

Council Agenda

**SPECIAL MEETING OF ELECTORS
6.30pm, 12 NOVEMBER, 2012
Phil Renkin Centre, Two Rocks**

PROCEDURE FOR SPECIAL MEETING OF ELECTORS

In accordance with the *Local Government Act 1995 Section 5.30* and the *Local Government (Administration) Regulations 1996*, the Mayor is to preside at a general or special meeting of electors and is to determine the procedure to be followed.

1. All present are required to sign the attendance register at the entry to the meeting room, including name and address.
2. The proceedings will be recorded for the purpose of production of the minutes and speakers are requested to use the microphones each time they speak.
3. No other audio or visual recording is to be undertaken without the permission of the Presiding Member.
4. During the meeting, no member of the public may interrupt the meeting's proceedings or enter into conversation.
5. A register of Electors wishing to address the meeting will be located at the entry of the meeting room on the night. The Presiding Member will request speakers to approach the podium in the order that they appear on the register and thereafter will open to the floor for further speakers.
6. Should an Elector wish to address the meeting, they may do so for a maximum of 3 minutes each. An extension of time may be given at the discretion of the Presiding Person who will ensure that speakers are given a fair and equal opportunity to do so.
7. Speakers must be Electors of the City of Wanneroo.
8. When addressing the meeting, a person is to:-
 - a) rise and move to the front podium unless unable to do so by reason of sickness or disability;
 - b) state his or her name for recording in the minutes;
 - c) address the meeting through the person presiding.
 - d) limit questions/statements to fact, not opinion or supposition.

Putting a Motion to the Meeting

9. "Motions from the Floor" Forms are available at the entrance to the meeting room for completion by electors. Where possible proposed motions should be provided in writing to Administration prior to the opening of the meeting.
10. Motions received from the floor (i.e. from Electors) are to be read aloud by the Presiding Member to ensure that everyone is clear about what they are voting on.
11. The Mayor will call for a mover and a seconder for a motion.
12. No motion or amendment is open to debate until it has been seconded. Only one amendment on any one motion shall be received at a time and such amendment shall be disposed of before any further amendment can be received; but any number of amendments may be proposed.
13. Upon a motion being proposed, the Mayor will call for speakers to address the Chair.
14. The mover of a motion (but not the mover of an amendment) has the right of reply, and this closes the debate.
15. An elector may rise and move without discussion, "that the question be now put", which, on being duly seconded and carried by a majority, will result in submission of the motion at once to the meeting, after the mover has replied.
16. The Mayor will then ask for a vote on the motion from the floor.
17. Each elector has one vote. An elector does not have to vote.
18. Voting is determined by a show of hands.
19. A simple majority carries the vote.
20. The person presiding is to determine questions of order and procedure not stated above but an elector may move a motion of dissent from a ruling of the person presiding, which if seconded, shall be put without discussion.
21. Decisions made at electors' meetings are to be considered at the next ordinary council meeting or, if that is not practicable at the first ordinary council meeting after that meeting. Decisions from this electors meeting will be considered at the City's 11 December 2012 Council meeting.
22. The decisions of this meeting are not binding on the Council, but as required by the Local Government Act 1995, the reasons for any Council decision on a decision of this meeting are to be recorded in the minutes of the council meeting.



Notice is given that the next Special Meeting of Electors will be held at the Phil Renkin Centre, Two Rocks on **Monday 12 November, 2012** commencing at **6.30pm**.

T Roberts
Mayor
9 November, 2012

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A G E N D A

Item 1 Open Meeting

Item 2 Attendance and Apologies

Item 3 Purpose of the Meeting

3.1 Yanchep Active Open Space Update

File Ref:	4504 – 12/136962
Responsible Officer:	Director, Planning and Sustainability
Disclosure of Interest:	Nil
Attachments:	3

Issue

To provide a briefing to Electors on the Yanchep Active Open Space Project, in response to a request for a Special Meeting of Electors.

Background

At the Council Briefing held on 9 October 2012, the City of Wanneroo received a request under Section 5.28 of the *Local Government Act 1995* to convene a Special Meeting of Electors for the following reasons:

1. For the City to provide information to Electors on the status of the proposed Yanchep Active Open Space Project, the reasons for the project's delay, proposed future direction and expected completion of the public open space;
2. To discuss any issues arising from 1. above; and
3. For the meeting to make any resolution it believes relevant to Council's consideration of the matter.

Detail

This report is provided to address item 1. above, namely the status of the project, reasons for its delay, future direction and expected timeframe for completion. In this regard, it must be noted that the City is still negotiating the legal and financial intricacies of this project with the relevant developer (Yanchep Beach Joint Venture) in confidence and on a 'without prejudice' basis. Therefore, the City cannot disclose *"any and all reasons for the apparent delay"*, as stated in the written request for a Special Meeting of Electors. The City will, however, disclose the reasons for the delay in a more general sense, or specifically where those delays are already on public record.

In addition to this report, the City's Administration will also be providing a brief presentation on this project at the Special Meeting of Electors and will endeavour to answer any questions raised at the meeting.

A plan illustrating the location of the Yanchep Active Open Space site is provided in **Attachment 1**.

Consultation

Relevant sporting groups have been consulted in the design of the masterplan for the Yanchep Active Open Space project.

Comment

The following information is provided in response to each of the four points raised in item 1 of the request for a Special Meeting of Electors, namely – the project's status; reasons for its delay; future direction; and timeframe for completion.

Project Status

For the past two years, the City has been working closely with the Yanchep Beach Joint Venture (YBJV) to refine the design and scope of works for this project and to negotiate the terms of a legal agreement between the City and YBJV that would formalise the relationship between both parties in terms of costs, responsibilities and other legal obligations for delivery of the project.

Council has also agreed to several key principles that need to be included in any legal agreement with YBJV for this project. Those principles were agreed by Council at its meetings on 13 December 2011 (Item CR01-12/11), 26 June 2012 (Item CR03-06/12) and 16 October 2012 (Item CR02-10/12). Although each of those reports to Council are confidential and therefore not publicly available, the actual decisions of Council in each instance were published in the Minutes of those meetings. Included as **Attachment 2** is a copy of each of Council's decisions from the three meetings mentioned above.

Essentially, Council's latest (October 2012) decision requested YBJV to consider carrying out the earthworks for both ovals in exchange for the City half funding the construction of the road to service the ovals, from Yanchep Beach Road up to the northern-most access point into the oval site.

YBJV has recently responded to Council's October 2012 decision, although that response is confidential at this point in time. Once Administration has assessed YBJV's response, a further report will be presented to Council (in December 2012 or February 2013) for Council to consider YBJV's position and provide further direction to Administration. Until that occurs, the City cannot comment on YBJV's most recent response.

In addition to the above-mentioned decisions, Council at its meeting on 18 September 2012 also:

- Endorsed the Landscape Masterplan for the Yanchep Active Open Space Project (a copy of which is included as **Attachment 3**), and noted that the implementation program and construction staging are subject to finalisation of the legal agreement with YBJV; and
- Endorsed a grant application being made to the State Government for \$1.08 million funding for the Yanchep Active Open Space project under the Community Sport and Recreation Facility Fund.

Both the above-mentioned reports to Council's September 2012 meeting are publicly available on the City's website (as Items IN01-09/12 and CD02-09/12 from that meeting's agenda) and provide additional background information on this project, should Electors wish to review them.

The project cannot move forward from its current position (as outlined in the above-mentioned Council decisions) until or unless the legal agreement is finalised with YBJV.

Reasons for Delay

The delays facing this project can be attributed to (in order of significance):

- The scale and complexity of the issues, responsibilities and costs to be addressed by and incorporated in the legal agreement between the City and YBJV;
- The preparation of detailed design drawings for development of the Yanchep Active Open Space site; and
- Identification of a suitable site(s) in Yanchep or Two Rocks to accommodate a full-sized Australian Football League (AFL) senior oval.

The first of these issues is still being worked through and will only be overcome once a legal agreement has been finalised between the City and YBJV. The second of these delays is essentially no longer relevant now that Council has adopted the masterplan for the site.

In terms of the third delay mentioned above, a smaller site on Yanchep Beach Road was originally investigated (in 2010) as a possible location for an oval, due to its ease of development, servicing and access from Yanchep Beach Road. However, that site was never intended to be a long-term oval site and, if chosen, would have eventually been decommissioned and then developed by the landowner once a permanent oval site had been secured. This would have meant that any oval-related investment in that site would have been made redundant at a later date. Other disadvantages with the initially identified site related to the public use of private property as a community sporting facility.

Following broader examination of suitable oval sites in Yanchep and Two Rocks and discussions with YBJV, it was agreed to pursue the current site for the Yanchep Active Open Space. This site is substantially larger than the originally identified site on Yanchep Beach Road and is also designated as the ultimate location for active open space and related community facilities in the approved plans for future development of the Yanchep area.

Future Direction

As stated earlier, delivery of this project is dependent on finalising the required legal agreement between the City and YBJV. Negotiations in this regard are continuing in good faith with both parties eager to bring the project to fruition.

The Council-endorsed masterplan provides the blueprint for all future development on the site, with the implementation program and construction staging to be determined by Council upon finalisation of the legal agreement with YBJV. The legal agreement is fundamental to the commencement of works on site and eventual delivery of the project, because it will clarify who is responsible for the various components of the development, thus enabling Council to clearly determine the work that the City will do, having regard to available budget funds.

In the meantime, the City will continue to investigate and pursue all available funding opportunities to maximise the range of facilities to be delivered on the site as part of the first phase of the project.

Timeframe for Completion

Depending on when the legal agreement is finalised between the City and YBJV and subject to YBJV completing the work that it agrees to do on the site under the terms of the legal agreement, the following tasks will generally need to occur, with estimated timeframes shown in brackets:

- Prepare, advertise, evaluate and award tender for design and construction administration (~4 months);
- Undertake design (~5 months);
- Prepare, advertise, evaluate and award tender for construction (~3 months);
- Undertake Construction (~9 months).

The timeframes estimated above are only an indication of the likely timeframe required for the City to conclude its work on the site so that it is ready for use by the community. Those timeframes are subject to many variables and may be extended where unavoidable or condensed wherever practicable. Generally speaking though, if all the assumptions that underpin those estimated timeframes are satisfied, if no substantial complications arise during construction and if weather conditions are favourable for planting/laying of turf, then the Yanchep Active Open Space will be available for use by the community within approximately 21 months of the legal agreement being finalised between the City and YBJV.

Statutory Compliance

The Special Meeting of Electors has been requested in accordance with Section 5.28 of the *Local Government Act 1995*.

Strategic Implications

The proposal accords with the following Outcome Objective of the City's Strategic Plan 2006 – 2021:

“2 Social

2.1 *Increase choice and quality of neighbourhood and lifestyle options”*

2.1.2 *Provide timely and functional public facilities and open spaces to meet changing community needs.*

2.2.1 *Encourage, support and provide a range of accessible recreation and leisure opportunities, both active and passive.*

2.3.2 *Provide or facilitate access to services and facilities that support inclusive communities.”*

Policy Implications

The City's *Local Planning Policy 4.3: Public Open Space*, has informed the design of the Yanchep Active Open Space Masterplan.

Financial Implications

At this time, there is no change to the project financial position as presented to Council's September 2012 meeting (refer Items IN01-09/12 and CD02-09/12).

Attachments:

- | | |
|--|-----------|
| 1. Attachment 1 - Yanchep Active Open Space | 12/138004 |
| 2. Attachment 2 - Yanchep Active Open Space Update | 12/138374 |
| 3. Attachment 3 - Yanchep Active Open Space | 12/138372 |



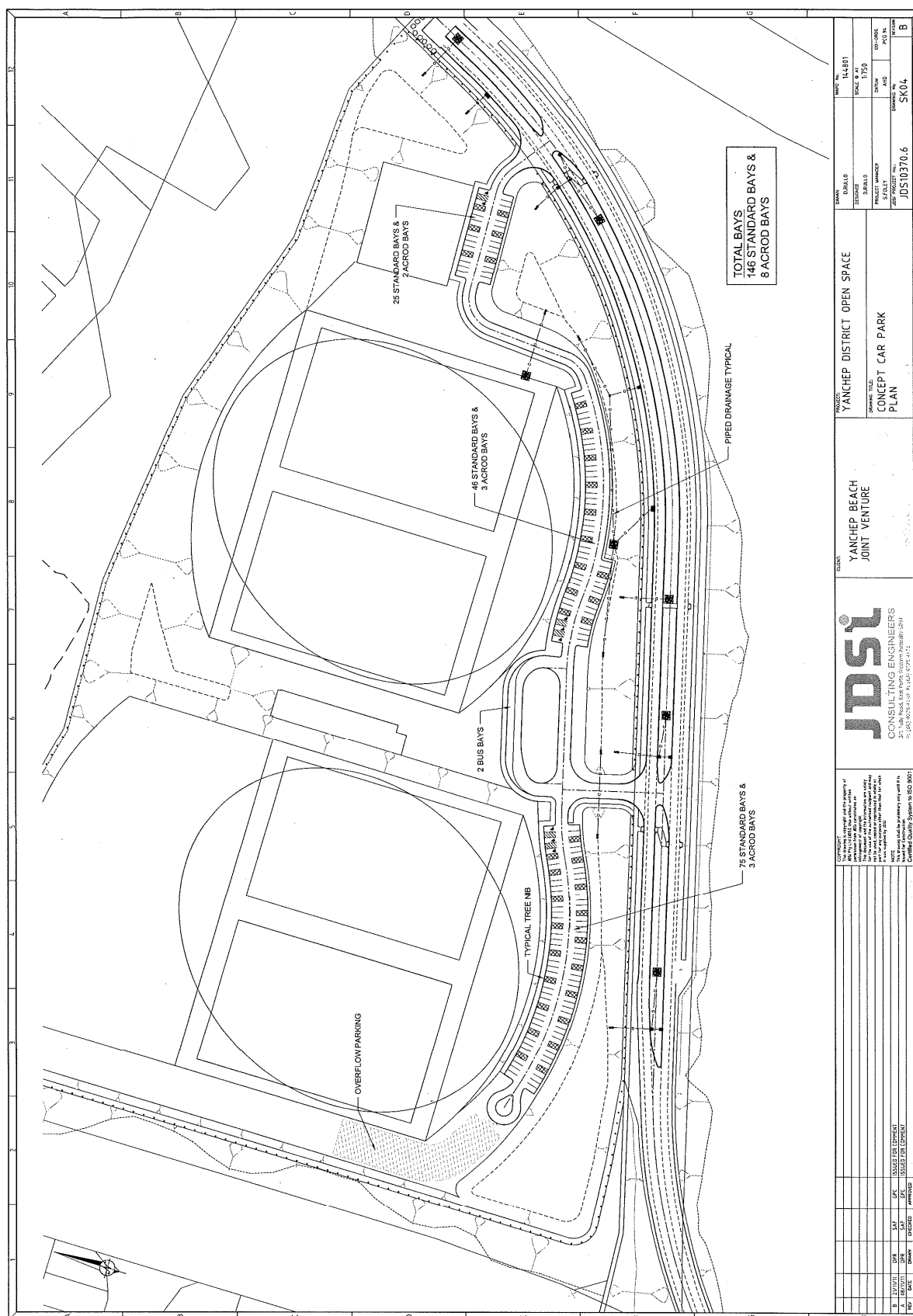
CR01-12/11 Yanchep Active Open Space - Agreement to Address Costs and

Moved Cr Gray, Seconded Cr Hewer

That Council:-

1. **AUTHORISES** the Chief Executive Officer, on behalf of the City of Wanneroo, to negotiate the terms of a deed of agreement with Yanchep Beach Joint Venture (YBJV), to formalise the relationship between the parties for the delivery of the Yanchep Active Open Space, and to generally protect the City's interests in that regard, and based on the following principles:
 - a) All design and physical works directly associated with the Yanchep Active Open Space will be recoverable through the proposed Yanchep Two Rocks Developer Contribution Plan (DCP). YBJV will provide an itemised account of those works for the City's acceptance and those costs (as agreed by the City) shall then be credited to YBJV to offset its future developer contribution obligations arising from development on the remainder of Lot 602;
 - b) As the land cost for the Yanchep Active Open Space is also intended to be included in the DCP, the price of that land is to be agreed with the City and based on the 'englobo' land valuation methodology applicable under the DCP. YBJV will be required to elect to either receive payment from the City for the land at the agreed value, or have the cost of that land credited to it, to offset YBJV's future developer contribution obligations arising from development on the remainder of Lot 602;
 - c) As a consequence of a) and b) above, YBJV will not be eligible to claim the land handed over for the Yanchep Active Open Space as contributing to its normal 10% public open space (POS) obligation under the Yanchep City Local Structure Plan (LSP);
 - d) Both the cost of the land and the cost of any works carried out by YBJV that are directly related to delivering the Yanchep Active Open Space, where used to offset future contribution obligations, will be indexed at the rate prescribed by the DCP, commensurate with the annual indexation of all other DCP costs.
2. Upon the Chief Executive Officer being satisfied with the terms of the deed of agreement between the City and YBJV, **AUTHORISES** the Mayor and Chief Executive Officer to sign and seal the deed; and
3. **ENDORSES** the concept plan for the Yanchep Active Open Space, included as Attachment 3, as the basis for progression of bulk earthworks and further detailed design work, **SUBJECT** to the final detailed drawings for development of the open space and associated facilities and infrastructure being referred to Council for approval prior to the commencement of construction.

CARRIED UNANIMOUSLY



CR03-06/12 Yanchep Active Open Space Update

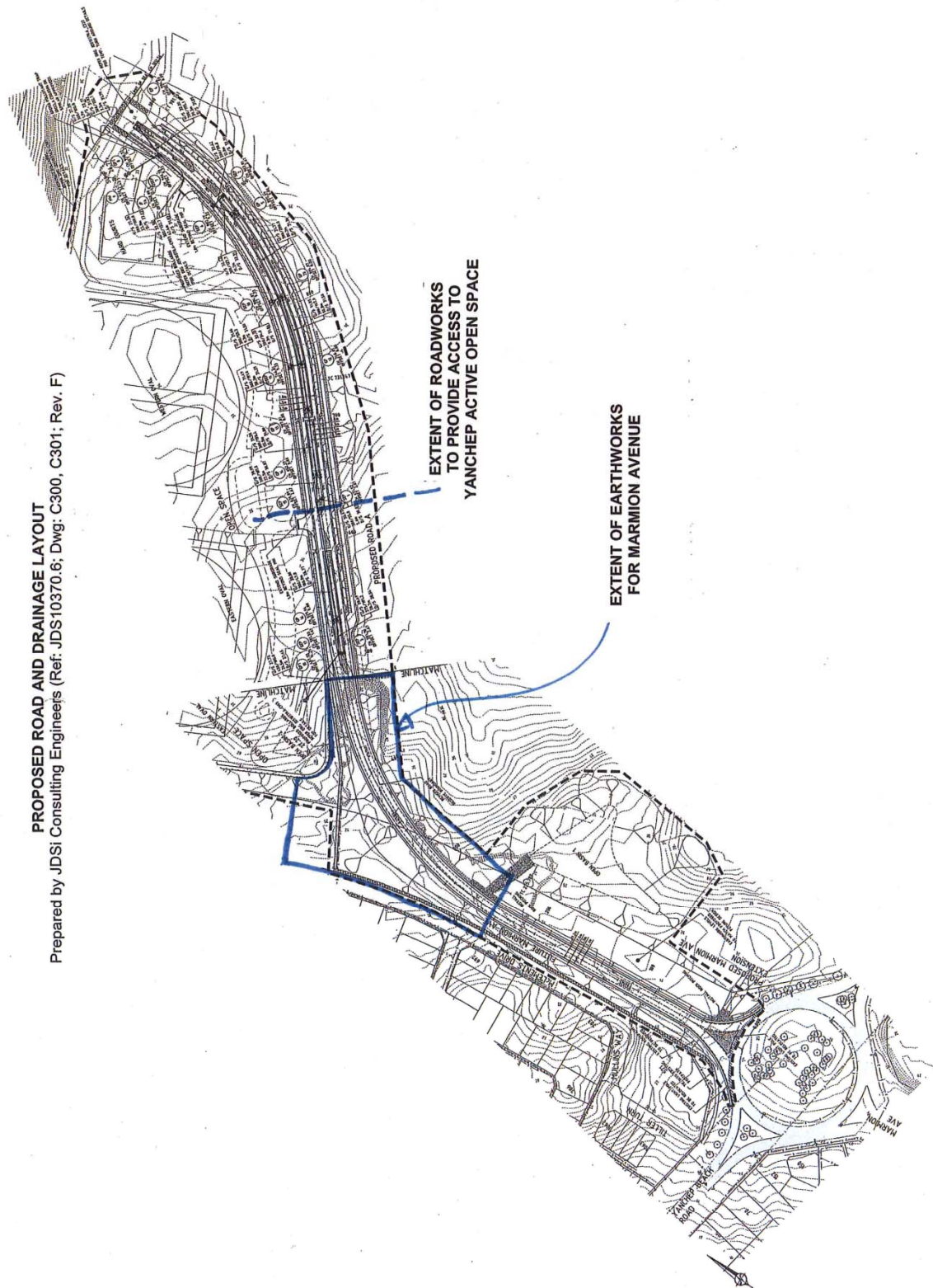
Moved Cr Gray, Seconded Cr Hewer

That Council:

1. Further to the principles set out in its decision of 13 December 2011 (Item CR01-12/11) in respect of negotiations with Yanchep Beach Joint Venture (YBJV) for delivery of the Yanchep Active Open Space Project AGREES IN PRINCIPLE to contribute to half the cost of constructing the road depicted in Attachment 7 to the standard depicted therein, from Yanchep Beach Road to the first (western-most) driveway entry to the oval site only, subject to the following:
 - a) The construction is to incorporate earthworks (only) for the future northern extension of Marmion Avenue, to the point depicted in Attachment 7;
 - b) Unless carried out earlier by others, YBJV will be responsible for reconfiguring the intersection treatment where the road to the Yanchep City Centre intersects with Marmion Avenue, to form a T-section in accordance with the ultimate road design for those roads;
 - c) YBJV is to provide to the City its detailed costs for the extent of road construction specified herein. Such information will be treated by the City as 'commercial in confidence' and shall only be used by the City to verify the reasonableness of the cost of construction and to ascertain the quantum of the City's 50% contribution. The City's CEO shall submit a report to Council for Council to consider the quantum of the City's contribution and to determine whether to accept the value of that contribution;
 - d) The City does not require YBJV to construct as part of this project, the boulevard road to the Yanchep City Centre any farther north-east than is required to provide access to the first entry to the oval site (as depicted in Attachment 7. If, however, YBJV chooses to construct that additional section of road at this stage then it will do so at its own expense. Alternatively, if YBJV chooses not to extend that road at this stage beyond the point required to provide access to the first entry to the oval site, then the City will require YBJV to do so as part of its future development of the Yanchep City Centre;
 - e) The construction is to incorporate installation of rubberised speed cushions within the proposed road to the satisfaction of and at the full cost of the City;
 - f) The City and YBJV will be equally entitled to recover any future contribution towards the cost of the proposed road works that may be recovered from a subsequent developer under the Planning and Development Act 2005.
2. REQUIRES the Chief Executive Officer to refer the deed of agreement with YBJV to deliver the Yanchep Active Open Space project to Council for formal determination, once negotiations with YBJV have been satisfactorily concluded in the opinion of that officer, in accordance with the points a) – d) in resolution 1 above and the principles agreed by Council at its meeting of 13 December 2011 (Item CR01-12/11).

CARRIED
8/2

PROPOSED ROAD AND DRAINAGE LAYOUT
Prepared by JDSi Consulting Engineers (Ref: JDS10370.6; Dwg: C300, C301; Rev. F)



CR02-10/12 Yanchep Active Open Space Update

Moved Cr Gray, Seconded Cr Hewer

That Council:-

1. Further to the principles set out in its decisions of 13 December 2011 (Item CR01-12/11) and 26 June 2012 (CR03-06/12) in respect of negotiations with Yanchep Beach Joint Venture (YBJV) for delivery of the Yanchep Active Open Space Project AGREES to co-fund the extension of the road fronting the Yanchep Active Open Space site, up to the northern-most access point, in exchange for YBJV carrying out the earthworks for the second oval;
2. REQUESTS YBJV to consider and notify Council of its position on 1. above; and
3. REQUIRES the deed of agreement between YBJV and the City to be finalised by the end of 2012 for delivery of the Yanchep Active Open Space project.

CARRIED
11/0



Item 4 Meeting Open to the Floor – Public Question Time/Motions

Item 5 Close of Business