements the City of Perth funding is supporting and what extra capacity the funding will enable?	4.17
Sponsorship Benefits	
Please rate the level of benefits and recognition provided to the City	4
Sub-total 28.01 out of 35	
Additional Project Outcomes	Score (max 5)
<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>	
Outcome 1. Investment Attraction	3.5
Outcome 2. International Business Development	4
Outcome 3. Short term Direct Economic Benefits	3
Outcome 4. Long term Economic Development	4.33
Outcome 5. Professional Development, Training and Skill Development	4.33
Outcome 6. Linkages and Knowledge Exchange	4
Sub-total 23.16 out of 30	
TOTAL ASSESSMENT SCORE: 51.17 out of 65 (78.72%)	

21. An Economic Development Sponsorship of \$150,000 is recommended. A one-year sponsorship allows the City and StudyPerth to reassess priorities and adjust to potential future changes within the sector post COVID-19.
22. City funding will enhance existing initiatives to create a clear education destination profile of Perth to better support existing students, promote Western Australia as a safe and secure study destination and restore the inflow of students to Western Australia when borders reopen.

Stakeholder Engagement

Not applicable.

Decision Implications

23. If the sponsorship is not approved at the recommended level or declined, this is likely to have a significant impact on StudyPerth's operations.

Strategic, Legal and Policy Alignment

Strategic	
Strategic Community Plan Aspiration:	Prosperity A city with a diverse and resilient economy capitalising upon its unique competitive advantages and creative reputation, attracting sustainable investment in education, tourism, entertainment, commerce, technology and trade.
Strategic Community Plan Objective:	4.7 Strategic investment and development driven by key opportunities such as direct international flights, student education, higher education and technology research and development.
Issue Specific Strategies and Plans:	COVID-19 Economic Rebound Strategy 6.2 Re-invent and Revive, Table 4
Legal and Policy	
Legislation:	Not applicable
Legal advice:	Not applicable
Policy:	18.13 – Sponsorship and Grants. The policy directs that there be a consistent and transparent assessment process and criteria to guide recommendations to Council. An eligibility check has been conducted on this application to ensure it is compliant with the Policy and the necessary assessment process has been followed.

Financial Implications

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

Account Number	SP 1066 100 50 10095 7901	Operating
Account Description	Economic Development Sponsorship	
Total Budget	\$690,000	
Budget – This report	\$150,000	
Existing commitments previously approved by Council	\$235,000	
Remaining Budget	\$305,000	
Budget Impact	Accommodated in existing approved budget	

Relevant Documents

[COVID-19 Grants and Sponsorship Program Guidelines](#)

Further information

Resulting from discussion and questions raised from the Agenda Briefing Session on 27 October 2020, the following additional information is provided:

24. This year the amount requested from StudyPerth was \$150,000. The Administration's recommendation is \$150,000 which is consistent with the amount requested for the 2020/21 financial year.
 25. The reduction in the requested amount was due to StudyPerth's reduced programming for 2020/21 financial year. From 2016 and 2019, StudyPerth was on a ramped three-year agreement increasing from \$143,000 to \$183,000 per year. StudyPerth appointed a new CEO in 2019/20 and a one-year agreement was negotiated at \$175,000.
 26. Due to the COVID-19 pandemic and ongoing uncertainty of the impacts on International Education it was considered appropriate to enact a further one-year agreement giving the City and StudyPerth the opportunity to review outcomes over the 2020/21 financial year prior to consideration of another longer-term agreement.
-

Council Resolution (0311/05)

Mover Cr Gobbert

Seconder Deputy Lord Mayor Anghie

That Council **APPROVES** an Economic Development Sponsorship of \$150,000 (ex GST) to Perth Education City Inc. for the StudyPerth International Education Action Plan Initiatives 2020/21.

CARRIED (8/1)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Gobbert, Gordon, Ko and Lezer

Against Cr Fleeton

12.3 Business Improvement Grants 2020/21

Responsible Officer	Anne Banks-McAllister, General Manager Community Development Alliance
Voting Requirement	Simple Majority
Attachments	Attachment 12.3A – Detailed Officer Assessment

Purpose

To recommend Business Improvement Grants for 2020/21 under the COVID-19 Grants and Sponsorship Program Guidelines.

Recommendation

That Council:

1. APPROVES the following 2020-21 Business Improvement Grants totalling \$216,498 (excluding GST), as follows:
 - 1.1 \$20,000 to Arandell Nominees Pty Ltd & J.J Leach to assist in the fit-out for “Perth City Market”, in the Murray Street Mall at 227 Murray Street Perth
 - 1.2 \$20,000 to the Trustee for Scenescape Family Trust to assist in the fit-out for a new food and beverage business called “Gather on Hay” at 1222 Hay Street West Perth.
 - 1.3 \$18,750 to Profligate Pty Ltd to assist in the construction of signage at “Connections Nightclub”, 81 James Street Northbridge.
 - 1.4 \$18,000 to Angiulis Pty Ltd to assist in the activation of an underutilised space and refurbishment of 39/88 Broadway Nedlands.
 - 1.5 \$17,500 to R.E Sarsero & A.J Twaddle to assist in the activation of an underutilised space at “Kings Park Pharmacy and Jacob’s Larder”, 1/140 Mounts Bay Road Perth.
 - 1.6 \$17,250 to the Trustee for TMP Family Trust to assist in the fit-out/refurbishments for “Lunchbox at West Perth”, 1266 Hay Street West Perth.
 - 1.7 \$16,500 to CX Development (Aust) Pty Ltd to assist with the façade/awning repairs and upgrade at “Croissant Express”, at 540 Hay Street Perth.
 - 1.8 \$14,850 to the Trustee for Amberjacks Trust to assist with the façade/awning repairs and upgrade at “Amberjacks Elizabeth Quay”, 25 Geoffrey Bolton Ave Perth.
 - 1.9 \$10,000 to the Trustee for Irineo Unit Trust to assist with the façade/awning repairs and upgrade at “Cocoa N Rose”, 491 Hay Street Perth.
 - 1.10 \$9,878 to the Trustee for Brookwood Trust to assist with the provision of CCTV and upgraded amenity in public/private realm at “Gangemis”, 1288 Hay Street West Perth.
 - 1.11 \$10,000 to the Trustee for Eagle Rock Lobster Trust to assist with the activation of underutilised space at “Badlands Bar”, 1/3 Aberdeen Street Perth.
 - 1.12 \$10,000 to Metaweld Investments Pty Ltd to assist with façade/awning repairs and upgrades at the commercial office property, 86 Barrack Street Perth.

- 1.13 \$10,000 to Adta Pty Ltd to assist with a fit-out for new business at “One-Off”, 5/357-365 Murray Street Perth.
 - 1.14 \$10,000 to West Hospitality Pty Ltd to assist with the fit-out/refurbishment at “Bar Bizu”, 1303 Hay Street West Perth.
 - 1.15 \$5,770 to the Trustee for the Springform Investments Trust to assist with the façade/awning repairs/upgrade at “The Court Hotel”, 50 Beaufort Street Perth.
 - 1.16 \$8,000 to Corona Del Mar Holdings Pty Ltd to assist with the fit-out/refurbishment of “My Place Bar & Restaurant”, 70 Pier Street Perth.
2. DECLINES the awarding of Business Improvement Grants as follows:
- 2.1 \$10,000 to the Trustee for Thirteen Family Trust to assist with the provision of amenity (new stairs) to the public/private realm at “No Mafia” located at 252 William Street Northbridge.
 - 2.2 \$10,000 to Meaghan Erica Leichester to assist with the fit-out/refurbishment of “Fitchs Pharmacy”, 731 Hay Street Mall Perth.
 - 2.3 \$10,000 to Lukman Enterprise & Lime Group Pty Ltd to assist with improvements to the safety and amenity of the commercial office property at 116 Murray Street Perth.
 - 2.4 \$10,000 to Auxilium Partners Pty Ltd to assist with the office fit-out and refurbishment at the commercial office property at “949-951 Wellington Street Perth”.
 - 2.5 \$20,000 to R N Smyth Family Trust & Corporate Equity Trust (CORPORATE EQUITY PTY LTD ATF, THE CORPORATE EQUITY TRUST AND OSUM PTY LTD ATF) to assist with the façade and awning repairs and upgrade at the commercial office property at 938 Hay Street Perth.
 - 2.6 \$10,000 to Makmal Capital Sdn Bhd to assist with the façade and awning upgrades at the commercial office property at 100 Murray Street Perth.
3. APPROVES the following 2019/20 Business Improvement Grants totalling \$53,375 (excluding GST) and an extension of the acquittal time from 1 July 2020 to 30 June 2021 as follows:
- 3.1 \$20,000 to Lazarus Road Pty Ltd to assist with the refurbishment and business fit-out at “Picabar”, 51 James Street Mall, Perth.
 - 3.2 \$15,000 to Mustang Bar Pty Ltd to assist with the refurbishment of the property’s façade and construction of an awning at “Mustang Bar”, 40 Lake Street, Northbridge.
 - 3.3 \$10,000 to the Trustee for Universe Enterprises Unit Trust to assist with the development of an outdoor dining area at “Universal Bar”, 221 William St, Northbridge, and
 - 3.4 \$8,375 to The Trustee for Eau De Vie Trust to assist with the development of an outdoor dining area at “Bright Tank Brewery”, 100 Brown Street, East Perth.
-

Background

1. The City of Perth (City) holds one funding round for the Business Improvement Grant program each financial year. The Business Improvement Grant Program aims to stimulate and encourage diverse inner-city commerce by supporting new and established local businesses to improve precinct amenity, stimulate business activity and provide direct benefits to the City community.
2. The City's COVID-19 Economic Rebound Strategy was endorsed by Council at the Ordinary Council Meeting held on 26 May 2020 and included a budget of \$1,040,000 for grants for small to medium businesses to help them survive and rebound after the pandemic.
3. \$270,000 of this budget was dedicated to the 2020/21 Business Improvement Grants.
4. COVID-19 Grants and Sponsorship Guidelines were adopted by Council at the Ordinary Council Meeting held on 28 July 2020 to align grant decision-making in accordance with the COVID-19 Economic Rebound Strategy.
5. 22 eligible Business Improvement Grants applications have been received.
6. For the first time in the program's history, the 2020/21 program included a non-match funded category (up to \$10,000) as well as a match funded category (up to \$20,000), to assist small and medium businesses in their COVID-19 recovery.
7. All applicants must meet the general eligibility requirements of the City's Grants and Sponsorships Policy (18.13) as well as additional criterion specific to this program, which includes demonstrating investment in the city by the applicant. Examples include owning a property or having a property lease.
8. Grant funding is paid upon completion of the project as a reimbursement of expenditure. Applicants must provide proof of expenditure through dated invoices and tax receipts, promote the City's support of the project, and provide before and after photographs and detailed testimonials.

2019/20 Business Improvement Grant extension

9. The 2019/20 program successfully attracted \$1,728,685 in private investment against a commitment by the City of \$90,000 in program funding. When fully acquitted, this represents a \$19.21 private investment contribution for each dollar committed by the City.
10. Due to the impacts of the COVID-19 restrictions in Perth between March and June 2020, four successful applicants in the 2019/20 Business Improvement Grants round have indicated that they have been unable to finalise their projects by the deadline of end of June 2020. These applicants have requested an extension which now requires their funding of \$53,375 to be funded from the 2020/21 program.
11. As per the terms and conditions of the 2019/20 Business Improvement Grant program, an extension of the grant acquittal time can be made, subject to approval by Council.

Discussion

12. The City accepted applications for Business Improvement Grants during a five-week period between Tuesday, 29 July until Monday, 31 August 2020. The program was promoted through the following channels during the application period:
 - a. the City's website
 - b. the City's LinkedIn social media account
 - c. direct liaison with business owners by City staff.

13. Assessment of 22 eligible applications was undertaken in accordance with Policy 18.13 - Grants and Sponsorship. A minimum score threshold for approval was determined based on available funding. The minimum score required to receive funding in the 2020/21 program is 20 out of 35 (57%).

14. To provide funding to as many quality applications as possible, funds were allocated to applications that received higher than 57%, which resulted in some not being recommended for 100% of their requested funding. Generally, higher scoring applicants receive a higher percentage of their requested amount.

15. The following applications were considered by the assessment panel:

No.	Business Name	Project	Score (out of 35)	Requested Funding	Recommended
Up to \$20,000 (match-funded)					
1	Arandell Nominees Pty Ltd & J.J Leach	Fit-out for "Perth City Market" located in the Murray Street Mall at 227 Murry Street, Perth	27.77	\$20,000	\$20,000
2	The Trustee for Scenescape Family Trust	Fit-out for café and new restaurant located at 1222 Hay Street, West Perth "Gather on Hay"	23.90	\$20,000	\$20,000
3	Profligate Lty Ltd	Rainbow neon placemaking site at "Connections Nightclub" located at 81 James Street, Northbridge	23.65	\$20,000	\$18,750
4	Angiulis Pty Ltd	Activation of underutilised space and refurbishment of business at "Ciao Italia" located at 39/88 Broadway, Nedlands	23.14	\$20,000	\$18,000
5	R.E Sarsero & A.J Twaddle	Activation of underutilised space at "Kings Park Pharmacy and Jacob's Larder" located at 1/140 Mounts Bay Rd, Peth	22.90	\$20,000	\$17,500
6	The Trustee for TMP Family Trust	Fit out/refurbishments for "Lunchbox at West Perth" located at 1266 Hay Street, West Perth	22.26	\$20,000	\$17,250

7	CX Development (Aust) Pty Ltd	Rebranding & refurbishing of external shop front and internal fit-out of Croissant Express located at 540 Hay Street, Perth	22.14	\$20,000	\$16,500
8	The Trustee for Amberjacks Trust	Façade/awning repairs and installation of decking at "Amberjacks Elizabeth Quay", 25 Geoffrey Bolton Ave, Perth	21.77	\$14,850	\$14,850
Up to \$10,000 (non-match funded)					
9	The Trustee for Irineo Unit Trust	Façade/awning repairs and upgrade at "Cocoa N Rose" located at 491 Hay Street, Perth	23.64	\$10,000	\$10,000
10	The Trustee for Brookwood Trust	Lighting of public mural additional street lighting and CCTV at "Gangemis" located at 1288 Hay Street, West Perth	23.02	\$9,878	\$9,878
11	The Trustee for Eagle Rock Lobster Trust	Increase of security and activation of underutilised space at "Badlands Bar" located at 1/3 Aberdeen Street, Perth	22.52	\$10,000	\$10,000
12	Metaweld Investments Pty Ltd	Façade/awning repairs and upgrade that include the refurbishment of the front entry of the commercial office property located at 86 Barrack Street	22.14	\$10,000	\$10,000
13	Adta Pty Ltd	Fit-out for new business at "One-Off" located at 5/357-365 Murray Street, Perth	21.77	\$10,000	\$10,000
14	West Hospitality Pty Ltd	Improvements to the lighting and signage at "Bar Bizu" located at 1303 Hay Street, West Perth	20.89	\$10,000	\$10,000
15	The Trustee for the Springform Investments Trust	Façade/awning repairs/upgrades at "The Court Hotel" located at 50 Beaufort Street, Perth	20.89	\$5,770	\$5,770
16	Corona Del Mar Holdings Pty Ltd	Sound system update to assist with reducing sound vibration impacts at "My Place Bar & Restaurant" located at 70 Pier Street, Perth (East End)	20.64	\$10,000	\$8,000

Declined					
17	The Trustee for Thirteen Family Trust	Provision of amenity (new stairs) to public/private realm at "No Mafia" located at 252 William Street, Perth	19.39	\$10,000	\$0
18	Meaghan Erica Leichester (Sole Trader)	Fit-out/refurbishment of "Fitchs Pharmacy" located in the Hay Street Mall at 731 Hay Street	19.78	\$10,000	\$0
19	Lukman Enterprise Pty Ltd	Safety and amenity improvements of the commercial office property at located at 116 Murray Street	19.78	\$10,000	\$0
20	Auxilium Partners Pty Ltd	Fit-out/refurbishment of an underutilised area at a commercial office property at 949-951 Wellington Street	19.02	\$10,000	\$0
21	R N Smyth Family Trust & Corporate Equity Trust	Painting of the façade and awning upgrade to the commercial office property located at 938 Hay Street	18.28	\$20,000	\$0
22	Makmal Capital Sdn Bhd	Façade and awning upgrades to the commercial property located 100 Murray Street	17.90	\$10,000	\$0
Total of 2020-21 Recommendations					\$216,498

16. The following businesses have requested an extension of their acquittal for 2019/20 Business Improvement Grant Funding:

Business Name	Project	Grant amount (\$)
Lazarus Road Pty Ltd	Refurbishment of business fit-out at "Pica Bar"	\$20,000
Mustang Bar Pty Ltd	Façade refurbishment at "Mustang Bar"	\$15,000
The Trustee for Universe Enterprises Unit Trust	Development of an outdoor dining area at "Universal Bar"	\$10,000
The Trustee for Eau De Vie Trust	Development of an outdoor dining area at "Bright Tank Brewery"	\$8,375
Total of 2019-20 unacquitted funds		\$53,375

Stakeholder Engagement

Not applicable.

Decision Implications

17. If any grants or sponsorships are declined or approved for an amount less than the recommended level, it is likely the projects will be scaled back or not proceed.
18. It is generally not possible to support every application or the total request of each applicant. This may result in unavoidable dissatisfaction from some applicants.
19. The total request by applications in this report represents approximately 139% of the available budget. Approving the full requests of all applicants would result in a Business Improvement Grant budget overrun of approximately 39%. Allowing the budget to be exceeded to this level could also set a precedent for future years that could put significant burdens on discretionary budgets.
20. The City's Corporate Business Plan forecasts a reduction in Operating Expenditure for the Financial Year 2021/22, and the precise implications of this on the available budget for grants and sponsorships in future years has not yet been determined.
21. Approving the recommendations in this report would mean the budget for Business Improvement Grants will be fully allocated for the Financial Year 2020/21. As there is only one round for this grant program in 2020/21, this is acceptable.

Strategic, Legal and Policy Alignment

Strategic	
Strategic Community Plan Aspiration:	Prosperity A city with a diverse and resilient economy capitalising upon its unique competitive advantages and creative reputation, attracting sustainable investment in education, tourism, entertainment, commerce, technology and trade.
Strategic Community Plan Objective:	4.5 A "can do" reputation that delivers investment and assists small businesses and development generally, through a willingness to assist and encourage.
Issue Specific Strategies and Plans:	COVID-19 Economic Rebound Strategy 6.2 Re-invent and Revive, Table 4.
Legal and Policy	
Legislation:	Section 8(1)(g) of the <u><i>City of Perth Act 2016</i></u> This section of the Act directs that the City should invest in activities that increase vibrancy, sustainability and innovation; in the case of the Business Improvement Grants, this is through economic means.
Legal advice:	Not applicable
Policy:	18.13 – Sponsorship and Grants The policy directs that there be a consistent and transparent assessment process and criteria to guide recommendations to Council. An eligibility

check has been conducted on this application to ensure it is compliant with the Policy and the necessary assessment process has been followed.

Financial Implications

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

Account Number	1066-100-10-10091-7901	Operating
Account Description	Business Improvement Grants	
Total Budget	\$270,000	
Budget – This report	\$269,873	
Remaining Budget	\$127	

Relevant Documents

[COVID-19 Economic Rebound Strategy](#)

[COVID-19 Grants and Sponsorship Program Guidelines](#)

Further information

Resulting from discussion and questions raised from the Agenda Briefing Session on 27 October 2020, the following additional information is provided:

22. Each assessment criteria has clear descriptions and a rating scale which guides the assessor as to what an appropriate score would be. The scores for each assessment criteria are averaged and then placed in a matrix and ranked highest to lowest. A minimum score threshold for approval was set based on available budget.
23. The applications were assessed against the assessment criteria, outlined in the COVID-19 Rebound Grants and Sponsorship Program Guidelines, by a four-person assessment panel consisting of officers from the City's administration who are experienced and skilled in sponsorship assessment (Urban Design, Planning, Activity Approvals and Economic Development).

6.05pm Cr Bain and Cr Bevan declared direct financial interests on this item and departed the meeting.

Cr Fleeton asked the following question in relation to this item:

Q Would there be budget to allow for some business that were declined and missed out?

A The Chief Executive Officer took the question on notice.

The Presiding Member put the primary motion in the form of two motions to consider point 1.1 separately.

Council Resolution (0311/06)

Mover Cr Gobbert

Seconder Cr Gordon

1.1 \$20,000 to Arandell Nominees Pty Ltd & J.J Leach to assist in the fit-out for “Perth City Market”, in the Murray Street Mall at 227 Murray Street Perth

CARRIED UNOPPOSED (7/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Fleeton, Gobbert, Gordon, Ko and Lezer
Against None

6.09pm Cr Bain returned to the meeting.

Following the consideration of the first part of the motion, the Presiding Member put the rest of the primary motion being points 1.2 to 1.16, point 2 and point 3.

Council Resolution (0311/07)

Moved: Cr Gobbert

Seconded: Cr Gordon

That Council:

1. APPROVES the following 2020-21 Business Improvement Grants totalling \$216,498 (excluding GST), as follows:

1.2 \$20,000 to the Trustee for Scenescape Family Trust to assist in the fit-out for a new food and beverage business called “Gather on Hay” at 1222 Hay Street West Perth.

- 1.3 \$18,750 to Profligate Pty Ltd to assist in the construction of signage at “Connections Nightclub”, 81 James Street Northbridge.
 - 1.4 \$18,000 to Angiulis Pty Ltd to assist in the activation of an underutilised space and refurbishment of 39/88 Broadway Nedlands.
 - 1.5 \$17,500 to R.E Sarsero & A.J Twaddle to assist in the activation of an underutilised space at “Kings Park Pharmacy and Jacob’s Larder”, 1/140 Mounts Bay Road Perth.
 - 1.6 \$17,250 to the Trustee for TMP Family Trust to assist in the fit-out/refurbishments for “Lunchbox at West Perth”, 1266 Hay Street West Perth.
 - 1.7 \$16,500 to CX Development (Aust) Pty Ltd to assist with the façade/awning repairs and upgrade at “Croissant Express”, at 540 Hay Street Perth.
 - 1.8 \$14,850 to the Trustee for Amberjacks Trust to assist with the façade/awning repairs and upgrade at “Amberjacks Elizabeth Quay”, 25 Geoffrey Bolton Ave Perth.
 - 1.9 \$10,000 to the Trustee for Irineo Unit Trust to assist with the façade/awning repairs and upgrade at “Cocoa N Rose”, 491 Hay Street Perth.
 - 1.10 \$9,878 to the Trustee for Brookwood Trust to assist with the provision of CCTV and upgraded amenity in public/private realm at “Gangemis”, 1288 Hay Street West Perth.
 - 1.11 \$10,000 to the Trustee for Eagle Rock Lobster Trust to assist with the activation of underutilised space at “Badlands Bar”, 1/3 Aberdeen Street Perth.
 - 1.12 \$10,000 to Metaweld Investments Pty Ltd to assist with façade/awning repairs and upgrades at the commercial office property, 86 Barrack Street Perth.
 - 1.13 \$10,000 to Adta Pty Ltd to assist with a fit-out for new business at “One-Off”, 5/357-365 Murray Street Perth.
 - 1.14 \$10,000 to West Hospitality Pty Ltd to assist with the fit-out/refurbishment at “Bar Bizu”, 1303 Hay Street West Perth.
 - 1.15 \$5,770 to the Trustee for the Springform Investments Trust to assist with the façade/awning repairs/upgrade at “The Court Hotel”, 50 Beaufort Street Perth.
 - 1.16 \$8,000 to Corona Del Mar Holdings Pty Ltd to assist with the fit-out/refurbishment of “My Place Bar & Restaurant”, 70 Pier Street Perth.
2. DECLINES the awarding of Business Improvement Grants as follows:
- 2.1 \$10,000 to the Trustee for Thirteen Family Trust to assist with the provision of amenity (new stairs) to the public/private realm at “No Mafia” located at 252 William Street Northbridge.
 - 2.2 \$10,000 to Meaghan Erica Leichester to assist with the fit-out/refurbishment of “Fitchs Pharmacy”, 731 Hay Street Mall Perth.
 - 2.3 \$10,000 to Lukman Enterprise & Lime Group Pty Ltd to assist with improvements to the safety and amenity of the commercial office property at 116 Murray Street Perth.
 - 2.4 \$10,000 to Auxilium Partners Pty Ltd to assist with the office fit-out and refurbishment at the commercial office property at “949-951 Wellington Street Perth”.
 - 2.5 \$20,000 to R N Smyth Family Trust & Corporate Equity Trust (CORPORATE EQUITY PTY LTD ATF, THE CORPORATE EQUITY TRUST AND OSUM PTY LTD ATF) to assist with the façade and awning repairs and upgrade at the commercial office property at 938 Hay Street Perth.
 - 2.6 \$10,000 to Makmal Capital Sdn Bhd to assist with the façade and awning upgrades at the commercial office property at 100 Murray Street Perth.

3. APPROVES the following 2019/20 Business Improvement Grants totalling \$53,375 (excluding GST) and an extension of the acquittal time from 1 July 2020 to 30 June 2021 as follows:

- 3.1 \$20,000 to Lazarus Road Pty Ltd to assist with the refurbishment and business fit-out at "Picabar", 51 James Street Mall, Perth.
- 3.2 \$15,000 to Mustang Bar Pty Ltd to assist with the refurbishment of the property's façade and construction of an awning at "Mustang Bar", 40 Lake Street, Northbridge.
- 3.3 \$10,000 to the Trustee for Universe Enterprises Unit Trust to assist with the development of an outdoor dining area at "Universal Bar", 221 William St, Northbridge, and
- 3.4 \$8,375 to The Trustee for Eau De Vie Trust to assist with the development of an outdoor dining area at "Bright Tank Brewery", 100 Brown Street, East Perth.

CARRIED UNOPPOSED (8/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Fleeton, Gobbert, Gordon, Ko and Lezer
Against None

6.10pm Cr Bevan returned to the meeting.

12.4 Safe Night Spaces for People Sleeping Rough

Responsible Officer	Anne Banks-McAllister, Development Alliance	General	Manager	Community
Voting Requirement	Absolute Majority			
Attachments	Attachment 12.4A - Delegation 1.2.7 Attachment 12.4B - Delegation 1.2.35			

Purpose

To consider the development of a Safe Night Space for women only located at 160 Hay Street, East Perth and a general (all genders) Safe Night Space to be located at a site to be approved by Council at future meeting.

Revised Officer Recommendation

That Council:

2. SUPPORTS the development of a Safe Night Space for women at 160 Hay Street, East Perth as a two-year trial over three financial years ending 30 June 2023 at a capital cost of approximately \$575,000 in 2020/21 and operating cost of approximately \$2.3m over three financial years.
3. APPROVES the allocation of \$575,000 capital expenditure for the design and refit of 160 Hay Street, East Perth from \$1.66M available in the 2020/21 Covid-19 Economic Rebound Reserve for support and advocacy for people experiencing or at risk of homelessness; including the co-ordination of services and support networks.
4. SUPPORTS the development of a Safe Night Space for all genders, as a two-year trial over three financial years ending 30 June 2023, subject to Council consideration of the preferred site and associated costs.
5. REQUESTS State Government support for the provision of two Safe Night Spaces by funding the operating cost of approximately \$4.5m to operate the spaces as a two-year trial ending 30th June 2023

Original Recommendation

That Council:

1. APPROVES the development of a Safe Night Space for women at 160 Hay Street, East Perth as a two-year trial over three financial years ending 30 June 2023 at a capital cost of approximately \$575,000 in 2020/21 and operating cost of approximately \$2.3m over three financial years.
2. APPROVES the allocation of \$575,000 capital expenditure for the design and refit of 160 Hay Street, East Perth from \$1.66M available in the 2020/21 COVID-19 Economic Rebound Reserve for support and advocacy for people experiencing or at risk of homelessness; including the co-ordination of services and support networks.
3. APPROVES the allocation of up to \$2.3M over three financial years towards operating costs for a women's only Safe Night Space located at 160 Hay Street, East Perth, with:
 - 3.5 \$388,686 to be allocated from \$1.66M available in the COVID-19 Economic Rebound Reserve for support and advocacy for people experiencing or at risk of homelessness; including the co-ordination of services and support networks in the 2020/21 financial year;
 - 3.6 \$960,831 to be considered for allocation within the 2021/22 budget; and,
 - 3.7 \$989,656 to be considered for allocation within the 2022/23 budget.
4. APPROVES the development of a Safe Night Space for all genders, as a two-year trial over three financial years ending 30 June 2023 at a capital cost of up to \$955,000 in 2020/21 and operating cost of approximately \$2.1M over three financial years. With the preferred site to come back to Council for approval.
5. APPROVES the allocation of \$540,840 capital expenditure for the design and refit of a suitable building for an all genders Safe Night Space from \$1.66M available in the 2020/21 COVID-19 Economic Rebound Reserve for support and advocacy for people experiencing or at risk of homelessness; including the co-ordination of services and support networks.
6. APPROVES by ABSOLUTE MAJORITY the unbudgeted expenditure of \$414,160 to be reallocated from 2020/21 COVID-19 Economic Rebound Reserve for other recovery actions.
7. APPROVES the allocation of up to \$2.1M over three financial years towards operating costs for an all genders Safe Night Space, subject to approval of a preferred site at a future Council meeting, with:
 - 7.1 \$155,474 to be allocated from \$1.66M available in the 2020/21 COVID-19 Economic Rebound Reserve for support and advocacy for people experiencing or at risk of homelessness; including the co-ordination of services and support networks
 - 7.2 \$960,831 to be considered for allocation within the 2021/22 budget
 - 7.3 \$989,656 to be considered for allocation within the 2022/23 budget
8. AMENDS Delegation 1.2.7 Expressions of Interest and Tenders to authorise the Chief Executive Officer to award tenders above \$1 million to the most suitable proponent/s to deliver the design and refit of

two safe night spaces in accordance with the delegation detailed in Attachment A and DETERMINES in accordance with section 5.43 of the *Local Government Act 1995* that the limit for this matter is \$1.53 million.

9. AMENDS Delegation 1.2.7 Expressions of Interest and Tenders to authorise the Chief Executive Officer to award tenders above \$1 million to the most suitable proponent/s to deliver the operation support services at one or both Safe Night Spaces in accordance with the delegation detailed in Attachment A and DETERMINES in accordance with section 5.43 of the *Local Government Act 1995* that the limit for this matter is \$4.5 million.
 10. Pursuant to section 5.42 of the *Local Government Act 1995*, DELEGATES to the Chief Executive Officer the authority to enter into any new lease, variation, extension or assignment of lease in respect of a Council identified Safe Night Space in accordance with the delegation detailed in Attachment B.
 11. REQUESTS State Government support for the provision of two Safe Night Spaces by funding the operating cost of approximately \$4.5m to operate the spaces as a two-year trial ending 30 June 2023.
-

Background

1. Homelessness has a significant impact on our community. With approximately 272 people sleeping rough in the City of Perth each night, the City continues to face challenges to meet the balance of expectations of businesses and residents, while maintaining a duty of care to those people experiencing homelessness and sleeping rough within the City's boundaries.
2. Responsibility for funding homeless services is primarily the responsibility of the State and Federal governments, however the State Government's 10-Year Strategy to End Homelessness (2020-2030) has increased expectations on Local Governments for localised responses. While the City has implemented several initiatives to support people experiencing homelessness, particularly the Moore Street Hub, additional action is required to address the number of street present people impacting City ratepayers and visitors.
3. Despite the imminent implementation of the State's Homelessness Strategy, a lag period of at least 1-3 years is expected where the City will continue to experience chronic homeless people and rough sleepers being street present.
4. On 30 July 2019, Council endorsed an Interim Homelessness Plan. The Plan included an action to establish *"a safe shelter outside of the core retail area of the CBD with integrated provision of support services"*.

Discussion

5. A Safe Night Space is a space where vulnerable people can go to rest, seek informal support and connect to formal support services in a safe and secure environment. The space does not provide beds. People using the space have access to basic kitchen and laundry facilities, toilets and an emergency shower, a tv and games area, and separate spaces for quiet conversation.
6. Safe Night Spaces are not a long-term solution, they are an interim solution which provide basic shelter and safety for people who are sleeping rough and decrease the risk of further trauma that may be experienced with sleeping rough. They also assist people to become more 'service ready' for permanent housing solutions and support services.
7. A week-long trial of Safe Nights conducted by Uniting WA and Ruah Community Services during Homelessness Week in 2019, saw a noticeable decrease in alcohol and substance misuse and clients were more likely to engage with services after the third night of having accessed a safe space.
8. Working with key stakeholders it has been identified there is a need for four safe night spaces to cater for women only, general (all genders), youth (16-25) and cultural (Aboriginal peoples); with the urgent prioritisation of a general (all genders) safe night space and a specific safe night space for women only.
9. To respond it is proposed two facilities be provided by the City for a trial period of two years funded over three financial years. While a building for a general (all genders) safe night space is still under investigation, the City-owned building located at 160 Hay Street, East Perth (formally known as Rod Evans Community Centre) has been identified for a women's only safe night space.

10. The following is summary of costs estimated for a two-year trial period funded over three financial years. Costs include capital to ensure building compliance and fit for purpose use (year 1) and operational funding inclusive of staffing, furniture, security and consumables.
11. Refurbishments would occur in year 1 (2020/21) with a following two-year operating period with operating costs increasing by 3% per annum (CPI). Similar costs could be anticipated for future safe night spaces assuming the building refurbishment requirements are similar in scope.

Site		2020/21	2021/22	2022/23	Total Over 3 Years
Hay Street (City owned Asset)	Opex	\$388,686	\$960,831	\$989,656	\$2,339,174
	Capex	\$574,657	-	-	\$574,657
TBC – modelled on existing vacant building which meets criteria	Opex	\$155,474	\$960,831	\$989,656	\$2,105,962
	Capex	\$954,921	-	-	\$954,921
Sub Totals	Opex	\$544,150	\$1,921,663	\$1,979,313	\$4,445,136
	Capex	\$1,529,578	-	-	\$1,529,578
Total (ex GST)		\$2,073,738	\$1,921,663	\$1,979,313	\$5,974,714

10. The following should be noted regarding the above:
- The costs assume a basic level of fit out with robust and practical furniture
 - The delivery costs include a contingency of 20% which is considered appropriate for this investigatory phase of the projects.
 - The delivery costs include a 5% allowance for internal COP overheads and project management fees to manage the delivery and ensure delivery against expected timelines
 - Operational costs are based on optimal service provision and but are likely to be delivered for less with minor changes to the service model, such as reducing the hours of operation, reduction in security for the women's only space, other funding/grant opportunities and receipt of goods, services and monetary donations. Will be dependant on tender submissions.
11. The delivery of the two safe night spaces requires tender processes for both capital and operational components as they exceed tender thresholds. Preparatory project planning takes this into account and with Council's approval of budget allocation and delegation of authority to the Chief Executive Officer (as per recommendations within this report), the expected delivery of the two safe night spaces are:
- Women only, 160 Hay Street, East Perth (Rod Evans Community Centre) – late January/late February 2021
 - General (All genders) - site to be confirmed at future Council meeting – May 2021
12. \$1.9m has been allocated in the 2020/21 budget as part of the COVID-19 Economic Rebound Strategy for projects that support and advocate for people experiencing or at risk of homelessness. Remaining funds of \$1.66M are available which could be allocated to both capital and operating costs for Safe Night

Spaces in 2020/21, noting a budget shortfall of approximately \$414,160. On-going operational costs would need to be budgeted in future two financial years.

13. It is proposed that the successful tenderer for the provision of operational and support services for the Safe Night Spaces at 160 Hay Street, East Perth will enter into a peppercorn lease with the City for the length of the tender contract. This will also be proposed for the successful tenderer for the second identified safe space location.
14. Consideration needs to be given to the role of the City in operating the safe night spaces. Not a core function of local government, it could be argued the City does not have the necessary experience or capability to manage this type of service. Operational and funding options include:
 - a. The City directly employs staff and operates the facilities
 - b. The City contracts the management of the facilities by an appropriate not for profit organisation through a competitive procurement process
 - c. The City provides funds to the State Government (Department of Communities) for the procurement of an appropriate not for profit organisation through a competitive procurement process
 - d. The City enters into a partnership with the State Government where the City funds the capital costs (year 1) and the State Government funds and procures an appropriate not for profit organisation through its normal procurement process (over 3 years)
 - e. The City requests the State Government directly funds the City for the operations of the safe night spaces (over 3 years) where the City determines the best procurement model for operating the facilities
15. The preferred option is for State Government to directly fund and procure through the Department of Communities the services of an experienced not for profit organisation to operate the safe night spaces. Of concern is the Department's known lengthy procurement processes which is likely to extend the timely delivery of the safe night spaces to meet community expectations. This could be overcome by the City commencing direct procurement of operational and support services immediately.

Stakeholder Engagement

16. A City of Perth Rough Sleeper Advisory Committee was formed in July 2020 with stakeholders from across the sector. From this group, a subcommittee 'Safe Spaces in the Inner-City Working Group' was established to consider safe spaces for people experiencing homelessness.
17. The Safe Spaces in the Inner-City Working Group explored the provision of safe places for people who are sleeping rough as an interim step for the next 1-3 years while longer-term services and accommodation options become available as a result of the implementation of the State Government's 10 Year Strategy to End Homelessness. Stakeholders from across the sector participated in the engagement, representing the broad cohorts of the rough sleeping community.

18. The Working Group strongly advocated for safe night spaces as a priority rather than increasing day spaces in the inner city. The working group reported adequate safe day spaces in the inner city, albeit significantly underfunded, and identified safe night spaces as crucial in supporting people out of homelessness.

Decision Implications

19. If Council supports the recommendation for the development of two Safe Night Spaces (women and all genders) for a two-year trial period, approximately 80 people could be accommodated each evening. This would be a 35% reduction in rough sleeping in the City of Perth each evening (based on figures from City of Perth Street Count March 2020).
20. If Council is unable to reach agreement with the State Government to fund the operational costs, the City will need to consider the full capital and operational costs.
21. Inaction will impact the City's reputation with residents, ratepayers, local business and other stakeholders and alternative options to support people sleeping rough in the City will need to be investigated.

Strategic, Legal and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	1. People A safe, activated and welcoming city that celebrates its diversity and sense of community, providing unique educational, cultural, sporting and lifestyle offerings.
Strategic Community Plan Objective:	1.3 Accessible and relevant community support services, and playing a leading role with homelessness.
Issue Specific Strategies and Plans:	City of Perth Interim Homelessness Plan Work with the sector and State Government to establish a safe night space within the City of Perth, with consideration of appropriate support services model and potential location. COVID-19 Economic Rebound Strategy Support and advocacy for people experiencing homelessness including the co-ordination of services and support networks.
Legal and Policy	
Legislation:	<i>Local Government Act 1995</i> Section 3.58 of the Local Government (Functions and General Regulations 1996) Establish the methodologies by which local governments may dispose of property (assets) and are applicable to any asset disposal contemplated by the City.
Legal Advice:	Not applicable
Policy:	9.12 - Asset Management

Financial Implications

Women's Only Safe Night Space

22. It is proposed the allocation of up to \$2.3M over three financial years towards operating costs for a women's only Safe Night Space located at 160 Hay Street, East Perth, with:
- \$388,686 to be allocated from \$1.66M available in the COVID-19 Economic Rebound Reserve for support and advocacy for people experiencing or at risk of homelessness; including the co-ordination of services and support networks in the 2020/21 financial year;
 - \$960,831 to be considered for allocation within the 2021/22 budget, and;
 - \$989,656 to be considered for allocation within the 2022/23 budget.
23. It is proposed the \$575,000 capital expenditure for the design and refit of 160 Hay Street, East Perth from be allocated from \$1.66M available in the 2020/21 COVID-19 Economic Rebound Reserve for support and advocacy for people experiencing or at risk of homelessness; including the co-ordination of services and support networks.

All Genders Safe Night Space

24. It is proposed an allocation of up to \$2.1M over three financial years towards operating costs for an all genders Safe Night Space, subject to approval of a preferred site at a future Council meeting, with:
- \$155,474 to be allocated from \$1.66M available in the 2020/21 COVID-19 Economic Rebound Reserve for support and advocacy for people experiencing or at risk of homelessness; including the co-ordination of services and support networks;
 - \$960,831 to be considered for allocation within the 2021/22 budget, and;
 - \$989,656 to be considered for allocation within the 2022/23 budget
25. It is proposed the \$955,000 capital expenditure of for the design and refit of a suitable building for an all genders Safe Night Space be allocated as follows:
- \$540,840 from the \$1.66M available in the 2020/21 COVID-19 Economic Rebound Reserve for support and advocacy for people experiencing or at risk of homelessness; including the co-ordination of services and support networks, and;
 - \$414,160 to be reallocated from 2020/21 COVID-19 Economic Rebound Reserve for other recovery actions.
26. The 2020/21 financial implications of the recommendation/s are accommodated within the existing budget.

Account Number	1057-100-50-10001	Operating
Account Description	Homelessness Response	
Total Budget	\$1,660,000	
Budget – This report	\$544,160	
Remaining Budget	\$1,115,840	

Budget Impact	Budget within existing allocation identified for the COVID-19 Economic Rebound reserve.	
Account Number	1057-100-73-10001	Capital
Account Description	Homelessness Response	
Current Budget	\$1,115,840	
Amendment to Budget	\$414,160	
Revised Budget	\$1,530,000	
Budget Impact	Cost neutral with unbudgeted funds reallocated within the COVID-19 Economic Rebound reserve identified for recovery actions.	

Relevant Documents

Not applicable.

Further information

Not applicable.

Deputy Lord Mayor asked the following question in relation to this item:

- Q** Is the State funding requested in point 11 of the recommendation a reimbursement for operational costs incurred by the City? If the funding is additional costs may we have a list of what these costs will be?
- A** The \$4.5mil to be requested from the State Government is for reimburse of the total operational costs of the Safe Night Space trial for 2 years. Council will need to note that if the State Government does not agree to the request for funding then Council will have to consider the financial impact for when approving the annual budgets for the financial years 2021/22 and 2022/23.

Cr Lezer asked the following question in relation to this item:

- Q** When the space is up and running will they be able to be utilised during the day for other Community groups or activities?
- A** This will have to be discussed with the operator once they are engaged.

Cr Fleeton asked the following question in relation to this item

- Q** Following up to the Deputy Lord Mayors question, is there any indication that the State will be fronting up any money for this project?
- A** No, there has been no formal advice to that effect.

Cr Bain asked the following question in relation to this item

Q With concern with the loss of a resource, do we need to address developing a plan for the future to provide additional resources and amenity?

A In the foreseeable future the City will be looking at our community plan to see what resources are within each of the six neighbourhoods. There is currently amenity within East Perth, but our long term plan should be across all of our neighbourhoods and what amenities are needed.

Cr Lezer asked the following question in relation to this item

Q What was the consultation on picking these sites? Was there a larger list and how were these sites picked?

A There has been consultation over that last 18 months. There were approximately 30 sites identified by the community sector and a working party. All of the sites included community consultation and all sites had negative community feedback. The Rod Evans centre was selected as it is owned freely to the City and was close to transport and other amenities and services.

Motion to Defer

Mover Cr Fleeton

Seconder Cr Gobbert

To defer Item 12.4 – Safe Spaces for People Sleeping Rough to a future Ordinary Council Meeting.

Reason To allow for this decision to be consulted with the community.

LOST (2/7)

For Crs Fleeton and Gobbert

Against Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Gordon, Ko and Lezer

Council Resolution (0311/08)

Mover Deputy Lord Mayor Anghie

Seconder Cr Bevan

That Council:

1. **SUPPORTS** the development of a Safe Night Space for women at 160 Hay Street, East Perth as a two-year trial over three financial years ending 30 June 2023 at a capital cost of approximately \$575,000 in 2020/21 and operating cost of approximately \$2.3m over three financial years
2. **APPROVES** the allocation of \$575,000 capital expenditure for the design and refit of 160 Hay Street, East Perth from \$1.66M available in the 2020/21 COVID-19 Economic Rebound Reserve for support and advocacy for people experiencing or at risk of homelessness; including the co-ordination of services and support networks
3. **SUPPORTS** the development of a Safe Night Space for all genders, as a two-year trial over three financial years ending 30 June 2023, subject to Council consideration of the preferred site and associated costs
4. **REQUESTS** State Government support for the provision of two Safe Night Spaces by funding the operating cost of approximately \$4.5m to operate the spaces as a two-year trial ending 30 June 2023

CARRIED (8/1)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Gobbert, Gordon, Ko and Lezer

Against Cr Fleeton

13. Infrastructure and Operations Alliance Reports

'Tender EXM000036-19/20 – Roe Street Masterplan Works' is presented under Item 17 as it contains a confidential attachment.

14. Corporate Services Reports

Nil

15. Chief Executive Officer Reports

15.1 Appointment of Elected Members to Committees of Council and External Bodies

Responsible Officer	Michelle Reynolds, Chief Executive Officer
Voting Requirement	Absolute Majority
Attachments	Attachment 15.1A – Committee and Board Representation

Purpose

To appoint elected members to committees of Council and external bodies, to represent the City of Perth.

Recommendation

That Council:

1. NOTES the membership of the Lord Mayor to the following:
 - 1.1 City of Perth Committee
 - 1.2 Capital City Planning Committee
 - 1.3 Council of Capital City Lord Mayors
 - 1.4 Lord Mayor's Distress Relief Fund
 - 1.5 Western Australia Local Government Association (WALGA) State Council in an ex-officio capacity.
2. NOTES the statutory membership of the Lord Mayor and Deputy Lord Mayor to the City of Perth Committee, in accordance with the *City of Perth Act 2016*
3. APPOINTS three members and two deputy members to the Audit and Risk Committee
4. APPOINTS three members and two deputy members to the Chief Executive Officer Performance Review Committee
5. APPOINTS one member and one deputy member to the Mindarie Regional Council
6. APPOINTS one member and one deputy member to the Tamala Park Regional Council
7. NOMINATES three elected members for the consideration of the Minister to appoint one member to the Central Perth Land Redevelopment Committee
8. NOMINATES two members to the Perth Theatre Trust Board for appointment by the Governor
9. NOMINATES two members and two alternate members for the consideration of the Minister to appoint to the Perth Local Development Assessment Panel (LDAP)

10. APPOINTS one member and one deputy member to the City of Perth Local Emergency Management Committee
 11. APPOINTS one member to the Metropolitan Regional Road Group
 12. APPOINTS two members and one deputy member to the Western Australian Local Government Central Metropolitan Zone
-

Background

1. Following the election of a new Council, consideration needs to be given to appointing representatives to committees of Council and other external bodies as the terms of the Commissioners ended on Tuesday, 20 October 2020.
2. The City has two committees of Council that require the appointment of elected members, the Audit and Risk Committee and the Chief Executive Performance Review Committee.
3. As outlined in the City's Governance Framework Policy, the nine external bodies that require the appointment of elected members are: the Mindarie Regional Council, Tamala Park Regional Council, Central Perth Land Redevelopment Committee, Perth Theatre Trust Board, Library Board of Western Australia, Perth Local Development Assessment Panel, City of Perth Local Emergency Management Committee, Metropolitan Regional Road Group and the Western Australian Local Government Central Metropolitan Zone.
4. Detailed information on each appointment can be found in Attachment 15.1A.

Discussion

5. Elected members represent the City's interest on a range of boards, panels and committees. Broadly speaking, there are four types of meeting arrangements where elected members represent the City: committees of Council, regional local governments, statutory boards, panels and non-statutory groups. Further information on each of these is included in Attachment 15.1A.

Committees of Council

6. Most recently, both committees of Council, the Audit and Risk Committee and the CEO Performance Review Committee, had three elected member positions which were occupied by the three Commissioners. The Audit and Risk Committee has additional membership from an independent member. In accordance with this, it is recommended that the following appointments be made to each Committee:

Name	Type	Elected Member Representation	Meeting Frequency
Audit and Risk Committee	Committee of Council <i>Local Government Act 1995 Section 7.1A</i>	Three Members Two deputy members	Quarterly Next meeting: Wednesday 18 November 2020 at 4.30pm
Chief Executive Officer Performance Review Committee	Committee of Council	Three members Two deputy members	As required No future meeting date scheduled at this time.

7. Both committees have been subject to recommendations contained within the report on the Inquiry into the City of Perth. To give effect to those recommendations, it is suggested the Terms of Reference for the Audit and Risk Committee and the CEO Performance Review Committee be reviewed in consultation with elected members.

Lord Mayor Appointments

8. Due to the unique role of the Lord Mayor, the Lord Mayor represents the City at a range of meetings in an ex-officio capacity or as required by State legislation. There are five appointments that fall within this category and are outlined in the table below.

Name	Type	Elected Member Representation	Meeting Frequency
City of Perth Committee	Statutory <i>City of Perth Act 2016</i> Section 12	Lord Mayor Deputy Lord Mayor	At least twice a year No future meeting date scheduled at this time.
Capital City Planning Committee	Statutory <i>Planning and Development Act 2005</i>	Lord Mayor	Three meetings per year Next meeting: Thursday 26 November 2020 at 9.30am
Council of Capital City of Lord Mayors	Non-statutory	Lord Mayor	Four meetings per year Next meeting: Thursday 12 and Friday 13 November
Lord Mayor's Distress Relief Fund	Non-statutory	Lord Mayor	At least twice a year Next meeting: to be confirmed.
WALGA State Council	Non-statutory	Lord Mayor	Four meetings per year Next meeting: Wednesday 2 December 2020 at 4.00pm

Elected member appointments

9. Appointments and/or nominations of elected members to relevant bodies must be by resolution of Council. To ensure sufficient representation, it is recommended that Council appoint members, and deputy members, to represent the City when the appointed members are not available.
10. The table below summarises the external bodies to which elected members can be appointed/nominated to represent the City. Detailed information on each can be found in Attachment 15.1A.

Name	Type	Elected Member Representation	Meeting Frequency
Mindarie Regional Council	Regional Local Government	One member One deputy member	Every two months on the fourth Thursday Next meeting: Thursday 17 December 2020 at 6.30pm.
Tamala Park Regional Council	Regional Local Government	One member One deputy member	Every two months on the fourth Thursday Next meeting: Thursday 10 December 2020 at 6.00pm.
Central Perth Land Redevelopment Committee	Statutory <i>Metropolitan Redevelopment Authority Act 2011</i> Section 81	One member Council must nominate three persons; the Minister will then appoint one of the nominated persons to the committee.	Four meetings per year Next meeting: To be confirmed.
Perth Theatre Trust	Statutory <i>Perth Theatre Trust Act 1979</i> Section 5	Three members Council must nominate two members who are appointed by the Governor.	Every two months of the first Thursday Next meeting: Thursday 3 December 2020 at 12.30pm (pending Governor appointment)
Perth Local Development Assessment Panel	Statutory <i>Planning and Development (Development Assessment Panels) Regulations 2011</i>	Two members Two alternate (deputy) members Council is required to nominate two members and two deputies for the consideration of the Minister for Planning for appointment to the Panel.	As required Next meeting: to be confirmed.
City of Perth Local Emergency Management Committee	Non-statutory It is a statutory requirement that the City forms an emergency	One member One deputy member	Quarterly, on the third Thursday of the month. Next meeting: to be confirmed.

	management committee. Elected members representation on the Committee is not a statutory requirement.		
Metropolitan Regional Road Group	Non-statutory	One member	Twice a year Next meeting: March 2021
WA Local Government Association (WALGA) – Central Metropolitan Zone	Non-statutory	Two members One deputy member	Every two months Next meeting: Thursday 26 November 2020, 6.00pm

Perth Theatre Trust

- In accordance with the Perth Theatre Trust Act 1979 Council is required to nominate three elected members for appointment to the Board. In 2016, a third nominee was not nominated. As a consequence, the Minister appointed an independent person to the Board. The independent person's term has not expired and therefore Council can only nominate two elected members to be appointed to the board.
- Council should be aware that the [Arts and Culture Trust Bill 2020](#) has passed the Legislative Assembly and is currently in the second reading stage before the Legislative Council. The Bill proposes the both the repeal the Perth Theatre Trust Act 1979 and the Perth Theatre Trust. The Bill also provides for how the Arts and Culture Board membership will be constituted, with no provision for City of Perth representation.

Library Board of Western Australia

- Section 5(4) of the *Library Board of Western Australian Act 1951* determines that a person representing the City of Perth is to hold a position on the Board. In 2018, the Minister appointed former Commissioner Andrew Hammond to the Board for a four-year term expiring on 3 July 2022, as per section 5(5) of the *Library Boards of Western Australian Act 1951*. At the request of the Minister, Andrew Hammond has agreed to remain on the Board. As such, no recommendation has been made to nominate an elected member representative to this board.

Stakeholder Engagement

- The meeting arrangements have been confirmed with each external body.

Decision Implications

15. If Council does not appoint members to committees of Council and external bodies, the City's interests will not be represented on key boards, groups and regional local governments.
16. To ensure compliance with the *Local Government Act 1995*, Council is required to appoint at least three elected members to its Audit and Risk Committee.
17. If the City does not appoint elected members to the entities the consequences are listed below:

Meeting Name	Consequences of no appointment
Audit and Risk Committee	The minimum of three elected members are not appointed to the committee the City will not comply with section 7.1A of the <i>Local Government Act 1995</i> .
Chief Executive Officer Performance Review Committee	The City's Chief Executive Officer Performance Review Committee will not function. Matter considered by the Committee will be considered by Council.
Council of Capital City of Lord Mayors	No statutory consequences.
Lord Mayor's Distress Relief Fund	No statutory consequences.
WALGA State Council	No statutory consequences.
Mindarie Regional Council	The position on the Mindarie Regional Council will remain vacant.
Tamala Park Regional Council	The position on the Tamala Park Regional Council will remain vacant.
Central Perth Land Redevelopment Committee	The position on the Mindarie Regional Council will remain vacant.
Perth Theatre Trust	The Minister will appoint intendent persons to the Board.
Perth Local Development Assessment Panel	The City's position on the panel will remain vacant.
City of Perth Local Emergency Management Committee	No statutory consequences.
Metropolitan Regional Road Group	No statutory consequences.
WA Local Government Association (WALGA) – Central Metropolitan Zone	No statutory consequences.

Strategic, Legal and Policy Alignment

Strategic	
Strategic Community Plan Aspiration:	Performance A city led by a Council and supported by an administration that is committed to sound strategy and governance, excellence in customer service and effective and sincere engagement with stakeholders.
Strategic Community Plan Objective:	5.6 Decision-making that is informed and inclusive.
Issue Specific Strategies and Plans:	Nil
Legal and Policy	
Legislation:	Section 7.1A of the Local Government Act 1995 This section of the Act directs that a local government establishes an audit committee of three or more persons. Section 5.10 and 5.11 of the Local Government Act 1995 These sections of the Act state that members and deputy members must be appointed to committees by an absolute majority decision of Council.
Legal advice:	Not Applicable
Policy:	Governance Framework Policy This Policy details the committees of Council and external bodies that require elected member membership.

Financial Implications

There are no direct financial implications with this report.

Relevant Documents

Not applicable

Further information

Not applicable.

The Presiding Member advised that Cr Bain declared a financial interest in this item in relation to receiving an electoral gift from a member of the Marketing and Promotions Advisory Committee. However, as no decisions were being made relating to that Committee, the Presiding Member advised that Cr Bain can stay in the room to debate and vote on the matter.

Council Resolution (0311/09)

Mover Lord Mayor Zempilas

Seconded Cr Fleeton

That Council:

1. NOTES the membership of the Lord Mayor to the following:
 - 1.1 City of Perth Committee
 - 1.2 Capital City Planning Committee
 - 1.3 Council of Capital City Lord Mayors
 - 1.4 Lord Mayor's Distress Relief Fund
 - 1.5 Western Australia Local Government Association (WALGA) State Council in an ex-officio capacity.
2. NOTES the statutory membership of the Lord Mayor and Deputy Lord Mayor to the City of Perth Committee, in accordance with the *City of Perth Act 2016*
3. APPOINTS Deputy Lord Mayor Anghie, Cr Fleeton and Cr Lezer as members, and Lord Mayor Zempilas and Cr Gordon as deputy members to the Audit and Risk Committee
4. APPOINTS Lord Mayor Zempilas, Cr Bevan and Cr Gordon as members, and Cr Fleeton and Cr Ko as deputy members to the Chief Executive Officer Performance Review Committee
5. APPOINTS Cr Gordon as member and Cr Bain as deputy member to the Mindarie Regional Council
6. APPOINTS Cr Fleeton as member and Cr Bevan as deputy member to the Tamala Park Regional Council
7. NOMINATES Cr Bain, Cr Gobbert and Cr Lezer for the consideration of the Minister to appoint one member to the Central Perth Land Redevelopment Committee
8. NOMINATES Cr Bevan and Cr Gobbert to the Perth Theatre Trust Board for appointment by the Governor
9. NOMINATES Cr Fleeton as the first member, Cr Ko as the second member, and Cr Gobbert as first alternate member and Cr Lezer as second alternate member, for the consideration of the Minister to appoint to the Perth Local Development Assessment Panel (LDAP)
10. DOES NOT APPOINT any elected member to the City of Perth Local Emergency Management Committee
11. APPOINTS Cr Ko to the Metropolitan Regional Road Group
12. APPOINTS Cr Bain and Cr Lezer as members, and Cr Gobbert as the deputy, to the Western Australian Local Government Central Metropolitan Zone

Reason To identify elected member appointments to each representation body.

CARRIED UNOPPOSED (9/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon,
Ko and Lezer

Against None

16. Committee Reports

Nil

17. Matters for which the meet may be closed

17.1 Tender EXM000036 -19/20 – Roe Street Masterplan Works

Motion to change the order of business

Mover Cr Fleeton
Second Cr Gobbert

That Council RESOLVES to deal with Matters for which the meeting may be closed as the last item of business on the agenda.

CARRIED UNOPPOSED (9/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer
Against None

18. Motions of which notice has been given

18.1 Notice of Motion – 3 Hour Free Parking Trial

The following Notice of Motion has been provided in accordance with clause 4.12 of the *Standing Orders Local Law 2009*.

Elected member	Lord Mayor Zempilas
Date Notice of Motion received	26 October 2020
Notice of Motion	That Council implements 3-hour free parking (for the first three hours) in off-street City of Perth parking stations on Saturdays and Sundays from Tuesday, 1 December 2020 to Sunday, 31 January 2021 inclusive.
Reason provided for the motion	<p>I move this motion as a commitment to reinvigorating the City by supporting businesses, increasing accessibility, and supporting Western Australians who may be experiencing financial hardship during the holiday period.</p> <p>This motion will provide free parking, for the first 3-hours on Saturdays and Sundays, at all City of Perth operated parking stations.</p>

Response to Notice of Motion – 3-hour free parking trial

Responsible Officer	Chris Kopec, General Manager Infrastructure and Operations
Voting Requirement	Absolute Majority
Attachments	Nil

Purpose

To respond to a notice of motion received from the Lord Mayor relating to the provision free 3-hour parking at off-street carparks operated by the City and to suggest inclusion of a further point to the proposed motion to account for the financial implications of this initiative.

Recommendation

That Council:

1. IMPLEMENTS 3-hour free parking (for the first three hours) in off-street City of Perth parking stations on Saturdays and Sundays from Tuesday 1 December 2020 to Sunday, 31 January 2021 inclusive
 2. APPROVES the transfer of \$685,419 from the COVID-19 Economic Rebound Reserve to the Off Street Parking Revenue accounts (1116.XXX.10.10001.6XXX)
-

Background

1. The City operates 30 off street car parks which would be included in this proposal. 13 are managed via a boom gate system where patrons pay on exit. 17 are pay and display, where patrons pre-purchase parking before leaving their car. An additional car park in Nedlands called JH Abrahams has no fees on weekends, a permit only car park on Wellington St is not open to the public and a third car park in Aberdeen St has been converted into a Container Deposit location.
2. Since 16 November 2019, 3-hour free parking on weekends and public holidays has been active in three car parks, His Majesties, Pier Street and Cultural Centre. The initial trial period was extended indefinitely by resolution of Council on 30 June 2020.
3. The National Competition Policy was established in 1995 committing governments to ensure that their publicly owned businesses did not enjoy any net competitive advantage simply because they are publicly owned. The off-street car park business owned by the City of Perth called CPP is required to meet this legislation.

Discussion

4. The City of Perth commercial parking business CPP provides only 23% of the city's total available off- street parking bays and has no control on the pricing model used for the other 35,000 city-based car bays.
5. The other 35,000 non city-controlled car bays are owned by a mix of private property owners and managed by commercial businesses like Wilson's and Secure. The City of Perth has no clear understanding of the leasing or management contracts in place with these companies, but this initiative will almost certainly impact their businesses.
6. Patrons in 3-hour free car parks increased in December and January 2019/20 by 25,082 (72,604 vs 47,522) over 2018/19.
7. The remaining non-free car parks had a decrease in patronage by 8,618 (126,219 vs 134,837) over the same period.
8. The total increase in patronage to CPP car parks of 16,464 cannot be validated as additional City visitations as we do not have access to the other commercial parking operator's data.
9. The net result to traders from the free parking to date has not been validated by turnover or actual sales data.

Stakeholder Engagement

Not applicable.

Decision Implications

10. If Council supports this recommendation:
- a. it is expected that there would be a reduction in revenue of \$685,419 excluding GST over the December/January 2019/20 figures
 - b. technology limitations will need to be investigated and resolved in preparation for implementation. There will be cost implications to this process, majority will be staff time and potentially some software provider costs. This is unbudgeted expense but would not be expected to exceed \$15,000.

Strategic, Legal and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Place A well planned and functional built form environment promoting world class architecture, appreciation of heritage, diversity of land use and a sustainable, affordable and accessible integrated transport system Performance A city led by a council supported by and administration that is committed to sound strategy and governance, excellence in customer service and effective and sincere engagement with all stakeholders.
Strategic Community Plan Objective:	2.5 A parking service model that meets community needs from a best value for money perspective and allows for additional community benefits 5.3 Commercial operations that are transparent profitable and compete fairly and lawfully with private enterprise.
Issue Specific Strategies and Plans:	Not applicable

Legal and Policy	
Legislation:	<p>Competition Principles Agreement An agreement between the Commonwealth and State Governments to implement Competitive Neutrality Policy and Principles to ensure government business to do not enjoy a net competitive advantage as a result of public sector ownership.</p> <p>Local Government Clause 7 Policy Statement Provides for the application of the Competition Principles Agreement to local government activities and functions in WA.</p> <p>Section 6.12 of the Local Government Act 1995 Allows a local government to determine to waive any amount of money owed to the local government.</p>

Legal advice:	When the City previously commenced the three-hour free parking trial it obtained legal advice. This confirmed that local governments may consider the competing public benefits in determining whether or not to implement the principles. A local government may determine that competing public benefits, such as in this instance benefits to the retail sector, outweigh the benefits of implementing the principles.
Policy	Not Applicable

Financial Implications

Account Number	1019.100.50.10368.7268	Operating Expense
Account Description	Economic Rebound Strategy	
Current Budget	\$4,634,900	
Amendment	(\$685,419)	
Revised Budget	\$3,949,481	
Budget Impact	Cost Neutral Internal Reallocation of City Funds	

11. The financial implications of the recommendation can be accommodated within the existing budget. Table 1 below provides the predicted reduction in revenue based on the historical reduction in revenue of the existing 3 P parking trial.
12. To convey correct financial information within the CPP business financial reporting, the value of reduced revenue during this period will be offset by funds transferred from the COVID-19 Economic Rebound reserve.

Table 1 Weekend and Public Holiday Project Revenue

Car Park Name	Actual revenue 2018/19 (Weekend and Public Holiday December and January)	Actual revenue 2019/20 (Weekend and Public Holiday December and January)	Project Revenue 2020/21 3-hour specials
Aberdeen Street Car Park	\$30,160	\$27,997	\$9,799
Citiplace Car Park	\$187,912	\$186,383	\$65,234
Concert Hall Car Park	\$30,842	\$34,645	\$12,126
Convention Centre Car Park	\$105,542	\$116,475	\$40,766
Coolgardie Street Car Park	\$6,565	\$5,115	\$1,790
Council House Car Park	\$21,629	\$22,247	\$7,787
Cultural Centre Car Park	\$70,631	\$25,266	\$25,266
Elder Street Car Park	\$118,189	\$52,935	\$18,527
Fire Station Car Park	\$51,900	\$49,377	\$17,282
Goderich Street Car Park	\$2,651	\$2,130	\$746
Hay Street East Car Park	\$1,963	\$2,527	\$885
His Majesty's Car Park	\$183,601	\$47,992	\$47,992
James Street Car Park	\$20,745	\$19,433	\$6,801
John Oldham Park	\$2,563	\$2,602	\$911
Mardalup Park	\$563	\$497	\$174
Mayfair Street Car Park	\$51	\$111	\$39
Mounts Bay Road	\$2,042	\$1,887	\$661
Newcastle Car Park	\$4,022	\$7,678	\$2,687
Pier Street Car Park	\$109,952	\$37,916	\$37,916
Plain Street Car Park	\$7,383	\$9,615	\$3,365
Point Fraser	\$55,285	\$31,747	\$11,112
Queens Gardens Car Park	\$25,082	\$29,154	\$10,204
Regal Place Multistorey Car Park	\$4,288	\$3,845	\$1,346
Roe Street Car Park	\$183,334	\$171,326	\$59,964
Royal Street Car Park	\$5,925	\$6,326	\$2,214
Saunders Street Car Park	\$523	\$559	\$196
State Library Car Park	\$135,948	\$132,031	\$46,211
Terrace Road Car Park	\$115,835	\$129,497	\$45,324
Victoria Garden	\$7,908	\$8,267	\$2,894
Wellington Street Car Park	\$127	\$83	\$29
Total excl GST	\$1,493,159	\$1,165,665	\$480,246
Projected Revenue Loss			\$685,419

All figures exclude GST.

Notes for the following Weekend and Public Holiday Project Revenue table

The Garage Car Park is exclusively for permit customers.

Aberdeen Garage Car Park no more in operation and replaced with Container Deposit Scheme.

JH Abrahams Reserve Car Park - No fee payable on Weekend and Public Holidays.

We do not know the impact of revenue of the competitors' car park.

His Majesty's, Pier Street and Cultural Centre Car Parks already having 3 hours specials. These are represented in the above table as highlighted rows.

Relevant Documents

Not applicable.

6.42pm Cr Fleeton declared a direct financial interest in this item and departed the meeting.

Cr Gordon asked the following question in relation to this item:

- Q** What is the source of the economic rebound reserve in light of the National competition law restrictions? Can the parking account bear the loss rather than transferring from another account? Why was that account selected?
- A** The General Manager Infrastructure and Operations responded: It is a general accounting function to transfer to make the exercise cost natural, the account was chosen as this exercise is to assist with the activation of the City post COVID-19.
- A** The General Manager Corporate Services responded: The funds allocated to the COVID-19 fund is the City's money and is fine for the City to use it as we see fit. Previously, the parking fund data has not been accurate, so we are transferring the funds to show the true reflection of the parking cost revenue, so we can make better decisions moving forward.
-

The Presiding Member put the motion in the form of two motions to consider point 1 and 2 separately.

Council Resolution (0311/10)

Mover Lord Mayor Zempilas
Seconder Deputy Lord Mayor

That Council **IMPLEMENTS** 3-hour free parking (for the first three hours) in off-street City of Perth parking stations on Saturdays and Sundays from Tuesday, 1 December 2020 to Sunday, 31 January 2021 inclusive.

CARRIED UNOPPOSED (8/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Gobbert, Gordon, Ko and Lezer
Against None

Council Resolution (0311/11)

That Council APPROVES the transfer of \$685,419 from the COVID-19 Economic Rebound Reserve to the Off Street Parking Revenue accounts (1116.XXX.10.10001.6XXX).

CARRIED (7/1)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Gobbert, Ko and Lezer
Against Cr Gordon

6.55pm Cr Fleeton returned to the meeting.

18.2 Notice of Motion – Policy Committee

The following Notice of Motion has been provided in accordance with clause 4.12 of the *Standing Orders Local Law 2009*.

Elected member	Cr Fleeton
Date Notice of Motion received	26 October 2020
Notice of Motion	<p>That Council establishes a Policy Committee of <xx> Elected Members, supported by the Chief Executive Officer, to review all existing policies and local laws by 1 September 2021.</p> <p>The Committee’s overarching purpose will be to support the newly elected Council by strengthening four priority pillars of the City’s operating framework, namely; governance, expenditure review, capital works management and planning. Recommendations made by the Committee will be forwarded to the next Ordinary Council meeting for consideration.</p>
Reason provided for the motion	<p>To enable an open and expedited process to review all policies and local laws, and to draft a City of Perth Council Code of Conduct, Councillors are invited to participate at either/both stages of this suggested process.</p> <p>The Committee will prioritise matters in consultation with the Lord Mayor. It will identify each existing policy and local law into the categories mentioned above and provide an in-depth review which sends recommendations to a full Council meeting (in order of the issue’s importance/urgency) that:</p> <ol style="list-style-type: none"> 1. Meets contemporary community expectations; 2. Is as efficient and simple as possible in its wording and application; and 3. Removes duplications and unnecessary process and costs for both the City and our stakeholders

Response to Notice of Motion – Policy Committee

Responsible Officer	Michelle Reynolds, Chief Executive Officer
Voting Requirement	Absolute majority
Attachments	Attachment 18.2A- Proposed Terms of Reference for the Policy Review Committee

Purpose

To respond to a notice of motion received from Cr Fleeton relating to the establishment of a Policy Committee and to suggest minor amendments to the proposed motion to add clarity and align with statutory requirements.

Recommendation

That Council:

1. ESTABLISHES a Policy Committee, supported by the Chief Executive Officer, to review all existing policies and local laws by 1 September 2021.
2. APPOINTS the following members to the Policy Committee:
 - 2.1 Lord Mayor Basil Zempilas
 - 2.2 Cr Brent Fleeton
 - 2.3 Cr Sandy Anghie
 - 2.4 Cr Di Bain
 - 2.5 Cr Rebecca Gordon
 - 2.6 Cr Liam Gobbert
 - 2.7 Cr Viktor Ko
 - 2.8 Cr Catherine Lezer
 - 2.9 Cr Clyde Bevan
3. ADOPTS the Policy Committee – Terms of Reference, as detailed in Attachment A, inclusive of:
 - 3.1 The purpose of the Committee being to support Council by strengthening four priority pillars of the City’s operating framework, namely; governance, expenditure review, capital works management and planning
 - 3.2 Requiring recommendations made by the Committee to be forwarded to the next Ordinary Council Meeting for consideration
4. REQUESTS that the Policy Committee considers the following items at its first meeting:

- 4.1 Development of a policy review workplan to prioritise the review of local laws and policies for the tenure of the Committee
 - 4.2 Set a meeting schedule to achieve the workplan outlined in 4(a)
 - 4.3 Development of the Event Attendance Policy
 - 4.4 Development of the Professional Development Policy
-

Background

1. At its meeting held on 28 April 2020, the Commissioners adopted a Policy Framework Policy. This governs the process in which Council policies are reviewed and developed, inclusive of a 21-day public consultation requirement for every policy. Under this framework, policies are reviewed and developed at a facilitated workshop as part of an Elected Member Engagement Session.
2. Following the adoption of the Policy Framework Policy, a review of the existing policy manual was conducted. Resulting from the review, 32 policies were revoked at the 29 September 2020 Ordinary Council Meeting. At current, there are 77 Council policies.
3. In addition to these Council policies, the City has fifteen local laws. Of the fifteen local laws, eight have been reviewed within the legislated period.

Discussion

4. In responding to the motion, this report considers the following matters:
 - a. Establishment of a Policy Committee (the Committee)
 - b. Committee membership
 - c. Proposed Terms of Reference
 - d. Considerations for the Committee's first meeting

Establishment of a Policy Committee

5. In accordance with the *Local Government Act 1995* (the Act), a local government may establish a committee of three or more persons to assist Council with its functions. Committee members can include elected members, employees and members of the public. Committees can operate with Council delegated decision-making powers or solely on an advisory basis.
6. Although the City has seven Committees established under the Act, only two have elected member representation: the Audit and Risk Committee and CEO Performance Review Committee.
7. While the City has not previously had a Policy Committee, several local governments in Western Australia have established Committees of this type as follows:
 - a. City of Joondalup – Policy Committee
 - b. City of Cockburn – Delegated Authorities, Policies & Position Statements Committee
 - c. City of Fremantle – Finance, Policy, Operations and Legislation Committee
 - d. Town of Victoria Park – Policy Committee

Membership to the Policy Committee

5. In accordance with the Act, appointing persons to a Committee must be made by an absolute majority decision of Council.

6. To ensure that all elected members have an opportunity to contribute to the policy and local law review and development process, it is recommended that all elected members be appointed to the Committee. Should these appointments be made, each meeting of the Committee will need a quorum, comprised of at least five elected members, to conduct its business.

Terms of Reference

7. To enable the Committee's effective operation, a proposed Terms of Reference, containing stipulations made within the motion, is detailed in Attachment A.
8. A summary of the key components of the proposed Terms of Reference is outlined below.

Section	Rationale
Purpose	The section includes the proposed 'four pillars' of review and relevant statutory obligations with which the Policy Committee will support Council.
Roles and Functions	This section clarifies the Committee's advisory role to Council and authorises the Committee to conduct work as authorised by Council through the adoption of a policy and local law review workplan.
Delegations	This section clarifies that the Committee does not have any decision-making authority and can only make recommendations to Council.
Membership	As stated within this report, this section outlines the composition of the Committee being that of all elected members.
Quorum	As stated within this report, this section outlines the quorum requirements for the Committee to be in line with the Act.
Meetings	This section deals with the election of a Presiding Member and Deputy Presiding Member, alongside the development of its schedule of meetings.

Considerations for the Policy Committee's first meeting

9. To enable the Committee to manage its workload and to prioritise statutory requirements, it is suggested that the Committee conduct a programmed review of the 77 Council policies and 15 Local Laws by the end of its term on 1 September 2021. As part of this programmed approach, the Committee can categorise and prioritise each local law and policy for review under the four pillars suggested.
10. As part of this planning, it is suggested that the Committee set its meeting schedule to enable both elected members and the City's administration to make appropriate plans and resourcing considerations to deliver the Committee's workplan. Due consideration should be given to requirements set out in the Policy Framework Policy in the development of this plan.
11. In addition to the local laws and policies that need review, the City is required to develop two statutory policies: an Events Attendance Policy and Professional Development Policy. Should Council decide to establish a Policy Committee, it is prudent for the development of these statutory policies to be conducted through the Committee as a matter of priority.

Stakeholder Engagement

No stakeholder consultation was undertaken in relation to this report.

Decision Implications

12. Should Council choose to not pursue the proposed amendments to the motion, membership to the Committee will not be in line with statutory requirements. Whilst there is no requirement to adopt a Terms of Reference or workplan for the Committee, failing to do so might result in a lack of clarity in supporting, and progressing, the Committee's objectives.

Strategic, Legal and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Performance
Strategic Community Plan Objective:	5.6 Decision-making that is ethical, informed and inclusive.
Issue Specific Strategies and Plans:	<i>Not applicable.</i>
Legal and Policy	
Legislation:	Section 3.5 of the <i>Local Government Act 1995</i> Provides the power for local governments to make local laws. Section 2.7 of the <i>Local Government Act 1995</i> Articulates that it is the role of Council to determine the local government's policies. Section 5.8 of the <i>Local Government Act 1995</i> This requires that committees, comprising of at least 3 persons, be established by absolute majority decision of Council. Section 5.10 of the <i>Local Government Act 1995</i> This requires that persons must be appointed to committees through absolute majority decision of Council.
Legal advice:	Not applicable
Policy	Policy Framework Policy This policy outlines the requirements for the review and development of Council policies.

Financial Implications

There are no direct financial implications relating to the recommendation within this report.

Relevant Documents

Not applicable.

Council Resolution (0311/12)

Mover Cr Fleeton

Seconder Cr Gordon

That Council:

1. **ESTABLISHES** a Policy Committee, supported by the Chief Executive Officer, to review all existing policies and local laws by 1 September 2021
2. **APOINTS** the following members to the Policy Committee:
 - 2.1 Lord Mayor Basil Zempilas
 - 2.2 Cr Brent Fleeton
 - 2.3 Cr Sandy Anghie
 - 2.4 Cr Di Bain
 - 2.5 Cr Rebecca Gordon
 - 2.6 Cr Liam Gobbert
 - 2.7 Cr Viktor Ko
 - 2.8 Cr Catherine Lezer
 - 2.9 Cr Clyde Bevan
3. **ADOPTS** the Policy Committee – Terms of Reference, as detailed in Attachment A, inclusive of:
 - 3.1 The purpose of the Committee being to support Council by strengthening four priority pillars of the City's operating framework, namely; Corporate Services Alliance, Community Development Alliance, Planning and Economic Development Alliance and Infrastructure and Operations Alliance
 - 3.2 Requiring recommendations made by the Committee to be forwarded to the next Ordinary Council Meeting for consideration
4. **REQUESTS** that the Policy Committee considers the following items at its first meeting in November:
 - 4.1 Development of a policy review workplan to prioritise the review of local laws and policies for the tenure of the Committee
 - 4.2 Set a meeting schedule to achieve the workplan outlined in 4(a)
 - 4.3 Development of the Event Attendance Policy

4.4 Development of the Professional Development Policy

CARRIED UNOPPOSED (9/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon,
Ko and Lezer

Against None

18.3 Notice of Motion – Works and Projects Committee

The following Notice of Motion has been provided in accordance with clause 4.12 of the *Standing Orders Local Law 2009*.

Elected member	Cr Gobbert
Date Notice of Motion received	28 October 2020
Notice of Motion	<p>That Council establishes the Works and Projects Committee consisting of 4 Elected Members, supported by the Chief Executive Officer, to:</p> <ol style="list-style-type: none"> 1. Oversee the monthly progress of the City's Capital Works Program for current and future financial years for a period of not less than 5 financial years in advance; 2. Review the City's Capital Works Program to consider and/or make recommendations for Council to amend the Capital Works Program including for, but not limited to, any: <ol style="list-style-type: none"> a. Project's scope, delivery period, or risk; b. Design element or project component; c. Development model and/or financial structure; and d. On-going management and utilisation models. 3. Oversee any other project where another Committee does not exist for that designated purpose.
Reason provided for the motion	<p>The Committee's purpose will be to support the Council by providing additional oversight on capital works management functions. This will include the efficient management of works and projects as approved through the Annual Budget, and those planned, listed, or proposed for as part of future financial years.</p> <p>The Committee may oversee inclusions, alterations, or deletions of items from the current or future program when determined by Council as part of either the Mid-Year Financial Review, preparation of the Annual Budget, or by Absolute Majority of Council at any time.</p> <p>Recommendations made by the Committee ought to be forwarded to the next Ordinary Council meeting.</p>

Response to Notice of Motion – Works and Projects Committee

Responsible Officer	Chris Kopec, General Manager Infrastructure and Operations Alliance
Voting Requirement	Absolute majority
Attachments	Nil

Purpose

To respond to a notice of motion received from Cr Gobbert relating to the establishment of a Works and Projects Committee and to suggest an alternate approach be taken to achieve the intent of the motion.

Recommendation

1. REQUESTS that the Chief Executive Officer provides an update to all elected members on the progress of the City's Capital Works Program, for current and future financial years, for a period of not less than 5 financial years in advance, through the monthly Information Bulletin consistent with the Governance Framework Policy
 2. REQUESTS that the Chief Executive Officer engages with all elected members on the Capital Works Program, and other major projects, through a monthly, standing agenda item, at Elected Member Engagement Session, to consider, any:
 - a. Project's scope, delivery period, or risk
 - b. Design element or project component
 - c. Development model and/or financial structure
 - d. On-going management and utilisation models.
-

Background

1. At its meeting held on 30 June 2020, the Commissioners adopted the Governance Framework Policy (Policy). This ensures a transparent, participatory and statutorily compliant meeting framework where elected members can be engaged and provided with accurate and timely information by the Chief Executive Officer.
2. This Policy includes a requirement for a monthly update to be provided to elected members on the 'progress with the delivery of major capital projects' through an Information Bulletin. It also establishes the 'Elected Member Engagement Session' which provides an environment where elected members and the administration can meet to discuss and consider important issues, such as the City's Capital Works Program.

Discussion

3. In the interest of transparency and inclusivity, it is suggested that the intent of the motion be achieved through updating and engaging with the whole elected member group, rather than a Works and Projects Committee comprising of only four elected members.
4. To ensure there is equity in the provision of information, updates on the progress of the City's Capital Works Program can be made through the Information Bulletin.
5. Discussions of the City's Capital Works Program can be facilitated through monthly discussions at the Elected Member Briefing Session. The format of discussion and reporting can be tailored to the needs of elected members and continually refined at subsequent Elected Member Briefing Sessions.
6. It is to be noted that elected members are further engaged on the current and future capital work program, and management thereof, as part of the budget review processes, which consists of several budget workshops with the entire elected member group.
7. This financial year, a first quarter project progress and budget review has been conducted in response to concerns over the failure to complete the approved capital works program in previous financial years. The results of this review will be presented to Council for its consideration at its December Ordinary Council Meeting. At this point, elected members will be provided an update relating to the progress of the current capital programs, and will have oversight of the funding thereof.
8. Additional opportunities for the inclusion, alteration or deletion of program items, and funding, also exists through Council's consideration of reports on the mid-year and annual budgets. These reports are presented to Council at both an Agenda Briefing Session and Ordinary Council Meeting.

Stakeholder Engagement

No stakeholder consultation was undertaken in relation to this report.

Decision Implications

9. Should Council choose not to pursue the proposed recommendation, there is a risk of inequity in information provision and engagement with only a portion of the elected member group. The establishment of a Works and Projects Committee may result in some inefficiencies through the duplication of matters considered, and the formality of a Council Committee structure.

Strategic, Legal and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Performance
Strategic Community Plan Objective:	5.6 Decision-making that is ethical, informed and inclusive.
Issue Specific Strategies and Plans:	Not applicable
Legal and Policy	
Legislation:	<p>Section 5.8 of the <i>Local Government Act 1995</i> This requires that committees, comprising of at least 3 persons, be established by absolute majority decision of Council.</p> <p>Section 5.10 of the <i>Local Government Act 1995</i> This requires that persons must be appointed to committees through absolute majority decision of Council.</p> <p>Section 2.7 of the <i>Local Government Act 1995</i> This provides that Council's role includes overseeing the allocation of the local government's resources and being responsible for the performance of its functions.</p>
Legal advice:	Not applicable
Policy	<p>Governance Framework Policy This policy outlines the requirements for the engaging with, and providing information to, elected members.</p>

Financial Implications

There are no direct financial implications relating to the recommendation within this report.

Relevant Documents

Not applicable.

Council Resolution (0311/13)

Mover Cr Gobbert

Seconder Cr Fleeton

That Council:

1. REQUESTS that the Chief Executive Officer provides an update to all elected members on the progress of the City's Capital Works Program, for current and future financial years, for a period of not less than 5 financial years in advance, through the monthly Information Bulletin consistent with the Governance Framework Policy
2. REQUESTS that the Chief Executive Officer engages with all elected members on the Capital Works Program, and other major projects, through a monthly, standing agenda item, at Elected Member Engagement Session, to consider, any:
 - b. Project's scope, delivery period, or risk
 - c. Design element or project component
 - d. Development model and/or financial structure
 - e. On-going management and utilisation models.

CARRIED UNOPPOSED (9/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

Against None

19. Urgent Business

Nil

17.1 Tender EXM000036 -19/20 – Roe Street Masterplan Works

Responsible Officer	Chris Kopec, General Manager Infrastructure and Operations
Voting Requirement	Simple Majority
Attachments	Confidential Attachment 17.1A – Evaluation Report and Matrix (Distributed under a separate cover)
Reason for Confidentiality	<p>As Confidential Attachment 17.1A – Tender Evaluation Matrix contains the precise weighting of each tender submission against the selection criteria, referee comments, a tenderer's financial assessment and commentary against the section criteria, it is recommended that the meeting be closed for the discussion of this attachment.</p> <p>This is in accordance with Section 5.23(2)(e)(ii) of the <i>Local Government Act 1995</i> which deals with information that has commercial value to a person and Section 5.23(2)(c) which deals with contracts which may be entered into by the local government.</p>

Purpose

To seek Council approval to accept Civcon Civil & Project Management Pty Ltd (Civcon) as the preferred tenderer for the Roe Street Scheme Services and Masterplan Works based on a schedule of rates estimate from the 50% construction design. This report also seeks to authorise the CEO to award the contract to Civcon following the finalisation of a lump sum price based on 100% construction design.

Recommendation

That Council:

1. ACCEPTS the preferred tenderer, being Civcon Civil & Project Management Pty Ltd Package B schedule of rates submission for the Roe Street Scheme Services and Masterplan Works (Tender 2020/08) at a provisional sum price of \$13,432,118 (excluding GST) based on the 50% construction design details.
 2. AUTHORISES the Chief Executive Officer to award the lump sum contract to Civcon, following 100% construction design, provided the lump sum contract does not exceed the \$13,432,118 (excluding GST) schedule of rates price estimate by more than 10%.
-

Background

1. In 2008, the City of Perth (City) entered into the Link Implementation Deed with DevelopmentWA (formerly Metropolitan Redevelopment Authority) committing the City to an upgrade of Roe Street. The intent of the project was to compliment the Perth City Link development, reconnect the Central Business District with Northbridge, and facilitate regeneration of the area.
5. Stretching from Fitzgerald to Stirling Streets, the Roe Street Enhancement will see this space transformed from an inactive, car dominated space - into an activated, building lined street which will stitch together Northbridge with the Perth City Link and provide a seamless connection to the CBD.
6. The Roe Street design includes:
 - a. Wider footpaths to accommodate increased pedestrian movement and activity, including alfresco dining
 - b. Protected uni-directional cycle lanes to improve the safety of cyclists and pedestrians as well as ensuring integration into the overall cycle network to the city
 - c. A narrower street corridor to encourage lower vehicle speeds and to make it easier for pedestrians to cross
 - d. New street trees to provide shade, urban cooling and greener
 - e. New street lighting and CCTV to improve public safety and support the night-time economy.
 - f. New paving, street furniture and City free public Wi-Fi to support activity.
4. The Roe Street Enhancement Masterplan was adopted by Council on 17 December 2019, as presented in [Item 13.8](#) of that agenda. The Masterplan was adopted with a total estimated project budget of \$20.28m which included the supply of granite kerb and paving, design and construction costs, project management, and contingencies.
5. The approval being sought in this current report relates only to the construction costs within the total estimated project budget.
6. Design work commenced shortly after the masterplan was adopted, as did discussion with DevelopmentWA to understand the scope of their outstanding works program for the Perth City Link area. These discussions resolved that the most efficient procurement model to ensure maximum value for money for both parties, and to minimise disruption to stakeholders, was for the City and DevelopmentWA to consolidate tenders allowing combined work fronts and accelerated construction programs.
6. A consolidated tender for construction was advertised in June 2020 with submissions closing August 2020.

Discussion

7. The Roe Street Scheme Services and Masterplan Works tender was managed and released by Development WA, as it contained works packages for both agencies; being DevelopmentWA's Scheme Services works (referred to as Package A) and the City's Masterplan works (referred to as Package B). The objective was to test the market to achieve a value for money and less disruptive outcome by combining

both work packages and consolidating the DevelopmentWA and City construction programs (referred to as Package A+B). The benefits would include a reduced overall construction program of up to six months as both agencies' works could be undertaken concurrently, as well as project savings through minimised redundant work, labour and site costs. In a best-case scenario this could lead to savings of up to \$575,000 (ex GST).

8. Under clause 11(2)(e) of the *Local Government (Functions and General) Regulations 1996*, this tender is exempt from requiring public invitation as the goods and services are supplied through the State Government (Development WA). The Invitation for Tender was released to six DevelopmentWA pre-qualified companies on 23 June 2020 and closed on 19 August 2020, with submissions received from the following three companies:
 - a. Civcon
 - b. Densford Civil Pty Ltd (Densford)
 - c. Georgiou Group Pty Ltd (Georgiou)
9. Three companies declined to respond.
10. As the City's construction design documentation is still being finalised, the submitted prices are based on the 50% construction design drawings and pricing schedule. 50% construction design drawings include the details for layouts and materials, sufficient to accurately estimate project costs. Once the construction design is complete, the submitted pricing schedule would be adjusted based on any minor changes to quantities. The summation of items in the revised schedule would result in a lump sum contract value. It is anticipated that this design will be completed in December 2020, which would allow the finalised contract to be awarded shortly after.
11. The project is broken into 10 stages and is anticipated to have construction works commence in the first quarter of 2021 and be completed by mid-2022.
12. The submitted tenders were evaluated by City staff with external expert advice provided from ARUP Pty Ltd (ARUP) and Ralph Beattie Bosworth Construction and Cost Consultants (RBB). A compliance assessment was completed on all tenderers that submitted, with all submissions deemed as conforming.
13. The selection criteria was as follows:
 - a. Project Understanding, Construction Methodology and Programme – 25%
 - b. Team Structure, Personnel and Company Experience – 15%
 - c. WA Industry Participation – 10%
 - d. Price – 50%
14. Civcon provided a strong response and demonstrated they have delivered similar projects in similar inner-city locations, including at Perth City Link. They understood the requirements of the project and the team provided was deemed competent and capable. They provided a compliant WA Industry Participation Plan. The Civcon price was the lowest of the three bids received.
15. Densford provided an adequate response showing they may be able to deliver the project. However, there was a comparative lack of experience in inner-city streets and enhancement

projects and lack of detail in the project understanding, which was considered to be a higher risk in delivering the project. They provided a compliant WA Industry Participation Plan. The Densford price was the second highest of the three bids received.

16. Georgiou provided a sound appreciation and understanding of the scope and listed control measures for potential constraints and outlined a detailed methodology. Georgiou provided a strong response with a competent team delivering similar projects in similar locations, including at Perth City Link. The panel considered that they would be able to deliver this project with only minor concerns. They provided a compliant WA Industry Participation Plan. The Georgiou price was the highest of the three bids received.
17. Based on the panel assessment, Civcon was endorsed as the preferred tenderer. Civcon's Package B price was \$13.43M (ex GST). This is below the pre-tender estimate for the tendered package of \$15.845M (ex GST) provided by RBB.
18. The City, ARUP and RBB have had experience with Civcon and believe they are capable to undertake this project. A Financial Assessment was undertaken on Civcon by the City, which indicated that it has sound financial capacity to undertake the contract.
19. The Tender Assessment Evaluation Report and Matrix is presented in Confidential Attachment 17.1A.
20. In assessing Package B and Package A+B, there was no change to Civcon being evaluated as the preferred tenderer. As the City's construction design documentation is not finalised, it is recommended to accept Civcon's Package B submission. This does not preclude the City and Development WA realising the benefits of the A+B Package when finalising the lump sum contract based on the completed design.

Stakeholder Engagement

21. A survey was launched on 27 September 2019 and made available on the City's online platform, Engage Perth. The Roe Street Enhancement Masterplan attracted a total of 181 responses (168 through Engage Perth, 8 written submissions and 5 comments through social media) at the close of the consultation process on 31 October 2019. The survey results clearly showed a need and wish by the community for the Roe Street Enhancement project to go ahead and there was overwhelming support for the proposed masterplan.
22. Following this engagement, the Roe Street Enhancement Masterplan was endorsed by Council on 17 December 2019.

Decision Implications

23. The appointment of Civcon to undertake the civil works will be a key milestone in the delivery of the enhancement of Roe Street. The works will commence the transformation of the area from an inactive, car dominated space into an activated, building lined street which will bind Northbridge with the Perth City Link and provide a seamless connection to the CBD. If Council does not support the recommendation, then works would not commence on the Roe Street Masterplan Works and the City

may lose the opportunity to coordinate the program with DevelopmentWA's Package A works. The City would also fail to comply with the requirements to redevelop Roe Street in accordance with the Link Implementation Deed that the City entered in 2008.

Strategic Alignment, Legal and Policy Implications

Strategic	
Strategic Community Plan Aspiration:	Place A well-planned and functional built form environment, promoting world class architecture, appreciation of heritage, diversity of land use and a sustainable, affordable and accessible integrated transport system.
Strategic Community Plan Objective:	2.4 A connected and accessible city with well utilised and sustainable non-car transport options.
Issue Specific Strategies and Plans:	Not applicable
Legal and Policy	
Legislation:	Section 3.57 of the Local Government Act 1995 requires a local government to invite public tenders before it enters into a certain contract for the supply of goods and services. Regulation 11(2) of the Local Government (Functions and General) Regulations 1996 provides the exemptions to a tender process. This process was exempt from the requirement to publicly tender as DevelopmentWA's panel of pre-qualified suppliers were used.
Legal advice:	Not applicable
Policy:	Not applicable

Financial Implications

24. The total project budget required for the full Roe Street Enhancement project is \$22.2M. This has increased since the initial total estimated project budget of \$20.28m was provided with the masterplan in 2019.
25. Project funding is fully accommodated within the 2020/21 and 2021/22 years of the Long Term Financial Plan. It is anticipated \$6.3M will be used to deliver the project in 2020/21 and a further \$15.9M will be required to complete the works in 2021/22.
26. A breakdown of the total project budget requirements is included in the table below:

Budget Breakdown	(\$M ex GST)
Construction contractor (the subject of this report)	13.4
Granite	3.2
Other City Supplied Items	1.5
Contingency (10%)	1.8
Project Management, Design, Consultancy	2.0
Internal Staff Costs	0.3
Total Budget	22.2

Account Number	1104.273.80.11967.7268	Capital Project
Account Description	Roe St Enhancement Project	
Current Budget - 2020/21	\$0	
Amendment to Budget	\$6,300,000	
Revised Budget	\$6,300,000	
Transfer from Reserve 2020/21	(\$6,300,000)	
Budget Impact 2020/21	Nil - as offset by \$6,300,000 transfer from Major Capital Projects Reserve.	
LTFP Allocation - 2021/22	\$15,900,000	
City Deal Contribution 2021/22	(\$10,000,000)	
LTFP Reserve Transfer 2021/22	(\$5,230,000)	
Additional Funding 2021/22	\$670,000	
Budget Impact 2020/21 & 2021/22	Fully accommodated within the Long Term Financial Plan 2020/21 - 2029/30 (Post City Deal Revision).	

27. The City's net contribution over two years to this project is \$12.2M after allowing for the City Deal contribution.
28. Currently the City has \$11.53M quarantined in the Major Infrastructure Projects Reserve as noted in the Long Term Financial Plan 2020/21 - 2029/30 (Post City Deal Revision). These funds can be drawn down to the extent needed to fund the portion of the project to be delivered in 2020/21. A further \$10.0M is available in 2021/22 to the City as a contribution received through the CBD Transport Initiative in the Perth City Deal. An additional \$0.67M is accommodated for 2021/22 in the City's Long Term Financial Plan 2020/21 - 2029/30 (Post City Deal Revision).
29. The financial implications of the recommendation(s) for the 2020/21 year will only require project-specific recognition of capital expenditure previously quarantined in the Major Infrastructure Projects Reserve.

Relevant Documents

Roe Street Tender Evaluation Report and Matrix.

Further information

Resulting from discussion and questions raised from the Agenda Briefing Session on 27 October 2020, the following additional information is provided:

30. A delay in commencement would reduce the savings created by a coordinated construction program between DevelopmentWA and City of Perth works. Depending on the overlay of works, this is valued up to \$600,000.00. In addition, the City is a party to the Link Implementation Deed (2008) with the State which requires these works to proceed unless both parties agree to defer. To date both parties have agreed to defer and DevelopmentWA is now keen for construction to begin.

If the project were deferred beyond the timeline of the City Deal funding, it may result in loss of funding or a requirement to negotiate with Department of Transport for the reallocation of funding to other projects.

31. No changes have been made to the design for the Roe street upgrade following the announcement of the City deal as further details/ plans on the development of the Edith Cowan University (ECU) campus have yet to be received by the City. To date, staff have met with Main Roads WA, Department of Transport and Development WA regarding the pro's and con's of continuing with the current design. All parties have agreed that the pro's for constructing the current Roe St design outweighs any risks relating to changes which may be required in the long term. The positives include the creation of the bike network (supported within the City Deal funding \$10m), rationalisation of parking bays and increased amenity. The City plans to meet with ECU shortly and will include any logical changes during finalisation of the design (Dec 2020) and into construction.
32. The selection criteria for this project is consistent with that used for major projects in the City. Generally, the criteria and weighting for capital works tenders are developed in consultation with the project manager/subject matter expert and a procurement officer. The criteria is a combination of WALGA guidance and internal assessments of what is critical to a project.
33. In this particular instance, the criteria and weighting was set by DevelopmentWA as this was a combined tender process run by DevelopmentWA, with both DevelopmentWA and City of Perth works packages being tendered together.

Motion to close the meeting

Mover Deputy Lord Mayor

Seconder Cr Fleeton

That Council RESOLVES to CLOSE the meeting to the public to consider Confidential Attachment 17.1A in accordance with section 5.23(2) of the *Local Government Act 1995*.

CARRIED UNOPPOSED (9/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer
Against None

7.09pm The meeting was closed to the public.

The Presiding Member advised the following staff remained in the room for discussion of the confidential attachment:

Chief Executive Officer
General Manager Planning and Economic Development
General Manager Infrastructure and Operations
General Manager Community Development
General Manager Corporate Services
Acting Project Director Strategic Finance
Alliance Manager Executive Services
Alliance Manager Governance
Alliance Manager Infrastructure and Assets
Governance Officers (two)

7.09pm Crs Gordon and Ko departed the meeting and returned at 7.10pm.

7.13pm The Lord Mayor departed the meeting and the Deputy Lord Mayor assumed the Chair.

7.14pm The Lord Mayor returned to the meeting and assumed the Chair.

7.15pm The Chief Executive Officer departed the meeting and returned at 7.17pm.

Motion to re-open the meeting

Mover Lord Mayor Zempilas
Seconder Cr Bevan

That Council OPENS the meeting to the public.

CARRIED UNOPPOSED (9/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer
Against None
7.22pm The meeting was re-opened to the public.

Council Resolution (0311/14)

Mover Cr Fleeton

Seconded Cr Lezer

That Council:

1. **ACCEPTS** the preferred tenderer, being Civcon Civil & Project Management Pty Ltd Package B schedule of rates submission for the Roe Street Scheme Services and Masterplan Works (Tender 2020/08) at a provisional sum price of \$13,432,118 (excluding GST) based on the 50% construction design details.
2. **AUTHORISES** the Chief Executive Officer to award the lump sum contract to Civcon, following 100% construction design, provided the lump sum contract does not exceed the \$13,432,118 (excluding GST) schedule of rates price estimate by more than 10%.

CARRIED UNOPPOSED (9/0)

For Lord Mayor Zempilas, Deputy Lord Mayor Anghie, Crs Bain, Bevan, Fleeton, Gobbert, Gordon, Ko and Lezer

Against None

20. Closure

There being no further business, the Presiding Member declared the Ordinary Council Meeting closed at 7.25pm.