



CITY OF VINCENT

ORDINARY COUNCIL MEETING

28 JULY 2015

Notice of Meeting and Agenda

Notice is hereby given that an Ordinary Meeting of the Council of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street) Leederville, on **Tuesday 28 July 2015** at 6.00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

24 July 2015

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PROCEDURE FOR PUBLIC SPEAKING TIME The City of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the City, either verbally or in writing, at a Council meeting.

Questions or statements made at an Ordinary Council meeting can relate to matters that affect the City. Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a Council Member or City Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the City, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

RECORDING OF COUNCIL MEETINGS

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy No. 4.2.4 - Council Meetings – Recording and Access to Recorded Information.

ORDER OF BUSINESS

1. (a) **Declaration of Opening**

(b) **Acknowledgement of Country Statement**

"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".

2. **Apologies/Members on Approved Leave of Absence**

2.1 Cr Joshua Topelberg on approved leave of absence from 27 July to 8 August 2015 due to personal commitments.

3. (a) **Public Question Time and Receiving of Public Statements**

(b) **Response to Previous Public Questions Taken On Notice**

Nil.

4. **Applications for Leave of Absence**

Nil.

5. **The Receiving of Petitions, Deputations and Presentations**

5.1 Petition to the City of Vincent, Department of Education and Training (DET) and Eleni Evangel MLA, State Member for Perth, received from Ms S Kirwan of North Perth, along with 76 signatures, on behalf of the local community and people who use the North Perth School Oval/Park, concerned about the proposed fencing of North Perth Primary School Oval along Albert and Olive Streets and asking that the proposed fencing is reviewed and that community consultation, in line with Department of Education and Training guidelines is undertaken to reach a mutually agreeable solution to all parties affected by the current proposal.

Administration sought advice from North Perth Primary School and the following response was received:

- We have tried various strategies to improve student safety including; bollards, signs, road markings, crossing lines, speaking with unauthorised visitors and articles in the newsletter. Unfortunately, it is a common belief that the school oval and the car park that connects Olive Street to Albert Street is not part of the school and may be used at any time by community members. Some community members are continuing to disregard our requests not to enter the school site during school hours.
 - The fence proposed for the north side of the oval will have a 5m unfenced section near the green power boxes on Albert Street and the entry from Peach Street will remain unfenced. Community members will still be able to access the oval and climbing dome outside of school hours.
 - The fence proposed for the north and south end of the school car park will include gates on the footpaths and across the vehicle entries. Signs will be fitted to the footpath gates advising people they are entering the school grounds and need to sign in at the school office.
-

6. Confirmation of Minutes

6.1 Ordinary Meeting of Council held on 30 June 2015.

6.2 Special Meeting of Council held on 7 July 2015.

7. Announcements by the Presiding Member (Without Discussion)

Nil.

8. Declarations of Interest

Nil.

9. Reports

As listed in the Index.

10. Motions of which Previous Notice has been given

10.1 NOTICE OF MOTION: Cr Roslyn Harley – Review of Advisory and Working Groups and Committees

11. Questions by Members of which Due Notice has been given (Without Discussion)

Nil.

12. Representation on Committees and Public Bodies

Nil.

13. Urgent Business

Nil.

14. Confidential Items/Matters for which the Meeting May be Closed (“Behind Closed Doors”)

14.1 CONFIDENTIAL REPORT: Nos. 148-158 (Lot: 600 D/P: 47025) Scarborough Beach Road, Mount Hawthorn – Proposed Change of Use from Eating House to Tavern – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 145 of 2015) (PR50735; 5.2014.456.1)

15. Closure

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9.1 PLANNING SERVICES

9.1.1 No. 560 (Lot: 4 D/P 692) Beaufort Street, Mount Lawley – Proposed Change of Use from Small Bar to Tavern

Ward:	South	Date:	10 July 2015
Precinct:	Precinct 11 – Mount Lawley Centre	File Ref:	PR18393, 5.2015.152.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Submission 4 – Car Parking Table 5 – Applicant’s Letter responding to Submissions		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Bruce Arnold Architects on behalf of the owner M D’Aurizio, for the proposed Change of Use from Small Bar to Tavern at No. 560 (Lot 4) Beaufort Street, Mount Lawley as shown on plans date stamped 1 April 2015, included as Attachment 2, subject to the following conditions:

1. **Number of Patrons**

The maximum number of patrons for the Tavern excluding the alfresco area within the road reserve of Beaufort Street shall be 180 persons at any one time;

2. **Trading Hours**

The trading hours shall be:

- Monday to Saturday: 6.00am – 12.00 midnight;
- Sunday: 10.00am – 10.00pm;

3. **Prohibited Activities**

The following activities shall not be permitted:

- 3.1 the sale of packaged liquor for consumption off the premises; and
- 3.2 TAB facilities to operate from the premises;

4. **Acoustic Report**

An Acoustic report in accordance with the City’s Policy No. 7.5.21 – Sound Attenuation shall be prepared and submitted to the satisfaction of the City;

5. **Active Frontage**

Windows, doors and adjacent areas shall activate Beaufort Street;

6. External Fixtures

All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street, and shall be designed integral to the building, and be located so as not to be visually obtrusive adjoining properties; and

7. Within 28 days of the issue date of this approval to commence development, the owner or the applicant on behalf of the owner shall comply with the following requirements:

7.1 Cash-in-Lieu for Car Parking

Pay a cash-in-lieu contribution for the shortfall of 4.85 car bays, based on the cost of \$5,400 per bay as set out in the City's 2015/2016 Schedule of Fees and Charges being a contribution of \$26,190; and

7.2 Acoustic Report

With reference to Condition 4, the recommended measures of the acoustic report shall be implemented.

ADVICE NOTES:

1. With reference to Condition 1 any further increase in the number of patrons of the proposed Tavern will require approval of a further development application; and
2. With reference to Condition 7.1:
 - 2.1 the cash-in-lieu amount may be reduced if additional car bays are provided on-site or in conjunction with any other arrangement acceptable to the City;
 - 2.2 alternatively the lodgement of an appropriate assurance bond/bank guarantee of the above value to the satisfaction of the City can be undertaken. This assurance bond/bank guarantee will only be released in the following circumstances:
 - 2.2.1 To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
 - 2.2.2 To the owner/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
 - 2.2.3 To the owner/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.
 - 2.3 the applicant may request the City to approve a payment plan.

PURPOSE OF REPORT:

To determine a proposal for a change of use from Small Bar to Tavern.

BACKGROUND:

This application relates to the “Five Bar” Small Bar which has been operating since 2010.

History:

Date	Comment
16 November 1992	Council approved a change of use of the subject site from retail (furniture store) to amusement centre.
18 December 2007	Council refused an application for change of use from recreational facility (pool hall) to tavern.
18 January 2008	The applicant lodged a review application with the State Administrative Tribunal (SAT) in relation to the refused application.
13 March 2008	The revised application, as a result of the SAT mediation, was refused by the Acting Chief Executive Officer under delegated authority from Council.
25 March 2008	Council refused a revised application, change of use from recreational facility (pool hall) to small bar, under the provisions of Section 31 of the State Administrative Tribunal Act 2004.
26 August 2008	SAT dismissed the above appeal.
11 August 2009	Council at its Ordinary Meeting considered an application for change of use from recreational facility (pool hall) to restaurant and deferred consideration of the item at the applicant's request.
29 September 2009	The applicant withdrew the application to further consider their position.
9 March 2010	Council approved a change of use from recreational facility (pool hall) to unlisted use (small bar), with associated alterations and additions.

DETAILS:

Landowner:	Maria D’Aurizio
Applicant:	Bruce Arnold Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial Draft Town Planning Scheme No. 2 (TPS2): Commercial
Existing Land Use:	Small Bar
Use Class:	Tavern
Use Classification:	“SA” Use
Lot Area:	455 square metres
Right of Way:	Eastern side, 3 metres wide, sealed, City owned.
Date of Application:	1 April 2015

The venue is currently operating as a small bar subject to a restriction on the maximum number of patrons to 120 people.

The purpose of this proposal is to increase the patron numbers from 120 to 180. Due to restrictions under the liquor licence legislation and the City’s Policy No. 7.5.7 – Licensed Premises, the approval for a tavern is required where patron numbers increase above 120 people.

A Tavern licence ordinarily allows consumption of liquor without table service and without a meal within the premises and in any alfresco areas. Patrons are not required to be seated, and there is no restriction on patron numbers. In addition the sale of liquor for consumption off the premises and TAB facilities are permitted. (Refer **Attachment 3**).

The applicant has indicated that with the exception of the additional patrons the venue will continue to operate as a small bar. To support this position the applicant submitted a Venue Management Plan with this application.

The proposed operating hours will remain unchanged as follows:

Day(s)	Trading Hours	
	Indoor Areas	Outdoor Areas
Monday-Saturday	6.00am – midnight	6.00am – midnight
Sunday	10.00am – 10:00pm	10.00am – 10.00pm

No internal or external changes to the building are proposed.

ASSESSMENT:

Summary Assessment

The table below is a summary of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 and the City's policies. In each instance where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

Design Element	Complies	Requires the Discretion of Council
Access & Parking		✓

Detailed Assessment

Acceptable Variation

Issue/Design Element:	Access and Parking
Requirement:	Policy No. 7.7.1 – Parking and Access 20.73 bays are required after adjustment factors are applied. Taking into account the existing shortfall, existing bays on site and previously paid cash-in-lieu, this results in a 4.85 car bay shortfall. (Refer Attachment 4).
Applicant's Proposal:	No additional car bays are proposed and any proposed shortfall will be addressed through a payment of cash-in-lieu.
Design Principles:	Not applicable.
Summary of Applicant's Justification:	The venue is situated on a major arterial road with vehicular access to the site via a rear laneway from either Harold or Clarence Streets.
Officer Technical Comment:	The car parking calculation for the existing small bar was based on the previous Policy No. 7.7.1 – Parking and Access, while this application is assessed in accordance with the current Policy. For car parking calculation purposes therefore, only the existing car parking shortfall as it appears in line with the new Policy, as well as any cash-in-lieu that was paid in relation to this site, is taken into account and results in the above car parking shortfall. This shortfall is acceptable for this site given its proximity to public transport links and public car parks in the vicinity, provided that cash-in-lieu is paid for the shortfall. The amount of cash in lieu payable per parking space as stipulation in the City's 2015/2016 budget applies. It is therefore recommended that a condition in this regard is imposed.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	5 May 2015 to 25 May 2015		
Comments Received:	12 submissions were received which include four objections, two neither support nor object and six in support of the proposal.		

The general theme of the submissions in support of this application noted that the proposal will contribute to make Mount Lawley more vibrant.

The table below discusses the comments/issues raised during consultation.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Car Parking</u></p> <p>The shortfall in car parking will have a significant impact on the surrounding area as parking will spill in the residential area.</p> <p>The laneway behind the existing small bar is always blocked by delivery trucks. The tavern will result in an increase in the number of delivery trucks which will exacerbate the problem.</p>	<p>Given the site's proximity to public transport links and public car parks, it is considered that a shortfall in parking will have no impact on the surrounding area.</p> <p>Laneways are required to remain thoroughfares and this requirement is enforced by the City's Rangers Services.</p>
<p><u>Sale of Pre Packaged Alcohol</u></p> <p>With a Tavern Licence, the applicant will be able to sell pre-packaged alcohol which will contribute to more anti-social behaviour in the area.</p>	<p>The applicant has confirmed that they will not sell pre-packaged alcohol.</p>
<p><u>Noise</u></p> <p>With the increase in the number of patrons there will be an increase in noise emissions which will impact on the adjoining residential areas.</p>	<p>To ensure that noise levels remain at acceptable standards the applicant will be required to submit an Acoustic Report and implement its recommendations to the satisfaction of the City.</p>
<p><u>Antisocial Behaviour</u></p> <p>There is lot of anti-social behaviour which goes on in the laneway behind the subject site. The proposed tavern will exacerbate anti-social behaviour in the area.</p>	<p>This proposal forms part of an existing entertainment precinct and any anti-social behaviour is a police matter.</p>
<p><u>Tavern</u></p> <p>There are enough small bars in the area and there is no need for a tavern in the area. The opening and closing hours of the tavern will be longer than the current small bar.</p>	<p>The number of taverns or bars in the area is not a planning consideration. The operating hours will remain unchanged.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Cash-in-lieu</u></p> <p>The cars exiting/entering the car parking at the rear of the commercial properties cause damage to the fence along the laneway facing the residential area. Therefore it is suggested that Council use the cash-in-lieu to provide crash barriers and others to protect the fence along the laneway facing the residential area.</p> <p>If Council opts for cash-in-lieu, then this cash must be spent on improving parking or transport options in the area. A CAT bus should be considered as part of transport options.</p>	<p>Any damage to a fence is a civil matter.</p> <p>Any cash-in-lieu payment will be used to maintain/develop transport infrastructure but does not include funding of the CAT bus service which falls outside of the City's jurisdiction.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

The applicant has provided a letter responding to the comments from the consultation process. (Refer to **Attachment 5**).

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.11 – Mount Lawley Centre Precinct;
- Policy No. 7.5.7 – Licensed Premises; and
- Policy No. 7.7.1 – Parking and Access.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning approval.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

"1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City"*

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice.”

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The development will provide a venue with additional capacity for local residents, providing local options which may reduce their need to travel to other locations for the same type of service.	

SOCIAL	
Issue	Comment
The development contributes positively to the social sustainability of the area.	

ECONOMIC	
Issue	Comment
The development will offer a new service option, expanding the economic potential of the business with the possibility of creating local employment opportunities within the area.	

FINANCIAL/BUDGET IMPLICATIONS:

As a result of this application, the City will receive a contribution to its cash-in-lieu funds.

COMMENTS:

The site is located within a Commercial zone and is subject to Policy No. 7.1.11 – Mount Lawley Centre Precinct which states that *“the Mount Lawley Centre Precinct is to continue to serve the retail, commercial and community needs of the district, consolidated within its existing boundaries, with a strong, attractive shopping area (extending into the City of Stirling) forming its focus.”*

There are already taverns operating in this precinct. The proposal is considered to align with the intent of the Precinct Policy, and to be an appropriate use for this site as it will contribute to the vibrancy and choice in this Town Centre.

With the exception of additional patrons, the applicant has indicated that the venue will continue to operate like a small bar as it has in the past and will also retain the current hours. These hours are considered to be acceptable given that the venue has operated in this manner in the past with no reported concerns.

To ensure that the venue continues to operate in the manner that it has been approved, it is recommended that conditions be imposed limiting activities that are potentially associated with taverns such as the sale of pre-packaged liquor and TAB facilities.

The management plan provided is acceptable with the exception of the applicant’s suggestion not to provide an acoustic report. It is considered that an acoustic report is required given the additional patron numbers which will raise noise levels that need to be managed. Accordingly it is recommended that a condition in this regard is imposed and that the recommendations of the acoustic report are implemented within 28 days of the issue of this approval.

Given the site’s proximity to public transport links and public car parks, the shortfall of 4.85 car bays is acceptable subject to the payment of cash-in-lieu.

Overall this proposal is supported as it will contribute to the vibrancy and choice in an area that already exists as an entertainment precinct.

CONCLUSION:

The proposal is recommended for approval, subject to conditions.

9.1.2 No. 341-345 (Lot: 888 D/P: 47169) Charles Street, North Perth – Proposed Change of Use from Showroom and Associated Education Centre to Shop and Associated Demonstration Area and Storage

Ward:	North Ward	Date:	10 July 2015
Precinct:	Precinct 7 – Charles Centre	File Ref:	PR52023; 5.2015.201.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Car Parking Calculation (Updated)		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Milton Green Pty Ltd trading as “Beyond Skateboarding” on behalf of the owner Triple Version Pty Ltd, for the proposed Change of Use from Showroom and Associated Education Centre to Shop and Associated Demonstration Area and Storage at Nos. 341-345 (Lot: 888 D/P: 47169) Charles Street, North Perth as shown on plans date stamped 7 May 2015, included as Attachment 2, subject to the following conditions:

1. Use of Premises

1.1 The maximum gross floor areas shall be limited as follows:

1.2.1 Shop – 490 square metres;

1.2.2 Storage – 430 square metres; and

1.2.4 Skateboard Course Area – 265 square metres; and

1.2 The skateboard course area shall not be operated or let independently of the shop use;

2. Building

2.1 All external fixtures shall not be visually obtrusive from Charles Street and Howlett Street and neighbouring properties. External fixtures are such things as television antennas of a non-standard type, radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like; and

2.2 Windows, doors and adjacent areas fronting Charles Street and Howlett Street shall maintain an active and interactive relationship with the street;

3. Prior to the issue of an Occupancy Permit, the following shall be provided:

3.1 Bicycle Facility

A minimum of eight Class 3 bicycle facilities and four Class 1 or 2 should be installed to the City’s satisfaction in accordance with the City’s Policy No. 7.7.1 – Parking and Access; and

3.2 End of trip facilities in accordance with the City’s Policy No. 7.7.1 – Parking and Access;

4. **Within 28 days of the issue date of this approval to commence development, the owner or the applicants on behalf of the owner shall comply with the following requirements:**
 - 4.1 **Cash-in-Lieu for Car Parking**

Pay a cash-in-lieu contribution for the shortfall of 4.4 car bays, based on the cost of \$5,400 per bay as set out in the City's 2015/2016 Schedule of Fees and Charges being a contribution of \$23,760; and
5. **All signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application, and all signage subject to a separate Building Permit application shall be submitted to and approved by the City prior to the erection of the signage.**

ADVICE NOTES:

1. **With reference to Condition 1.2, any increase in net lettable area of the retail floor area, or any change of use in the tenancy shall require Planning Approval from the City;**
2. **With reference to Condition 4.1:**
 - 2.1 **the cash-in-lieu amount may be reduced if additional car bays are provided on-site or in conjunction with any other arrangement acceptable to the City;**
 - 2.2 **alternatively to the payment of cash-in-lieu, the lodgement of an appropriate assurance bond/bank guarantee of the above value to the satisfaction of the City can be undertaken. This assurance bond/bank guarantee will only be released in the following circumstances:**
 - 2.2.1 **To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or**
 - 2.2.2 **To the owner/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or**
 - 2.2.3 **To the owner/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and**
 - 2.3 **the applicant may request the City to approve a payment plan.**

PURPOSE OF REPORT:

For Council to consider an application for a Change of Use from Showroom and Associated Education Centre to Shop and Associated Demonstration Area and Storage.

BACKGROUND:

The subject site consists of a two storey building fronting Charles Street, with vehicular access from Howlett Street. The site most recently operated as 'The Drum Shop' under an approval for Showroom and Associated Education Centre but recently ceased operation, and the building is now vacant.

History:

Date	Comment
25 March 2003	Council resolved to approve a change of use from recreational facility (health club) to showroom and associated education centre including alterations and additions
18 January 2005	Council resolved to approve two storey additions including undercroft carpark to existing showroom and associated education centre.

The Minutes from the Ordinary Meeting of Council held on 25 March 2003 and 18 January 2005 are available on the City's website.

DETAILS:

Landowner:	Triple Version Pty Ltd
Applicant:	Milton Green Pty Ltd trading as Beyond Skateboarding
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial Zone Draft Town Planning Scheme No. 2 (TPS2): Commercial Zone
Existing Land Use:	Showroom and Associated Education Centre
Use Class:	Shop and Associated Demonstration Area and Storage
Use Classification:	"P" use
Lot Area:	877 square metres
Right of Way:	N/A
Date of Application:	7 May 2015

The application seeks approval for the use of the site as a shop with ancillary demonstration area and storage. The tenant will be "Beyond Skateboarding". The business proposes to operate a retail area on the upper floor and retain all other space in the building for associated storage areas and administration of the business and a skateboarding course that is intended to be used largely by staff to demonstrate products.

Members of the public will not be permitted to use the course due to the associated insurance liability for the business, and the applicant has confirmed that the course will not be hired out for public events.

The business also sponsors a team of skateboarders that comprise of approximately 10 members who will be allowed to practice on the course.

The applicant proposes to operate during standard retail hours.

The subject site has 12 existing car bays that obtain access via Howlett Street.

No signage is proposed as part of this application.

ASSESSMENT:

Summary Assessment

The table below is a summary of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 and the City's policies. In each instance where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

Design Element	Complies	Requires the Discretion of Council
Access & Car Parking		✓
Bicycles		✓

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Car Parking
Requirement:	Policy No. 7.7.1 – Parking and Access 16.4 car bays are required (Refer to Attachment 3)
Applicant's Proposal:	12 car bays provided (existing)

Issue/Design Element:	Car Parking
Design Principles:	<p>Policy No. 7.7.1 – Parking and Access</p> <ol style="list-style-type: none"> 1. To define parking requirements that will meet the needs of the users of developments without resulting in the oversupply of parking. 2. To ensure safe, convenient, and efficient access for pedestrians, cyclists and motorists. 3. To promote a high standard of design for parking areas. 4. To ensure that parking and access facilities do not prejudice the environmental and amenity objectives of the City’s Town Planning Scheme. 5. To promote alternate transport modes by including requirements to provide bicycle parking and reducing parking requirements where alternatives exist. 6. To enable the payment of cash-in-lieu for parking shortfalls and to provide a set of guidelines to enable the calculation of cash-in-lieu to be determined in a consistent and transparent manner. 7. To ensure long term viability of parking proposals by defining the circumstances in which Parking Management Plans are required and providing guidelines for their content.
Applicant’s Justification:	<p><i>“The site provides for 12 car bays reserved solely for this property. Staff will be advised to park within public car parks in the vicinity. Customers are predominantly in the 8-18 year old age range so this site has the benefit of being on major public transport bus routes allowing a proportion of customers easy access without cars. Using experience from the company’s other shop it is estimated that between four and eight vehicles will be on site at any one time.”</i></p>
Officer Technical Comment:	<p>The proposal is a combination of shop and warehouse which is reflected in the manner in which carparking has been calculated in this instance.</p> <p>The application site provides 12 car parking bays on site and is also located on main bus routes with public car parks and time restricted on-road car parking in the immediate locality.</p> <p>The applicant has also advised that end of trip facilities will be provided as part of this development. Accordingly a further adjustment factor of 0,9 applies which reduces the carparking shortfall to 4.4 bays.</p> <p>Given this is a unique type of retail offering in an area serviced well by public transport and servicing a younger clientele, a shortfall in parking can be supported provided that cash-in-lieu is paid for these bays in accordance with the City’s Policy No. 7.7.1. – Parking and Access.</p>

Issue/Design Element:	Bicycle Parking
Requirement:	Policy No. 7.7.1 – Parking and Access 12 bicycle bays are required
Applicant's Proposal:	Nil
Design Principles:	Policy No. 7.7.1 – Parking and Access (only the relevant provisions have been listed) "2. To ensure safe, convenient, and efficient access for pedestrians, cyclists and motorists." "5. To promote alternate transport modes by including requirements to provide bicycle parking and reducing parking requirements where alternatives exist."
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	There are currently no bicycle bays provided within the application site, however, the applicant has agreed to provide bicycle bays in a location on the site to the satisfaction of the City to accommodate the needs of visitors to the site. It is therefore recommended that a condition is imposed requiring that four Class 1 or 2 and 8 Class 3 bicycle facilities are provided.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	8 June 2015 – 21 June 2015		
Comments Received:	No comments were submitted		

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed Change of Use from Showroom and Associated Education Centre to Shop and Associated Demonstration Area and Storage at Nos. 341-345 Charles Street, North Perth.

- *Planning and Development Act 2005*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.7 – Charles Centre Precinct;
- Policy No. 7.5.2 – Signs and Advertising; and
- Policy No. 7.7.1 – Parking and Access.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning approval.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City.”*

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice”.

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The adaptive re-use of the existing space has a lower environmental impact compared to the creation of a new building.	

SOCIAL	
Issue	Comment
The proposed use will act as a social meeting place for local residents and provide a positive environment for recreation.	

ECONOMIC	
Issue	Comment
The proposal will provide increased employment opportunities and diversity of land uses which provides interest.	

FINANCIAL/BUDGET IMPLICATIONS:

As result of this application, the City will receive a contribution to its cash-in-lieu funds.

COMMENTS:

The site is located within a Commercial Centre. The previous use was the ‘Drum Shop’. Therefore the site has a history of a non-traditional type of retail use. The proposal is for a skateboard shop with associated storage and administration areas as well as a skateboarding course/demonstration area. The proposed use is a “P” use in this location.

Subject to the payment of cash-in-lieu, the proposed 4.4 car bay shortfall is considered acceptable as there is some public parking in the area and the site is close to public transport (bus routes), which will benefit the typical customer of this type of shop.

The proposed use also requires provision of bicycle facilities for which there is sufficient space on site.

The proposal would bring a large vacant premises back into operation and due to its unique nature would provide a more active and vibrant use to the benefit of the commercial zone.

CONCLUSION:

The proposed use is therefore supported subject to conditions.

9.1.3 No. 131 (Lot: 361 & 364 D/P: 2355) Walcott Street, Mount Lawley – Proposed Construction of Four Grouped Dwellings

Ward:	South	Date:	10 July 2015
Precinct:	Precinct 10 – Norfolk	File Ref:	PR26730; 5.2015.169.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Stannard Group Pty Ltd on behalf of the owners L Galic, R Nadalini, M Tonizzo and L Nadalini, for the proposed Demolition of Existing Single House and Construction of Four Two-Storey Grouped Dwellings at No. 131 (Lot 361 & 364) Walcott Street, Mount Lawley as shown on plans date stamped 10 April 2015, included as Attachment 2, subject to the following conditions:

1. **Amalgamation**

No. 131 (Lots 361 and 364) Walcott Street, Mount Lawley shall be amalgamated into one lot on a Certificate of Title to the satisfaction of the City;

2. **Building Appearance**

All external fixtures shall be integrated with the design of the development and shall not be visually obtrusive from Walcott Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

3. **Street Trees**

No street trees on Walcott Street shall be removed. The street trees are to be retained and protected from any damage including unauthorised pruning;

4. **Car Parking and Accessways**

4.1 The car parking and access areas are to comply with the requirements of AS2890.1; and

4.2 Standard ‘Visual Truncations’, in accordance with the City’s Policy No. 2.2.6 and/or to the satisfaction of the City are to be provided at the intersection of the road reserve or Right of Way boundary, and all internal vehicle access points to ensure that the safety of pedestrians and other road users is not compromised. Details of all required visual truncations shall be included on the building permit application working drawings;

5. **Dilapidation Report**

Prior to the commencement of demolition or within 28 days of the issue of a Demolition Permit, whichever occurs first, the applicant shall provide a Dilapidation Report at the applicant’s cost to the satisfaction of the City for the adjacent heritage listed property located at No. 12 Monmouth Street, Mount Lawley;

6. Prior to the submission of a Building Permit application, the following shall be submitted to and approved by the City:

6.1 Landscaping

A detailed landscape plan for the development site drawn to a scale of 1:100 shall show the following:

- 6.1.1 The location and type of existing and proposed trees and plants;
- 6.1.2 All vegetation including lawns;
- 6.1.3 Areas to be irrigated or reticulated and such method;
- 6.1.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 6.1.5 Separate soft and hard landscaping plans (indicating details of materials to be used);
- 6.1.6 The redundant crossover being landscaped in accordance with the landscaping proposed for the remainder of the verge; and
- 6.1.7 The area between the front boundary and the proposed visitor car bay within the street setback area being provided with mature landscaping to screen its view from Walcott Street;

6.2 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation shall be prepared, submitted and approved by the City. The recommended measures of the report shall be implemented; and

6.3 Construction Management Plan

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans. Construction and management of the site shall thereafter comply with the approved Construction Management Plan; and

7. Prior to the submission of an Occupancy Permit, the following shall be completed to the satisfaction of the City;

7.1 Car Parking

The car parking bays shall be line marked in accordance with the approved plans and maintained thereafter by the owners/occupiers to the satisfaction of the City;

7.2 Acoustic Report

With reference to Condition 6.2, certification from an acoustic consultant, that the recommended measures have been undertaken shall be provided to the City;

7.3 Stormwater

All stormwater produced on the subject land shall be retained on site, by suitable means to the satisfaction of the City; and

7.4 Landscaping

With reference to Condition 6.1, all such works shown shall be undertaken in accordance with the approved plan and maintained thereafter, to the satisfaction of the City, by the owners/occupiers.

ADVICE NOTES:

1. With reference to Condition 1 the owners shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificates of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within six months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owners. Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;
2. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
3. With reference to Condition 7.3, no further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;
4. A Road and Verge security bond for the sum of \$2,000, shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
5. With reference to Condition 6.1, Council encourages landscaping methods and species selection which do not rely on reticulation; and
6. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent.

PURPOSE OF REPORT:

To consider the demolition of the existing single house and the construction of four grouped dwellings.

BACKGROUND:

Nil.

DETAILS:

Landowner:	L Galic, R Nadalini, M Tonizzo and L Nadalini
Applicant:	Stannard Group Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
Existing Land Use:	Single House
Use Class:	"P" Use
Use Classification:	Grouped Dwellings
Lot Area:	1,230 square metres
Right of Way:	Not Applicable
Date of Application:	10 April 2015

The proposed development is for the demolition of an existing single house and the construction of four two-storey grouped dwellings. Each dwelling contains three bedrooms, a gym, a library, a lounge, dining area and a double garage inclusive of a store room.

The existing property has a solid front fence that screens any view into the existing property and confines passive surveillance onto Walcott Street. The proposed development removes the existing solid fence allowing greater interaction with the street.

The existing building has little aesthetic, historic, scientific or social heritage significance and there is therefore no objection to the demolition of the existing dwelling.

The rear adjoining property, No. 12 Monmouth Street is registered on the City's Municipal Heritage Inventory as Management Category B – Conservation Recommended and as such it is recommended that a condition is imposed that a dilapidation report of this property is undertaken.

Walcott Street is an "Other Regional Road" which has been earmarked for road widening of approximately 1.5m. No portion of the proposal encroaches into this road widening area.

ASSESSMENT:

Summary Assessment

The table below is a summary of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the 2013 Residential Design Codes and the City's policies. In each instance where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

Design Element	Complies	Requires the Discretion of Council
Density/Plot Ratio	✓	
Front Setback		✓
Front Fence	✓	
Building Setbacks	✓	
Boundary Wall	N/A	
Building Height	✓	
Building Storeys	✓	
Roof Form		✓
Open Space	✓	
Privacy	✓	
Access & Parking	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Street Setback
Requirement:	<p>Policy No. 7.2.1 – Residential Design Elements Lower Floor</p> <p>An average of five properties either side of the development = 6.728 metres (to existing road width).</p>

Issue/Design Element:	Street Setback
	<p>Upper Floor Walls - A minimum of two metres behind each portion of the ground floor setback resulting in 8.728 metres from the existing width of Walcott Street.</p>
Applicant's Proposal:	<p>Ground floor – 4.891 metres (proposed variation of 1.837 metres from the existing width of Walcott Street)</p> <p>Upper floors – Walls – between 1 metre (noncompliant) to 2.4 metres (compliant) measured from the ground floor footprint or when calculated from the existing width of Walcott Street ranges from 5.891metres to 7.291metres (proposed variation for non-compliant component is 1 metre from the ground floor footprint or 2.837 metres from the street) (refer Attachment 3)</p>
Design Principles:	<p>SPC 5</p> <p>(i) Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	<p>This portion of Walcott Street has seen a transition from single houses on larger blocks to smaller grouped dwellings over the past 10 years. The two properties to its west (Nos. 135 and 137 Walcott Street) contain six and nine group dwellings respectively, while the eastern neighbour is still a single house.</p> <p>The street is also characterised by numerous high solid front fences.</p> <p>Of the newer developments, No. 137 Walcott Street has a setback of 3.1 metres. It is likely that this type of setback will continue to be proposed, as is the case now. It is considered to be acceptable given the current built form, much of which prohibits interaction with Walcott Street.</p> <p>At No. 137 Walcott Street the upper floor also overhangs the ground floor by approximately half a metre.</p>

Issue/Design Element:	Street Setback
	The upper floor of the proposed development is setback from the lower floor however, it is less than the two metres required under the Policy. Despite the non-compliance, a reduced setback is appropriate in this streetscape as it reflects the design of the existing surrounding character properties and two-storey developments. The building also incorporates varying articulation, openings and a rendered finish of the proposal which will compensate and provide visual interest.

Issue/Design Element:	Roof Forms
Requirement:	Policy No. 7.2.1 – Residential Design Elements The use of roof pitches between 30 degrees and 45 degrees is encouraged.
Applicant's Proposal:	24.43 degrees
Design Principles:	BDPC 3 (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	The housing stock along this portion of Walcott Street is a mix of older character properties and new developments. The pitched roof that is proposed compliments and contributes to the existing streetscape character. The reduced roof pitch will assist to limit any additional overshadowing to the adjoining properties.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	30 April 2015 to 13 May 2015		
Comments Received:	Six submissions with general concerns were received during the community consultation process.		

The table below discusses the comments/issues raised during consultation.

Summary of Comments Received:	Officer Technical Comment:
<u>Privacy</u> Privacy/Overlooking Concerns from upper floor	Two storeys are permitted in this location. The upper floors have been designed with increased setbacks and windows that are not classified as major openings. Therefore the proposal complies with the visual privacy requirements of the 2013 Residential Design Codes. In regard to the south western boundary the proposal is for one high light window on the upper floor which has no overlooking implications.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Setbacks</u></p> <p><i>“Gutters on boundary wall as indicated on plan could cause erosion if damaged”.</i></p>	<p>There are no external boundary walls proposed.</p>
<p><u>Noise</u></p> <p><i>“I am concerned about noise levels early in the morning during demolition and building”.</i></p>	<p>The proposal is required to comply with the provisions of the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Noise) Regulations 1997</i> during demolition and construction which also prescribes that construction can only occur between the hours of 7.00am – 7.00pm Mondays to Saturdays.</p>
<p><u>Parking</u></p> <p><i>“The overflow of visitor traffic to this development. Being on a main road I am sure the visitors will pop around the corner to park in Monmouth Street.”</i></p>	<p>The proposed development provides two car bays for each of the proposed residential dwellings. The 2013 Residential Design Codes requires properties located in close proximity to public transport to only provide one car bay per dwelling.</p> <p>In addition one visitor car bay is also proposed, although the 2013 Residential Design Codes only requires the provision of a visitor bay for a development comprising of more than 4 units. This car bay has been provided in a position that is easy to access from Walcott Street in the same manner as the visitor carbays are provided at No. 135 Walcott Street.</p>
<p><u>Fencing</u></p> <p><i>“What type of fencing is proposed to replace the existing fence including material and colour?”</i></p> <p><i>“The existing fence is approximately 2.9m and is brick (crème). Thus it is of my opinion that this fence should be retained or replaced. I don’t consider that a fence of 1.8m offers sufficient privacy and security.”</i></p> <p><i>“Could the fence be removed first and reconstructed prior to the commencement of building to ensure security and privacy?”</i></p>	<p>Dividing fences are a civil matter to be dealt with between adjoining landowners.</p> <p>This comment refers to the existing fence on the north-western boundary that currently contains a boundary wall to an existing garage. This garage is proposed to be removed as part of the development. The applicant has indicated that there will be discussions with adjoining property owners to find mutually acceptable solutions for the new dividing fences. Under the City’s Fencing Local Law a sufficient fence “<i>shall not exceed 1800 millimetres</i>” in height.</p> <p>According to the information provided to the City, a temporary fence will be provided and the fence will remain until the replacement dividing fence is constructed.</p>
<p><u>General</u></p> <p><i>“What are the expected start and finish dates of the development?”</i></p>	<p>Planning Approval is granted for a period of 2 years. Information provided by the applicant advises that demolition is expected to occur in August, with completion of the development to occur late 2016 or early 2017.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><i>“What colour is the development building going to be?”</i></p> <p><i>“Will there be any trees planted along the fence line?”</i></p> <p><i>“Dilapidation report for our six units required”.</i></p> <p><i>“Concern for rubble and rubbish left and dropped into our properties over the period of construction”.</i></p>	<p>According to the information provided by the applicant the development is proposed to be a neutral rendered colour consistent with the surrounding residential properties.</p> <p>While the City requires that a landscaping plan must be developed and implemented as part of the building licence process and development, the information provided indicates that low level planting will be proposed. The site currently does not have any substantial trees.</p> <p>The City generally requires developers to provide dilapidation reports where the method of construction involves significant ground disturbance such as below ground levels and in relation to heritage properties located in close proximity to the development site. In this instance a dilapidation report is only required for the adjoining heritage property.</p> <p>The builder is responsible to maintain a clean and safe work site and the City will enforce this requirement throughout the construction process.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *City of Vincent Town Planning Scheme No. 1;*
- *2013 Residential Design Codes;*
- *Policy No. 7.2.1 – Residential Design Elements; and*
- *Policy No. 7.1.10 – Norfolk Precinct.*

The applicant will have the right to have Council’s decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

RISK MANAGEMENT IMPLICATIONS:

It is Administration’s view that there are minimal risks to Council and the City’s business function when Council exercises its discretionary power to determine a planning approval.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City.”*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice"

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The development will assist in offsetting urban sprawl and the associated negative impacts.	

SOCIAL	
Issue	Comment
The development contributes positively to the social sustainability of the area by increasing density, social mix and diversity of dwelling types.	

ECONOMIC	
Issue	Comment
The development will make use of existing infrastructure and services available in an already built-up area, avoiding the cost of new infrastructure associated with greenfield developments. The construction will also provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed development is considered to achieve a quality design that relates in a sensitive manner to the density and height of the surrounding properties. The design incorporates features of the existing character properties and the newer grouped dwellings in the area and will have a minimal impact on the existing streetscape appearance.

The proposal provides more parking than required, including one visitor bay, although visitor bays within the street setback area are generally not supported. In this instance however the bay in this location is appropriate given the development is located on Walcott Street and there is the ability to screen the bay with vegetation.

The subject property is located adjacent to an existing Category B listed heritage property at No. 12 Monmouth Street. To ensure appropriate protection of the property it is recommended that a condition is imposed that requires that a dilapidation report is prepared for the heritage property prior to any works commencing.

Overall the variations proposed to street setback and roof form are considered to be acceptable in the context of the existing development along this portion of Walcott Street.

CONCLUSION:

It is recommended this proposal is approved.

9.1.4 Leederville Farmers' Market – Request to Use Frame Court Car Park, Leederville Town Centre

Ward:	South	Date:	10 July 2015
Precinct:	Precinct 4 – Oxford Centre	File Ref:	PR52592; 5.2015.206.1
Attachments:	1 – Proposed Leederville Farmers' Market Location 2 – Correspondence Leederville Connect		
Tabled Items:	Nil		
Reporting Officers:	D Doy, Place Manager J O'Keefe, Manager Policy and Place J Paton, Director Corporate Services		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council:

1. **AUTHORISES** the Chief Executive Officer to negotiate a licence agreement with Paul Ashbolt as the organiser of the Farmers' Market to enable the relocation of the Leederville Farmers' Market to a portion of the Frame Court Car Park subject to the following minimum conditions:
 - 1.1 the licence agreement shall not exceed 18 months;
 - 1.2 the Market is permitted to use the space Sundays only between 6.30am and 12.30pm;
 - 1.3 a fee of \$19,305 is payable;
 - 1.4 the costs of all utilities are to be borne by the Market;
 - 1.5 payment of a bond as determined by the City;
 - 1.6 all relevant default, penalties and indemnity clauses;
 - 1.7 any other condition deemed to be appropriate by the City;
2. **REQUIRES** planning approval being processed in accordance with Town Planning Scheme No 1, noting that an agreement under condition 1 does not guarantee that planning approval will be granted;
3. **INSTRUCTS** Administration to commence an investigation to develop a new policy to address the manner in which the City will deal with requests for the use of Council owned land for purposes other than the City's use of the land.

PURPOSE OF REPORT:

To consider a request from Farmers' Market (WA) Pty Ltd T/A Leederville Farmers Markets to commence trading on a portion of No. 62 (Lot 26 & 27) Frame Court, Leederville (Frame Court Car Park). The applicant is Paul Ashbolt (the Applicant).

BACKGROUND:

History:

The Applicant has been operating at 'Leederville Village' since 2013 under the following approvals.

Date	Comment
10 December 2013	The Proposed Change of Use to an Outdoor Market at No. 663 Newcastle Street, Leederville (Leederville Village) was presented at a Council Forum.
17 December 2013	Council approved the Leederville Farmers' Market to operate at No. 663 Newcastle Street, Leederville (Leederville Village) for a period of 1 year.
16 December 2014	The Leederville Farmers' Market was approved to operate at No. 663 Newcastle Street, Leederville (Leederville Village). The approval was extended for 5 years, concluding on 31 December 2019.

DETAILS:

The Applicant has now requested the City to consider a proposal to relocate the Leederville Farmers' Market from its existing location to a portion of the Frame Court Car Park depicted in **Attachment 1**. The Applicant has advised that the current location is no longer viable.

The move will co-locate the market with the abutting skate-park and recently refurbished Oxford Street Reserve, which together with the existing mature trees, will offer a better user experience.

The proposal to relocate the market to Frame Court Car Park involves the use of 60 fee paying bays.

The proposed trading hours of the market are every Sunday 7.30am – 12.00pm, although additional time is required at both ends of this time period for set up/break down of the market. The market functions as a commercial operation.

The Applicant submitted a development application on 6 May 2015 to trigger Council's consideration of this matter.

Policy Framework

The City does not currently have a policy or strategic framework by which to assess proposals for third parties to use City owned or managed land such as Car Parks or Reserves, Council must address each request on a case by case basis.

Existing use of Car Parks in Leederville

The Frame Court Car Park has a total of 210 fee paying car-bays. As the proposed market is seeking the use of 60 bays (29%), 150 bays remain available in this carparking area on market days.

A fee is payable in this carpark between the hours of 7.00am and midnight at a cost of \$2.50 per hour (inclusive of GST). The 60 bays generate a maximum revenue of \$150.00 per hour.

The car park was recently surveyed for occupancy of the portion of the car park proposed to be occupied by the market on a Sunday morning during the proposed operating times of the market. The findings are contained below.

Table 1: Parking Capacity within the proposed Leederville Farmers' Market Area (60 car bay capacity)

	9.00am	10.00am	11.00am
Sunday 17 May 2015	16 bays free	8 bays free	9 bays free
Sunday 24 May 2015	13 bays free	7 bays free	9 bays free
Sunday 31 May 2015	21 bays free	16 bays free	22 bays free
Sunday 7 June 2015	18 bays free	12 bays free	16 bays free
Average bays free	17 bays free	11 bays free	14 bays free
Average bays used	43 of 60 bays used (72%)	49 of 60 bays used (81%)	44 of 60 bays used (73%)

This survey shows that the portion of the car-park affected by the proposed market has an average occupancy rate of 75%, between 9.00am – 11.00am on Sundays morning. Although the survey times is less than the proposed operating times of the Market this data is considered adequately capture the occupancy of the car park for the proposed period of the market.

Further surveys were undertaken to determine the availability of other parking bays in Leederville on a Sunday morning. The findings are contained below.

Table 2: Capacity for surrounding City owned/managed car parks to take extra cars (audit undertaken Sunday 14 June 2015)

	8.30am	10.30am	12.30pm
Frame Court Car Park (entire car park)	150 bays free	77 bays free	68 bays free
The Avenue Car Park	224 bays free	80 bays free	23 bays free
Leederville Hotel Car Park	51 bays free	26 bays free	21 bays free
Total	425 bays free	183 bays free	112 bays free

The above table has not taken street parking into account or the 52 bays that will become available at the Leederville Village Site, previously occupied by the markets.

Although these bays are typically available to the public they are on privately owned land and there is no agreement in place to guarantee their public availability.

The above information indicates that there is adequate capacity in the locality to cater for current and future car parking demand.

Approvals Processes and Implications

1. Disposal of land

Under the *Local Government Act 1995* Council is able to dispose of Council owned land which includes selling, leasing or permitting property to be used under a licence or rental agreement. The relevant processes in each instance are prescribed by the legislation, and require among other things, advertising of the City's intention to dispose of the land.

Among these provisions is an exemption from consultation where the disposition is for a period of less than 2 years and the other party to the agreement does not have exclusive use of the land.

This provision is ideal for circumstances such as the Farmers' Market as it streamlines the approval process to provide a trial period. It is therefore recommended that any transaction for the Farmers' Market is time limited to less than 2 years.

2. Planning approvals process to authorise the use on this land

The land is zoned 'District Centre' under Town Planning Scheme No. 1 and a Farmers' Market is classified as a 'Use Not Listed' as it is not identified by the Zoning Table. As such the planning application must be determined by Council who must approve the use by 'Absolute Majority'.

CONSULTATION/ADVERTISING:

By limiting the period of use of the land for the Farmers' Market, no consultation is required for the disposal arrangement between the parties. The only public consultation will be in regard to the planning approval.

The Applicant has had discussions with Leederville Connect which has indicated support of this proposal (Refer **Attachment 2**), and Council received a petition in April 2015 supporting the continuation of the Markets in Leederville.

LEGAL/POLICY:

- *Local Government Act 1995* – Section 3.58: Clause 3; and
- *Local Government (Functions and General) Regulations 1996* – Section 30.

RISK MANAGEMENT IMPLICATIONS:

The risk in losing this market is that the Leederville Town Centre will lose an anchor event and choice, although there are also risks associated with the Market relocating to the Frame Court Carpark. These range from damage to Council property and the inability of the market to meet the obligations of the City. Many of these risks are linked to the quality of the market as a market of low quality may negatively impact the Leederville town centre.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013 – 2023 states:

“Community Development and Wellbeing

3.1 *Enhance and promote community development and wellbeing;*

3.1.3 *Promote and provide a range of community events to bring people together and to foster a community way of life.*

Leadership, Governance and Management

4.1 *Provide good strategic decision-making, governance, leadership and professional management*

4.1.2 *Manage the organisation in a responsible, efficient and accountable manner;*

4.1.4 *Plan effectively for the future.”*

SUSTAINABILITY IMPLICATIONS:

The Leederville Farmers' Market will be improved by its relocation, attracting more local and regional visitors to the event and will contribute to its ongoing success and contribution to the Leederville Town Centre as a vibrant urban village.

FINANCIAL/BUDGET IMPLICATIONS:

At an occupancy rate of 75% the revenue lost from paid parking is \$618.75 (\$2.50 per hour x 45 bays x 5.5 hours) per market day which amounts to \$32,175.00 (inclusive of GST) per annum.

The financial implications to the City will depend on which cost recovery option Council supports (Refer to the 'Comment' section below).

COMMENTS:

The establishment of successful markets potentially brings with it a range of economic, social, health and environmental benefits as it:

- acts as an important hub for the local community and a drawcard regionally;
 - as an attractor potentially increases footfall and exposure that the other surrounding businesses benefit from;
 - becomes a focal point for local culture and social life for local residents, who make it their weekly ritual to visit and buy local goods;
-

- creates a public space for communication and exchange between the local community;
- facilitates interaction between consumers and producers and increase satisfaction knowing visitors are buying 'local';
- provides fresh food and in some instances organic produce; and
- reduces 'food mile' transportation.

Cost Recovery

Given the Farmers' Markets wishes to occupy space that currently generates an income the proposal has cost implications to the City.

In allowing the space to be used for a purpose other than carparking Council has several options available to determine an appropriate return:

Table 3: Financial Options for Formal Agreement

Option	Implication
<u>Option 1:</u> No charge	Given the market will provide economic, health, social and environmental benefits for both the local and broader community. Council may choose to not charge a fee for the use of the Frame Court Car Park and carry the full loss of revenue that would otherwise be derived from the parking bays.
<u>Option 2:</u> Full Cost Recovery	With this option the City does not incur any loss of revenue and may potentially increase its parking revenue on market days as additional visitors to the market will pay for parking, although that possibility may be limited given that the relocation of the market will unlock 52 car bays at the Leederville Village site which are not owned by the City.
<u>Option 3:</u> Partial Cost Recovery	This approach places a financial value on the social, health and environmental benefits for the community and the economic benefits for Leederville likely to be associated with this market. It is able to be applied by way of a sliding scale. At a 40% discount rate for example the annual payment would be \$19,305.00.
<u>Option 4:</u> Market Related Charges	With this option the appropriate fee for the use of the site would be determined through an EOI process.

Recommendation

A Farmers' Market has already demonstrated that it adds value to the Leederville Town Centre, as it brings vibrancy and interest. Its relocation will further strengthen its effectiveness by creating a more user friendly experience. The data suggests that the proposed relocation of the Market into the Frame Court Car Park will not cause parking issues for the locality, and the City can allow another party to use its land. The proposal is therefore supported from a planning and place making perspective.

To streamline administrative processes while providing a trial period it is also recommended that any agreement is by way of a licence that is limited to a period not longer than 18 months.

As the owner of land that generates a financial return however it is considered appropriate that the City does not suffer a loss of revenue as a result of this proposal. On this basis Option 1 is not considered acceptable, while Option 4 is likely to only be effective once a policy framework exists that provides guidance in regard to the use of Council owned land by other parties. With the high demand for events, markets and other uses on City owned land, particularly over the summer months a strategy is required to allow each request to be considered on merit in the overall context of these requests.

The Applicant has advised that the current rental of the Village Carpark is \$18,000. However the current location is less attractive than the proposed area of the Frame Court Carpark, and the existing location is also marginally smaller.

Given the above, Option 3 is considered to be the most appropriate approach to determine the likely rate for the use of the land and it is recommended that the discount factor be 40%, with additional charges being levied for the provision of essential services.

CONCLUSION:

Administration recommends Council support the relocation of the Leederville Farmers' Market to a portion of the Frame Court Car Park and enter into a licensed agreement with the Applicant for a period of 18 months for a fee of \$19,305 per annum.

9.1.5 No. 44 (Lot: 382 D/P: 2334) Shakespeare Street and No. 19 (Lot: 352 D/P: 2334) Dunedin Street, Mount Hawthorn – Proposed Addition to Dividing Fence

Ward:	North	Date:	21 July 2015
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR16793/PR12261; 5.2015.246.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Proposed Development on Adjoining Property		
Tabled Items:	Nil		
Reporting Officer:	G Poezyn, Director Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Officer		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by the owners Bruce Webber and Tony Reed, for the proposed Addition to the Dividing Fence at No. 44 (Lot 382) Shakespeare Street and No. 19 (Lot 352) Dunedin Street, Mount Hawthorn as shown on plans date stamped 2 June 2015, included as Attachment 2, subject to the following conditions:

1. The existing dividing fence shall not be removed; and
2. The height of the proposed wall shall not exceed the height of the existing dividing fence in the area that is adjacent to the outdoor areas of proposed Units 4 and 5 at No. 86 Hobart Street, Mount Hawthorn.

PURPOSE OF REPORT:

To consider the addition of a wall structure alongside the existing boundary fence.

BACKGROUND:

Nos. 44 Shakespeare Street and 19 Dunedin Street share a common boundary along their southern side with No. 86 Hobart Street. Council approved a development for 18 multiple dwellings at No. 86 Hobart Street in February 2014.

Seven of these units face the common boundary between the three properties.

There is an existing dividing fence between No. 86 Hobart Street and the subject properties. No. 86 Hobart Street slopes down from Shakespeare Street to Dunedin Street by approximately 1.5 metres so that the levels of No. 86 Hobart Street are approximately 300mm lower than the adjoining properties in the north eastern corner of No. 86 Hobart Street.

History:

Date	Comment
23 October 2012	Council approved the demolition of an existing building and construction of a two-storey building comprising of 11 multiple dwellings, two one bedroom multiple dwellings and associated car parking.
17 December 2013	Council refused the demolition of an existing building and construction of a two-storey building comprising 18 multiple dwellings. The refusal was appealed.

Date	Comment
25 February 2014	Council approved a revised proposal under S31 of the <i>State Administrative Tribunal Act 2013</i> .
20 August 2014	The City under delegated authority approved a planning application that made amendments to the February approval.
7 November 2014	Building Permit approved by Delegated Authority to commence construction of the Multiple Dwellings.

DETAILS:

Landowner:	B L and CA Webber and A A Reed
Applicant:	Bruce Webber and Tony Reed
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R20 Draft Town Planning Scheme No. 2 (TPS2): Residential R20
Existing Land Use:	Two Single Houses
Use Class:	N/A
Use Classification:	N/A
Lot Area:	No. 44 Shakespeare Street = 546 square metres No. 19 Dunedin Street = 546 square metres
Right of Way:	Not Applicable
Date of Application:	2 June 2015

The development application is for a proposed additional wall structure to be constructed within the property boundary of Nos. 44 Shakespeare Street and 19 Dunedin Street adjacent to the existing dividing fence between Nos. 44 Shakespeare Street and 19 Dunedin Street and No. 86 Hobart Street. The design and material of the proposed wall addition are such that it will provide acoustic privacy for the applicants.

The existing dividing fence was constructed less than six months ago. This fence is approximately 2.4 metres high when measured from No. 86 Hobart Street due to the retaining walls built along the common boundary ranging in height to a maximum of 300mm, and 2.1 metres when measured from the adjoining properties' ground levels.

In relation to No. 44 Shakespeare Street the proposed wall ranges in height between 2.4 metres and 3 metres (300mm and 900mm higher than the existing dividing fence measured from the ground level of No. 44 Shakespeare Street) and in relation to No. 19 Dunedin Street the proposed wall is 3 metres high (900 mm higher than the existing dividing fence measured from the ground level of No. 19 Dunedin Street).

ASSESSMENT:

Summary Assessment

The table below is a summary of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the 2013 Residential Design Codes and the City's policies. In each instance where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

Design Element	Complies	Requires the Discretion of Council
Density/Plot Ratio	N/A	
Front Setback	N/A	
Front Fence	N/A	
Building Setbacks	N/A	
Boundary Wall	✓	

Design Element	Complies	Requires the Discretion of Council
Building Height	N/A	
Building Storeys	N/A	
Roof Form	N/A	
Open Space	N/A	
Privacy	N/A	
Access & Parking	N/A	
Bicycles	N/A	
Solar Access	N/A	
Site Works	N/A	
Essential Facilities	N/A	
Surveillance	N/A	
Dividing Fence		✓

Detailed Assessment

Issue/Design Element:	Wall on boundary
Requirement:	<p>2013 Residential Design Codes Clause 5.1.3 C3.2</p> <p>Wall on one lot boundary not exceeding a maximum height of 3 metres and an average height of 3.5 metres for one third the length of the balance of the lot boundary behind the front setback line.</p>
Applicant's Proposal:	Walls on boundary ranging in height from 2.4 metres to 3.0 metres
Design Principles:	<p>Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Summary of Applicant's Justification:	To provide screening against the 18 units being built at No. 86 Hobart Street. The applicants have also provided additional justification to Elected Members.
Officer Technical Comment:	<p>The proposed structure on the boundary is discretionary in relation to No. 44 Shakespeare Street as the existing development already contains a wall on the other property boundary, but complies with the acceptable development standards in relation to No. 19 Dunedin Street. In both situations the impact of the proposal on the adjoining property needs to be considered.</p> <p>The proposed wall exceeds the height of the existing dividing fence by 300mm in the area where the proposal abuts an existing carport structure at No. 44 Shakespeare Street and 900mm for the remainder of the proposal.</p> <p>As the additional wall is located parallel to the northern boundary of No. 86 Hobart Street the impact of the additional height above the existing dividing fence is overshadowing.</p> <p>The courtyards to three multiple dwellings (proposed Units 3, 4 and 5) are located along the northern boundary of No. 86 Hobart Street. Refer Attachment 3.</p>

Issue/Design Element:	Wall on boundary
	<p>While Unit 3 will not be affected by this proposal as there is already the existing structure at No. 44 Shakespeare Street adjacent to the courtyard of Unit 3 and the proposed wall height is 2.4 metres, the impact is on the outdoor areas of the two most eastern ground floor units (Units 4 and 5).</p> <p>Each of the courtyards is just under 3 metres in width and at the current height of the dividing fence the courtyards are overshadowed in the winter months, although the adjoining lounge rooms currently still obtain some access to sunlight at that time through the sliding door that leads to the respective outdoor areas.</p> <p>The increase in height on the common boundary above the existing dividing fence will result in additional overshadowing of in excess of 1 metre, and consequently obstruct all access to sunlight for Units 4 and 5 in the winter months.</p> <p>While the portions of the proposed wall that aligns with the height of the dividing fence and the section alongside the existing carport are acceptable, the higher sections of the wall are not supported by Administration.</p> <p>In this context the negative impact of the additional height of the proposed structure on the adjoining ground floor multiple dwellings is expected to be greater than the additional privacy benefit that it may gained, especially given that the windows on the upper level of the development at No. 86 Hobart Street facing Nos. 44 Shakespeare Street and 19 Dunedin Street fully comply with the overlooking provisions of the 2013 Residential Design Codes and have also been screened to a height of 1.8 metres.</p> <p>On this basis it is therefore recommended that the proposal is supported subject to a condition that limits the height of the proposed wall to the existing height of the dividing fence for the extent that the proposed wall is located adjacent to the outdoor areas of Units 4 and 5.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	12 June 2015 to 25 June 2015		
Comments Received:	One objection was received from No. 86 Hobart Street.		

The table below discusses the comments/issues raised during consultation.

Summary of Comments Received:	Officer Technical Comment:
<p>Issue: Height of Wall</p> <p><i>“Our property is set lower than 44 Shakespeare Street with retaining along the northern boundary. This will significantly raise the effective wall height closer to 4 metres in height in parts”.</i></p>	<p>The proposal will not have any impact on the outdoor area of proposed Unit 3 given the existing structure at 44 Shakespeare Street, but it may unreasonably obstruct the access to sunlight for proposed Units 4 and 5 at No. 86 Hobart Street.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><i>"The wall will completely block out all winter sun to the northern courtyards of three apartments. This will have a major impact on the amenity of those apartments".</i></p>	

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *City of Vincent Town Planning Scheme No. 1;*
- *2013 Residential Design Codes; and*
- *City of Vincent Fencing Local Law 2008.*

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning approval.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
Not applicable.	

SOCIAL	
Issue	Comment
Not applicable.	

ECONOMIC	
Issue	Comment
Not applicable.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposal is classified as development under the City's Town Planning Scheme No. 1 and is therefore required to be dealt with as a planning application, rather than under the provisions of the City of Vincent Fencing Local Law 2008 and the *Dividing Fences Act 1961*.

There is no objection to the construction of an additional wall along the common boundary between Nos. 44 Shakespeare Street, 19 Dunedin Street and 86 Hobart Street to provide the additional privacy. However the height of the proposed wall for the portion of the wall that is proposed to be located alongside the outdoor areas of proposed Units 4 and 5 at No. 86 Hobart Street is not acceptable from a planning perspective, because the additional height above the existing dividing fence will obscure all access to sunlight for two of the dwellings currently under construction at No. 86 Hobart Street during the winter months and severely impact the amenity of these dwellings.

Notwithstanding Administration's recommendation for conditional approval of the proposed wall at a lesser height where it adjoins the courtyards of Units 4 and 5 at 86 Hobart Street, it is open to Council to approve the wall, as proposed. Council might consider taking this approach if it considers that:

- The privacy and acoustic benefits of the proposed wall (to the applicants) outweigh the overshadowing impacts of that wall on the courtyards of Units 4 and 5;
- The proposed wall would ameliorate any privacy and overlooking concerns raised by the applicants in relation to the first floor apartments immediately above Units 4 and 5;
- The proposed wall is an appropriate screening response to the departures approved by Administration to the Council approved plans for the development at 86 Hobart Street.

CONCLUSION:

It is recommended that the proposal is supported subject to the condition that the height of the additional wall is limited to the height of the existing dividing fence in the area that is adjacent to the outdoor areas of proposed Units 4 and 5 at No. 86 Hobart Street.

9.2 TECHNICAL SERVICES

9.2.1 State Underground Power Program – Brookman Street and Moir Street Heritage Precinct Underground Power Project – Progress Report No. 4

Ward:	South	Date:	10 July 2015
Precinct:	Precinct 12 - Hyde Park	File Ref:	SC201
Attachments:	1 – Consultation Letter Responses		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- NOTES** that, as a result of a further survey conducted in June 2015, the majority of respondents indicated that they do not support paying the increased cost to underground the power in the Brookman Street and Moir Street Heritage Precinct area; and
- ADVISES** ratepayers within the project area, and Western Power that, on the basis of 1 above, it no longer intends to proceed with the Brookman Street and Moir Street Heritage Precinct Underground Power Project.

PURPOSE OF REPORT:

To advise Council of the outcome of discussions with Western Power's State Underground Power Program (SUPP) - Project Development Officers regarding Round Four - Localised Enhancement Project (LEP) proposed for the Brookman Street and Moir Street Heritage Precinct and the outcome of the recent public consultation regarding the project.

BACKGROUND:

Ordinary Meeting of Council 14 June 2011:

Council was advised that as a project had been cancelled, the Brookman Street and Moir Street Heritage Precinct Underground Power Project had been elevated to a funded project, pending public consultation.

Ordinary Meeting of Council 18 December 2012:

Council approved the City's officers entering into discussions with Western Power to consider the scope of works and the estimated project cost.

At the time, Western Power also provided the City with its standard resident/property owner 'survey pack' (cover letter, frequently asked questions and survey sheet) which was to form the basis for the City's public consultation pack.

Project Design:

A design was progressed thereby defining the project boundary. A total of 115 properties were to be located within the project area and included Brookman and Moir Street, Robinson Avenue between Brisbane Place and Lake Street, Forbes Road and portions of Brisbane Place and Lake Street.

The estimated project cost, at the time, was \$1.2 million with the potential cost to the ratepayers within the project area of \$8,260 per property (i.e. \$950,000 with the State contributing the remaining \$250,000).

Ordinary Meeting of Council 18 December 2012:

Council considered a further progress report on the outcomes of the City's Round Five LEP submissions and the option to take up the Round Four, Brookman Street and Moir Street Heritage Precinct LEP, resulting in Council making the following decision (in part):

"That the Council;

2. *APPROVES IN PRINCIPLE the City to participate in the Brookman and Moir Streets Heritage Precinct LEP Project subject to;*
 - 2.1 *noting that it is a Round 4 Project;*
 - 2.2 *the costs being re-couped from the residents and businesses within the project area;*
3. *NOTES that the preliminary project cost estimate is \$1.2 million, of which the City will be responsible for \$950,000;*
4. *AUTHORISES the Chief Executive Officer to;*
 - 4.1 *enter into discussions with Western Power to determine detailed costs and the Scope of Works; and*
 - 4.2 *undertake a SUPP Steering Committee Approved Survey of the residents and businesses within the project area; and*
5. *RECEIVES a further report when clause 4 has been completed."*

Ordinary Meeting of Council 19 November 2013:

On 18 September 2013, the City wrote to all 115 property owners within the project area and provided the following:

- A letter explaining the City's involvement in the project;
- A project map;
- Background information and frequently asked questions;
- Contact details for those seeking more information; and
- The survey form with reply paid envelope.

At the close of consultation Council considered a further report on the matter and made the following decision (in part):

"That the Council;

1. *NOTES that;*
 - 2.1 *the majority of the respondents are in favour of the Brookman and Moir Street Heritage Precinct LEP proceeding on the understanding that there would be a significant cost to them;*
 - 2.2 *the preliminary project cost estimate is \$1.2 million, of which the City will be responsible for \$950,000; and*
 - 2.3 *the Indicative Timeline, as detailed in this report;*
 3. *APPROVES IN PRINCIPLE the City proceeding with the Brookman and Moir Streets Heritage Precinct LEP Project subject to;*
 - 3.1 *the full costs being re-couped from the residents and businesses within the project area;*
-

- 3.2 *the State Underground Power Program Steering Committee approving the project and confirming the State Government's contribution; and*
- 3.3 *Western Power completing the detailed design and cost estimate including an assessment of any heritage related issues that may arise; and*
4. *RECEIVES a further report when Clauses 3.2 and 3.3 have been completed".*

Ordinary Meeting of Council 11 March 2014:

Following concerns from some ratepayers in the project area regarding the requirement to contribute to the cost of the project, Council considered a Notice of Motion from the Mayor where the following decision was made:

"That the Council REQUESTS the Chief Executive Officer to undertake an additional round of consultation in relation to the installation of Underground Power in Brookman and Moir Streets to:

1. *Further gauge the ratepayers support for this project; and*
2. *To clarify the ratepayers concerns regarding the total cost of their contribution, the level of funding provided by the State Government and the amount contributed by the ratepayers for this project."*

Ordinary Meeting of Council 10 June 2014:

A further report was presented to Council advising of the outcome of the 'further' community consultation regarding the Round Four State Underground Power Program (SUPP) – Localised Enhancement Project (LEP) Brookman Street and Moir Street Heritage Precinct whereby the following decision was made:

"That the Council;

1. *NOTES that;*
 - 1.1 *a majority of the respondents have indicated that they still support the Brookman and Moir Street Heritage Precinct LEP proceeding, as discussed in the report;*
 - 1.2 *the preliminary project cost estimate is \$1.2 million, of which the City will be responsible for \$950,000; and*
 - 1.3 *the payment for the undergrounding of power would be charged as a 'Service Charge', which under the Rates and Charges (Rebates and Deferments) Act 1992, and would entitle pensioners to receive a 50% rebate on their payments and for seniors a 25% rebate would apply in Year one (1) only and would be capped at \$270;*
 2. *APPROVES IN PRINCIPLE the City proceeding with the Brookman and Moir Streets Heritage Precinct LEP Project subject to;*
 - 2.1 *the full costs being re-couped from the residents and businesses within the project area;*
 - 2.2 *the State Underground Power Program Steering Committee approving the project and confirming the State Government's contribution; and*
 - 2.3 *Western Power completing the detailed design and cost estimate including an assessment of any heritage related issues that may arise; and*
 - 2.4 *An additional seven (7) year option for payment*
 3. *RECEIVES a further report/s on the implementation timeline and matters relating to clause 2."*
-

February 2015:

Western Power advised the City that the estimated project cost had risen to \$2.125 million and that based on this figure, the City, and therefore the ratepayers, would be responsible for \$1.875 million, or \$16,304 per property, an increase of \$8,044 per property. The City's Administration met with Western Power and advised them that the excessive cost increase could not be supported.

Western Power were asked if there were any other means of reducing the cost, albeit a different design or construction methodology. After some discussion, Western Power conceded that they could not see any way around the issue and that the \$2.125 million estimate was the best they could hope to achieve.

However, on 24 February 2015, Western Power advised that they would be negotiating with an alternative contractor to provide a price on a possible re-scoped project.

DETAILS:

Further Meeting with Western Power – April 2015

Administration again met with Western Power whereby an alternative price, was presented which was based on a reduced scope of work to save on installation costs and a more efficient design to reduce reinstatement costs within Brookman and Moir Streets in particular.

Discussion:

Initial Proposal:

- Cost of the project = \$1,200,000
- Less the Western Power contribution of \$250,000 = \$950,000
- Spread over 115 properties = \$8,260 per property

Revised Proposal (April 2015):

- Cost of re-scoped project \$1,302,074
- Less the Western Power contribution of \$250,000 = \$1,052,074
- Plus City of Vincent Project Management costs during the project \$100,000*
- Potential project cost (less Western Power contribution) = \$1,152,074
- Spread over 114** properties = \$10,106 per property

Note*: This amount was previously not factored into the resident's contribution. Administration now considers that this needs to form part of the recoverable cost.

Note**: One less property due to project re-scope.

Council previously consulted residents on a cost of \$8,260 per property and, at the time, this cost was of major concern for those who voted 'no' in the survey.

Ordinary Meeting of Council 5 May 2015:

A further report on the matter was prepared however, it was withdrawn from the agenda by Administration in order that further consultation be undertaken with ratepayers of the area regarding the increased contribution required i.e. from \$8,260 to \$10,106 per property.

The report was therefore not considered by Council.

CONSULTATION/ADVERTISING:

The two previous public consultation/surveys were undertaken in accordance with Council's policy and were based upon the SUPP Steering Committees standard questions. Furthermore, the consultation packs were numbered and entered against the property to prevent duplication to ensure the integrity of the survey results.

Further Ratepayer Survey – June 2015:

A further consultation pack was distributed to ratepayers on 11 June 2015 and at the close of consultation, on 26 June 2015, a total of 70 responses (61.4%) were received with 44 respondents (63%) against the proposal and with 26 respondents (37%) in favour of the proposal.

Comparison with previous surveys:

Underground Power Survey Results	October 2013	April 2014	June 2015
Number of properties	115	115	114
Number of owners	130	130	129
No of Responses	69	88	82
% response rate	53%	67.7%	63.6%
Of those who responded.			
In favour	50 (73%)	47 (53%)	31 (38%)
Against	19 (27%)	41 (47%)	51 (62%)

The State Underground Power – Localised Enhancement Guidelines state that:

“The Western Power State funding is conditional on the availability of clear evidence of substantial and continuing community support. Furthermore, local governments should also be aware that there may be a safety requirement for consumers to rewire their premises in order to bring them up to the current electrical standards. The cost of this work will be the responsibility of the owners of the premises and needs to be completed prior to connection to the underground network. For these reasons, the State will not proceed with projects that do not have adequate support from the local community, especially the ratepayers directly affected by the project.”

Western Power have further advised that anything less than 50% support from residents would not be considered. A further extension to this project funding would be unlikely given it is a Round 4 project.

LEGAL/POLICY:

Policy No: 2.2.2 Undergrounding of Power, under funding, states:

2.2 *The funding model for all future State Underground Power Localised Enhancement Projects will be based upon a maximum State Government and Western Power contribution of \$500,000* per project, with the City’s contribution to be recouped from property owners in the project area*

Note:* The Brookman Street and Moir Street project is a Round 4 State Underground Power Project where Western Power’s minimum contribution was \$250,000. The policy was amended when the Western Power contribution was increased to a minimum of \$500,000 for Round 5 projects onwards.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: In respect of infrastructure, the power network is owned and operated by Western Power Corporation and therefore it is of low risk to the City should the proposal proceed or not. However the City may be exposed to a medium to high of financial risk if a property owner were to default on payment of their contribution (as the City would have effectively pre-paid for the works) and, as the project price is not fixed, due to the geology of the area, there is a potential for the project cost to exceed the price indicated by Western Power.

STRATEGIC IMPLICATIONS:

In accordance with the City’s *Strategic Plan 2013-2023* Objective 1 states:

- “1.1: *Improve and maintain the natural and built environment and infrastructure.*
- 1.1.4 *Enhance and maintain the City’s infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
- (d) *Pursue options and funding for undergrounding of power throughout the City.”*

SUSTAINABILITY IMPLICATIONS:

The undergrounding of the electricity infrastructure is ultimately more sustainable from an amenity and surety of power supply perspective, improves the aesthetics of the streetscape and may increase property values. It will also reduce long term maintenance costs for Western Power.

FINANCIAL/BUDGET IMPLICATIONS:

Project Cost:

The total potential project cost (less Western Power's contribution of \$250,000) is \$1,152,074 (includes \$100,000 for Project Management) and spread over 114 properties would be \$10,106 per property.

Project Management:

The City would be required to employ an officer (estimated to cost \$100,000) to represent it in a Project Management capacity during the project to:

- develop a robust charging mechanism in liaison with Western Power and the City's Finance Section;
- attend daily site meetings;
- process progress payment claims;
- negotiate transformer locations with residents as required;
- negotiate variations/scope changes; and
- Inspect and sign off reinstatements, etc.

Underground Power Reserve:

The \$100,000 Project Management component could be funded from this Reserve. The initial cost per property was \$8,260. The current cost per property (including the \$100,000) is \$10,106 per property.

If the \$100,000 was funded by the City, the \$10,106 would be reduced by \$877 per property to \$9,229 (\$969 more than initially proposed).

2015/2016 Budget:

No allowance has been made for the undergrounding of power in the current budget.

COMMENTS:

The decision to re-consult with ratepayers, in the project area, was based on a number of factors including, but not limited to:

- The increase in cost per property of \$1,846 from \$8,260 to \$10,106;
 - If the contingency, built into the contract price, was insufficient the City would be liable for any cost overruns (in the event the contractor pursues a claim)
 - There is a history of geological and heritage issues in this area which are a 'known unknown'.
 - No allowance has been made for dewatering (this area has a high ground water table and any dewatering requirements would not only increase the project cost but could potentially cause structural damage to properties).
 - To be able to reduce the estimated project cost from \$2.2 million to \$1.3 million suggests that it was either previously overpriced or a lower than normal price has now been submitted;
-

- Western Power's contribution being capped/fixed at \$250,000 (as per the funding agreement); and
- A vocal minority of those ratepayers previously canvassed indicating they were vehemently opposed to having to pay such a high cost to underground the power in the area.

Conclusion:

As previously reported to Council, in 2012 the City reapplied for the Brookman and Moir Streets Heritage Precinct Project as a Round 5 project, even though the City was offered the project as a Round 4 project.

The reason for reapplying was that, from Round 5 projects onwards, Western Power's contribution would increase from \$250,000 to \$500,000 and the cost to the City, and therefore the ratepayers, would have reduced by \$250,000. However the City's Round 5 submission was unsuccessful.

In mid-November 2012 Western Power advised that the Brookman and Moir Streets Heritage Precinct project was still 'active' under the Round 4 criteria i.e. maximum Western Power contribution of \$250,000 and the City pursued the project on this basis.

While there is a philosophical argument that Western Power, as the asset owner, should be responsible for undergrounding the power-lines, the Vincent Council has previously supported applying for State Underground Power Program (SUPP) funding (as per Policy No: 2.2.2).

While there is an opportunity to underground the power in the Brookman Street and Moir Street Heritage Precinct area, it would come at considerable cost to the ratepayers and there is no guarantee, due to the geology of this area and for other reasons mentioned in the report, that the project would be delivered for the latest price quoted (not a fixed price quote).

In addition, the results of the most recent ratepayer survey indicate that 62% of respondents are not in favour of the proposal due to the cost increase, and therefore Administration recommends that the project no longer be supported.

9.2.2 Brentham Street Reserve – Request to Use a Portion of the Reserve for the ReInjection of Groundwater – Further Report

Ward:	North	Date:	10 July 2015
Precinct:	Precinct 3 - Leederville	File Ref:	PR11095; SC544; DD6.2014.161.1
Attachments:	1 - Site Plan 2 - Cross Section of ReInjection Bores		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services S Hill, Project Officer Parks and Environment J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- 1. ADVERTISES** the request from MDW Environmental Services, on behalf of Pindan, to use a portion of the Brentham Street Reserve for the reInjection of groundwater as a contingency measure, as shown on Attachment 1, in accordance with the City’s Community Consultation Policy No. 4.1.5;
- 2. RECEIVES** a further report at the conclusion of the advertising period; and
- 3. ADVISES** MDW Environmental Services that advertising of its request, pursuant to 1 above, does not constitute support for the proposal and will not prejudice Council’s decision on the matter following the advertising period.

PURPOSE OF REPORT:

To consider advertising a request from the environmental consultant acting on behalf of the builder of the Rosewood Care Group’s aged care facility at Lot 40, No. 5-9 Britannia Road, Leederville, to use a portion of Brentham Street Reserve for the installation of reInjection bores along the eastern side of the reserve.

BACKGROUND:

Ordinary Meeting of Council 24 May 2011:

Council approved the demolition of an existing single storey Institutional Building (Aged Care Facility) and the construction of a three-storey Institutional Building (Aged Care Facility) at Lot 40, No. 5-9 Britannia Road, Leederville.

In approving the development, Council conditionally approved the use of a small portion of Brentham Street Reserve for a builder’s compound.

This compound, albeit of a lesser area than was approved by Council, has been in place for just under 12 months and the matter is currently being reviewed by Administration as per Part 3 condition (iv) (a) of Council’s resolution which stated: *“the period of the use of the Brentham Street Reserve and the western side of Wavertree Place shall be for 12 months, effective from the date of the commencement of the construction, however may be extended with the approval of the City’s Chief Executive Officer”*.

In accordance with Council’s resolution Part 3 condition (iv) (c), the builder was required to pay \$1,000 per month for the use of the reserve. The full amount for 12 months i.e. \$12,000, was paid in advance.

Request from MDW Environmental Services (MDWES):

In March 2015, MDWES submitted an "Offsite Groundwater Disposal Plan" on behalf of the builder (Pindan) of the Rosewood redevelopment.

A number of approvals were requested from the City including a request, as a contingency measure, to install reinjection bores within the Brentham Street Reserve and associated fencing. No decision has been made regarding this particular request.

Ordinary Meeting of Council 30 June 2015:

Council considered a report regarding advertising the request from the environmental consultant acting on behalf of the builder of the Rosewood Care Group's aged care facility to use a portion of Brentham Street Reserve for the installation of reinjection bores. No decision was made and the matter was deferred.

Since that decision, the City convened a Public Forum, on 6 July 2015, for interested residents as discussed later in this report

DETAILS:

Site History:

Redevelopment works for the Rosewood aged care facility include the construction of a three-storey building with a single level basement.

Piles have been installed around the footprint of the basement and a two metre thick insitu concrete "plug" has been injected along the entire length and width of the basement area. The plug was intended to prevent groundwater welling up into the basement during onsite excavation and construction works basically creating a "bath tub" like structure. The proponent previously anticipated only limited dewatering would be required to remove the water contained within the excavated area. However, the insitu concrete plug method was unsuccessful and dewatering from below the concrete plug is now required to lower groundwater levels to enable construction to proceed.

Works at the site have been on hold since October 2014. To enable the works to proceed approximately 910,000kL of groundwater will need to be abstracted from the site over a nine month period.

Previously, the Department of Water (DoW) granted a licence to remove 742,089kL at the site and MDWES, who are working with the builder, are currently dewatering at a reduced rate under an interim licence to maintain the status quo until the appropriate licences and additional approvals have been obtained.

Current Infiltration and Discharge Options:

It was MDWES's preference that disposal of dewatering be via a combination of onsite and offsite infiltration, as summarised below.

Onsite Infiltration:

The Department of Environment Regulation (DER) recommend that, wherever possible, dewatering should be infiltrated as it reduces the net loss to the aquifer system and limits potential offsite impacts due to groundwater drawdown. Current infiltration is via two onsite infiltration trenches however, due to the volume of water required to be abstracted, additional groundwater disposal methods have being investigated.

Offsite Infiltration:

Additional potential infiltration sites have been investigated by MDWES. An open swale managed by Main Roads WA (MRWA) was identified along the eastern side of the Mitchell Freeway. MRWA and the Town of Cambridge were contacted and approval was granted for the use of the swale to infiltrate dewatering effluent from the site.

Stormwater drainage maps provided by the City indicate a stormwater pipeline that runs westerly from the site, through Britannia Road Reserve, across the top of the Freeway drainage swale and into Lake Monger.

Administration granted approval to MDWES to run a flexi dewatering hose through the stormwater pipeline via an access chamber located in the south-eastern corner of the site and brought back up to the surface near the swale via an access chamber located on the western edge of Britannia Road Reserve. From there, the pipework was buried and bored under the Freeway bike path to the existing MRWA swale.

The MRWA swale overflows into Lake Monger at two locations. These outlets have been partially blocked by sand bags to prevent flow of the discharge water into the lake ensuring maximum infiltration whilst still allowing for large rainfall events.

Discharge to Sewer:

A current one-off discharge approval permits the discharge of dewatering water to sewer from the site at a maximum flow rate of 20L/sec.

Reinjection of Groundwater – Off Site:

It is the DoW's preference that as much groundwater as possible is reinfiltated, or reinjected into the aquifer as close as possible to the site of abstraction. Therefore, as part of the reissuing of the DoW's licence to take water, it is stipulated that MDWES must consider and investigate reinjecting dewatering water into the area comprising Brentham Street Reserve or alternatively provide clear reasons as to why this disposal option cannot be utilised as a preferred option rather than a contingency.

Reinjection within Brentham Street Reserve:

The proposal submitted for the installation and use of reinjection bores within Brentham Street Reserve includes the following:

- Approximately 300 metres of 150mm discharge hose along the eastern edge of the reserve within a fenced area approximately two metres wide, predominantly along the tree lines and away from the higher use section of the reserve. The fence would be 1.80m high;
- Recharge wells at 10-15 metre spacing along the discharge line (up to 30 recharge wells);
- No recharge wells in the area behind the primary school (i.e. all wells to be installed south of Bennelong Place);
- Temporary fencing to be installed to limit the public access to the infrastructure for the duration of the works;
- Where required, the discharge line will be laid underground, to allow unimpeded pedestrian access to the reserve (Bennelong Place, Wylie Place, Bouverie Place and Muriel Place);
- Dilapidation monitoring of houses within the vicinity of the reinjection bores will be undertaken; and
- All surfaces to be re-instated to original condition at the conclusion of the project.

The proposed location of the pipeline is shown on **Attachment 1** and the typical cross section of the pipe work and reinjection bores is shown on **Attachment 2**.

Administration Comments:

At the recent Public Forum some concerns were expressed regarding the proposed pipe work and associated fencing taking up the reserve area. There was a preference expressed that, should the proposal be approved, all of the pipe work should be laid underground.

Administration has been advised by the environmental consultant that if the pipework was buried no fencing would be required. They further advised that all of the pipe work could be buried; however, there would be a requirement for 300mm x 600mm sized access pits at each recharge well location with a flow meter. This would be an extra cost for the builder.

Extended Builders Compound Area:

In association with the above proposal, MDWES have requested approval for an additional 100m² of land adjacent to the site to house an additional generator and water treatment unit.

At the Ordinary Meeting of Council 24 May 2011 Part 3 of Council's resolution Clause (iii) stated that *"the area permitted for the use of the builder's compound on the western side of Wavertree Place is approximately 5 metres wide by 100 metres in length area (approximately 500 square metres), as shown on the plan stamp dated 16 May 2011 (attachment 004) as approved by the Director Technical Services"*.

The Director Technical Services, in discussion with the applicant at the time, negotiated a smaller area and therefore it is considered that the request for an extension of this area is covered under the previous approval and would be negotiated as a separate exercise under the previous approval.

MDWES have informed that there would be no noise or vibrations associated with the running of the reinjection bores; however, there may be some noise from an additional generator but no more than what is currently associated with the site dewatering.

Public Forum – 6 July 2015:

A Public Forum was held at the City's Administration and Civic Centre. The Forum, chaired by the Mayor, included representatives from the Building Company (Pindan) environmental consultants (MDWES), Water Corporation, the City's Chief Executive Officer and officers, two Councillors and 30 members of the community.

Via a PowerPoint presentation, an overview of the development progress to date, was provided by the City's officers, the environmental consultant and the builder.

During question time it was evident that a number of nearby residents were concerned that the works associated with the demolition and the prospective dewatering of the site, had, and will cause damage to their properties and affect their existing domestic bores.

The environmental consultant indicated that the draw down from the dewatering would be 1.0m closest to the site and 0.1m 500m from the site (radius of influence) and presented information including the required monitoring schedule and contingency plans with level of severity (from Level 1 – lowest, to Level 3 - highest).

Attendees at the meeting were advised that reinjecting as much of the extracted groundwater as close as possible to the site i.e. Brentham Street Reserve, would be the most favourable environmental option.

CONSULTATION/ADVERTISING:

If Council adopts the Administration's recommendation public consultation would be undertaken regarding the proposal.

LEGAL/POLICY:

The area comprising the Brentham Street Reserve is owned by the City of Vincent in fee simple.

This report deals with a proposal to advertise the use of a portion of the reserve to gauge community sentiment.

Should the matter proceed to the next phase, following advertising and further consideration by Council, additional advertising in accordance with the Local Government Act, may be required with regards to entering into a licence to use the reserve, together with any advertising requirements in relation to granting Planning Approval.

Ground Water Extraction:

A licence from the DoW is required under the provisions of the *Rights in Water and Irrigation Act 1914* to abstract water and, on this basis, an application for the extraction via dewatering of 910,829KL was submitted to the DoW.

The City's Administration was advised that on 17 June 2015 the DoW issued the builder, Pindan, with a '5C Licence' to take water from the development site conditional upon the extracted groundwater being reinfiltrated via approximately 15 reinjection bores placed within the development site.

City's Requirements:

To use the City's land the applicant would be required to submit an application for Planning Approval and enter into a licence agreement with the City.

RISK MANAGEMENT IMPLICATIONS:

Medium: The DER and DoW encourage dewatering contractors to present a 'worst case scenario' regarding potential impacts of dewatering and therefore encourage contractors to present a range of different contingency options to manage any potential risks. As a large quantity of groundwater is proposed to be extracted during construction there are obvious benefits of reinjecting the extracted ground water near the source and this is being encouraged by the DoW.

In respect to any potential impact on surrounding dwellings as part of the reinjection proposal, the applicant would be required to arrange for a dilapidation report to be undertaken on all adjoining properties and would be required to undertake regular monitoring throughout the period of reinjection.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

- “1.1 *Improve and maintain the natural and built environment and infrastructure.*
- 1.1.5 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.”*

SUSTAINABILITY IMPLICATIONS:

As a large quantity of groundwater is proposed to be extracted during construction there are benefits of reinjecting the extracted ground water near the source and this is being encouraged by the DoW.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable at this stage however should the proposal ultimately be approved the City would negotiate an appropriate fee, based on commercial rate, over the term of the licence period.

COMMENTS:

Construction works at the Rosewood Aged Care Facility development on Lot 40, No. 5-9 Britannia Road, Leederville, have been on hold for a considerable period of time pending approval from the DoW for a new licence to extract groundwater from the site.

Recently, the DoW issued Pindan with a licence to take water from the development site conditional upon the extracted groundwater being reinfiltated via approximately 15 reinjection bores placed within the development site.

The DoW has indicated that as much groundwater as possible should be returned to the aquifer as close to the development site as possible.

Therefore, the developer has requested approval to use a portion of Brentham Street Reserve to reinject dewatered groundwater from the development in the Brenham Street Reserve.

It is recommended that Council advertise the proposal prior to making a determination on this matter.

9.2.3 Proposed On Road Parking Changes – Olive Street and Albert Street, North Perth

Ward:	North	Date:	10 July 2015
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	SC904, SC656, SC1201
Attachments:	1 – Olive Street: Proposed Plan No. 3200-PP-01A 2 – Summary of Comments, Olive Street 3 – Albert Street: Proposed Plan No. 3225-PP-01		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES** the introduction of;
 - 1.1 the following parking restrictions in Olive Street, North Perth, between View Street and the North Perth Primary School as shown on attached Plan No. 3200-PP-01A (Attachment 1); and

West Side:	½ hour parking from 8.00am to 9.30am and from 2.30pm to 4.00pm and 2P between 9.30am to 2.30pm Monday to Friday
East Side:	10min parking from 8.00am to 9.30am and from 2.30pm to 4.00pm and 2P between 9.30am to 2.30pm Monday to Friday
East Side, angle parking:	3hour parking 8.00am to 4.00pm Monday to Friday.

- 1.2 3P parking restriction 8.00am to 5.30pm Monday to Friday in Albert Street, North Perth, between Olive and Angove Streets in the existing on-road parking area adjacent North Perth Primary School as shown on the attached Plan No. 3225-PP-01 (Attachment 3);

2. **ADVISES** all respondents of its decision.

PURPOSE OF REPORT:

To update Council on:

- the outcome of a community consultation undertaken following requests to amended parking restrictions in Olive Street, North Perth; and
- to seek approval for the installation of timed parking restrictions in the existing on-road parking area within the Albert Street cul-de-sac between the North Perth Primary School and the Macedonian Orthodox Church.

BACKGROUND:

The Mayor and Director Technical Services recently met with representatives from the North Perth Primary School and several residents to look at what changes could be made to the on road parking in the vicinity of the North Perth Primary School. The roads in question were Albert Street and Olive Street.

DETAILS:

Olive Street, North Perth:

Olive Street is classified as 'Access Road' and runs off View Street, North Perth, providing access to the immediate residents and the North Perth Primary School. There is a mix of existing parking restrictions in the street.

The majority of the traffic and parking activity in Olive Street is generated by the Primary School with the typical Monday to Friday morning and afternoon peaks. Outside these hours the street is generally quiet.

In addition there are 10 x 90° parking bays on the eastern side of the street, near View Street adjacent to the North Perth Town Hall and Multi-cultural Federation Garden and Playground, which are currently unrestricted.

Following the meeting the following matters were considered. The '5min' restriction on the eastern side of Olive Street was considered too short a period to ensure that children had safely entered the school precinct. In addition, the 'No Stopping' between 8.00am and 9.00am and 2.30pm to 4.00pm Monday to Friday on the western or residential side of Olive Street inconvenienced both groups, as residents were not exempt from the restriction either. There was also some evidence that the unrestricted 90° parking was providing free all day parking for nearby businesses and possibly commuters.

Residents were consulted on the following proposals as shown on attached Plan No. 3200-PP-01 **Attachment 1** based on the rationale that:

- 10min on the school side, is long enough for the older students to alight the vehicle and make their way into school and does not involve crossing the road.
- The ½P is long enough for parents to walk the younger children into the school and return; and
- 3P provides longer term parking for parents and visitors attending meetings and functions at the school.

Existing	Proposed
Western side of Olive Street: 'No Stopping' between 8.00am and 9.00am and 2.30pm to 4.00pm Monday to Friday	½ hour parking from 8.00am to 9.30am and from 2.30pm to 4.00pm and 2P between 9.30am to 2.30pm Monday to Friday (Residents being eligible for residential parking permits).
Eastern side, or school side, of Olive Street: 5min parking, 8.00am to 9.00am and 2.30pm to 4.00pm Monday to Friday	10min parking from 8.00am to 9.30am and from 2.30pm to 4.00pm and 2P between 9.30am to 2.30pm Monday to Friday (Residents being eligible for residential parking permits).
Eastern side, or school side, of Olive Street: Unrestricted 90° angled parking	3hour parking 8.00am to 4.00pm Monday to Friday. (Residents being eligible for residential parking permits).

By the close of the consultation period on 22 June 2015 the City had received eight responses as shown in **Attachment 2**.

Albert Street, North Perth:

Albert Street, which is classified as an Access Road, was 'blocked' to through traffic at Olive Street by the former City of Perth in the 1980's. Olive Street, through the school precinct, was subsequently closed to traffic and amalgamated into the school site (and is now Department of Education property). Albert Street, west of the closure can be accessed from Charles and/or Vine Street, while to the east of the closure it can be accessed from Angove Street.

Vincent installed 19 x 90° angled parking bays (including an Acrod bay) in the section between the North Perth Primary School and the Macedonian Orthodox Church accessible from Angove Street. These bays are currently unrestricted.

While traditionally the bays have been used by visitors to the school*, and the church the two uses did not often overlap. However, random usage surveys have shown that the parking area is regularly fully occupied on weekdays suggesting that it is becoming popular as a long term parking spot. The school has also raised this with the City, requesting that parking restrictions be considered.

The proposed restrictions are 3P 8.00am to 5.30pm Monday to Friday as shown on drawing Plan No. 3225-PP-01 in **Attachment 3**. This will ensure a turnover of parking throughout the working day, while providing a longer term parking option than is currently available in Angove Street. This in turn should help ensure that the customers of the various Angove Street businesses can find parking during the week.

Note:* As the area in question does not impact upon any residential properties and directly abuts the school and the church a wider consultation was not undertaken. Further the proposed 'weekday' restrictions would not impede the churches activities on weekends.

Car Parking Strategy for the North Perth Town Centre:

The strategy does not specifically mention the Albert Street angled parking area adjacent the school as it falls outside the parking precinct boundary. However, the officer recommendation is in keeping with the aim of strategy in that we are seeking to make "*more efficient and effective use of all the available parking in North Perth*".

CONSULTATION/ADVERTISING:

On the 5 June 2015, eight consultation packs were distributed to the residential properties in Olive Street as well as to the North Perth Primary School. At the close of consultation eight responses were received.

Note: Four of the respondents were not residents of the street but rather parents of students who live in the immediate area (and whom drive to school) who became aware of consultation, and responded, via the City's web-site. All four were in favor of the changes.

The comments received are summarised in **Attachment 2**.

In Favour:	Seven
Against:	One
Neither:	Nil

LEGAL/POLICY:

The City is responsible for implementing, monitoring and enforcing parking restrictions within its boundaries.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

- "1.1: Improve and maintain the natural and built environment and infrastructure.*
- 1.1.4 Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
- 1.1.5 (a) Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans."*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to install the signage in both Olive Street and Albert Street is in the order of \$8,000.

COMMENTS:

Olive Street:

While the results of the consultation may not be considered sufficient justification to implement the changes, the rationale behind the changes is logical. The younger children can be escorted into the school, the older children can make their own way without crossing a road and the 3P provides some flexibility for longer stays.

With respect to the resident who voted 'no', this comment related specifically to the residential side, and they had no problem with the proposed changes on the school or eastern side. Their concern was that if it's already quiet between the morning and afternoon peak periods why change it. They would however be eligible for visitor permits which should allay their fears about visitors and trades over staying the restriction.

Albert Street:

With regards to Albert Street, while the Plan No. 3225-PP-01 has not been widely circulated, the proposed changes are viewed as a natural progression in controlling parking within the North Perth Town Centre.

It is recommended that the officer's recommendation be supported.

9.2.4 Vincent Bike Network Plan 2013 – Bulwer Street Bike Lanes Phase Two

Ward:	South	Date:	10 July 2015
Precinct:	Precinct 12 – Hyde Park Precinct 14 – Forrest Precinct 13 – Beaufort	File Ref:	SC423
Attachments:	1 - AURECON letter 2 - Plan No.s 3193-CP-01, 02 & 03 3 - Plan No.s 3193-CP-03, 04 & 05 4 - Plan No.s 3193-CP-03A & 04A 5 - Plan No.s 3193-CP-05, 06, 07 & 08 6 - On Street Parking Survey Bulwer Street Palmerston to Lord 7 - Off Street Parking Survey Bulwer Street Palmerston to Lord		
Tabled Items:	Nil		
Reporting Officers:	F Sauzier, Travel Smart Officer R Lotznicker, Director Technical Services		
Responsible Officer	R Lotznicker, Director Technical Services		

That Council:

1. **CONSULTS with the owners and occupiers of properties on Bulwer Street, between Palmerston Street and Lord Street and the owners and occupiers of all properties, within approximately 100 metres either side of the section Bulwer Street, between Palmerston Street and Lord Street, seeking their comments on the following 'On Road' bike lane proposals;**
 - 1.1 **Palmerston Street to William Street as shown on Plan No.s 3193-CP-01, 02 and 03 – Attachment 2;**
 - 1.2 **William Street to Beaufort Street;**
 - 1.2.1 **Option 1 as shown on Plan No.s 3193-CP-03, 04 and 05 - Attachment 3; and**
 - 1.2.1 **Option 2 as shown on Plan No.s 3193-CP-03A and 04A – Attachment 4; and**
 - 1.3 **Beaufort Street to Lord Street, as shown on Plan No.s 3193-CP-05, 06, 07 and 08 - Attachment 5; and**
2. **RECEIVES a further report at the conclusion of the public consultation period outlining the preferred option/s, project staging, timeline and estimated costs.**

PURPOSE OF REPORT:

To seek Council's approval to progress the second phase of the Bulwer Street Bike Lanes between Palmerston Street and Lord Street.

BACKGROUND:

Ordinary Meeting of Council held on 17 December 2013:

The Bulwer Street bike lanes form a key deliverable of the Vincent Bike Network Plan. Council considered a report on the matter and made the following decision (in part).

“That the Council;

1. *NOTES;*
 - 1.1 *the following proposed three (3) Staged Plan to deliver the Vincent/Bulwer Street Bike Lanes as outlined in the report and as outlined in the attached spread sheet at attachment 9.2.7;*
 - 1.1.1 *Vincent Street Bike Lanes – Oxford Street to Charles Street on path lanes as shown on Plan No. 3095-CP-01 and Charles Street to Bulwer Street on road lanes as shown on Plan No, 3108-CP-01 estimated to cost \$88,100;*
 - 1.1.2 *Stage 1: Bulwer Street Bike Lanes – Vincent Street to Palmerston Street as shown on attached Plan No. 3107-CP-01, estimated to cost \$650,000; and*
 - 1.1.3 *Stage 2: Bulwer Street Bike Lanes – Palmerston Street to Lord Street ‘tentatively’ estimated to cost \$1,300,000;*
3. *AUTHORISES the Chief Executive Officer to progress the design/implementation of the Vincent Street on-path lanes, between Oxford Street and Charles Street, and the Bulwer Street on-road bike lanes, between Vincent Street to Palmerston Street subject to;*
 - 3.1 *a feasible and practical design being finalised and approved by the various stakeholders;*
 - 3.2 *appropriate funding being obtained/allocated; and*
 - 3.3 *consultation with affected residents/businesses being undertaken; ..”*

Although the Strategic Recommendation outlined in the Bike Network Plan identified the Bulwer Street Bike Lane route as Vincent to Lord Street, the City met with Aurecon Transport Engineers in January 2014 and Aurecon provided recommendations of Strategic Routes to be progressed by the City in a prioritised order, as per the following:

- Vincent and Bulwer Street (to Palmerston);
- Oxford Street; and
- Scarborough Beach Road.

No decision was made at the time as to the timing of the Bulwer Street (Palmerston to Lord Street) section.

DETAILS:

Bike Network Plan – Bulwer Street:

The City's Bike Network Plan clearly identifies the importance of the Bulwer Street east-west route as being a Strategic Recommendation. In 2014, Council made a decision to undertake the construction of bike lanes on the Vincent to Palmerston section of Bulwer Street. This decision was supported by the Transport and Engineering firm AURECON, who developed the Bike Network Plan and recommended the following:

*“the completion of the route up to Palmerston Street as this will provide a direct route for cyclists to access the CBD, however... at some stage the project to be completed all the way to the East Perth Public Transport Centre.. This will provide a complete East-West connection between the Mitchell Freeway PSP and the Midland PSP, whilst linking the major attractions through the City of Vincent and will convey a strong statement that the City supports bicycle travel.” (refer **Attachment 1**).*

PHASE 1 - Bulwer Street 'On Road' Bike Lanes - Vincent to Palmerston Street:

This project has now been completed, with the recent installation of green line markings and advanced start box at Fitzgerald Street. Cyclists are using the infrastructure to connect to the Palmerston St bike lanes, in turn connecting to the CBD. Bike lane counts conducted between 1-7 July 2015 (includes 3 days of intensive rainfall in the Perth area) indicate 251 cyclists going in a west bound direction and 414 cycling in an east bound direction.

PHASE 2 - Bulwer Street 'On Road' Bike Lanes - Palmerston Street to Lord Street:

The opportunity now exists to complete the route to Lord Street, to provide a better cycling environment between Palmerston and William Streets, but also to create connections between Highgate Primary School, Birdwood Square, NIB Stadium and then to the East Perth Public Transport Centre.

Note: The City's ability to deliver world class infrastructure has been recognised by two Dutch Cycling engineers who were guests of the Department of Transport's Cycling Infrastructure Workshop held in March 2015.

Design Options:

The aim of the Bulwer Street 'Phase Two' bike lanes is to deliver separated bike lanes wherever possible, to provide the safest infrastructure for users. Where existing road widths do not allow this separation, the aim is to deliver 1.6 metre wide bike lanes. Combined with this objective, the City aims to minimise loss of parking and maximise opportunities for greening.

A feature survey was completed and a concept design plan prepared by the City's officers. The concept plan can be viewed in the following three sections:

- Palmerston Street to William Street;
- William Street to Beaufort Street (Option 1 or Option 2); and
- Beaufort Street to Lord Street.

Palmerston Street to William Street - On-Road Bike Lanes:

Due to available road widths and existing centre of road median, it is proposed that the on-road bike lanes between Palmerston Street and William Street, will be continued as per the Vincent to Palmerston Street design i.e. unprotected.

This will comprise embayed parking at 2.1 m wide and 1.6 metre wide bike lanes (refer attached Plan Nos 3193-CP-01, 02 and 03 – **Attachment 2**).



Figure 1. Sample view of existing Bulwer Street unprotected bike lane

William Street to Beaufort Street - Separated Bike Lanes

This section connects with Highgate Primary School and Birdwood Square. A key aspect is to provide the maximum protection in this area to encourage children/parents/teachers riding to school, as well as others, riding through the City. Two options have been developed for this section of bike lanes:

- Option 1. Protected bike lanes on both sides of Bulwer Street, between William and Beaufort Streets with a loss of 35 parking spaces (refer attached Plans No.s 3193-CP-03, 04 and 05 **Attachment 3**).



Figure 2. Sample view of Scarborough Beach Road separated bike lanes

- Option 2. Protected bike lane on the north (school) side of the street with on road bike lane on the south side, between William and Beaufort Streets with a loss of 26 parking spaces (refer attached Plan No.s 3193-CP-03A and 04A **Attachment 4**).

Beaufort to Lord Street – Separated Bike Lanes

This section connects with nib Stadium and leads to the East Perth Public Transport Centre and the Principal Shared Path (off Claisebrook). In this section, the bike lane would be protected by a median nib. On the north side, car parking bays will be installed on the carriageway side of the bike lane, giving riders additional protection (refer attached Plan No.s 3193-CP-05, 06, 07 and 08 – **Attachment 5**).

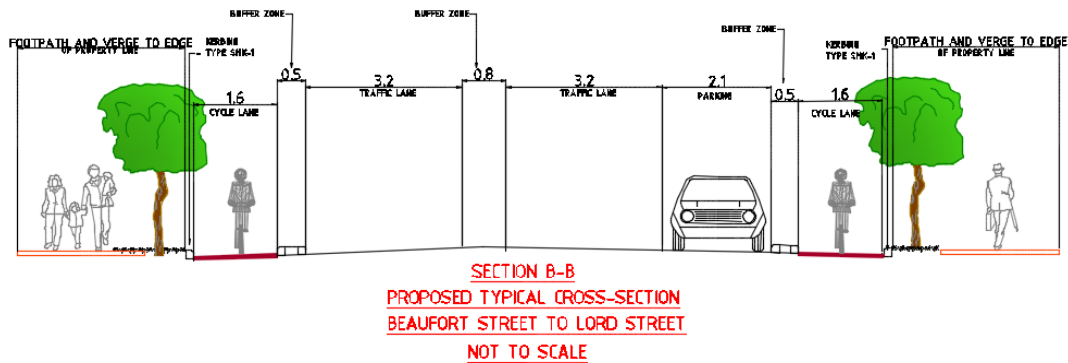


Figure 3. Cross-section of bike lane protected by parked cars



Figure 4. Example of bike lane protected by parked cars (painted in this case)

Parking:

To better inform design options, an on-street parking survey along Bulwer Street was undertaken, refer **Attachment 6** with counts occurring in the morning, mid afternoon and evening between 1- 8 July 2015. An indication of usage can be drawn for the data collected, which included three school day counts, two weekend day counts and three days within school holidays. In addition, an inspection of off street parking availability was conducted (refer **Attachment 7**).

Palmerston Street to William Street - On-road Bike Lanes:

In this section, of a total of 68 car bays, 27 car bays will be lost as a result of embaying of parking and having to work around existing power poles and crossovers. In this section, of the 34 residences, six residences have no off-street parking and 11 small businesses have no apparent off-street parking.

William Street to Beaufort Street - Separated Bike Lanes

- Option 1 - loss of 35 parking spaces
- Option 2 - loss of 26 parking spaces on Bulwer Street.

Beaufort to Lord Street – Separated Bike Lanes

In this section, of a total of 88 car bays, 56 car bays will be lost

In this section, out of a total of the existing 88 bays, 56 bays will be lost mainly on the south side of the street. Of the total 21 residences, all have 'off street' parking. Of the 12 businesses only four have no apparent parking.

The following table summarises the existing and planned parking and expected tree removal to be resulting from the proposal/s.

Section	Existing Bays	Proposed Bays		Parking Net loss		Existing trees	Trees removed	Trees planted	Trees net gain
Palmerston to William	68	41		27		42	3	7	4
William to Beaufort	n/a	n/a		n/a			n/a	n/a	n/a
- Option 1	35	0*	n/a	35		29	3	10	7
- Option 2		n/a	9**		26		n/a	10	10
Beaufort to Smith	29	11		18		14	8	19	11
Smith to Lord	59	21		38		18	nil	6	6
Total	191	73	82	118	109	103	14	52	38

Table 1. Bulwer Street - existing and planned parking and tree loss

Note: *All bays removed both side of the street; **26 bays to be removed. The existing total parking available in this section is 35 bays. The loss of parking can be mitigated to some degree by constructing approximately 10 parking bays in Baker Avenue. In this section, of the 26 residences, only one residence has no off-street parking.

CONSULTATION/ADVERTISING:

A detailed consultation program will be designed and implemented in accordance with the City's Consultation Policy to advise residents of the intended project.

LEGAL/POLICY:

The initiative aligns with the City's *Strategic Plan 2013-23*, *Physical Activity Plan 2009-2013* and the *Sustainable Environment Strategy 2011-2016*.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2023*, Objective 1 states:

- "1.1: *Improve and maintain the natural and built environment and infrastructure*
1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic. (d) Promote alternative methods of transport.*"

In accordance with the City's *Sustainable Environment Strategy 2011-2016*, Objective 1 states:

"*Contribute to a cleaner local and regional air environment by promoting alternative modes of transport than car use to residents and employees within the City.*"

SUSTAINABILITY IMPLICATIONS:

An increased cycling participation rate by both residents and the wider community should lead to improved general health and wellbeing of the community, while reducing carbon emissions and the dependence on motorised transport.

RISK MANAGEMENT IMPLICATIONS:

Low. The design of the bike lane infrastructure has included input from Aurecon consultants; Bicycle Network; Bicycling WA; Bicycle Transportation Alliance; Department of Transport and Main Roads WA.

FINANCIAL/BUDGET IMPLICATIONS:

The 2015/2016 includes an amount of \$800,000 for the implementation of the Bulwer Street project. Depending on what Council ultimately approves will determine the actual estimated cost and the possible staging of the project.

The following costs have been estimated based on costs to implement the bike lanes completed in 2014/2015

Section	Estimated cost	Comment
Palmerston to William	\$330,000.00	Proposed embayed parking and non-protected bike lanes (as per Vincent to Palmerston). One advanced start box
William to Beaufort Option 1	\$280,000.00	Fully protected with two advance start boxes. All on road parking removed.
William to Beaufort Option 2	\$300,000.00	Fully protected (except for nine embayed parking bays) with two advance start boxes. All on road parking removed.
Beaufort to Stirling	\$100,000.00	Fully protected both sides, some on road parking north side only. One advance start box
Stirling to Smith	\$95,000.00	Fully protected both sides, some on road parking north side only
Smith to Lord	\$155,000.00	Fully protected both sides, some on road parking north side only
Formalise parking Baker Ave	\$25,000.00	Provision of parking to compensate for some of the loss of parking on Bulwer Street
Total (Option 1)	\$985,000.00	
Total (Option 2)	\$1,005,000.00	

COMMENTS:

William Street to Beaufort Street:

It is proposed that residents be invited to provide their comments on the two proposals as with Option 1 there is a loss of 35 parking bays and with Option 2 there is a loss of 26 car bays. It should be noted however that it is proposed to formalise 10 angle parking bays in Baker Avenue including three parallel car bays (refer Plan No. 3193-CP-04).

Conclusion:

The completed section of the Bulwer Street bike lanes (Vincent to Palmerston Street) are already recording increased usage by cyclists. The provision of bike lanes between Palmerston and Lord Street would complete the link, creating a much safer route for locals to make the choice to cycle to, and through, the City.

The City's bike lane design has benefitted from being involved in the Department of Transport's cycling Infrastructure Workshop in March 2015, which saw over 140 stakeholders, including two Dutch Cycling Infrastructure engineers consider the City's plans.

While there is a potential that over 100 on road parking bays will be lost overall, in the section of Bulwer Street between Palmerston and Lord Street, the parking survey undertaken, shows that there is an oversupply of on road parking in some sections of the proposed route (i.e. Beaufort to Lord) while parking demand is high in the William Street to Beaufort Street section and this is where the most criticism *may* come from.

To enable the bike lanes to be installed, i.e. separated or non-separated, some compromises will need to be made and this will be borne out during the public consultation process.

9.2.5 Charles Veryard Reserve – Sports Lighting Upgrade, Further report

Ward:	North	Date:	10 July 2015
Precinct:	Smith's Lake (6)	File Ref:	SC531
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council APPROVES a variation of \$79,640 to the contract with Stiles Electrical for the Supply and Installation of Sports Lighting at Charles Veryard Reserve North Perth - Tender No. 469/15 to provide improved light tower footings.

PURPOSE OF REPORT:

To advise Council of the progress of works and to seek approval of a contract variation to enable works to continue through to completion.

BACKGROUND:

Ordinary Meeting of Council - 25 March 2014:

A report was presented in relation to the possible use of Charles Veryard Reserve by the Cardinals Junior Football Club.

Council authorised the Acting Chief Executive Officer to re-negotiate the lease of Charles Veryard Reserve to include the Cardinals Junior Football Club and approved by an absolute majority to reallocate funding from the Birdwood Square Lighting upgrade project to the Charles Veryard lighting upgrade project.

Ordinary Meeting of Council - 21 October 2014:

A report was presented for Council to consider the submissions received following consultation of the proposed sports lighting project at Charles Veryard Reserve and to authorise the Chief Executive Officer to call tenders from suitably qualified electrical contractors to supply and install the lighting.

A further report was to be received at the conclusion of the tender process if decided necessary by the Chief Executive Officer depending on the tenders received and having regard to the existing delegated authority granted to the Chief Executive Officer.

Tender approved under delegated authority – 9 March 2015:

Under Delegation No. 4.6 the Chief Executive Officer approved Tender No. 496/15 Supply and Installation of Sports Lighting at Charles Veryard Reserve North Perth.

The contract was awarded to Stiles Electrical in accordance with the specifications detailed in Tender No 496/15 and the costs outlined in the confidential appendix attached.

DETAILS:

Contract / progress of project to date:

In accordance with the project specifications, Stiles Electrical have undertaken a survey to mark out the four light pole locations at Charles Veryard Reserve. Following assessment of these locations and existing field boundaries, each pole was relocated approximately 2.5 metres to the north-east to ensure the minimum clearance of 5.0 metres was maintained from the principle playing areas.

As a requirement of the tender, the next stage of the project involved engaging a Geotechnical Engineering company to undertake a geotechnical investigation of each pole location. Galt Geotechnics were subsequently engaged through Stiles Electrical to undertake this investigation.

Orders were placed for supply of the light poles, luminaires and fabrication of the switchboards required, in accordance with the project specifications. Light poles and fittings are expected to be delivered in July 2015.

Geotechnical Report:

The geotechnical report was received on the 10 May 2015 advising that the soil at each pole location provided no structural bearing capacity from 2.0 metres to 2.8 metres into the ground.

The test results revealed that the soil on site is extremely poor and actually off the scale of soil strengths of *AS/NZS 4676 Structural design requirements for utility services poles*.

The Contract Documents stated: *For tendering purposes, assume a Soil Classification Type of "Poor" to AS/NZS 4676*. The soil conditions covered by AS/NZS 4676 range of the bearing strength of soils from "very good to very poor".

A structural engineer was subsequently engaged to design footings in accordance with the specification that were structurally adequate for the soils at Charles Veryard Reserve.

The revised pole footing designs provided were non-standard, required engaging a specialist piling contractor and excessively deep (> 6 metres). Costing's and options were sourced from various companies with the capability to install the revised footings, however costs were prohibitive and with de-watering likely to be in excess of \$150,000.

Optimised pole footing design:

In discussion between the lighting consultant, and officers from the City, it was recommended that Galt Geotechnics (whom also provide specialist 'poor soil' pole footing design services) be engaged to provide a more efficient pole footing given their knowledge of the area through their initial geotechnical survey work.

Subsequently an optimised footing design was provided by Galt Geotechnics which reduced the pile depth to 4.0 metres by replacing the uncontrolled fill with cement stabilised sand around the top of the footing. The design provided was also able to be constructed using Stiles Electrical's own resources, therefore not requiring a specialist piling contractor with further increased costs.

A variation of \$79,640 over and above the original contract price, to undertake the installation of the optimised pole footing design, was subsequently received. To ensure the variation provided was reasonable, the optimised footing design was forwarded to a quantity surveyor who has endorsed the variation costing.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY

As the initial value of the project was less than \$250,000 the project was approved by the Chief Executive Officer under delegated authority on 9 March 2015.

Legal advice has been sought in relation to the contract and variation received and the City has been advised as follows:-

Delegation No. 4.6 arguably authorises the Chief Executive Officer to approve a variation to a contract that did not take the final price above the limit of \$250,000. However, in this case, the variation will take the total contract price to \$272,793.00. Accordingly, in the absence of any separate delegation authorising the Chief Executive Officer to renegotiate the price of a contract up to a particular limit, the City will need to seek Council approval for the variation to the Contract.

RISK MANAGEMENT IMPLICATIONS:

Medium/high As a result of the geotechnical report, it is now evident that this project has some potential risks. Whilst the contractor is confident that works can progress and the depth of the optimised footings can be accommodated without de-watering, this together with the possibility of finding hazardous waste such as asbestos in a former landfill site are a possibility.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

- "1.1 Improve and maintain the natural and built environment and infrastructure.
1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment."*

SUSTAINABILITY IMPLICATIONS:

As previously advised, whilst LED lighting is still not sufficiently advanced for use in such large scale projects, the technology is progressing rapidly and there is no doubt that the use of LED is imminent in the very near future.

Notwithstanding the above, the lighting fixtures being utilized in this project are the very latest design and will use minimal power in comparison with existing fittings and fixtures used within the City.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$239,212 was included in the City's 2014/2015 budget to undertake the lighting installation and power upgrade to the site required by Western Power in accordance with the lighting consultants pre budget estimate.

An additional amount of \$79,000 has been included in the 2015/2016 budget to cover the variation cost, taking the total budget allocation to \$318,212.

The initial contract price for the supply and installation of the lighting at Charles Veryard Reserve was \$193,153.35, however the total contract price including the variation is now \$272,793.35.

COMMENTS:

A redesign of the light tower footings was required as following a geotechnical investigation it was discovered that the bearing strength of the soil is extremely poor.

Various alternative designs were developed and costed however the final agreed design has proved to be the most cost effective. This will involve stabilising the existing ground around the footing to a depth of two metres and installing the concrete footings via a 'tremie' method too obviate the need to de-water should water be encountered.

It is therefore recommended that Council approve a variation of \$79,640 to the contract with Stiles Electrical for the Supply and Installation of Sports Lighting at Charles Veryard Reserve North Perth - Tender No. 469/15 to provide improved light tower footings.

9.2.6 Tender No. 500/15 - Traffic Management Services

Ward:	Both	Date:	10 July 2015
Precinct:	All	File Ref:	SC2387
Attachments:	1 – Confidential Attachment		
Tabled Items:	Nil		
Reporting Officers:	C Economo, Manager Engineering Services G Dennison, Depot Purchasing Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council **ACCEPTS** the Tender No. 500/15 from Vigilant Traffic Services, WARP Group and Evolution Traffic Control for the Supply of Traffic Management for a period of three years, from 1st August 2015 as per the schedule of rates in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To obtain Council approval to award a panel of tenderers for Tender 500/15 for the provision of Traffic Management Services for a three year period.

BACKGROUND:

Traffic Management is a very important component of the City's ability to deliver projects on time, on budget and most importantly ensure safety for the public and the City's workforce in maintained during operations. Accredited traffic controllers are engaged to prepare Traffic Management Plans, supply and set up signage for a range of construction and maintenance works including full and partial road closures and associated traffic control.

In the past, the City has awarded this contract for a three year period. The current contract for the Supply of Traffic Management, which has been provided to Altus Traffic Pty Ltd, Traffic Response Group Pty Ltd, Contraflow Pty Ltd, Vigilant Traffic Management Pty Ltd and Advanced Traffic Management (WA) Pty Ltd over the last three years, expires on 17 August 2015.

DETAILS:

Tender 500/15 - Traffic Management Services was advertised on Wednesday 13 May 2015.

Contract Type	Schedule of Rates
Contract Term	Three years
Commencement date	1 August 2015
Expiry Date	31 July 2018
Extensions of contract	No
Rise and fall included	No

Tenders Received:

At the close of tender closed at 2.00pm (WST) on Thursday 28 May 2015 11 tenders were received from the following 11 registered companies:

- Advanced Traffic Management Pty Ltd (ATM)
- Vigilant Traffic Management
- Carrington's Traffic Services
- Contraflow Mining Civil Traffic
- Workforce Road Services Pty Ltd
- WARP Group Traffic Management
- Quality Traffic Management (QTM)
- Prime Traffic Solutions

- LCG Group Traffic Management (LGC)
- Tru-Line Excavations & Plumbing Pty Ltd (Traffic Division)
- Evolution Traffic Control

Tender Assessment:

The tenders were assessed by a Tender Evaluation Panel and tender was assessed using the following selection criteria in accordance with the tender documentation.

CRITERIA	WEIGHTING
Past Experience in similar projects/works	25%
Contract Price	25%
Organisational structure/capacity/resources	20%
Compliance with Tender Specification/Able to provide a T.M.P. within the required time frame in accordance with AS 1742.3 2009	25%
References	5%
Total	100%

Tender Evaluation Ranking:

Selection Criteria	Weighting %	Vigilant	Warp	Evolution	Contra Flow	Carrington	QTM	Tru-line	PTS	ATM	Workforce	LGC
Past Experience in similar projects/works	25	24.8	24.8	24.0	21.4	24.0	23.6	18.6	18.6	18.8	11.6	7.0
Contract Price	25	24.8	24.5	24.8	22.8	21.5	20.7	23.9	24.2	23.2	24.9	23.9
Organisational structure/capacity/resources	20	18.6	19.6	16.6	17.0	16.6	17.4	16.2	15.4	19.0	9.4	9.6
Compliance with Tender Specifications/able to provide a T.M.P. within the required time frame in accordance with AS 1742.3 2009	25	24.2	19.8	22.8	23.8	20.8	20.8	20.0	19.0	12.4	0.0	9.6
References	5	5.0	5.0	5.0	4.4	3.9	4.2	4.6	4.3	5.0	4.6	0.0
	100	97.4	93.7	93.2	89.4	86.8	86.7	83.3	81.5	78.4	50.5	50.1
Ranking		1st	2nd	3rd	4	5	6	7	8	9	10	11

CONSULTATION/ADVERTISING

Not applicable.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Code of Tendering Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Medium: Traffic Management must be done in accordance with A.S. 1742.3 and Main Roads Code of Practice 2014.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

- 1.1: *Improve and maintain the natural and built environment and infrastructure.*
- 1.1.5: *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

SUSTAINABILITY IMPLICATIONS:

To provide the City's workforce and the public with a safe work environment to undertake Capital, Operational and event works.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of works relating to this tender is above \$250,000 over the term of the tender and is charged to the respective capital works, maintenance works and approved events budgets.

In 2014/2015 traffic management costs were in the order of \$275,000 and this expenditure was spread over all of the Capital and Operating budgets.

COMMENTS:

Scores were allocated accordingly by the panel, and the table exhibited in **Confidential Attachment 1** indicates the prices submitted. The evaluation of the qualitative criteria submitted supports the submission by Vigilant Traffic Management, WARP Group Traffic Management and Evolution Traffic Control as being the best value for the City.

Reference checks revealed that the three tenders selected are the most capable of providing the required service. Vigilant Traffic Management has held the tender for the last six years, provided a very good service and have always delivered under all circumstances. WARP Group Pty Ltd and Evolution Traffic Management have scored the best in the requested selection criteria for works required.

Whilst most companies would be able to provide the service, the panel recommends that the above companies would provide the City with the best level of service and economic value.

9.2.7 Tender No. 501/15 - Supply and Laying of Kerbing

Ward:	Both	Date:	10 July 2015
Precinct:	All	File Ref:	SC2388
Attachments:	1 – Confidential Attachment		
Tabled Items:	Nil		
Reporting Officers:	Con Economo, Manager Engineering Services George Dennison, Depot Purchasing Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council **ACCEPTS** the Tender No. 501/15 from Kerbing West for the Supply and Laying of Kerbing for a period of three years from 18 August 2015 as per the schedule of rates in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To obtain Council approval for awarding of Tender 501/15 – Supply and Laying of Kerbing for a three year period.

BACKGROUND:

Specialist contractors undertake the supply and laying of kerbing for capital works, road resurfacing projects and for road maintenance purposes. In the past, the City has awarded this contract for a three year period. The current contract for Supply and laying of kerbing, which has been provided to Kerbing West, over the last three years, expires on 17 August 2015.

The scope of work includes the supply and laying of kerbing for new works and for maintenance operations/reinstatements and a comprehensive schedule of rates and evaluation is included in confidential attachment 1

DETAILS:

Tender 500/15 - Traffic Management Services was advertised on Wednesday 13 May 2015.

Contract Type	Schedule of Rates
Contract Term	Three years
Commencement date	18 August 2015
Expiry Date	17 August 2018
Extensions of contract	No
Rise and fall included	No

Tenders Received:

The tenders received were from the following registered companies:

- Kerb Direct
- Allstate
- Kerbing West
- LD Total

Tender Assessment:

The tenders were assessed by a Tender Evaluation Panel and each tender was assessed using the selection criteria below in accordance with the tender documentation.

CRITERIA	WEIGHTING
Past Experience in similar projects/works	30%
Contract Price	30%
Quality of product tendered	25%
Financial capacity/organisation structure/resources	5%
Compliance with Tender Specification	5%
References	5%
Total	100%

Tender Evaluation Ranking:

Selection Criteria	Weighting	Kerb Direct	Allstate	Kerbing West	LD Total
Past Experience in similar projects/works	30%	17.6	24.8	29.6	15.6
Contract Price	30%	30.0	18.6	19.1	17.9
Quality of product tendered	25%	13.2	19.8	24.8	19.6
Financial capacity/organisational structure/resources	5%	1.8	4.0	4.8	4.0
Compliance with Tender Specification	5%	3.8	4.0	4.0	3.8
References	5%	2.2	5.0	4.8	1.7
	100%	68.6	76.2	87.1	62.6
Ranking		3 rd	2 nd	1 st	4 th

CONSULTATION/ADVERTISING

Not applicable.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Code of Tendering Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Medium: Kerbing is an integral part of construction and maintenance operations and having an appropriate contractor engaged will minimise the risk of down time and will provide added costs to projects

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

- "1.1: *Improve and maintain the natural and built environment and infrastructure.*
- 1.1.5: *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

SUSTAINABILITY IMPLICATIONS:

Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this tender will be incurred under the Capital and Operating budget items and over the term of the tender will exceed \$250,000.

In 2014/2015 the spent in the order of \$150,000 on kerbing associated with construction and maintenance works.

COMMENTS:

Reference checks revealed that all four tenderers are capable of providing the required service. The references for the recommended tenderer Kerbing West, were very positive with particular emphasis on their availability at short notice and flexibility.

Kerbing West was established in 1988 and have undertaken kerbing works for numerous councils, Main Roads and private contractors. They have also held previous tenders with the City of Vincent and provided an excellent service and product. Due to kerbing being a focal point on construction sites it is imperative the product is of a very high calibre.

Kerbing West also has a stock of over 200 kerbing moulds and trowels providing a complete library of kerb profiles used in Western Australia. This provides extra scope to provide the City with more innovative kerbing in their designs. They are one of the few companies able to provide and automatic level for undulating roads.

Allstate Kerbing scored second and have plenty of experience in their management but rely mainly on a subcontractor list to undertake their works.

Kerb Direct scored third and are a relatively new company having been purchased by the Politis Group in 2013. They presently hold the tender for the City of Wanneroo. Reference checks revealed they have two works crews.

LD Total scored forth. This company also formed its kerb division in 2011 with only two / three crews to undertake the work. They have being mainly involved with landscaping works i.e. garden kerbing, however they have also undertaken some projects of significance.

Scores were allocated accordingly and the table exhibited in **Confidential Attachment 001** indicates the prices submitted and summary. The evaluation of the qualitative criteria submitted supports the submission by Kerbing West as being the best value.

9.2.8 Tender No. 502/15 - Clearing and Mowing of Specified Areas

Ward:	Both	Date:	10 July 2015
Precinct:	All	File Ref:	SC2392
Attachments:	1 – Confidential Attachment		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manger Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council **ACCEPTS** the Tender No. 502/15 from Turfmaster for the Clearing and Mowing of Specified Areas for a period of three years, from 1 August 2015 as per the schedule of rates in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To obtain Council approval to award Tender 502/15 for Clearing and Mowing of Specified Areas for a three year period.

BACKGROUND:

Clearing and mowing of specified areas is a very important component of the City's maintenance service. Mowing and Clearing of Rights of Way (ROW) commences in November of each year and given that the majority of ROW's are now sealed, involves brush cutting of weed growth along the perimeters and removal of overhanging vegetation obstructing safe vehicular movement. Private properties also have to be cleared at times in accordance with the Bush Fires Act 1954 and any costs incurred are passed onto the owners of the property.

Verge mowing of major arterial roads is undertaken up to three times per year dependant on seasonal growth and the 'Seniors' verge mowing program is undertaken up to four times per year.

In the past, the City has awarded this contract for a three year period. The current contract for the Supply of Traffic Management, which has been provided to Greenworx Commercial Maintenance Pty Ltd expired on 26 June 2015.

DETAILS:

Tender No. 502/15 was advertised on Wednesday 20 May 2015.

Contract Type	Schedule of Rates
Contract Term	Three years
Commencement date	1 August 2015
Expiry Date	31 July 2018
Extensions of contract	No
Rise and fall included	CPI increases only

Tenders Received:

At the close of tender closed at 2.00pm (WST) on Wednesday 4 June 2015. Three tenders were received from the following registered companies:

- Turfmaster
- Shardlows Complete Gardens
- Jim's Mowing

Tender Assessment:

The tenders were assessed by a Tender Evaluation Panel and tender was assessed using the following selection criteria in accordance with the tender documentation

CRITERIA	WEIGHTING
Past experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with tender specification	5%
References	5%
Total	100%

Tender Evaluation:

Selection Criteria	Weighting	Turfmaster	Shardlow	Jim's Mowing
Past experience in similar projects/works	30%	26.0	20.0	18.0
Contract Price	30%	30.0	17.2	25.0
Organizational structure/capacity/resources	20%	17.3	15.3	10.7
Financial capacity	10%	8.0	7.0	6.0
Compliance with tender specification	5%	4.7	4.5	3.5
References	5%	4.5	4.0	3.7
Total	100%	90.5	68.0	66.9
Ranking		1st	2nd	3rd

Scores were allocated accordingly by the panel and the table exhibited in **Confidential Attachment 1** indicates the prices submitted.

CONSULTATION/ADVERTISING

Not applicable

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Code of Tendering Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Medium: This tender comprises of works that provide an important service to the City. Works must be carried out to reduce the risk of fire and sightline issues along main arterial roads.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

- 1.1: *Improve and maintain the natural and built environment and infrastructure.*
- 1.1.5: *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

SUSTAINABILITY IMPLICATIONS:

Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the clearing and mowing of specified areas (rights of way, verges, Council blocks and private property as required under the Bush Fires Act 1954) are charged to the respective operating accounts. The total cost of this contract is estimated at \$90,000 to \$120,000 per annum.

COMMENTS:

Reference checks have revealed that all three tenderers were capable of providing the required service, however the references for the recommended tenderer Turfmaster, outlined that their experience in these types of operations was vastly superior.

The Tender Evaluation Panel has therefore unanimously recommended that the tender for the Clearing and Mowing of Specified Areas, in accordance with the terms and conditions detailed in Tender No. 502/15 be awarded to Turfmaster.

9.2.9 Tender No. 503/15 - Maintenance of Bores, Pumps and Associated Works

Ward:	Both	Date:	10 July 2015
Precinct:	All	File Ref:	SC2393
Attachments:	1 – Confidential Attachment		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manger Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council **ACCEPTS** the Tender No. 503/15 from K. S. Black Pty Ltd for the Maintenance of Bores, Pumps and Associated Works for a period of three years, from 1 August 2015 as per the schedule of rates in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To obtain Council approval to award Tender No. 503/15 Maintenance of Bores, Pumps and Associated Works for a three year period.

BACKGROUND:

Maintenance of Bores and Pumps is a very important component of the City's Asset Management/maintenance program. Works associated with this contract are undertaken in accordance with Council's adopted bore maintenance and pump servicing program. Every borehole is developed; a process of applying a cleaning agent and surging a plunger through the bore hole to clear 'fines' away from the stainless steel screen to improve water flow and maintain the life of the bore. . At this time the pumps and pipe column is removed, checked and serviced/replaced following assessment and a report provided to the Manager Parks and Property Services.

In the past, the City has awarded this contract for a three year period. The current contract for the Maintenance of Bores, Pumps and Associated Works, which has been provided to KS Black expired on 2 July 2015

DETAILS:

Tender No. 503/15 was advertised on Wednesday 20 May 2015.

Contract Type	Schedule of Rates
Contract Term	Three years
Commencement date	1 August 2015
Expiry Date	31 July 2018
Extensions of contract	No
Rise and fall included	No

Tenders Received:

At the close of tender closed at 2.00pm (WST) on Wednesday 4 June 2015 tenders were received from the following registered companies:

- K. S. Black Pty Ltd
- J & S Drilling
- Hydro Engineering
- Hydroquip Pumps

DETAILS:

Tender Assessment:

The tenders were assessed by a Tender Evaluation Panel and tender was assessed using the following selection criteria in accordance with the tender documentation

CRITERIA	WEIGHTING
Past experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with tender specification	5%
References	5%
TOTAL	100%

Tender Evaluation Rankings:

Selection Criteria	Weighting	K. S. Black	Hydroquip Pumps	Hydro Engineering	J & S Drilling
Past experience in similar projects/works	30%	30.0	25.0	27.0	23.0
Contract Price	30%	23.0	30.0	14.0	9.0
Organizational structure/capacity/resources	20%	20.0	18.7	17.3	16.7
Financial capacity	10%	9.0	8.7	9.0	7.3
Compliance with tender specification	5%	5.0	4.8	4.7	4.2
References	5%	5.0	3.7	4.7	3.8
Total	100%	92.0	90.9	76.7	64.0
Ranking		1st	2nd	3rd	4th

CONSULTATION/ADVERTISING

Not applicable.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Code of Tendering Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Medium: This tender comprises of works that provide an important service to the City. Bores and pumps are an important asset and must be regularly maintained to ensure they operate efficiently and effectively.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

- 1.1: *Improve and maintain the natural and built environment and infrastructure.*
- 1.1.5: *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

SUSTAINABILITY IMPLICATIONS:

Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The cost associated with the, maintenance of bores, pumps and associated works is in accordance with Council's approved five year program. Works undertaken are budgeted annually as per the program and charged to the respective park/reserve operating account. The total cost of this contract is estimated at \$90,000 to \$130,000 per annum.

COMMENTS:

Scores were allocated accordingly by the panel and the table exhibited in **Confidential Attachment 1** indicates the prices submitted, summary and overall scoring.

The assessment of the selection criteria submitted supports the submission by K. S. Black Pty Ltd as being the best value and their tender provides Council with good levels of service and economic value. K. S. Black Pty Ltd are a smaller company with a limited number of contracts, therefore they have been able to provide immediate service if/when a failure occurs during the critical summer period.

Reference checks revealed that all four tenderers are capable of providing the required service. The references for the recommended tenderer K.S. Black Pty Ltd, were very positive with particular emphasis on their immediate availability and excellent levels of service.

K. S. Black Pty Ltd is the City's current provider of this service and the service they have provided over a number of years now has been excellent. The Tender Evaluation Panel has therefore unanimously recommended that the tender for the maintenance of bores, pumps and associated works, in accordance with the terms and conditions detailed in Tender No. 503/15 be awarded to K. S. Black Pty Ltd.

9.2.10 Tender No. 505/15 - Removal of Trees and Pruning of Trees within Parks and Reserves

Ward:	Both	Date:	10 July 2015
Precinct:	All	File Ref:	SC2395
Attachments:	1 – Confidential Attachment		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manger Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council **ACCEPTS** the Tender No.505/15 from Beaver Tree Services and Dickies Tree Service for the Removal of Trees and Pruning of Trees within Park and Reserves for a period of three years, from 1 August 2015 as per the schedule of rates in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To obtain Council approval for awarding of Tender No. 505/15 – Removal of Trees and Pruning of Trees within Parks and Reserves.

BACKGROUND:

The scope of works includes the removal of trees within streetscapes and parks/reserves and the pruning of trees within park/reserves.

Tree removal works are undertaken predominantly within streetscapes where trees require removal due to decline, vandalism or damage after storm events. The majority of works within this contract involve amenity pruning of larger mature trees within parks where they overhang major roadways and/or properties.

A panel of two contractors is preferred for this service to ensure availability in times of emergency and to compare costs based on specific requirements at each respective site.

In the past, the City has awarded this contract for a three year period. The current contract for the Removal of Trees and Pruning of Trees within Park and Reserves, which has been provided to Beaver Tree Services and Dickies Tree Service and expired on 26 June 2015.

DETAILS:

Tender No. 505/15 – Removal of Trees and Pruning of Trees within Parks and Reserves was advertised on Wednesday 20 May 2015.

Contract Type	Schedule of Rates
Contract Term	Three years
Commencement date	1 August 2015
Expiry Date	31 July 2018
Extensions of contract	No
Rise and fall included	No

Tenders Received:

At the close of tender closed at 2.00pm (WST) on Wednesday 4 June 2015 tenders were received from the following registered companies:

- Beaver Tree Services
- Dickies Tree Service
- Arbor Centre
- Tree Amigos

Tender Assessment:

The tenders were assessed by a Tender Evaluation Panel and tender was assessed using the following selection criteria in accordance with the tender documentation

CRITERIA	WEIGHTING
Past experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with tender specification	5%
References	5%
TOTAL	100%

Tender Evaluation Ranking:

Selection Criteria	Weighting	Beaver Tree Services	Dickies Tree Service	Tree Amigos	Arbor Centre
Past experience in similar projects/works	30%	29.0	29.0	26.0	30.0
Contract Price	30%	30.0	26.0	28.0	10.0
Organizational structure/capacity/resources	20%	20.0	20.0	17.3	18.7
Financial capacity	10%	9.0	9.0	8.3	9.0
Compliance with tender specification	5%	5.0	5.0	5.0	5.0
References	5%	5.0	5.0	4.8	5.0
	100%	98.0	94.0	89.4	77.7
Ranking		1 st	2 nd	3 rd	4 th

CONSULTATION/ADVERTISING

Not applicable.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Code of Tendering Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Medium-High: This tender comprises of works that provide an important service to the City. It involves the periodic safety pruning of large trees and removal of dead trees within streetscapes and parks and reserves.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

- 1.1: *Improve and maintain the natural and built environment and infrastructure.*
- 1.1.5: *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

SUSTAINABILITY IMPLICATIONS:

Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the removal and pruning of trees within parks and reserves are charged to the respective operating accounts as required.

Costs can vary considerably from year to year, dependant on works programs adopted by Council, seasonal conditions, pest and diseases and/or storm events. It is estimated based on historical data that the estimated costs would be in the vicinity of \$60,000 - \$150,000 per annum.

COMMENTS:

Scores were allocated accordingly by the panel and the table exhibited in **Confidential Attachment 1** indicates the prices submitted, summary and overall scoring.

Reference checks revealed that all four tenders are capable of providing the required service. The references for the recommended tenderers, Beaver Tree Services and Dickies Tree Service, were excellent with particular emphasis on their immediate action if when required during storm events.

Beaver Tree Services and Dickies Tree Service are the City's current providers of this service and the service they have provided has been excellent, over a number of years.

The Tender Evaluation Panel unanimously recommended that the tender for the Removal of Trees and the Pruning of Trees within Parks and Reserves, in accordance with the terms and conditions detailed in Tender No. 505/15, be awarded to Beaver Tree Services and Dickies Tree Service.

9.2.11 Tender No. 504/15 - Tree Watering and Tree Planting Services

Ward:	Both	Date:	10 July 2015
Precinct:	All	File Ref:	SC2394
Attachments:	1 - Confidential		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manger Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council **ACCEPTS** the Tender No. 504/15 from Leo Heaney and Brian Perich for the provision of Tree Watering and Tree Planting Services for a three year period from 1 August 2015 as per the schedule of rates in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To obtain Council approval for awarding of Tender No. 504/15 – Tree Watering and Tree Planting Services.

BACKGROUND:

With the implementation of the City’s ‘Greening plan’, tree watering and planting requirements are continuing to intensify from year to year. Areas where the majority of new trees are planted are not reticulated, therefore hand watering for the first years is imperative for their survival.

Additional funding has been provided in the 2015/2016 tree maintenance budget to engage an additional water truck, particularly during the summer months, if and when required. Therefore, a panel of two contractors is preferred.

Should further assistance be required Leo Heaney, whose company undertakes these services for various local governments, can provide an additional truck(s).

In the past, the City has awarded this contract for a three year period. The current contract for the Tree Watering and Tree Planting Services, which has been provided to Leo Heaney and Brian Perich and expired on 26 June 2015.

DETAILS:

Tender No. 504/15 – Tree Watering and Tree Planting Services was advertised on Wednesday 20 May 2015.

Contract Type	Schedule of Rates
Contract Term	Three years
Commencement date	1 August 2015
Expiry Date	31 July 2018
Extensions of contract	No
Rise and fall included	No

Tenders Received:

At the close of tender closed at 2.00pm (WST) on Wednesday 4 June 2015 tenders were received from the following registered companies:

- Beaver Tree Services
- Brian Perich
- Leo Heaney
- Christine Lisa Allan

Tenders Assessment:

The tenders were assessed by a Tender Evaluation Panel and tender was assessed using the following selection criteria in accordance with the tender documentation

CRITERIA	WEIGHTING
Past experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with tender specification	5%
References	5%
TOTAL	100%

Tender Evaluation Ranking:

Selection Criteria	Weighting	Leo Heaney	Brian Perich	Beaver Tree Services	Christine Lisa Allan
Past experience in similar projects/works	30%	29.0	29.0	19.0	20.0
Contract Price	30%	28.0	27.0	20.0	30.0
Organizational structure/capacity/resources	20%	19.3	17.3	20.0	10.0
Financial capacity	10%	9.0	7.7	9.0	3.3
Compliance with tender specification	5%	4.8	4.8	5.0	3.0
References	5%	5.0	5.0	5.0	3.8
	100%	95.1	90.8	78.0	70.1
Ranking		1 st	2 nd	3 rd	4 th

CONSULTATION/ADVERTISING

Not applicable.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Code of Tendering Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Medium: This tender comprises of works that provide an important service to the City. The majority of new trees being planted as part of the City's 'Greening Plan' are not reticulated and will require hand watering over the first few years to give them the best chance of survival in what in most cases is a very harsh growing environment.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

- 1.1: *Improve and maintain the natural and built environment and infrastructure.*
- 1.1.5: *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

SUSTAINABILITY IMPLICATIONS:

Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment

FINANCIAL/BUDGET IMPLICATIONS:

The total cost of Tree Planting and Tree Watering operations is estimated at \$300,000 to \$350,000 per annum. All works associated with this tender are charged against the street tree maintenance account or the respective Capital or Operating budgets as required.

COMMENTS:

Scores were allocated accordingly by the panel and the table exhibited in **Confidential Attachment 1** indicates the prices submitted, summary and overall scoring.

Reference checks revealed that all four tenders are capable of providing the required service. The references for tenderers Leo Heaney and Brian Perich and Beaver Tree Services were very positive with particular emphasis on their past excellent service.

Both Leo Heaney and Brian Perich have extensive local knowledge of the area and their costs are very reasonable in comparison with other operators.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 30 June 2015

Ward:	Both	Date:	10 July 2015
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 30 June 2015 as detailed in Attachment 1.

PURPOSE OF REPORT:

To advise Council of the level of investment funds and operating funds available, the distribution of surplus funds in investments and the interest earned to date.

The reported total for Municipal Funds and Reserve Funds under Total Funds Summary may change once the end of year process is completed.

BACKGROUND:

Surplus funds are invested in Bank Term Deposits for various terms, to maximise investment returns in compliance with good governance, legislative requirements and Council's Investment Policy No 1.2.4. Details are attached in **Attachment 1**.

The City's Investment Portfolio is spread across several Financial Institutions in accordance with the Investment Policy.

DETAILS:

Total funds held for the period ended 30 June 2015 were \$16,372,423 as compared to \$12,463,565 at the end of June 2014.

Total Investments for the period ended 30 June 2015 were \$14,461,000 as compared to \$13,561,000 at the end of May 2015. At 30 June 2014, \$11,211,000 was invested.

Investment comparison table:

	2013-2014	2014-2015
July	\$9,611,000	\$11,311,000
August	\$21,411,000	\$23,111,000
September	\$20,411,000	\$22,111,000
October	\$20,411,000	\$22,411,000
November	\$19,811,000	\$21,111,000
December	\$17,811,000	\$19,361,000
January	\$17,811,000	\$19,361,000
February	\$17,811,000	\$19,361,000
March	\$16,811,000	\$19,061,000
April	\$14,311,000	\$15,561,000
May	\$12,211,000	\$13,561,000
June	\$11,211,000	\$14,461,000

Total accrued interest earned on

Investments as at 30 June 2015:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$292,600	\$292,600	\$388,170	132.66
Reserve	\$292,300	\$292,300	\$259,216	88.68

It is noted the actual year to date interest reported to Council on 30 June 2015 (for the month of May 2015) was overstated as:

Municipal \$424,706
Reserves \$280,715

This was due to an Administrative error in not reversing an earlier monthly interest accrual. As a consequence the actual interest earned in 2014/15 is as stated in the table above.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the City's Investment Policy No. 1.2.4.

Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
		Policy	Actual	Policy	Actual	Policy	Actual
AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
AA Category	A1+	30%	27.5%	30%	Nil	90%	74.3%
A Category	A1	20%	15.9%	30%	Nil	80%	25.7%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

RISK MANAGEMENT IMPLICATIONS:

High: Section 6.14 of the *Local Government Act 1995*, section 1, states:

“(1) Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962.”

As per the City's Investment Policy No. 1.2.4, funds are invested with various financial institutions with Long Term and Short Term Rating (Standard & Poor's) or equivalent by obtaining more than three quotations. These funds are spread across various institutions and invested as Term Deposits from one to 12 months to reduce risk.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

“4.1 Provide good strategic decision-making, governance, leadership and professional management:

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;
(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications of this report are as noted in the details and comments section of the report. Overall the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the accountability of the management.

COMMENTS:

The funds invested have increased from the previous period due to excess funds available from the sale of 81 Angove Street, North Perth and dividend contribution received from Tamala Park Regional Council after creditors and other payments. However, as per the City's policy, investments that have matured during this period have been transferred across various financial institutions to obtain the best interest rates.

The City has obtained an average interest rate for investments of 2.48% which includes the City's operating account. When the investments are calculated excluding the operating account, the average investment rate achieved is 2.81% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.15%. As of June 2015, our actuals are over budget estimates. Interest earned on Municipal Investment is higher due to a higher level of funds held, primarily due to the current level of spending on capital projects. As a result, the year to date Municipal interest revenue is currently 133% of the full year budget and the Reserve interest is 89% of the annual budget and this is attributable to the reduction in the balance and compound effect of a previous decision not to credit the interest to the reserves in 2014/15. Overall the City has exceeded the total budget for interest on investments.

The investment report (**Attachment 1**) consists of:

- Investment Report;
 - Investment Fund Summary;
 - Investment Earnings Performance;
 - Percentage of Funds Invested; and
 - Graphs.
-

9.3.2 Authorisation of Expenditure for the Period 1 to 30 June 2015

Ward:	Both	Date:	8 July 2015
Precinct:	All	File Ref:	SC347
Attachments:	1 – Creditors Report – Payments by EFT 2 – Creditors Report – Payments by Cheque 3 – Credit Card Transactions for the period 9 May 2015 to 5 June 2015		
Tabled Items:	-		
Reporting Officers:	R Tang, Accounts Payable Officer; G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **RECEIVES** the list of accounts paid under Delegated Authority for the month of June 2015 as detailed in Attachment 1 and 2 and as summarised below:

EFT Documents 1799-1812	\$4,274,376.51
Cheque numbers 78444-78567	\$151,274.90
Payroll	\$1,535,604.40
Credit Cards	\$12,865.37
Direct Debits	
• Lease Fees	\$8,606.70
• Loan Repayment	\$164,244.83
• Bank Fees and Charges	\$5,335.20
• Reject Fees	\$7.50
 Total Accounts Paid	 \$6,152,315.41

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 1 June to 30 June 2015.

BACKGROUND:

Council has delegated to the Chief Executive Officer (Delegation No. 3.1) the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

The list of accounts paid must be recorded in the minutes of the Council Meeting.

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1)		
Automatic Cheques	78444-78567	\$151,274.90
Cancelled Cheques	-	\$0.00
EFT Payments	1799-1812	\$4,274,376.51
Sub Total		\$4,425,651.41
Transfer of Payroll by EFT	May 2015	\$1,535,604.40
Total Payments		\$5,961,255.81
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$5,335.20
Lease Fees		\$8,606.70
Corporate Credit Cards (Attachment 2)		\$12,865.37
Loan Repayment		\$164,244.83
Rejection fees		\$7.50
Total Bank Charges & Other Direct Debits		\$191,059.60
Less GST effect on Advance Account		0.00
Total Payments		\$6,152,315.41

LEGAL/POLICY:

Regulation 12(1) & (2) of the Local Government (Financial Management) Regulations 1996 refers, i.e. -

12. *Payments from municipal fund or trust fund, restrictions on making*
- (1) *A payment may only be made from the municipal fund or the trust fund —*
 - *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - *otherwise, if the payment is authorised in advance by a resolution of the council.*
 - (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

Regulation 13(1), (3) of the Local Government (Financial Management) Regulations 1996 refers, i.e. -

13. *Lists of Accounts*
- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared -*
 - *the payee's name;*
 - *the amount of the payment;*
 - *the date of the payment; and*
 - *sufficient information to identify the transaction.*

- (3) *A list prepared under sub regulation (1) is to be —*
- *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - *recorded in the minutes of that meeting.*

RISK MANAGEMENT IMPLICATIONS:

Low: Management systems are in place to establish satisfactory controls, supported by internal and external audit function.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

“4.1 Provide good strategic decision-making, governance, leadership and professional management:

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;

- (a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget and/or authorised by Council which has been structured on financial viability and sustainability principles.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All Municipal Fund expenditure included in the list of payments is in accordance with Council's adopted Annual Budget or has been authorised in advance by Council where applicable.

COMMENT:

Vouchers, supporting invoices and other relevant documentation are available for inspection at any time following the date of payment.

9.3.3 Financial Statements as at 30 June 2015

Ward:	Both	Date:	15 July 2015
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Finance Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **RECEIVES** the Provisional Financial Statements for the month ended 30 June 2015 as shown in Attachment 1.

PURPOSE OF REPORT:

To present the Provisional Financial Statements for the period ended 30 June 2015.

BACKGROUND:

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the budget.

As stated above the financial reports as presented are provisional copies to provide an estimate of the year end position. There are still a number of year end transactions, and adjustments that need to be prepared before the year end accounts can be finalised.

A Statement of financial activity report is to be in a form that sets out:

- the annual budget estimates;
- budget estimates for the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income for the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure; and
- includes other supporting notes and other information that the local government considers will assist in the interpretation of the report.

In addition to the above, under *Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996*, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

DETAILS:

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 30 June 2015:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report and Graph	31-32
3.	Statement of Comprehensive Income by Nature and Type Report	33
4.	Statement of Financial Position	34
5.	Statement of Changes in Equity	35
6.	Net Current Funding Position	36
7.	Capital Works Schedule and Funding and Graph	37-43
8.	Cash Backed Reserves	44
9.	Receivables	45
10.	Rating Information and Graph	46-47
11.	Beatty Park Leisure Centre Report – Financial Position	48
12.	Explanation of Material Variance	49-58

The following table provides a summary view of the year to date actual, compared to the Original (Adopted), Revised and Year to date Budget.

Summary of Financial Activity By Programme as at 30 June 2015

	Original Budget \$	Revised Budget \$	Year to date Budget \$	Actual 2014/2015 \$	Variance \$	Variance %
Operating Revenue	30,810,822	31,862,136	31,862,136	29,074,399	(2,787,737)	-9%
Operating Expenditure	(51,659,410)	(54,723,706)	(54,723,706)	(51,946,083)	2,777,623	-5%
Add Deferred Rates Adjustment	-	-	-	18,083	18,083	0%
Add Back Depreciation	8,566,790	11,223,490	11,223,490	11,215,009	(8,481)	0%
(Profit)/Loss on Asset Disposal	(3,833,120)	(4,540,370)	(4,540,370)	(4,110,620)	429,750	-9%
Net Operating Excluding Rates	(16,114,918)	(16,178,450)	(16,178,450)	(15,749,211)	429,239	7%
Proceeds from Disposal of Assets	4,455,000	6,305,000	6,305,000	5,294,979	(1,010,021)	-16%
Transfer from Reserves	5,789,800	6,472,560	6,472,560	5,639,327	(833,233)	-13%
	10,244,800	12,777,560	12,777,560	10,934,306	(1,843,254)	-14%
Capital Expenditure	(16,895,834)	(13,647,028)	(13,647,028)	(8,166,503)	5,480,525	-40%
Repayments Loan Capital	(1,743,478)	(1,743,478)	(1,743,478)	(1,663,983)	79,495	5%
Transfers to Reserve	(5,599,370)	(4,248,453)	(4,248,453)	(4,708,926)	(460,473)	11%
	(24,238,682)	(19,638,959)	(19,638,959)	(14,539,413)	5,099,546	-26%
Net Capital	(13,993,882)	(6,861,399)	(6,861,399)	(3,605,107)	3,256,292	-47%
Total Net Operating and Capital	(30,108,800)	(23,039,849)	(23,039,849)	(19,354,319)	3,685,530	-16%
Rates	26,909,021	27,302,021	27,302,021	27,478,028	176,006	1%
Opening Funding Surplus/ (Deficit)	(3,199,779)	(4,758,710)	(4,758,710)	(4,758,710)	-	0%
Closing Surplus/(Deficit)	(6,399,558)	(496,538)	(496,538)	3,364,999	3,861,536	-778%

**Summary totals has rounding difference.*

Comments on Summary of Financial Activity by Programme:

Operating Revenue

Operating Revenue in programme reporting includes Non-operating Grants, Subsidies and Contributions. In view of this, Operating Revenue is reflecting a negative variance of 9% which is primarily due to the level of Grants received. However, this is directly linked to progress on the Capital Works program.

Operating Revenue as presented on the 'Nature and Type' report (Page 33 of **Attachment 1**) is on budget.

Operating Expenditure

The positive variance is currently at 5%.

Transfer from Reserves

This is in a favourable position as the Transfer from Reserves is aligned to the timing of payment for Capital Works projects that are Reserves funded.

Capital Expenditure

The revised budget for Purchase Infrastructure Assets has been increased by \$11,350 for Beaufort Street Enhancement which is funded from a contribution received from Beaufort Street Network and is reflected in contributions revenue.

The variance is attributed to the scheduling and progress of projects within the Capital Works Program, particularly Infrastructure Asset projects. For further detail, refer to Note 7 on **Attachment 1**.

Transfer to Reserves

Variance due to transfer of Leederville Garden's Surplus from 2011/2012 financial year.

Rates

Rates has achieved the full year budget.

Opening Funding Surplus/(Deficit)

The mid year Revised Budget deficit Opening Balance is (\$4,758,710) in line with the closing balance reported in the Annual Financial Statement for 30 June, 2014. As adopted by Council on 16 December 2014.

Closing Surplus/(Deficit)

There is currently a surplus of \$3,364,999 compared to year to date deficit budget of \$496,538. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure. Once all payments and accruals attributable to 2014/15 have been processed, a smaller positive variance is expected to be maintained through to the end of year position.

Comments on the financial performance as set out in the Statement of Financial Activity (**Attachment 1**) and an explanation of each report is detailed below:

1. Summary of Income and Expenditure by Service Areas (Page 1 – 30)

This statement shows a summary of Operating Revenue and Expenditure by Service Unit.

2. Statement of Financial Activity by Programme Report (Note 2 Page 31)

This statement of Financial Activity shows operating revenue and expenditure classified by Programme.

3. Statement of Comprehensive Income by Nature and Type Report (Note 3 Page 33)

This statement of Financial Activity shows operating revenue and expenditure classified by nature and type.

4. Statement of Financial Position (Note 4 Page 34)

5. Statement of Changes in Equity (Note 5 Page 35)

The statement shows the current assets of \$17,704,360 and non-current assets of \$240,692,551 for total assets of \$258,396,911.

The current liabilities amount to \$7,345,073 and non-current liabilities of \$16,920,655 for the total liabilities of \$24,265,729.

The net asset of the City or Equity is \$234,131,182.

6. Net Current Funding Position (Note 6 Page 36)

Net Current Asset is the difference between the current asset and current liabilities less committed assets and restricted assets. This amount indicates how much capital is used up by day to day activities.

The net current funding position as at 30 June 2015 is \$3,364,999.

7. Capital Expenditure and Funding Summary (Note 7 Page 37 - 43)

The following table is a Summary of the 2014/2015 Capital Expenditure Budget by programme, which compares the Revised and Year to date Budget with actual expenditure to date. The full Capital Works Programme is listed in detail in Note 7 of Attachment 1.

	Revised Budget	Year to date Budget	Actual to Date	Budget Remaining
	\$	\$	\$	%
Furniture & Equipment	209,075	209,075	80,851	61%
Plant & Equipment	1,854,775	1,854,775	1,255,346	32%
Land & Building	1,046,475	1,046,475	319,721	69%
Infrastructure	10,536,703	10,536,703	6,510,585	38%
Total	13,647,028	13,647,028	8,166,503	40%

	Revised Budget	Year to date Budget	Actual to Date	Budget Remaining
	\$	\$	\$	%
Capital Grant and Contribution	3,082,146	3,082,146	438,799	86%
Cash Backed Reserves	6,448,960	6,448,960	5,639,325	13%
Other (Disposal/Trade In)	247,000	247,000	306,424	-24%
Own Source Funding – Municipal	3,868,922	3,868,922	1,781,955	54%
Total	13,647,028	13,647,028	8,166,503	40%

Note: Detailed analysis are included on page 37 – 43 of **Attachment 1**.

8. Cash Backed Reserves (Note 8 Page 44)

The Cash Backed Reserves schedule details movements in the reserves including transfers and funds used, comparing actual results with the annual budget.

The balance as at 30 June 2015 is \$7,763,678. The balance as at 31 May 2015 was \$6,525,295.

9. Receivables (Note 9 Page 45)

Receivables of \$2,663,433 are outstanding at the end of June 2015, of which \$418,801 has been outstanding over 90 days. These comprise:

\$401,355 (15.1%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$17,446 (0.7%) relates to Other Receivables.

\$2,058,520 (77.3%) relates to infringement unpaid. Infringements are sent to Fines Enforcement Registry (FER). FER collect the outstanding balance and return the funds to the City for a fee. Currently we are unable to identify the age of infringement receivables. This will be addressed in future reports.

Finance has been following up outstanding items which relate to Other Receivables by issuing reminders when it is overdue and formal debt collection if reminders are ignored.

10. Rating Information (Note 10 Page 46 - 47)

The notices for rates and charges levied for 2014/15 were issued on 21 July 2014.

The Local Government Act 1995 provides for ratepayers to pay rates by four (4) instalments. The due dates for each instalment are:

First Instalment	25 August 2014
Second Instalment	27 October 2014
Third Instalment	5 January 2015
Fourth Instalment	9 March 2015

To cover the costs involved in providing the instalment programme the following charge and interest rates apply:

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$12.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the City for rate concessions do not incur the above interest or charge.

Rates debtors as at 30 June 2015 including deferred rates was \$50,928 which represents 0.18% of the outstanding collectable income compared to 0.31% at the same time last year.

11. Beatty Park Leisure Centre – Financial Position Report (Note 11 Page 48)

As at 30 June 2015 the operating deficit for the Centre was \$363,737 in comparison to the year to date revised budgeted surplus of \$193,015.

The revised June budget estimates for Beatty Park Leisure Centre were mostly under or less than the actual expenditure incurred or revenue received, with the overall actual deficit figure higher than anticipated. This has been detailed in the variance comments report in **Attachment 1**.

The cash position showed a current cash surplus of \$400,020 in comparison year to date revised budget estimate of a cash surplus of \$954,485. The cash position is calculated by adding back depreciation to the operating position.

12. Explanation of Material Variances (Note 12 Page 49 - 58)

The material threshold adopted this year is 10% or \$10,000 to be used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted. The Council has adopted a percentage of 10% which is equal to or greater than the budget to be material. However a value of \$10,000 may be used as guidance for determining the materiality consideration of an amount rather than a percentage as a minimum value threshold.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepared, each month, a statement of financial activity reporting on the source and application of funds as set out in the adopted Annual Budget.

A statement of financial activity and any accompanying documents are to be presented at the next Ordinary Meeting of the Council following the end of the month to which the statement relates, or to the next Ordinary Meeting of Council after that meeting.

RISK MANAGEMENT IMPLICATIONS:

Low: In accordance with *Section 6.8 of the Local Government Act 1995*, a local government is not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

"4.1 Provide good strategic decision-making, governance, leadership and professional management:

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;

(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with Council's adopted Annual Budget or has been authorised in advance by Council where applicable.

9.4 COMMUNITY SERVICES

9.4.1 The Urban Roller Club – Request to Use Frame Court Car Park, Leederville Town Centre

Ward:	South	Date:	17 July 2015
Precinct:	Precinct 4 – Oxford Centre	File Ref:	SC1897
Attachments:	1 – Urban Roller Club Application 2 – Frame Court Car Park Event Site Plan 3 – Correspondence Leederville Connect		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts & Creativity R Boardman, Director Community Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That Council:

- 1 **AGREES IN PRINCIPLE** to The Event Agency Australia Pty Ltd holding The Urban Roller Club in a portion of the Frame Court Car Park and Oxford Reserve, subject to:
 - a) **Planning Approval** being sought and obtained for that activity from the City of Vincent; and
 - b) **The Event Agency Pty Ltd** entering into a licence agreement to use the space for a period not exceeding 22 days, on terms to be determined by Council.
- 2 **ADVISES** The Event Agency Pty Ltd that Council’s Agreement in principle does not guarantee that a Planning Approval will be issued for the proposed activity and will not prejudice Council’s decision in respect of the planning application or any future licence agreement for The Urban Roller Club proposal.

PURPOSE OF REPORT:

To consider and establish a position on a request from The Event Agency Australia Pty Ltd (the Organiser) to hold an event on a portion of No. 62 (Lots 26 & 27) Frame Court, Leederville (Frame Court Car Park).

BACKGROUND:

The Organiser submitted an application to hold the event in Frame Court Car Park on 5 May 2015. The Organiser is a successful events company which specialises in large scale public events such as the Beaufort Street Festival and the ice skating event, Winterland, to name a few.

DETAILS:

The Organiser has applied to the City to consider a proposal to hold a pop up roller skating rink in a portion of the Frame Court Car Park , as well as an associated bar/licensed area, food outlets and toilets on Oxford Reserve. The application received from the Organiser is included in **Attachment 1**. The Frame Court Car Park events site plan is included as **Attachment 2**. The proposed dates are Monday 21 September to Monday 12 October 2015, which includes days for setting up and packing down.

On page 4 of the application, the Organiser has stated that it is intended to use 64 bays at Frame Court Car Park; however the area of car park to be used for this purpose has since been reduced to cover 59 fee paying bays. The operating hours of the event are split into sessions during this time. Due to the nature of the equipment and set up, the area will be cordoned off for the full duration of the booking.

The proposed hours of operation are Monday to Sunday, with one hour sessions from 9am to 7pm, and then a three hour session each evening from 7pm to 10pm. The Urban Roller Club will be a ticketed event, with ticket prices ranging from \$7 to \$32 which can include roller-skate hire.

The Organiser has recently lodged a planning application to trigger Council's formal consideration of this matter. However, Administration is seeking Council's in-principle position on this proposal prior to progressing any further with that application and any consequential licence agreement to use the car park for this purpose.

Benefits of a Roller Skate Facility

The Urban Roller Club aims to deliver a professional, engaging contemporary Community event, potentially bringing with it a range of economic, social, health and environmental benefits as it could:

- act as an important hub for the local community and a drawcard regionally;
- potentially increase footfall and exposure that the other surrounding businesses benefit from;
- rejuvenate the public perception of the roller disco bringing it out of the suburbs and into the City; and
- activate a public space with a unique recreational offering during school holidays.

Policy Framework

The City does not currently have a policy or strategic framework by which to assess proposals for third parties to use City owned or managed land such as Car Parks or Reserves. Council must then address each request on a case by case basis.

Existing Use of Car Parks in Leederville

The Frame Court Car Park has a total of 210 fee paying car-bays. The proposed event is seeking to use 59 bays (28%); 151 bays remain available in this car park for the duration of the event.

Parking available in Leederville, other than street parking, is detailed below:

Table 1: Available Parking Facilities in Leederville Town Centre

LOCATION	BAYS
The Avenue Car Park	360
Leederville Hotel Car Park	65
Leederville Village	52
Loftus Centre	385
Frame Court (Balance)	151
Total:	1,013

The above table indicates that even if The Urban Roller Club goes ahead, consuming the 59 parking bays proposed, there will still be approximately 1,000 off street parking bays available in Leederville. Whilst this (anecdotally) might be sufficient to cater for the parking demand for Leederville during the September school holiday period, Administration has not carried out a parking needs assessment to ascertain if the number of bays lost to The Urban Roller Club will cause an undersupply of parking in Leederville. This is particularly relevant when considering that The Urban Roller Club would itself act as an additional attractor for Leederville, thus potentially increasing visitor numbers and therefore car parking demand.

Approvals Processes and Implications

1. Disposal of land

Under the *Local Government Act 1995* Council is able to dispose of Council owned land which includes selling, leasing or permitting property to be used under a licence or rental agreement. The relevant processes in each instance are prescribed by the legislation, and require among other things, advertising of the City's intention to dispose of the land.

Among these provisions is an exemption from consultation where the disposition is for a period of less than two years and the other party to the agreement does not have exclusive use of the land. This provision is ideal for circumstances such as The Urban Roller Club event as it streamlines the approvals process.

2. Planning approvals process to authorise the use on this land

The land is zoned 'District Centre' under Town Planning Scheme No. 1 and the proposed event is classified as a 'Use Not Listed' as it is not identified by the Zoning Table. As such, the planning application must be determined by Council who must approve the use 'By Absolute Majority'.

CONSULTATION/ADVERTISING:

As the period of use of the land for The Urban Roller Club event is three weeks, no consultation is required for the disposal arrangement between the parties.

The planning application will be subjected to public consultation, which will provide Council with community feedback on the appropriateness of the proposed activity and the associated (temporary) loss of 59 car bays and use of Oxford Reserve.

The applicant has had discussions with Leederville Connect which has indicated that it is in favour of this proposal (Refer **Attachment 3**). The Organiser and the Leederville Farmers Market are also prepared to cooperate and coordinate their activities in the car park so that both uses can occur (subject to Council approvals being obtained).

LEGAL/POLICY:

- *Local Government Act 1995* – Section 3.58: Clause 3; and
- Local Government (Functions and General) Regulations 1996 – Section 30.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013 – 2023 states:

“Community Development and Wellbeing

3.1 Enhance and promote community development and wellbeing;

- 3.1.3 Promote and provide a range of community events to bring people together and to foster a community way of life.*

Leadership, Governance and Management

4.1 Provide good strategic decision-making, governance, leadership and professional management

- 4.1.2 Manage the organisation in a responsible, efficient and accountable manner;*
- 4.1.4 Plan effectively for the future.”*

SUSTAINABILITY IMPLICATIONS:

The Urban Roller Club will contribute to the Leederville Town Centre as a vibrant urban village and will attract local and regional visitors to the event

FINANCIAL/BUDGET IMPLICATIONS:

A fee is payable in this carpark between the hours of 7.00am and midnight at a cost of \$2.50 per hour. The 59 bays generate a maximum revenue of \$147.50 per hour or \$2,507.50 per day, equating to **\$55,165** for the 22 day period.

The following alternative options can be considered to calculate the lost revenue:

1. At an occupancy rate of 75%, the revenue lost from paid parking is **\$41,373.75**. (\$2.50 per hour x 59 bays x 17 hours x 22 days x 0.75).
2. All day parking (7.00am to 7.00pm) is available at \$17.00 per day in the car park. A loss of car parking revenue calculated on a daily rate of \$17.00 x 59 bays x 22 days, equates to **\$22,066**.

As the 'all day parking fee' is only valid to 7.00pm, the remaining five hours to midnight would incur a fee of \$737.50 per day equating to \$16,225 for the 22 day period. Adding this to the \$22,066 'all day parking fee', this totals **\$38,291**.

Health (Food and Public Building) and Waste Management fees will be additional to the above initial cost, and will be assessed on requirements identified by Administration. A planning application fee of \$147 is also payable

The Organiser is aware of the initial costs and is prepared to absorb these to hold the event in Leederville.

As this report is being presented to Council for in-principle consideration of this proposal, Administration is yet to form a view on the preferred fee structure at this stage. If Council is prepared to support the proposal in-principle, then a recommended fee structure will be provided via a separate report to Council at or around the time that the planning application is presented to Council. Additional consideration will need to be given to charging for any approved use of the Oxford Reserve.

COMMENT:

The proposed use of 59 bays in the Frame Court car park is generally supported by Administration from a community development and place activation perspective. However, Administration has some reservation about the appropriateness of the proposed use of a portion of Oxford Reserve for a cordoned-off food and beverage (licenced) area and toilet storage, as that will prevent that open space being used by other visitors to Leederville and the Vincent community more broadly and may not be in keeping with the family-friendly feel of the Reserve.

As the owner of land that generates a financial return, it is considered appropriate that the City does not suffer a loss of revenue as a result of this proposal.

With the high demand for events, markets and other uses on City owned land, particularly over the summer months, a strategy is required to allow each request to be considered on merit in the overall context of these requests. This matter has been addressed in Item 5.1.4 on this Agenda for the Leederville Farmers' Market.

CONCLUSION:

Administration recommends that Council agrees in-principle to The Urban Roller Club, subject to (through separate decisions of Council) planning approval being granted and the Organiser entering into a licence agreement on terms to be determined by Council.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	10 July 2015
Precinct:	-	File Ref:	SC406
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council **NOTES** the use of the Council's Common Seal on the documents listed in this report, for the months of June and July 2015.

BACKGROUND:

The Chief Executive Officer (CEO) is responsible for the day-to-day management of the City and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents.

Policy No. 4.1.10 – "Use of Common Seal" states that Council authorises the Chief Executive Officer to use the Common Seal, in accordance with Clause 13.3 of the City of Vincent Standing Orders Local Law 2008, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Common Seal.

The Common Seal of the City of Vincent has been affixed to the following documents:

Date	Document	No of copies	Details
5/06/2015	Scheme Amendment Documents	5	City of Vincent Town Planning Scheme No. 1 Amendment No. 40, Scheme Amendment Documents
17/06/2015	Application for Discharge of Restrictive Covenant	2	City of Vincent and JNI Developments Pty Ltd, Avalon Holdings (WA) Pty Ltd and Land Surveys Pty Ltd of Unit 1, 51 Edward Street, Osborne Park and 300 Lord Street Pty Ltd of care of Diplomas Group, 1 st Floor, Abernethy Road, Belmont re: No. 289 (Lot 889) Lord Street, Perth – Proposed Discharge of Restrictive Covenant as part of an Amalgamation Condition – <i>Date of Western Australian Planning Commission decision: 16 June 2008.</i>
25/06/2015	Section 70A Notification	2	City of Vincent and Harold Developments Pty Ltd of Level 3, 1050 Hay Street, West Perth re: No. 103 (Lot 10) Harold Street, Highgate – <i>To satisfy Clause 3.8 of Conditional Approval by the Development Assessments Panels dated 9 July 2013</i>
02/07/2015	Restrictive Covenant	3	City of Vincent and Mr B J Beahan of 22C Stamford Street, Leederville re: No. 163 (Lot 13) Loftus Street, Leederville – Proposed Restrictive Covenant as part of a Subdivision Condition – <i>Date of Western Australian Planning Commission decision: 18 May 2014</i>
03/07/2015	Section 70A Notification	3	City of Vincent and Siho Developments Pty Ltd of 6/20 Garden Street, South Perth re: Nos. 79-81 (Lot 11 & 12; D/P 59211) Brisbane Street, Perth – <i>To satisfy Clause 7.4 of Conditional Approval of the Ordinary Meeting of Council held on 22 November 2011</i>

Date	Document	No of copies	Details
06/07/2015	Deed of Variation of Contract of Sale of Land	2	City of Vincent and 291 Vincent Pty Ltd re: 291-295 Vincent Street, Leederville – <i>Deed of Variation of Contract Of Sale Of Land</i>
17/07/2015	Section 70A Notification	2	City of Vince4nt and JNI Developments Pty Ltd, Avalon Holdings (WA) Pty Ltd, Land Surveys Pty Ltd of Unit 1, 51 Edward Street Osborne Park and 300 Lord Street Pty Ltd of C/o Diploma Group, 1 st Floor, 140 Abernethy Road, Belmont re: No. 298 (Lot 889) Lord Street, Perth – <i>To satisfy Clause 10.14 of Conditional Approval of the Ordinary Meeting of Council held on 17 July 2014</i>
17/07/2015	Withdrawal of Caveat	1	City of Vincent and HWL Ebsworth Lawyers, Level 11, 167 St Georges Terrace, Perth WA 6000 re: Nos. 28-44 (Lots 12-15) Cowle Street, West Perth – <i>Condition of Amalgamation – To satisfy Clause 5.10 of conditional approval by the Development Assessment Panels (DAP) dated 7 March 2014</i>

9.5.2 Information Bulletin

Ward:	-	Date:	10 July 2015
Precinct:	-	File Ref:	-
Attachments:	1 – Information Bulletin		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 10 July 2015 as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 10 July 2015 are as follows:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Children and Young People Advisory Group Meeting held on 30 October 2014
IB02	Unconfirmed Minutes of the Sustainability Advisory Group Meeting held on 18 May 2015
IB03	Unconfirmed Minutes of the Parks Working Group Meeting held on 3 June 2015
IB04	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 12 June 2015
IB05	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 1 July 2015
IB06	Unconfirmed Minutes of the Integrated Transport Advisory Group (ITAG) held on 11 May 2015
IB07	Tamala Park Regional Council Meeting of Council Minutes held on 18 June 2015
IB08	Vincent Bike Network Plan 2013 – Quarterly Report - Progress Report No. 11
IB09	CRC for Water Sensitive Cities – Conclusion of Participation and On-Renewal of Membership
IB10	Register of Petitions – Progress Report – July 2015
IB11	Register of Notices of Motion – Progress Report – July 2015
IB12	Register of Reports to be Actioned – Progress Report – July 2015
IB13	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 8 July 2015
IB14	Register of Orders and Notices Issued Under the Building Act 2011 and Health Act 1911 (Confidential – Council Members Only) - Quarterly Report as at 8 July 2015
IB15	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 8 July 2015
IB16	Register of Applications Referred to the Design Advisory Committee – 2015
IB17	Register of Applications Referred to the MetroWest Development Assessment Panel – Current

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr Roslyn Harley – Review of Advisory and Working Groups and Committees

That Council REQUESTS the Chief Executive Officer to review and submit a report to Council by September 2015 to consider:

1. The operation, purpose and intent of the City's various Working Groups, Advisory Groups and Committees and the potential for consolidation of those groups; and
2. Creation of a new or expanded group with a focus on cycling and cycling-related initiatives.

REASON:

A report was included on the Agenda for the Council Briefing on 23 June 2015 recommending disbandment of the Leederville Town Centre Enhancement Working Group. The report was subsequently withdrawn by Administration in order to first obtain feedback on the proposal from the Leederville Town Centre Enhancement Working Group and also to consider this proposal in the context of a broader review of the City's Advisory and Working Groups and Committees.

To ensure this review is progressed in a timely fashion, it is recommended that Council requests the CEO to review the operation, purpose and intent of the City's various Advisory and Working Groups and Committees and submit a report to Council by September, to consider opportunities to refresh and (where appropriate) consolidate the groups. At the same time, the review should explore the prospect of establishing a new or expanded group with a focus on cycling and cycling-related initiatives, given Council's level of investment in this area.

ADMINISTRATION COMMENT:

The Chief Executive Officer has no objection to the proposed Motion, as a Review of Advisory and Working Groups and Committees is a worthwhile business improvement, particularly considering the organisation's new focus on reviewing and improving what we do and how we do it.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

Nil.

14.1 CONFIDENTIAL REPORT: Nos. 148-158 (Lot: 600 D/P: 47025) Scarborough Beach Road, Mount Hawthorn – Proposed Change of Use from Eating House to Tavern – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 145 of 2015)

Ward:	North	Date:	10 July 2015
Precinct:	Precinct 2 – Mt Hawthorn Centre	File Ref:	PR50735; 5.2014.456.1
Attachments:	Confidential – Additional Information Provided by Applicant after Mediation Confidential – Development Application Plans Confidential – Management Plan Confidential – SAT Orders		
Tabled Items:	Nil		
Reporting Officer:	R Rasiah, Co-ordinator Statutory Planning		
Responsible Officer:	G Poezyn, Director Planning Services		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

The *Local Government Act 1995*, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.14 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.”*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

15. CLOSURE
