



**BRIEFING PAPERS
FOR ELECTED MEMBERS'
BRIEFING SESSION**

Draft Only

to be held at
the Council Chambers, Civic Centre, Dundobar Road, Wanneroo
on 03 October, 2017 commencing at 6.00PM

PROCEDURE FOR FULL COUNCIL BRIEFING

PRINCIPLES

A Council Briefing occurs a week prior to the Ordinary Council Meeting and provides an opportunity for Elected Members to ask questions and clarify issues relevant to the specific agenda items before council. The briefing is not a decision-making forum and the Council has no power to make decisions. The briefing session will not be used, except in an emergency, as a venue or forum through which to invoke the requirements of the Local Government Act 1995 and call a special meeting of Council.

In order to ensure full transparency the meetings will be open to the public to observe the process. Where matters are of a confidential nature, they will be deferred to the conclusion of the briefing and at that point, the briefing session closed to the public. The reports provided are the Officers' professional opinions. While it is acknowledged that Elected Members may raise issues that have not been considered in the formulation of the report and recommendation, it is a basic principle that as part of the briefing sessions Elected Members cannot direct Officers to change their reports or recommendations.

PROCESS

The briefing session will commence at 6.00 pm and will be chaired by the Mayor or in his/her absence the Deputy Mayor. In the absence of both, Councillors will elect a chairperson from amongst those present. In general, Standing Orders will apply, EXCEPT THAT Elected Members may speak more than once on any item, there is no moving or seconding items, Officers will address the Elected Members and the order of business will be as follows:-

Members of the public present may observe the process and there is an opportunity at the conclusion of the briefing for a public question time where members of the public may ask questions (no statements) relating only to the business on the agenda. The agenda will take the form of:

- Attendance and Apologies
- Declarations of Interest
- Reports for discussion
- Tabled Items
- Public Question Time
- Closure

Where an interest is involved in relation to an item, the same procedure which applies to Ordinary Council meetings will apply. It is a breach of the City's Code of Conduct for an interest to not be declared. The briefing session will consider items on the agenda only and proceed to deal with each item as they appear. The process will be for the Mayor to call each item number in sequence and ask for questions. Where there are no questions regarding the item, the briefing will proceed to the next item.

AGENDA CONTENTS

While every endeavour is made to ensure that all items to be presented to Council at the Ordinary Council Meeting are included in the briefing papers, it should be noted that there will be occasions when, due to necessity, items will not be ready in time for the briefing session and will go straight to the Full Council agenda as a matter for decision. Further, there will be occasions when items are TABLED at the briefing rather than the full report being provided in advance. In these instances, staff will endeavour to include the item on the agenda as a late item, noting that a report will be tabled at the agenda briefing session.

AGENDA DISTRIBUTION

The Council Briefing agenda will be distributed to Elected Members on the FRIDAY prior to the Council Briefing session. Copies will be made available to the libraries and the Internet for interested members of the public. Spare briefing papers will be available at the briefing session for interested members of the public.

DEPUTATIONS

Deputations will generally not be heard prior to the Council Briefing session and are reserved for prior to the Ordinary Council meeting.

RECORD OF BRIEFING

The formal record of the Council Briefing session will be limited to notes regarding any agreed action to be taken by staff or Elected Members. No recommendations will be included and the notes will be retained for reference and are not distributed to Elected Members or the public.

LOCATION

The Council Briefing session will take place in the Council Chamber in the Civic Centre.



Briefing Papers for Tuesday 3 October, 2017

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AGENDA

Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land and we acknowledge and respect their continuing culture and the contributions made to the life of this city and this region and I invite you to bow your head in prayer:

Lord, We ask for your blessing upon our City, our community and our Council. Guide us in our decision making to act fairly, without fear or favour and with compassion, integrity and honesty. May we show true leadership, be inclusive of all, and guide the City of Wanneroo to a prosperous future that all may share. We ask this in your name. Amen

Item 1 Attendances

Item 2 Apologies and Leave of Absence

Item 3 Reports

Declarations of Interest by Elected Members, including the nature and extent of the interest. Declaration of Interest forms to be completed and handed to the Chief Executive Officer.

Planning & Sustainability

Approval Services

3.1 Amendment No.154 to District Planning Scheme No.2 - Lot 311 Niche Parade, Wangara - Proposed Additional Use

File Ref:	23786 – 17/246652
Responsible Officer:	Director Planning and Sustainability
Disclosure of Interest:	Nil
Attachments:	4

Issue

To consider an amendment to District Planning Scheme No. 2 (DPS 2) by including the use class Drive-Through Food Outlet as an Additional Use on Lot 311 (1) Niche Parade, Wangara (the subject land).

Applicant	Steve Pandevski
Owner	Samsara Developments Pty/Ltd
Location	Lot 311 (1) Niche Parade, Wangara
Site Area	7,162m ²
MRS Zoning	Industrial
DPS 2 Zoning	General Industrial

Background

On 7 June 2017, Steve Pandevski on behalf of the landowners Samsara Developments Pty Ltd lodged Amendment No. 154 to DPS 2 for the City's consideration to include the use class

Drive-Through Food Outlet as an Additional Use on the subject land as it is a Not Permitted 'X' use in General Industrial zone.

Detail

Site

The subject land is located at the south-eastern corner of Ocean Reef Road and Niche Parade and adjoins a developed lot and a number of vacant lots to the south, which are currently owned by the owner of the subject land.

In May 2015, the City had granted planning approval to commence development of a Service Station, Convenience Store, Lunch Bar and Motor Vehicles Repairs on the subject land (DA2015/591). Under the provisions of DPS 2, in the General Industrial Zone the use class Motor Vehicles Repairs is a Permissible 'P' use and the remainder Discretionary 'D' use. To date, only the Service Station has been developed and it is in operation 24 hours a day. **Attachment 1** is the site plan.

The Proposal

The use class Drive-Through Food Outlet is defined as follows:

"A take-away food outlet which includes the sale and serving of food direct to persons driving or seated in motor vehicles. The term may or may not include the preparation of food for sale and consumption within the building or portion thereof."

Being a Not Permitted 'X' use in General Industrial Zone, the applicant has proposed to amend DPS 2 to include the subject land use as an Additional Use with a net lettable area (NLA) of 300m². Hence it is proposed to modify Schedule 2 – Section 1 (Clause 3.20) Additional Uses of DPS 2 as follows and to amend the scheme map accordingly.

No	Street/Locality	Particulars of Land	Additional Use and Conditions (where applicable)
A36	1-36	1 Niche Parade, Wangara	Lot 311
			Drive-Through Food Outlet limited to a maximum net lettable area of 300m ²

Attachment 2 contains an extract of DPS 2 map depicting the current and proposed zoning of the subject land.

Attachment 3 contains the indicative concept plan of the site depicting the location of the proposed additional land use. Although the concept plan depicts an NLA of 250m² for the additional land use, the applicant has advised that the proposed NLA of 300m² will provide flexibility in the design and development of the land use.

The applicant's justification for the proposal is summarised as follows:

1. The proposed 300m² NLA in comparison with the lot area of 7,162m² is negligible and insignificant and therefore will not result in a significant loss of industrial land; and
2. The proposed use is considered not to fall under the term sensitive land use in much the same way that a lunch bar is a discretionary land use in General Industrial zone is not a sensitive land use.

Consultation

The proposed amendment is considered as “complex” in accordance with Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) for the following reason:

- No Local Planning Strategy has been endorsed by the WAPC to support the amendment.

Under the provisions of the Regulations, prior to advertising a complex amendment, it is required to be referred to the WAPC for its consideration. The amendment will also need to be referred to the Environmental Protection Authority (EPA) to assess the environmental impacts of the proposal and to determine whether any formal environmental assessment is necessary.

Subject to the approval of the WAPC and the EPA, the complex amendment must be advertised for public comment for a period of 60 days. Advertising is to occur in the following manner consistent with the requirements of the Regulations by way of:

- Advertisement in a local newspaper for one week;
- Placement of an on-site sign giving notice of the proposal;
- Display notice of the proposal at Council offices and on the City's website; and
- Writing to the affected and adjoining businesses.

Comment

Loss of Industrial land

The total area of the site is 7,162m². The applicant has advised that in comparison with the lot area, the proposed 300m² NLA would not amount to any significant loss of industrial land in Wangara as it only constitutes 4.2% of the site area.

Attachment 4 is the site plan as approved under DA2015/591. This plan depicts the footprint of the proposed additional land use, which did not form part of the approval. Given that a planning approval was granted to develop the majority of the subject site to accommodate a Service Station, Convenience Store, Lunch Bar and Motor Vehicles Repairs, it is considered that the subject proposal is unlikely to contribute towards any significant loss of industrial land in Wangara.

Clientele

The applicant has advised that the proposed additional use will predominantly serve the Industrial employment catchment area. The applicant has advised that the proposed Drive-Through Food Outlet is intended to operate 24-hours a day. Considering the operating hours, and the site being located on Ocean Reef Road, which is an Other Regional Road in the Metropolitan Region Scheme currently carrying a traffic volume of about 30,000 vehicles per day (vpd), it is reasonable to conclude that the Drive-Through Food Outlet would predominantly serve the passing trade in addition to the surrounding catchment. However, co-locating a Drive-Through Food Outlet along with the Service Station is considered to be acceptable.

Traffic

Niche Parade is a 20-metre wide road reserve with a 10-metre wide carriage way. Where it abuts the subject lot, the road reserve width is 25 metres with a 14-metre wide carriageway accommodating a right-turn slip lane.

The City, to date, has not taken a traffic count on this road. The Traffic Impact Assessment (TIS) submitted by the applicant indicates that the current volume of traffic on Niche Parade is about 2,000 vehicles per day (vpd), which includes 1,300 vehicle trips per day generated by the Service Station.

The TIS states that the proposed development is expected to generate a traffic volume of 1,700 vpd and the possible future development of the vacant lots on Niche Parade is expected to generate 1,000 vpd. Therefore on the whole, Niche Parade will carry an estimated traffic volume of 4,700 vpd.

Niche Parade is an Industrial Road. The City's Transport and Traffic section has advised that a 10-metre wide industrial road should be able to accommodate a traffic volume of 7,000 vpd.

Sensitive Land Use

DPS 2 defines sensitive use as follows:

Any use in which people involved in that use may have reason to object to, noise, dust, odour and other impacts which may arise from rural resources operations and includes, but is not limited to, residential, hospitals, schools, shops and all public establishment where food and drink is consumed.

Although the above definition relates to noise etc. from a rural resource operation, on a similar vein, it is considered that by allowing the proposed additional use, concerns may be raised by those involved in that use about developments such as Industry-Hazardous land use on the adjoining vacant lots.

Currently the developed lots in the vicinity of the subject land contain uses such as Warehouse and Industry-light. While Warehouse is used for storage purposes and Industry-light is to be used for purposes as per the DPS 2 definition that '*will not adversely affect the amenity of the locality by reason of the emission or light, noise, fumes, smell or smoke*', those who are involved in the use of Drive-Through Food Outlet, may not be concerned by the operation of Warehouse or Industry-light on the abutting vacant lots. In the event of City receiving a development application for a proposed Industry-Hazardous use on any of the adjoining vacant lots, it can be considered on its merits.

DPS 2 Objective

Clause 3.11.3 of DPS 2 states that non-industrial development is not favoured in the General Industrial Zone. Given the use of the subject site for industrial use is limited in view of the existing use on site and other approved uses, allowing the subject additional use is not considered to adversely impact on the General Industrial Zone.

Statutory Compliance

The scheme amendment will follow the statutory process outlined in the Planning and Development (Local Planning Schemes) Regulations 2015.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“2 *Economy*

2.1 *Local Jobs*

2.1.1 *Develop strong economic hubs locally and near transport”*

Risk Management Considerations

There are no existing Strategic or Corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council:-





1. Pursuant to Section 75 of Planning and Development Act 2005 ADOPTS Amendment No. 154 to City of Wanneroo District Planning Scheme No. 2 (the amendment) by modifying Schedule 2 – Section 1 (Clause 3.20) – Additional Uses by including the following entry and modifying the scheme map as shown in Attachment 2:

No.		Street/Locality	Particulars of Land	Additional Use and Conditions (where applicable)
A36	1-36	1 Niche Parade, Wangara	Lot 311	Drive-Through Food Outlet limited to a maximum net lettable area of 300m ²

2. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), RESOLVES that the amendment is a Complex Amendment for the following reason:
 - No Local Planning Strategy has been endorsed by the Western Australian Planning Commission to support the amendment;
3. Pursuant to Regulation 37(2) of the Regulations, SUBMITS two (2) copies of the amendment document to the Western Australian Planning Commission for its consideration;
4. Pursuant to Section 81 of the Planning and Development Act 2005 REFERS the amendment to the Environmental Protection Authority (EPA); and

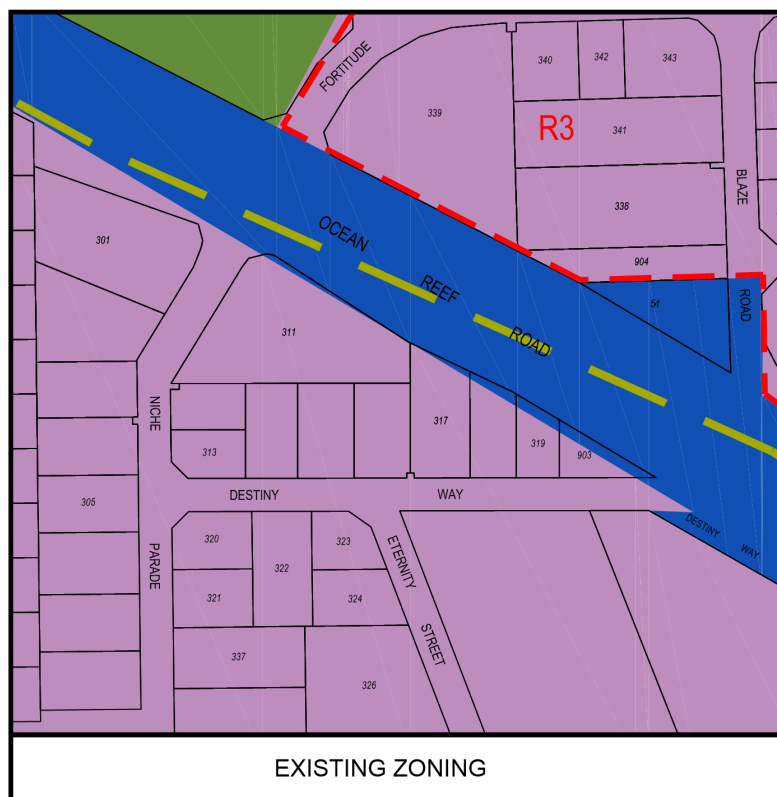
5. Subject to approval from EPA and the WAPC, ADVERTISES the amendment for a period of 60 days.

Attachments:

- 1  Attachment 1 - 154 17/246502
- 2  Attachment 2 - 154 17/291522 Minuted
- 3  Attachment 3 - 154 17/247049
- 4  Attachment 4 - 154 17/272478


CITY OF WANNEROO DISTRICT PLANNING SCHEME No. 2

Planning and Development Act 2005



LEGEND

REGION SCHEME RESERVES (MRS)

 OTHER REGIONAL ROADS

LOCAL SCHEME RESERVES (see scheme text for additional information)

 GENERAL INDUSTRIAL

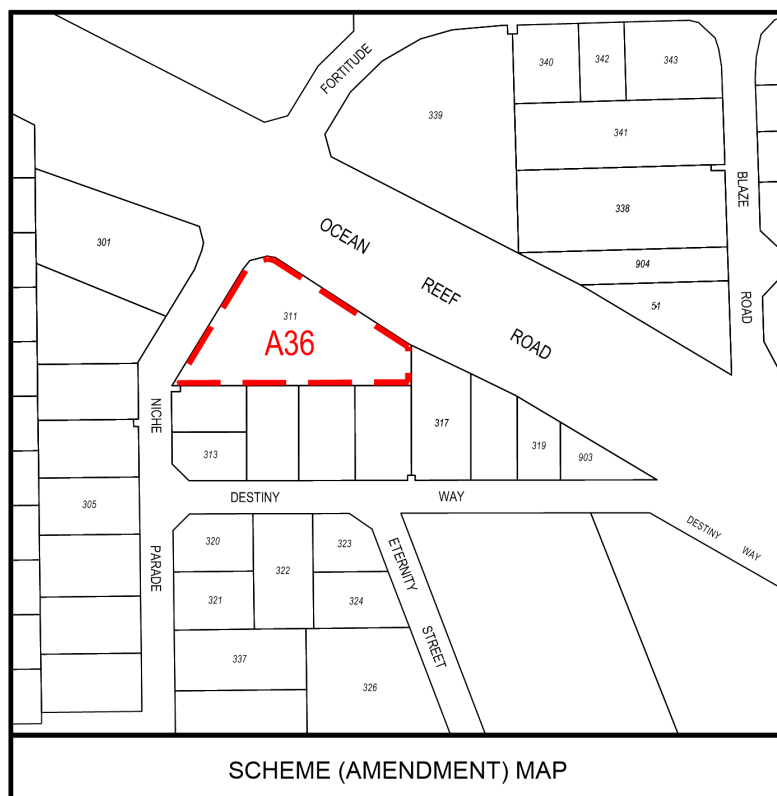
 RURAL COMMUNITY

OTHER CATEGORIES (see scheme text for additional information)

 A36 ADDITIONAL USES

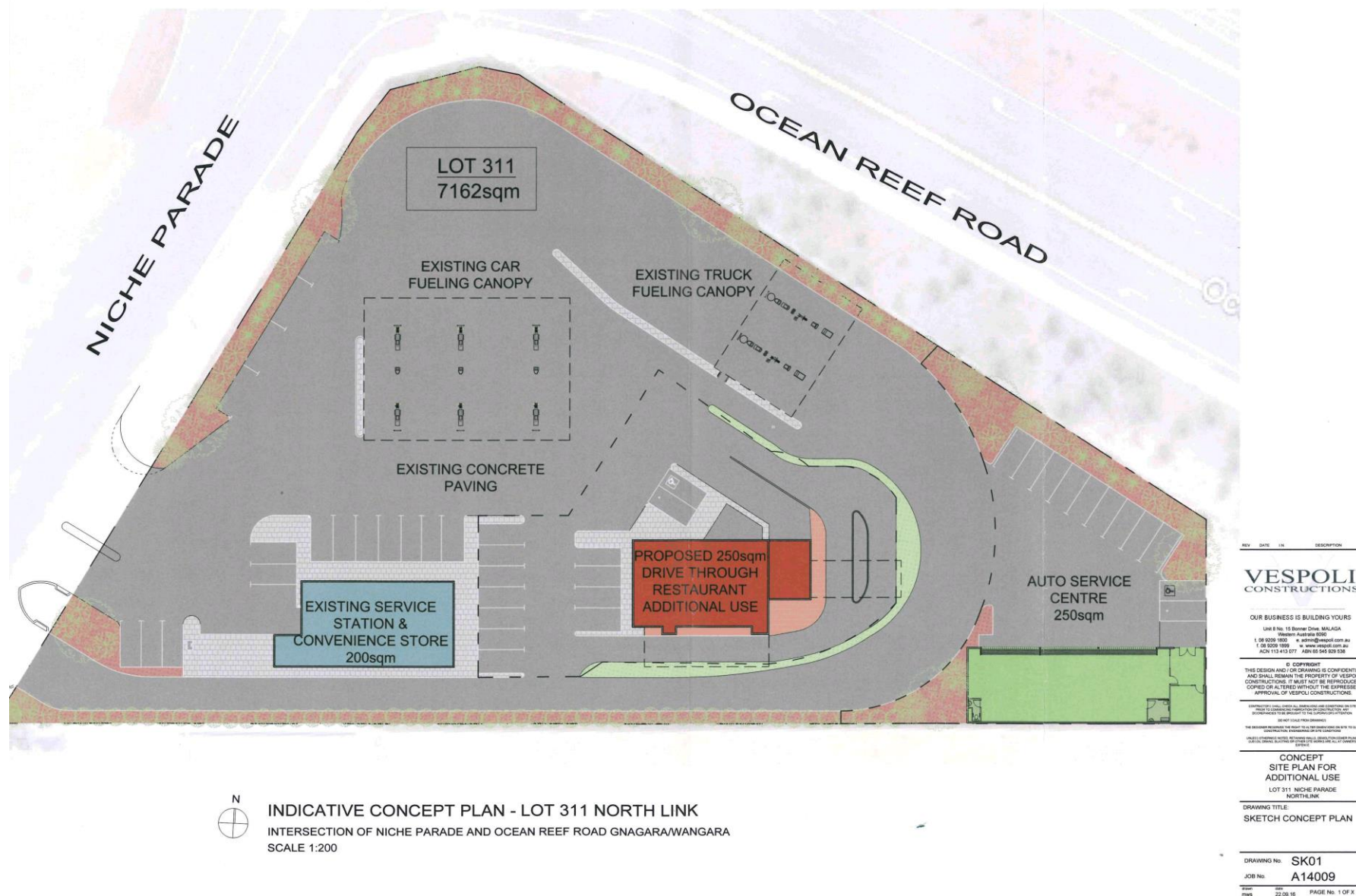
 R3 RESTRICTED USES

 LOCALITY BOUNDARY



N
SCALE: 1:4000
DATE: 25.05.2017

Amendment No.



INDICATIVE CONCEPT PLAN - LOT 311 NORTH LINK
INTERSECTION OF NICHE PARADE AND OCEAN REEF ROAD GNAGARA/WANGARA
SCALE 1:200

[illegible]

3.2 Retrospective Development Application for an increase in Fill and Retaining Walls at 4 Nott Place, Yanchep

File Ref: DA2017/666 – 17/266491
 Responsible Officer: Director Planning and Sustainability
 Disclosure of Interest: Nil
 Attachments: 7

Issue

To consider an application for retrospective development approval for retaining walls and fill at Lot 337 (4) Nott Place, Yanchep.

Applicant	Mr Phillip Murrin
Owner	Mr Phillip Murrin and Jennifer Murrin
Location	Lot (337) 4 Nott Place, Yanchep
Site Area	810m ²
DPS 2 Zoning	Residential R20

Background

Lot 337 (4) Nott Place, Yanchep (subject property) is situated where indicated on the plan included as **Attachment 1**. The subject property is zoned Residential under the City's District Planning Scheme No. 2 (DPS 2).

It is noted that a retrospective development application incurs a fee of three times that of a standard development application. This increased fee is considered to encompass the processing fee of the development application and a penalty for developing without the required approvals first being obtained from the City.

Current Development on the Subject Property

The subject property is a vacant lot with substantial retaining and fill located on-site. At the time of writing, it is noted that there is several soak wells, a trailer and a temporary site office located towards the rear boundary of the property. The soil behind the front retaining walls has been excavated to accommodate the soak wells and septic system (refer to **Attachment 2**).

Consideration of Past Development Applications

In 2015, Administration received two development applications for works to occur on the subject property. Administration considered both those development applications under delegated authority and has approved the following works:

- DA2015/248 approved a top of wall height for the retaining walls at the southern (front) boundary of 18.70 (Australian Height Datum) AHD height, western boundary of 19.20AHD, eastern boundary of 18.70AHD and the northern (rear) boundary of 19.20AHD.
- DA2015/1349 granted retrospective approval for the top of wall height for the retaining walls at the northern (rear) boundary of 20.70AHD and formwork around a pool area.

The applicant also lodged a building permit for a two storey dwelling at the subject property following the determination of the development applications. The building permit lodged was inconsistent with the approved DA2015/1349. The applicant appealed the determination of

DA2015/1349 arguing that the approval permitted fill at the site of 19.20AHD. The State Administrative Tribunal (SAT) refused to allow the application to be reviewed as the time permitting such a review had expired. However, the SAT stated that the applicant could make a further application for the southern (front) and eastern retaining walls, and fill to 19.20AHD as provided in the subject application.

Detail

On 26 May 2017, Administration received an application for retrospective development approval for:

- The retaining wall on the eastern side boundary of the subject property to 19.20AHD;
- A retaining wall within the southern (front) setback area of the subject property to 19.20AHD; and
- Fill placed on the subject land to a height 19.20AHD.

The plans lodged by the applicant in respect to this application are included as **Attachment 3**. The applicant stated that he is prepared to lower the height of fill from 19.20AHD throughout the site to 19.10AHD for the eastern and southern retaining walls, finished ground levels to 19.00AHD and the slab to 19.10AHD, noting that the 'slab level' only indicates retaining and fill (that is, no slab is indicated on the plans). The applicant was also able to confirm that they would not be seeking approval for the fencing shown on the plan. The applicant also stated that the driveway gradient and sightlines should not be considered as part of this application. The applicant's desire to lower the ground levels and retaining walls has not been reflected in the submitted plans, the plans forwarded by the City to the adjoining neighbours for comments or the applicant's submission.

Consultation

Public consultation was undertaken for a period of 21 days from 26 June 2017 to 17 July 2017 by way of a letter to landowners and occupiers of eight land parcels adjoining and opposite the subject property.

The letter invited landowners/occupiers to comment on the application for retrospective development approval before the City.

At the conclusion of the comment period five submissions were received, all objecting to the proposal. A summary of submissions received and Administration's responses are shown in **Attachment 4**.

The main issues raised during the advertising period and following detailed assessment by Administration relate to:

- Streetscape appearance; and
- Access to sunlight.

Comment

In assessing the proposal, Administration has identified the following key aspects as discussed below.

Assessment against the Residential Design Codes (R-Codes)

In accordance with Part 2 of the R-Codes, if a proposal does not meet the 'deemed-to-comply' provisions, the City is to exercise its judgement to consider the merits of the proposal having regard to the relevant 'design principles'. As the retrospective application for retaining

walls and fill does not meet the 'deemed-to-comply' requirements of clauses 5.3.7 and 5.3.8 of the R-Codes in respect to the fill to 19.20AHD and the southern and eastern retaining walls, it has been assessed against the corresponding 'design principles'.

Administration's assessment of the development against the corresponding design principles is provided below:

Design Principles – Clause	Administration Comments
<i>Clause 5.3.7 P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</i>	The development does not consider the natural features of the site and requires excessive fill throughout most of the subject property.
<i>Clause 5.3.7 P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</i>	The southern (front) retaining wall has a height of between 1.325m (near vehicle access) and 1.610m (south western boundary) across the front boundary. When viewed from the street, the impact of the retaining wall to the streetscape is increased as the verge slopes down towards the street. Therefore the development does not respect the natural ground levels when viewed from the street.
<i>Clause 5.3.8 P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.</i>	Whilst, the applicant has not demonstrated through a single house development application that the retained areas will benefit residents, the applicant has both a septic tank and swimming pool formwork approval. The increase in fill on the site from 18.70AHD to 19.20AHD is in additional 0.5m AHD and will not change the impact on privacy. Privacy or sunlight to adjoining properties is prevented by the existing masonry fence to the northern, western and eastern boundaries. It is noted however, there is a detrimental impact in terms of streetscape amenity given the height of the above-mentioned southern (front) retaining wall.

The applicant has provided a copy of their submission as justification against the criteria in **Attachment 5**. A summary of the submission with Administration's response is included in **Attachment 6**.

Assessment against Local Planning Policy 2.4 (LPP 2.4)

Local Planning Policy 2.4: Site Works and Retaining for Residential Development (LPP 2.4) states that (development applications or building permit) for site works (fill) or retaining should be made concurrently with an application for dwellings on a site. LPP 2.4 also states that an application to alter site levels for retaining walls prior to an application for dwellings being made will not be supported by the City. The circumstances of this proposal are complicated however by an approval that has been granted by the City's Health Services for the installation of an apparatus for the treatment of sewage, in accordance with the Health (Treatment of Sewage & Disposal of Effluent & Liquid Waste) Regulations 1974 and with structural, hydraulic & geotechnical engineers design specifications & certifications. A footnote to the approval states that the approval should not be construed as support for any other related (actual or future) development on the land.

Administration considers the site survey provided in 2015 (**Attachment 7**) and submitted in DA2015/248 is an accurate measure to determine the natural ground levels (NGL) across the site. The levels show the highest natural ground level at the north eastern corner at 19.34AHD and the lowest at 17.65AHD at the south-western boundary. LPP 2.4 specifies that in order to meet the design principles of clause 5.3.7 (P7.1 & 7.2) there should be equal amounts of cut and fill to establish finished ground levels. LPP 2.4 also specifies that fill and/or retaining to the highest level of a site is not appropriate. The middle of the site has a natural ground level of 18.32AHD indicating a steep natural rise to the rear western boundary of the property. Administration has undertaken an assessment of the NGL's across the site in accordance with Figure 2a of LPP 2.4. Figure 2a specifies that the calculation of the average natural ground level is taken from five natural ground levels which occur at lot boundaries and the centre of the lot. The average NGL is calculated using the survey previously provided (**Attachment 7**) and calculated to be 18.41AHD. LPP 2.4 states that the building pad should then be established at a level no more than 0.3 metres above the average NGL of the site as calculated, resulting in 18.71AHD being the maximum appropriate building pad height level.

In addition to the deemed-to-comply requirements of clause 5.3.7 (C7.1) of the R-Codes, LPP 2.4 specifies that the proposal would require:

- a) The first terrace level if located within 1.0 metre of the front boundary should not exceed 0.5 metres in height; and
- b) Subsequent terraces should be spaced a minimum of 1.0 metre apart, and retaining wall height for terracing should not exceed 1.0 metre.

If the applicant were to adhere to this policy provision it would require alterations to the southern (front) and eastern retaining walls. The approved location of the septic tanks located in the front setback may also need to be relocated or repositioned in the ground. Whilst the formwork of the pool has not been approved at a specific level, it is reasonable to assume the formwork of the pool is approved at a level of 18.70AHD which is the approved height of the retaining wall at the eastern boundary.

As outlined in LPP 2.4, filling or retaining to the highest level should not be supported in the absence of an application for a dwelling. Whilst the proposal has been considered in this instance, the fill is up to 19.20AHD which is at the higher natural levels existing on the site, and an equal amount of cut and fill has not been apportioned. The City's LPP 2.4 calculates an average natural ground level across the site as being 18.41AHD and allows an additional 0.3m to suit any pad level. The proposed 19.20 AHD is inconsistent with the level considered suitable as calculated by LPP 2.4. Further LPP 2.4 compliments the provisions specified in the R-Codes and the proposed level of up to 19.20AHD is inconsistent with the level specified in the policy.

The fill and retaining walls are not considered to have a significant detrimental impact to adjoining owners in preventing access to sunlight, due to the orientation of the lots. The neighbours comments that the front setback area and streetscape does not look appealing is considered particularly relevant. When viewed from the street the retaining walls will create a flat block at a significantly higher level than the street, which could also permit a solid fence of up to 1.2m on top of the front retaining wall. In addition, the retaining walls should be terraced as per the specifications of LPP 2.4 which would better reflect the natural ground levels of the site. The retaining walls and fill are considered appropriate at the approved height of 18.70AHD.

Conclusion

In light of the above, Administration is recommending that Council refuse to grant approval of the application for retrospective development approval.

In respect to any non-compliance on the subject property following Council's determination of this application; Administration can commence compliance proceedings against landowners pursuant to the City's Local Planning Policy 4.14: Planning Compliance.

Statutory Compliance

This application has been assessed in accordance with the City of Wanneroo's District Planning Scheme No. 2.

Pursuant to Part 8.3(b) of the City's Delegated Authority Register, the application may be considered under delegation if, it is the view of the Director, Planning and Sustainability, that the objections do not raise relevant planning considerations that cannot be specifically addressed or overcome by modifications to the proposal, or imposition of appropriate conditions of approval.

In this instance, Administration is of the opinion that the objection raises relevant planning considerations in relation to the fill and retaining walls. Therefore, the application cannot be considered under delegated authority and must be determined by Council.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“3 *Environment (Built)*

3.4 *Activated Places*

3.4.4 *Improve local amenity by retaining and complementing natural landscapes within the built environmental”*

Risk Management Considerations

There are no existing Strategic or Corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Policy Implications

The proposed development has been assessed against the provisions of the State Planning Policy 3.1 – Residential Design Codes (R-Codes) as well as the City's Local Planning Policy 2.4 Site Works and Retaining for Residential Development (LPP 2.4).

Financial Implications

Should compliance proceedings against the landowner require to be initiated following Council's decision on this development application, costs in undertaking such further proceedings would be dependent on the landowner's further actions arising there from.

Voting Requirements

Simple Majority

Recommendation

That Council:-

1. Pursuant to Clause 68(2)(c) of the Deemed Provisions of District Planning Scheme No. 2, REFUSES to grant approval of the application for retrospective development approval for fill and retaining at Lot 337 (4) Nott Place, Yanchep as shown in Attachment 3 for the following reasons:
 - a) The development is inconsistent with the City's Local Planning Policy 2.4: Site Works and Retaining for Residential Development and the relevant sections of State Planning Policy 3.1 The Residential Design Codes;
 - b) The proposal does not complement the natural topography of the surrounding land;
 - c) The retaining walls and associated fill adversely impacts on streetscape amenity.
2. ENDORSES Administration's responses to the submissions as provided for in Attachment 4;
3. NOTES that Administration will pursuant to the City's Local Planning Policy 4.14 Compliance, commence actions against the landowners of Lot 337 (4) Nott Place, Yanchep necessary to bring this property into compliance with District Planning Scheme No. 2; and
4. ADVISES the applicant and the submitters of this decision.

Attachments:

1 	Attachment 1 - 4 Nott Place, Yanchep	17/311244	
2 	Attachment 2 - Site Photo's- 4 Nott Place, Yanchep	17/325691	
3 	Attachment 3 - Subject Plans - 4 Nott Place, Yanchep	17/292942	Minuted
4 	Attachment 4 - Summary of Submissions - 4 Nott Place, Yanchep	17/317006	Minuted
5 	Attachment 5 - Martin Dickie Submission - 4 Nott Place, Yanchep	17/292954	
6 	Attachment 6 - 4 Nott Place, Yanchep	17/317004	
7 	Attachment 7 - Site Survey - 4 Nott Place, Yanchep	17/292962	

Site Photos of 4 Nott Place, Yanchep



1. Street Elevation.



2. Street elevation looking north-east from the street.



3. Street view of vehicular access to the lot.



4. Looking west from the south-east boundary



5. View to the north-west from the south-eastern boundary



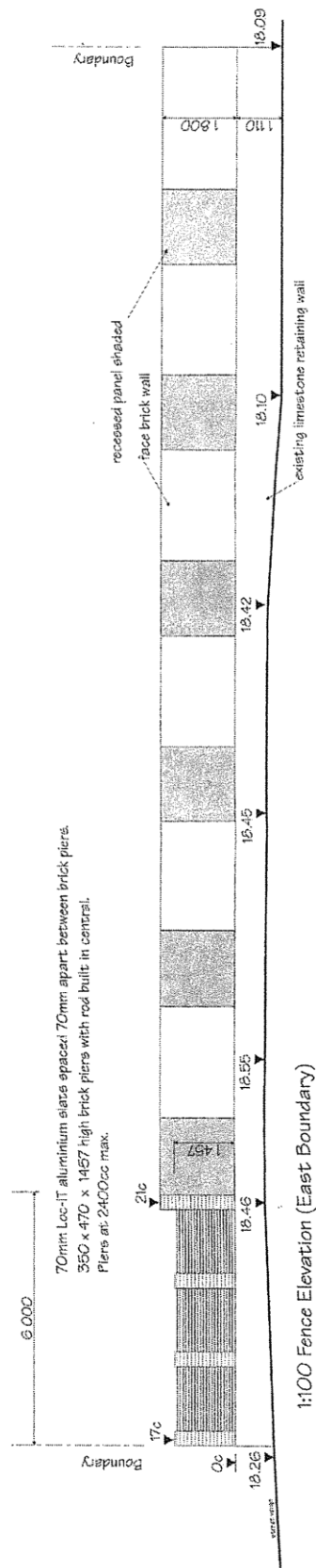
6. View looking north from the south-eastern boundary



CERTIFYING STRUCTURAL ENGINEERS
GF CONSULTING

Richard A.O. Field
B.E. Structural & Civil M.E. Regd 1119880

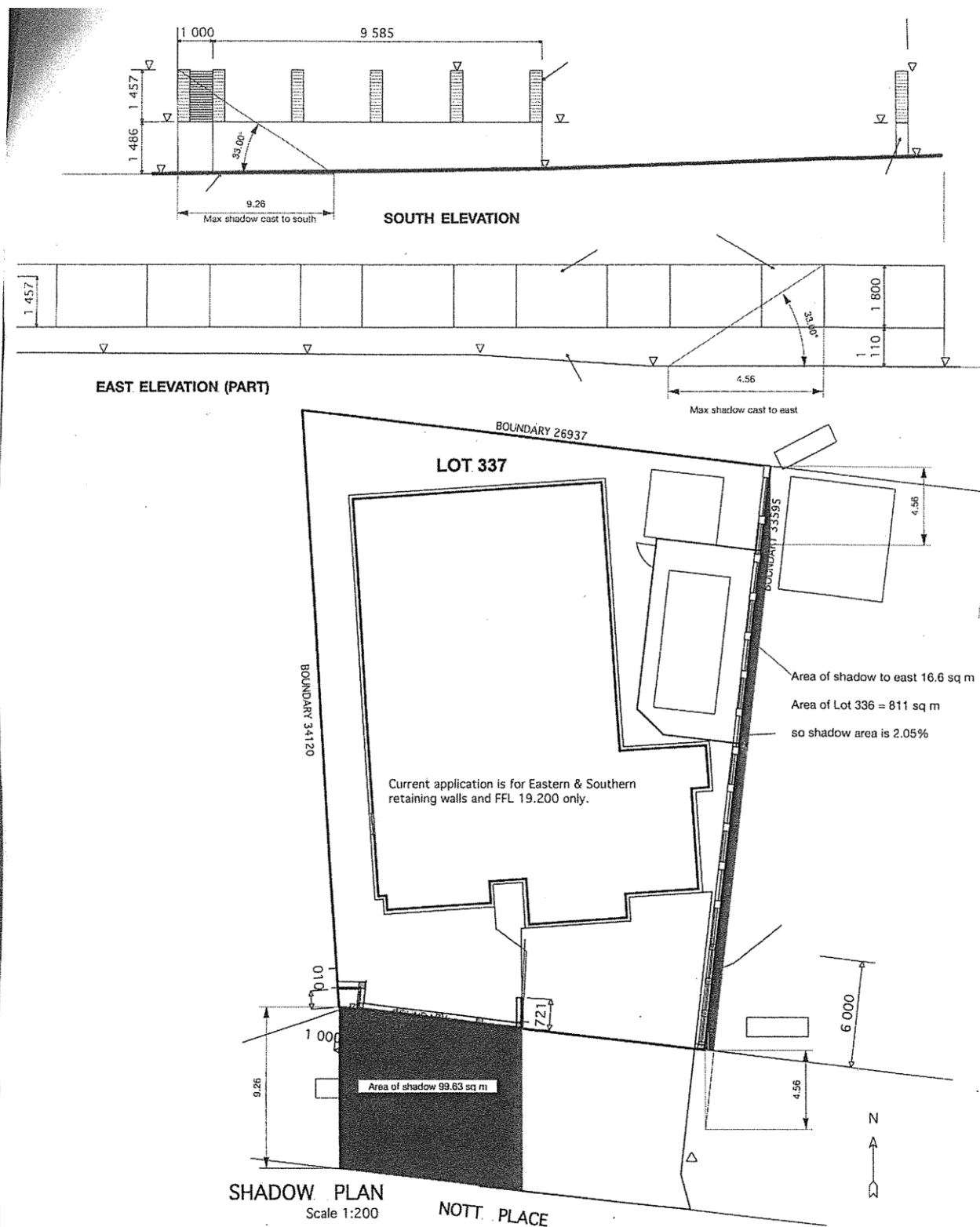
Signed:  Dated: 12.5.17



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Wanneroo Design Drafting		Scales As Shown		Ch33	Job No
220 Koolyanga Road Mullaloo 6027		Date 2017-03-12		7/3	17-03
Western Australia Russell Delaney		Drawn Delaney		Revision	
Email: russ@wanneroodesign.com.au		Working Drawing			
Ph 9401 2357					
		2			
		Sheet 2 of 2			

Proposed Addition to Residence	For Mr & Mrs P. Murrin
Lot 337 (Use 4) Nott Place	Yancherup 6035
Mob: 0455 941 677	Email: p.murrin@hotmail.com



		Wanneroo Design Drafting 20b Koolyanga Road Mullaloo 6027 Western Australia Russell Delaney Email: russell@wanneroodrafting.com.au Ph 9401 2597	Proposed Retaining Walls For Mr & Mrs P. Murrin Lot 337 (hse 4) Nott Place Yanchep 6035 Mob: 0455 941 677 Email: p.murrin@hotmail.com	Scale As Shown	Chk'd	Job No
				Date 2017-5-12	ASP	17-03
				Drawn Delaney	Revision	
				Working Drawing		
				1		
Date	Issue / Revision			Sheet 1 of 2		

City of Wanneroo 19-05-2017

Increase in Fill and Retaining Walls (Retrospective) – Lot 337 (4) Nott Place, Yanchep

Summary of Submissions

SUBMISSION NO.	ITEM REF.	SUMMARY OF SUBMITTER COMMENT	ADMINISTRATION RESPONSE
Submission No. 1 (Local Resident)	1.1	An objection to the application.	Submission noted.
	1.2	The submitter objects to the proposal as it is 900mm above the required regulations set by the City.	The regulations specify that when the fill exceeds a specified amount referred to in the deemed-to-comply criteria the proposal should be measured against the applicable design principle in the R-Codes.
	1.3	The submitter states that the applicant does not have permission to build and questions how he has been allowed to proceed this far. Further, the applicant should have been stopped two years ago and the City should not have accepted the landowner's application.	A brief history of what has occurred on the subject property is provided for in the 'Background' section of the Report. Notwithstanding the history of a property, the City is obliged to accept and consider all applications it receives for development approval. The City cannot refuse to accept a development application on the basis of property history or a landowners past actions.
	1.4	The submitter has cited an example at a neighbouring local government where written permission is required from each adjoining neighbour before a development can commence.	Written permission from adjoining owner(s) is not required for development proposals in Western Australia.
	1.5	The submitter has stated that this has become an ordeal and two years of stress from this landowner who has been unpleasant. The submitter has accused the neighbouring owner of undertaking the works himself which has caused considerable damage to their house and adjoining owners.	Landowners can elect to complete works themselves should they wish and subject to the Building Regulations any other applicable legislation. Whilst the City's role is to issue a determination, damage to adjoining properties is a civil matter to be resolved by the parties.
	1.6	The submitter has stated that if the City allows this landowner to continue to build and therefore not comply to regulations, the television news stations would be interested.	The City takes compliance action against owner(s) in accordance with the City's local laws, regulations and policies.
Submission No. 2 (Local Resident)	2.1	An objection to the application.	Submission noted.
	2.2	The submitter has stated that the owner/s never came at any stage to discuss their plans or informed them about their project.	The applicant(s) is not obliged to discuss a development proposal with adjoining owners.
	2.3	The use of a heavy duty compactor has caused a number of cracks on our internal walls, ceilings and cornices right after we renovated the whole house.	Adjoining owners may wish to seek independent legal advice to determine if the damage to their property can be remedied.

Increase in Fill and Retaining Walls (Retrospective) – Lot 337 (4) Nott Place, Yanchep

Summary of Submissions

SUBMISSION NO.	ITEM REF.	SUMMARY OF SUBMITTER COMMENT	ADMINISTRATION RESPONSE
	2.4	The building works have been very disruptive and caused lots of issues with the neighbours.	Administration is aware that there has been some contention between neighbours. However, the subject application is required to be determined on planning grounds.
	2.5	Ground level and retaining walls are far beyond the originally permitted limits.	Refer to Administration's response to Item 1.2, above.
	2.6	The currently built area does not blend well with the surroundings.	Noted.
	2.7	The lot has been used as a campsite for weeks and also attracted the attention of police creating an unpleasant feeling.	The City has written to the owner to remove person(s) who have been alleged to be camping at the site. Administration notes that the owner complied with this request.
Submission No. 3 (Local Resident)	3.1	The submitter objects to the retrospective application.	Submission noted.
	3.2	The submitter has stated that they are under the impression that they are supposed to give the applicant permission to build a fence to the height currently there.	Whilst the City administers a Fencing Local Law, dividing fences are a civil matter to be resolved by the parties.
	3.3	The submitter has stated that the height of the fence has prevented the sunlight to the top quarter of the block during winter. The fence has also disrupted the view to the street or keeping watch out for neighbours.	Noted.
	3.4	The submitter has stated that if it was the bikies they would have to conform and why is this case different?	Each application is judged on its merits, please refer to Administration's response to Item 1.2, above.
	3.5	The submitter has stated that there was a couple living in a tent on a block for 3-4 months before they were finally moved on.	Refer to Administration's response to Item 2.7, above.
Submission No. 4 (Local Resident)	4.1	The submitter objects to the retrospective application.	Submission noted.
	4.2	The submitter is concerned that a future dwelling will be a mansion and significantly devalue their property by potentially obstructing the views of the submitter and adjoining neighbours.	A future development application for a dwelling will need to comply with the R-Codes. The potential devaluation of adjoining properties is not considered a relevant planning matter when determining an application.

Increase in Fill and Retaining Walls (Retrospective) – Lot 337 (4) Nott Place, Yanchep

Summary of Submissions

SUBMISSION NO.	ITEM REF.	SUMMARY OF SUBMITTER COMMENT	ADMINISTRATION RESPONSE
	4.3	The submitter believes that they and other neighbours have been misled by the intentions of the owners.	Refer to Administration's comments made in respect to item reference 2.2 above.
Submission No. 5 Signed by Submitters 1, 2, 3 and an another neighbour.	5.1	The submitters object to the retrospective application.	Submission noted.
	5.2	The submitters object to the proposal as it is 900mm above the required regulations set by the City.	Refer to Administration's response to Item 1.2, above.
	5.3	The submitters state that the retaining wall on the western side boundary keeps the neighbouring property in constant shade all day.	The lot is orientated in a north/south orientation, whilst some overshadowing is likely, it is unlikely that the property would be in constant shade as a result of this development.
	5.4	The submitters ask if this owner (the applicant) is allowed to continue doing what suits him, will he follow the submitted plan for building his house?	The City takes compliance action in accordance with the City's policies and procedures. If the owner has breached the City's Planning or Building guidelines, action can be taken to remedy the situation.
	5.5	The landowner has erected his own retaining walls and prepared the ground works – this has caused some considerable damage to some of the neighbour's houses.	Refer to Administration's comments made in respect to item reference 2.3 above.
	5.6	The retaining walls in the front setback area of the subject land are too high and this does not look appealing. It makes the subject property look closed in as in comparison to the neighbouring properties which are open. Overall, it is an 'eyesore' and there is no feel for a neighbouring community.	Noted.



architecture, landscape + urban design

12 Talybont Bend Butler Western Australia 6036 / T 08 9562 1247 / M 0459 063 681

E dicarch@inet.net.au The Dickie trading as Dickie Architects / ABN 20 743 506 022 Reg No 1345

16th May 2017

The Chief Executive Officer
City of Wanneroo
23 Dundobar Road
Wanneroo
WA 6946

Dear Sir

re: 4 (Lot 337) Nott Place, Yanchep
Application for Retrospective Development Approval

On behalf of our client, Mr Phil Murrin we provide the following justification to support his application for Retrospective Development Approval of the site level and the front and side walls and fences on this property.

As a result of the original hilly, dunal nature of the residential land in Yanchep many houses have retaining walls that are visible from, or that front onto, public areas. Roads are constantly climbing or descending and house frontages are seen from different heights, making small walls huge or reducing the impact of others. This dynamic setting must be kept in the foreground when considering a particular streetscape. Throughout the suburb substantial limestone walls are common and have become a feature of the area, a part of its character.

Nott Place is a good example of this phenomenon. The section of Lefroy Road to the south is fairly level at contour 15 and the entry to Nott Place comes as it starts to rise to a saddle at level 18 just past the junction. Nott Place starts to rise immediately and reaches a steeper section just past the subject site. Overall it rises to contour 23, which in the road length of 100m is a significant slope.

Structures along Nott Place therefore appear taller and more significant when entering the cul-de-sac and less obvious as one descends and leaves the road. The solid garden walls to No 7 and No 9 are dominating because they are at a higher level as one enters the street.

The dune system has also had an effect on house placement. Positioning a home on top of a dune provides elevation and views but requires retaining and results in a dominating structure, exemplified by the house diagonally behind the subject lot at 17 Lefroy Road. This property is raised above the road and has significant retaining walls on the street frontage.

With respect to 4 Nott Place, the original land form rose from a streetfront level below 18 to over 20 in the northwest corner. Clearly slopes make home construction difficult and it is not unreasonable to follow other homes in the area and average out these levels to allow conventional flat pad construction. This has resulted in the intended pad level of 19.2. This process does have an impact on the street frontage, as this application demonstrates.

The current discussion addresses three elements which have already been constructed and therefore their impact can be seen. They are addressed in relation to the relevant clauses from the Residential Design Codes 2015 as set out below. It is relevant to draw attention to clauses dealing with street fences and compare this development not with the houses immediately surrounding it but with those in Yanchep as a whole.

LOT LEVEL

The proposed level of 19.20 is an average of the original site contours. It is in places higher than would comply with the Deemed-to-Comply provisions of Clause 5.3.7 and therefore we request Council to evaluate it in relation to the Design Principles of this Clause which are:

P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/ fill.

P7.2 Where excavation/ fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.

In response to these Principles we provide the following justification:

- This development is like numerous other houses in the area and resolves a portion of sloping dune land into a level development site. The whole suburb responds similarly to the natural topography and requires fill or excavation to the extent necessary for house construction;
- The level of 19.20 is an average of the heights at back and front of the lot and is not overly impacting on the properties adjoining or on the street;
- The next door properties have been developed with a similar logic which has inevitably affected the relationship between all three lots. The original contours of the lot on the west were similar and it has also required retaining on the street boundary. Contours of the lot on the east were lower and this level has been extended across the whole of the lot up to the common boundary so that the height difference is more pronounced;
- Levels at the lot boundaries of the site have been adjusted by neighbours and the levelling of this lot is established in relation to that and to the original contours; and
- Filled and cut areas on this lot respect the natural ground levels in the same manner and to the same extent as surrounding properties and so are in harmony with the locality and appropriate when viewed from the street.

SOUTH RETAINING WALL

A retaining structure is proposed along the south, Nott Place frontage of the lot which does not meet the Deemed-to-Comply provisions of Clause 5.3.8. Council is requested to consider this in relation to the Design Principles of this Clause which are:

P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect neighbouring properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

Clause 5.3.7 is set out above and the Design Principles of 5.4.1 concern visual privacy.

The following justification is provided in relation to these Principles:

- As discussed above, the landscape of this area of Yanchep is varied and there are numerous instances of retaining walls on streetfronts in the area;
- As also mentioned above, the point of view is constantly changing in a vertical direction so that the impact of the retaining walls on this lot varies according to position;
- The retaining wall cannot be stepped back because it is required to be one side of the septic tank structure which has to be located on this side of the lot. This is to the benefit of the lot's residents;
- The wall has been engineered appropriately and has been certified by a qualified Structural Engineer;
- The solid portion of this wall is only slightly higher than that which would be Deemed-to-Comply under Clause 5.2.4; that is 1.2 metres. It makes no difference to the streetscape whether this is a solid portion of a fence or a retaining structure;
- The solid section of wall which slopes from 1.22 to 1.4m above the street level is only slightly higher than 1.2m, which in the context of the area is insignificant;
- In the street context this wall resembles the solid walls across the street frontage of lots further up the street (No 7 and No 9) and due to the landform has less visual impact;
- Above this height a visually permeable fence is proposed which will meet the requirements of Clause 5.2.3 for street surveillance;
- There are no residential properties to the south which might be detrimentally affected; and
- There are no visual privacy issues since the side walls provide the necessary screening to adjacent properties.

EAST RETAINING WALL

A retaining structure is proposed along the east boundary of the lot which does not meet the Deemed-to-Comply provisions of Clause 5.3.8. Council is requested to consider this in relation to the Design Principles of this Clause which are given above.

The following justification is provided in relation to these Principles:

- A swimming pool has been approved on the east of the lot, with a perimeter paving height of 19.20. According to the recently revised Pool Safety requirements a wall that is unclimbable to a height of 1.8m above the level of this pool is to be installed for this section of the boundary;
- The pool wall establishes a datum for the development which dictates the level of the remainder of the wall on this boundary.
- The remainder of the retaining wall is required as a result of the levelling out of the original site contours which was explained above;
- It would be visually disruptive for the walls to step down on either side of the pool section and a lower screen wall would not provide the privacy screening which is required between active habitable spaces; and
- The screen wall and associated retaining structures do not adversely affect the property to the east since the orientation means that a maximum of 2% of the adjoining lot area is overshadowed and there is no interruption to solar access, direct sun or ventilation.

I look forward to your evaluation of this application and would be pleased to provide further justification if required. Please contact the undersigned.

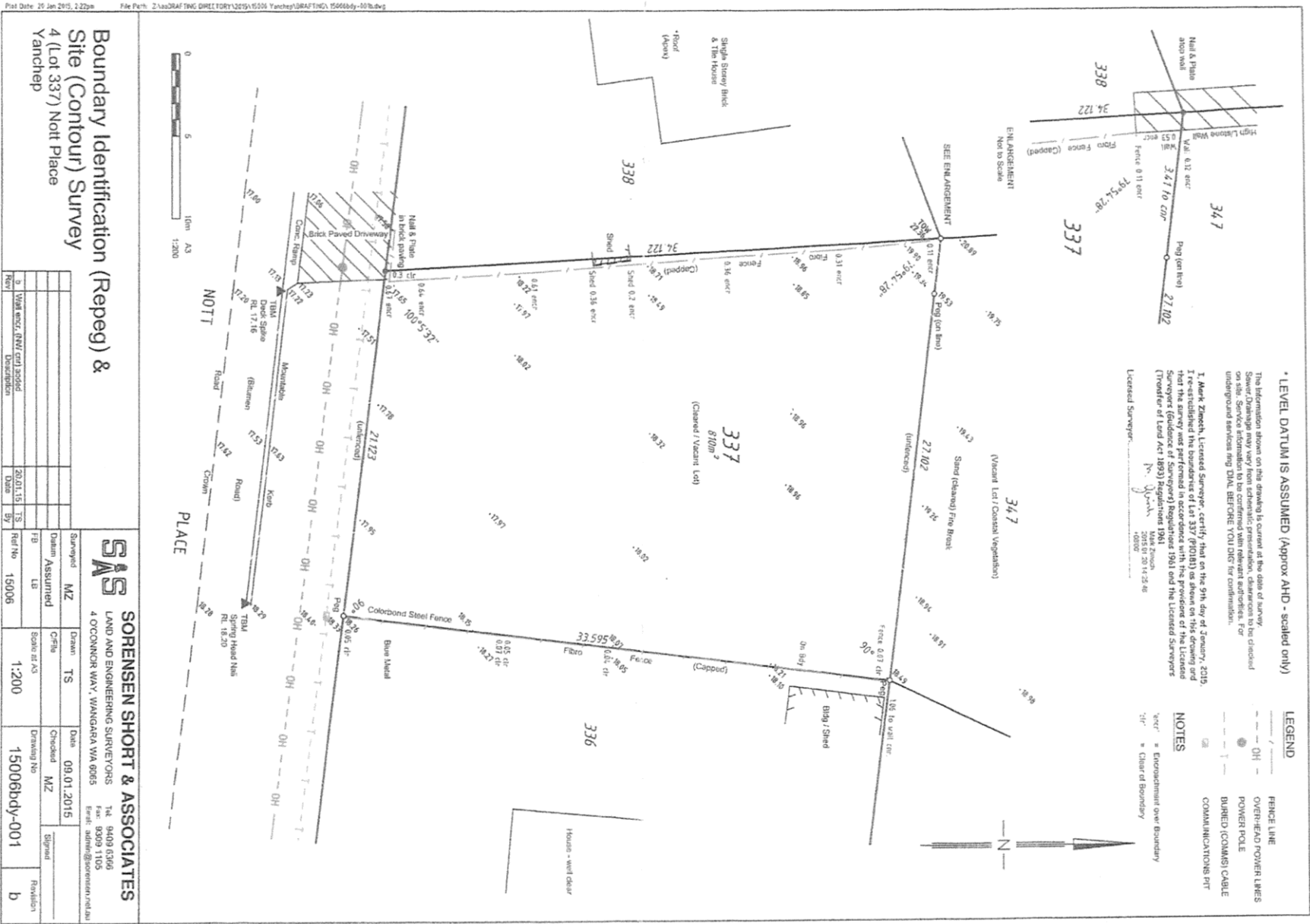
Yours sincerely

Martin Bickel

APPLICANTS SUBMISSION TO SATISFY THE DESIGN PRINCIPLES	ADMINISTRATION RESPONSE
LOT LEVEL - PROPOSED 19.20 AHD(Australian Height Datum)	
R-Code Criteria: <i>"P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill. P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street."</i>	
This development is like numerous other houses in the area and resolves a portion of sloping dune land into a level development site. The whole suburb responds similarly to the natural topography and requires fill or excavation to the extent necessary for house construction.	Noted. However, the R-Code criteria require the applicant to justify that the site responds to the natural features and requires minimal excavation.
The level of 19.20AHD is an average of the heights at back and front of the lot and is not overly impacting on the properties adjoining or on the street.	Administration does not believe that the 19.20AHD is an average of the heights at the back and front of the lot. Please refer to the Assessment against LPP 2.4 in the Council report.
The next door properties have been developed with a similar logic which has inevitably affected the relationship between all three lots. The original contours of the lot on the west were lower and this level has been extended across the whole of the lot up to the common boundary so that the height difference is more pronounced.	Noted. However, the R-Code criteria require the applicant to justify that the site responds to the natural features and requires minimal excavation.
Levels at the lot boundaries of the site have been adjusted by neighbours and the levelling of this lot is established in relation to that and to the original contours	Noted. However, these comments do not appear to satisfy the R-Code design principle criteria.
Filled and cut areas on this lot respect the natural ground levels in the same manner and to the same extent as surrounding properties and so are in harmony with the locality and appropriate when viewed from the street.	Noted. However, the R-Code criteria require the applicant to justify that the site responds to the natural features and requires minimal excavation.
SOUTH RETAINING WALL –	
R-Code Criterion: <i>"P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect neighbouring properties and are designed, engineered and landscaped having regard to clauses 5.3.7 and 5.4.1."</i>	
The landscape of this area of Yanchep is varied and there are numerous instances of retaining walls on streetfronts in the area.	Noted. However, these comments do not argue that the retaining walls will result in land that can be effectively used for the benefit of residents and do not detrimentally affect neighbouring properties.
The point of view is constantly changing in a vertical direction so that the impact of the retaining walls on this lot varies according to position.	Noted. Neighbours could be detrimentally affected according to their position, however, this does not alleviate Administrations concerns that the neighbouring properties maybe adversely impacted.
The wall has been engineered appropriately and has been certified by a Structural	Noted. The applicant has been informed that the certification of the retaining walls

APPLICANTS SUBMISSION TO SATISFY THE DESIGN PRINCIPLES	ADMINISTRATION RESPONSE
Engineer.	was required to satisfy the septic tanks application located in the front setback. Notwithstanding, the retaining wall is required to be certified by a structural engineer under the Building Regulations.
The solid portion of this wall is only slightly higher than that which would be deemed-to-comply under Clause 5.2.4; that is 1.2 metres. It makes no difference to the streetscape whether this is a solid portion of a fence or a retaining structure.	The retaining wall is between 1.325m and 1.61m in height when measured from the NGL. However, the retaining wall will establish a new 19.2AHD across the site which would permit a further 1.2m solid fence on top of the existing retaining wall.
The solid section of wall which slopes from 1.22 to 1.4m above the street level is only slightly higher than 1.2m, which in the context of the area is insignificant;	Please refer to comments above.
In the street context this wall resembles the solid walls across the street frontage of lots further up the street (No.7 & 9) and due to the landform has less visual impact.	The type of fences approved in the examples given appears to have been built several decades ago and are inconsistent with modern planning principles. Administration notes the application is for a retaining wall and if this were to be considered appropriate an additional 1.2m solid fence could be placed on top of the retaining wall.
Above this height a visually permeable fence is proposed which will meet the requirements of Clause 5.2.3 for street surveillance.	Please refer to the comments above, noting a fence is not proposed as part of this application.
There are no residential properties to the south which might be detrimentally affected.	The additional height of the retaining walls and fills are contrary to the specifications and provisions of both LPP 2.4 and the R-Codes. The southern (front) retaining wall is inconsistent with the existing streetscape as referred to in the council report.
There are no visual privacy issues since the side walls provide the necessary screening to adjacent properties	Noted. However, privacy to adjoining neighbours cannot be properly assessed until an application for a dwelling is submitted.
EAST RETAINING WALL – R-Code Criterion: <i>“P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect neighbouring properties and are designed, engineered and landscaped having regard to clauses 5.3.7 and 5.4.1.”</i>	
A swimming pool has been approved on the east of the lot, with a perimeter paving height of 19.20AHD. According to the recently revised Pool Safety requirements a wall that is unclimbable to a height of 1.8m above the level of this pool is to be installed for this section of the boundary.	Administration does not concur with the comment the swimming pool formwork has been approved to a height of 19.20AHD as referred to in the Background section of the report. The AHD for the site was considered at the State Administrative Tribunal who determined that the site was not approved for fill at 19.20AHD. Administration believes that the swimming pool formwork is approved at 18.70AHD as referred to in the council report.
The pool wall establishes a datum for the development which dictates the level of the remainder of the wall on this boundary.	Not applicable (see above)

APPLICANTS SUBMISSION TO SATISFY THE DESIGN PRINCIPLES	ADMINISTRATION RESPONSE
The remainder of the retaining wall is required as a result of the levelling out of the original site contours which was explained above.	The applicant has levelled out the original site contours without applying for planning approval - this does not obligate the City to approve the eastern retaining wall.
It would be visually disruptive for the walls to step down on either side of the pool section and a lower screen wall would not provide the privacy screening which is required between active habitable spaces.	Administration does concur with the comment that the swimming pool formwork has been approved to 19.20AHD, please refer to the Background section of the council report.
The screen wall and associated retaining structures do not adversely affect the property to the east since the orientation means that a maximum of 2% of the adjoining lot area is overshadowed and there is no interruption to solar access, direct sun or ventilation.	The north-south orientation of the lot limits the amount of overshadowing to adjoining properties. Solar access to adjoining properties is consistent with the specifications permissible in the R-Codes, noting that the provisions do not include the overshadowing of adjoining fences.



Assets

Asset Operations & Services

3.3 Highclere Boulevard and Hepburn Avenue Intersection Upgrade

File Ref:	3120V03 – 17/206774
Responsible Officer:	Director Assets
Disclosure of Interest:	Nil
Attachments:	3

Issue

To consider the detailed design and cost estimate for constructing a roundabout at the intersection of Highclere Boulevard and Hepburn Avenue, Marangaroo. **Attachment 1;** shows a locality plan of the area.

Background

Council, at its meeting of 24 May 2016, considered Item No AS06-05/16 on safety improvements at the intersection of Highclere Boulevard and Hepburn Avenue and resolved as following:

"That Council:

- 1. DOES NOT ENDORSE the proposed Intersection Modifications - Option B, for the intersection of Highclere Boulevard and Hepburn Avenue, Marangaroo as shown in City Drawing No.'s 3252-3-0;*
- 2. REQUESTS administration to undertake a detailed design and prepare cost estimate for the proposed Intersection Modifications - Option C, for the intersection of Highclere Boulevard and Hepburn Avenue, Marangaroo as shown in City Drawing No.'s 3252-1-0 and SEEKS a further report by December 2016; and*
- 3. LISTS \$25,000 for the detailed design of the Intersection Modification for the intersection of Highclere Boulevard and Hepburn Avenue, Marangaroo in 2016/17 Capital Works Program"*

Following Council's resolutions, \$25,000 was listed in the City's 2016/2017 Capital Works Program for undertaking a detailed design of the modification of the intersection of Highclere Boulevard and Hepburn Avenue, however due to Western Power delay in providing a quote to the City, the report could not be presented to Council earlier.

Detail

The Highclere Boulevard and Hepburn Avenue intersection is currently constructed as a standard T-intersection with a seagull island in the median of Hepburn Avenue. The area around this intersection is predominantly residential with a small market garden abutting the northern side of Hepburn Avenue. This intersection was substantially modified in June 2012 to facilitate a dual carriageway on Hepburn Avenue which is now a dual carriageway 'District Distributor A' road with two lanes in each direction running east-west, carrying approximately 26,000 vehicles per day and operating with the posted speed limit of 70km/h. Highclere Boulevard is a 'Local Distributor' road in the City's Functional Road Hierarchy and is constructed as a dual carriageway with one lane in each direction, carrying approximately 8,800 vehicles per day and operating under the default *Built Up Area* speed limit of 50 km/h.

In line with Council Resolution 2 above, Administration has undertaken a detailed design and prepared a cost estimate for the proposed intersection modifications - Option C, construction

of a roundabout. Refer **Attachment 2**, Drawing No 3252-16-A. While Austroads design guidelines recommends using a circular central island in a roundabout to manage the speed through the roundabout, this could not be achieved in this instance due to constraints in the road reserve width. An elliptical shaped central island has therefore been considered for the roundabout design similar to the roundabout constructed by MRWA at the intersection of Marmion Avenue and Mullaloo Drive as shown in **Attachment 3**.

Considering the non-standard shape of the roundabout, a third party independent road safety audit has been undertaken to review the safety aspects of the detailed design, and the recommendations of the audit have been incorporated as part of finalising the design. The estimated cost for the construction of the designed roundabout is \$1.2M. Based on this cost estimate, Administration undertook a Benefit Cost Ratio (BCR); analysis utilising Main Roads crash data based on the previous five year period ie. 2012 to 2016. The BCR analysis produced a result of 0.68, i.e. for the cost of \$1 the benefit received will be \$0.68. The layout of this intersection was modified in June 2012 as part of the dual carriageway construction on Hepburn Avenue. Therefore the first six months of this data does not apply to the current intersection layout.

Consultation

Consultation with relevant internal and external stakeholders including Western Power has been conducted in developing the roundabout design. No community consultation has been at this stage in preparing this report. If Council resolves to proceed with the project, the adjacent affected residents and businesses will be informed about the decision prior to the project delivery which will be subject to allocation of funding in the Long Term Capital Works Program.

Comment

Council has considered two alternative options in the previous report to improve the safety at this intersection that were not accepted:

- Option A closed off the right hand turn from Highclere Boulevard into Hepburn Avenue (estimated cost - \$80,000 and BCR of 5.29). However, this option reduced the functionality of the intersection.
- Option B was to move the right turn slip lane in Hepburn Avenue south, further into the median to improve the sight lines for traffic turning right from Highclere Boulevard on to Hepburn Avenue (estimated cost - \$190,000 and BCR of 0.47). This BCR is less than Option C installation of a roundabout treatment with a BCR of 0.68.

Although the BCR for the roundabout treatment is unlikely to secure Black Spot Funding as a routine application, this project can be submitted for funding in accordance with the Road Safety Audit (RSA) Stream for funding in the 2019/20 Black Spot Funding round. In November 2015, the City engaged consulting engineers Cardno to perform a Traffic Analysis and Feasibility Study for the intersection of Highclere Boulevard and Hepburn Avenue. Although this report is not strictly a RSA it addresses both the effect on traffic flow and the safety aspects of the existing intersection and the proposed treatment options. The probability of a successful funding application for this project is estimated as low to medium and depending on the other application submitted may be successful in receiving funding.

The construction of a roundabout at the intersection of Highclere Boulevard and Hepburn Avenue will result in three roundabouts on Hepburn Avenue within a distance of one kilometre and will impact the Level of Service for through traffic on Hepburn Avenue. The distance between each of these three intersections is approximately 405metres. Although this is closer than desirable for consecutive roundabouts on a District Distributor road, the

impact on the level of service for through traffic should not be significant while the level of service for Highclere Boulevard will improve significantly.

While constructing a roundabout at the Highclere Boulevard and Hepburn Avenue intersection is considered a high cost (\$1,200,000) with low BCR (0.68) option, this remains the most suitable option for improving safety at the intersection. It is expected to address the greatest number of crash types, and giving the best overall level of service for traffic movements through this intersection.

Statutory Compliance

Nil

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“3 *Environment (Built)*

3.5 *Connected and Accessible City*

3.5.1 *Deliver local transport infrastructure including roads, footpaths and cycle ways to improve accessibility”*

Risk Management Considerations

There are no existing Strategic or Corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Policy Implications

Nil

Financial Implications

The cost to undertake works to construct a roundabout at Highclere Boulevard and Hepburn Avenue is estimated to be in the order of \$1,200,000. The City will submit a Black Spot Funding application for 2019/20 on the basis of a Road Safety Audit Project. Depending on the outcome of the application, the City may be required to fund one third (being \$400,000) to the full cost (being \$1,200,000) of the project cost. It is noted that this project is not listed in the City's Draft Long Term Capital Works Program.

Voting Requirements

Simple Majority




Recommendation

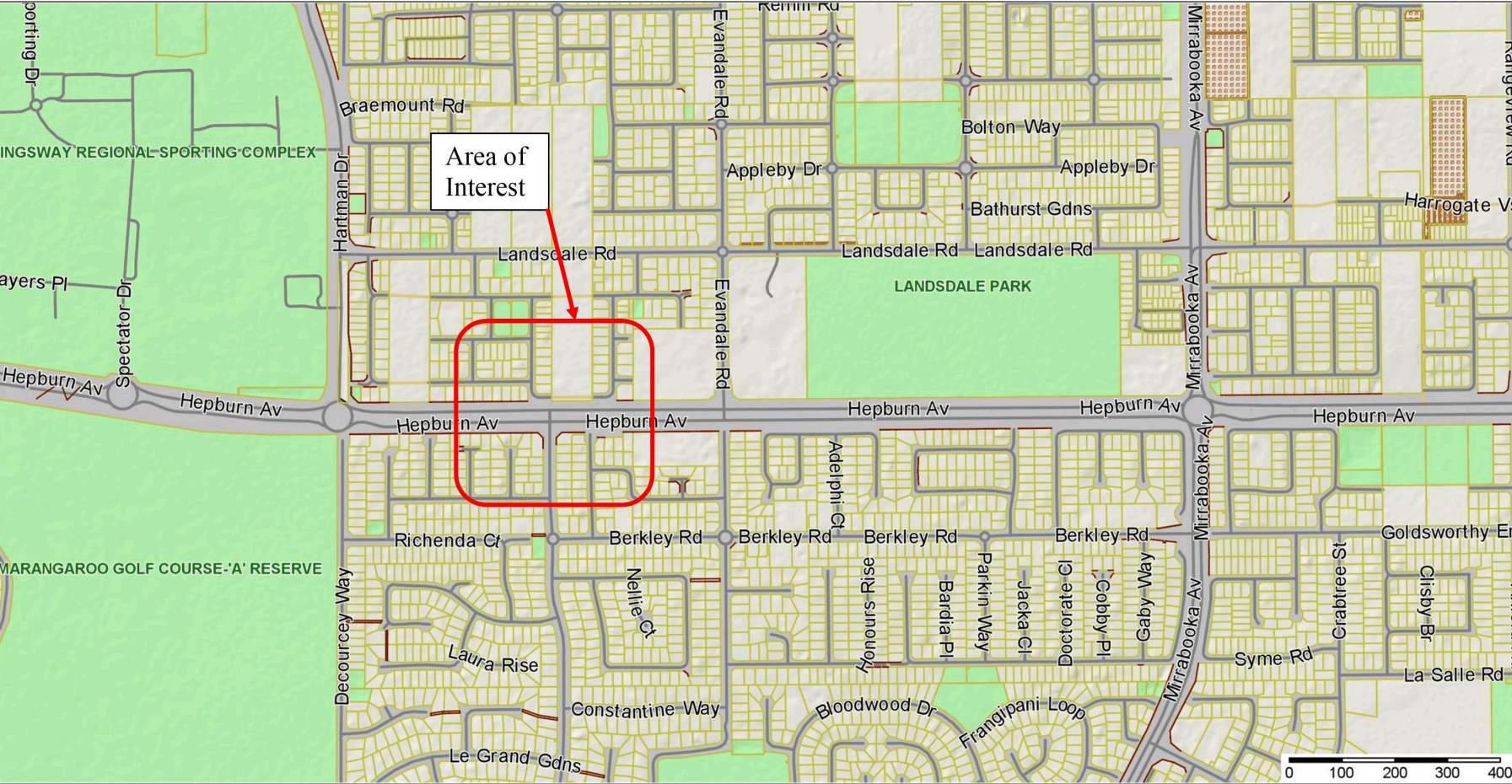
That Council:-

1. **RECEIVES** the detailed design and **NOTES** cost estimate of \$1,200,000 for the construction of a Roundabout at the intersection of Highclere Boulevard and Hepburn Avenue, Marangaroo as shown in the drawing No. 3252-16-A (Attachment 2);
2. **REQUESTS** Administration to submit a Road Safety Audit stream Blackspot funding application for 2019/20 for the construction of a roundabout at the intersection of Highclere Boulevard and Hepburn Avenue, Marangaroo; and

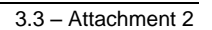
3. **LISTS \$1,200,000 for consideration in the Long Term Capital Works Program to construct a Roundabout at the intersection of Highclere Boulevard and Hepburn Avenue, Marangaroo noting that the project priority will be dependent on the outcome of the funding application noted in Item 2 above.**

Attachments:

- | | | | |
|---|---|------------------|----------------|
| 1  | <i>Highclere Boulevard and Hepburn Avenue Intersection Locality Plan.</i> | <i>17/280362</i> | |
| 2  | <i>Hepburn Avenue Highclere Boulevard - Proposed Roundabout Drawing - 3252-16-A</i> | <i>17/280522</i> | <i>Minuted</i> |
| 3  | <i>Intersection of Marmion Avenue and Mullaloo Drive aerial photograph</i> | <i>17/207764</i> | |



	<p>© Landgate WA, Neamaps, OpenStreetMaps contributors While every care is taken to ensure the accuracy of this product, City of Wanneroo and the Local/State/Federal Government departments and Non-Government organisations whom supply datasets, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damage (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason. www.openstreetmap.org/copyright</p>	Highclere Boulevard and Hepburn Avenue Intersection Locality Plan.	Date: 23/08/2017	
			Printed by Kevin White	
			Scale = 1:10307	



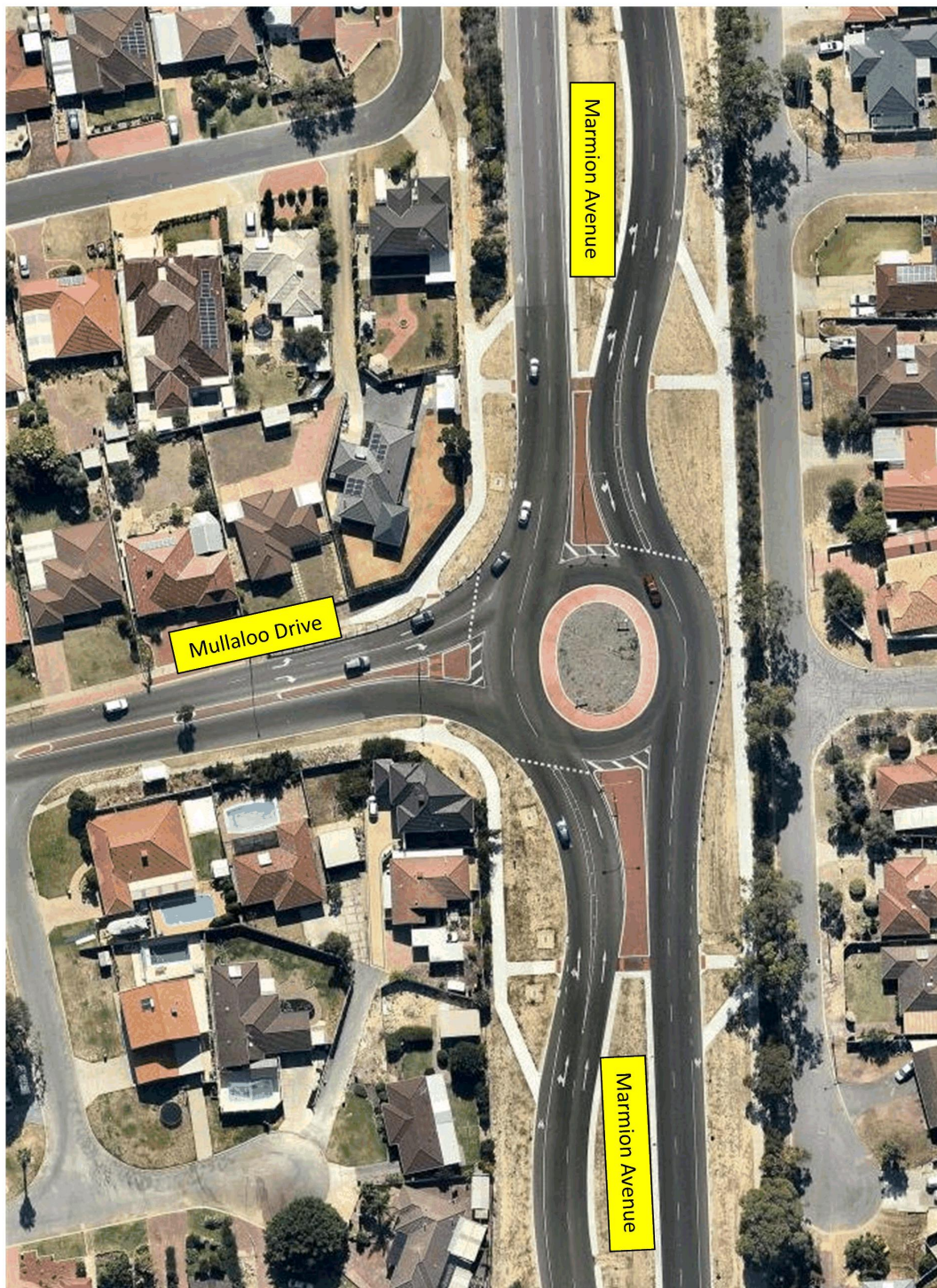


Fig: Intersection of Marmion Avenue and Mullaloo Drive

Assets Maintenance

3.4 Tender No. 17077 - Quinns Beach Long Term Coastal Management Works

File Ref: 24685 – 17/258379
Responsible Officer: Director Assets
Disclosure of Interest: Nil
Attachments: 1

Issue

To consider Tender No. 17077 for the Quinns Beach Long Term Coastal Management Works.

Background

The Quinns Rocks coastline has been subject to ongoing erosion over many years. The City has actively managed these erosion issues since 1996 via coastal engineering investigations, data collection, construction of coastal protective structures and ongoing coastal inspections and maintenance. Implementation of additional coastal management measures are required to address these issues in the longer term and reduce the risk of damage to public and private assets.

The Quinns Beach Long Term Coastal Management Study commenced in September 2014 with the appointment of coastal engineering consultant, Cardno and was completed and received by Council at its meeting on 4 April 2017, Item No AS02-04/17 refers, and resolved to:

- “1. *RECEIVES the Stage 3 Report and Detailed Design prepared by Cardno for the Quinns Beach Long Term Coastal Management Study;*
2. *APPROVES the following staging of Quinns Beach Long Term Coastal Management Works:*
 - *2017/18: Construction of Groyne 4, beach re-nourishment and construction of a beach access ramp;*
 - *2018/19: Extension of Groyne 2 and beach re-nourishment; and*
 - *2019/20: Extension of Groyne 3 and beach re-nourishment;*
3. *NOTES the funding submission submitted to the State Government in December 2016 for the Quinns Beach Long Term Coastal Management Works and REQUESTS the Mayor to write to the State Government seeking a response as a priority to enable delivery of the Project as per Resolution No. 2;*
4. *AUTHORISES Administration to prepare tender documentation and advertise for the construction of the Quinns Beach Long Term Coastal Management Works, staged over three years commencing 2017/18 including:*
 - *2017/18: Construction of Groyne 4, beach re-nourishment and construction of a beach access ramp;*
 - *2018/19: Extension of Groyne 2 and beach re-nourishment; and*
 - *2019/20: Extension of Groyne 3 and beach re-nourishment;*
5. *AUTHORISES Administration to prepare tender documentation and advertise for the design and construction of pedestrian beach access staircases south of Groyne 1 and at Waterland Point with construction works to be undertaken in 2017/18;*

6. *APPROVES the allocation of a further \$1.8M in 2018/19 and \$1.7M in 2019/20 from the Strategic Projects/Initiatives Reserve for Stages 2 and 3 of the Quinns Beach Long Term Coastal Management Works respectively; and*
7. *REQUESTS Administration to prepare Coastal Adaptation and Protection Grant Funding submissions to the Department of Transport for the Quinns Beach Long Term Coastal Management Works."*

The Quinns Beach Long Term Coastal Management Study has greatly increased the understanding of local sand transport along the Quinns Rocks coastline through the collection and analysis of local met-ocean data and the development of coastal numerical models. This technical investigation, along with a comprehensive community engagement programme, has enabled the selection of the most appropriate option to address the ongoing coastal erosion issues. The recommended option includes the extension of Groyne 2 (middle groyne) and Groyne 3 (northern groyne) and construction of a new groyne (Groyne 4). The extended and additional groynes will result in additional sand to be trapped within the coastal compartments created by the groynes as the sand moves along the coast, resulting in a wider beach and buffer against erosion events during winter storms. This option also allows the City to maintain the existing Quinns Beach carpark which will assist in meeting the future parking demands for this popular section of coast.

Coastal construction works will be staged over three years as follows:

- Construction Stage 1 (2017/18) – Construction of Groyne 4, Beach Re-nourishment (8,400 m³), Groyne 4 Beach Access Ramp and all associated works;
- Construction Stage 2 (2018/19) – Extension of Groyne 2 by 45m, Beach Re-nourishment (14,400 m³) and all associated works; and
- Construction Stage 3 (2019/20) – Extension of Groyne 3 by 15m, Beach Re-nourishment (10,800 m³) and all associated works.

This staged construction approach will enable construction works to be restricted to calm weather periods during the summer season, limit interruption to beach users and assist with budgeting requirements by allowing annual funding submissions to the State Government. It will also enable coastal monitoring to be undertaken between construction stages to assess the on-site impacts of each new or extended groyne structure prior to commencement of the subsequent construction stage.

This report considers the outcome of Tender No. 17077 for the Provision of Major Works for Quinns Beach Long Term Coastal Management Works.

Detail

Tender No. 17077 for the Provision of Major Works for Quinns Beach Long Term Coastal Management Works was advertised on 1 July 2017 and closed on Tuesday 8 August 2017. A copy of the Request for Tender document is available in the Elected Members Reading Room.

Five addenda were issued during the tender period relating to technical queries raised by tenderers prior to and during a non-mandatory contractor site meeting held on 1 August 2017.

Essential details of the proposed contract are as follows:

Item	Detail
Contract Form	Construction: Major (CoW amended AS4000-1997)
Contract Type	Lump Sum

Item	Detail
Contract Duration	3 years
Commencement Date	1 November 2017
Practical Completion Dates	Construction Stage 1 (estimated) April 2018 Construction Stage 2 (estimated) April 2019 Construction Stage 3 (estimated) April 2020
Extension Permitted	No
Defects Liability	12 months from Practical Completion of each Construction Stage.

Tender submissions were received from the following:

- Neo Infrastructure Pty Ltd;
- WA Limestone and Italia Stone Group Joint Venture;
- Delta Civil (WA) Pty Ltd; and
- D. B. Cunningham Pty Ltd t/a Advantesting Civil Engineers.

Alternative tenders were also received from Neo Infrastructure Pty Ltd and WA Limestone and Italia Stone Group Joint Venture. Upon review of the alternative tenders by the City, Department of Transport and coastal engineering consultant, Cardno, these proposals were determined to be unacceptable from a coastal engineering design and maintenance perspective.

The Tender Evaluation Panel comprised:

- Manager Assets Maintenance, Assets Maintenance;
- Project Manager Coastal Projects, Assets Maintenance;
- Project Manager Infrastructure Projects, Infrastructure Capital Works; and
- Occupational Safety & Health Officer, People and Culture.

Oversight to the tender assessment process was undertaken by the City's Contracts Officer.

Tender submissions were evaluated in accordance with the following selection criteria:

Item No	Description	Weighting
1	Price for Works	30%
2	Methodology	15%
3	Demonstrated Experience in Similar Works	35%
4	Safety Management	20%

Specific details are provided below under each selection criterion.

Evaluation Criteria 1 - Price for Works (30%)

Evaluation of this criterion was based on the total lump sum price of all three construction stages (Schedule 1 – Price Schedule) in conforming tender submissions. A summary of the pricing has been prepared, refer **Attachment 1**. The lump sum price ranking is summarised below:

Tenderer	Ranking
Delta Civil (WA)	1
Advantesting Civil Engineers	2
Neo Infrastructure	3
WA Limestone and Italia Stone Group Joint Venture	4

Evaluation Criteria 2 - Methodology (15%)

The tenderer's understanding of the scope of works was assessed through the methodology provided in tender submissions. This included assessment of construction programme and methodology statements in relation to the main components of the works including clearing/earthworks, groyne construction, beach re-nourishment, beach access ramp construction and dune rehabilitation.

WA Limestone and Italia Stone Group Joint Venture provided a detailed construction methodology statement covering the main components of the works whilst identifying certain construction challenges. This provided a good indication of the tenderer's understanding of the proposed scope of work. Their methodology along with the submitted detailed construction programme provides assurances that the scope of works could be undertaken as proposed and to a high standard.

Advanteering Civil Engineers and Delta Civil both provided detailed construction methodologies addressing the main components of the proposed scope of works. Certain details of Advanteering's methodology appeared to be more suited to protected waters rather than an open coastal environment. Delta Civil's methodology provided sufficient detail and understanding of the scope, however a detailed construction programme was not provided in their tender submission.

Neo Infrastructure provided a detailed construction methodology, however their submission indicated their unwillingness to conform to the groyne design and construction as detailed within the scope of works. Alternative methodologies were provided for substitute groyne construction, however no assurances were provided to confirm the suitability of either method.

The assessment of this criterion has resulted in the following ranking:

Tenderer	Ranking
WA Limestone and Italia Stone Group Joint Venture	1
Advanteering Civil Engineers	2
Delta Civil (WA)	2
Neo Infrastructure	4

Evaluation Criteria 3 - Demonstrated Experience in Similar Works (35%)

The tenderer's relevant experience in recent similar works was assessed for both the company and nominated personnel for the project. This was based on assessment of staff CV's, descriptions of recent relevant projects and company capability statements.

WA Limestone and Italia Stone Group Joint Venture provided examples of extensive experience in the construction of rock armoured coastal protection works throughout Western Australia. All examples of recent similar works are relevant to the proposed works and groynes similar in design to that proposed at Quinns Beach have been constructed successfully in an active coastal environment.

Neo Infrastructure's submission provides examples of coastal protection construction projects. Although numerous examples of sandbag construction projects are detailed, rock armour construction experience is also demonstrated sufficiently. Neo Infrastructure demonstrated successful completion of a number of coastal protection works in active coastal environments and provided evidence of positive feedback from Clients.

Advanteering Civil Engineers submission demonstrated noteworthy marine construction experience. Relevant projects however were not undertaken in an exposed and active wave environment. Therefore, the difficulties that are likely to be encountered during construction

at Quinns Beach due to wave action have not previously been experienced by Advanteering based on their tender submission.

Delta Civil has provided an indication of coastal construction experience through the involvement of two of their staff members in previous breakwater projects. It was unclear from their submission as to the extent and their involvement of those works. Their submission acknowledges that Delta Civil as a company have not had previous direct experience in the construction of groynes.

The assessment of this criterion has resulted in the following ranking:

Tenderer	Ranking
WA Limestone and Italia Stone Group Joint Venture	1
Neo Infrastructure	2
Advanteering Civil Engineers	3
Delta Civil (WA)	4

Evaluation Criteria 4 - Safety Management (20%)

Evidence of safety and quality management systems was assessed from the tender submissions. The assessment for safety management was based on the tenderers' responses to an Occupational Health and Safety Management System Questionnaire and supporting documentation included within the tender documentation.

WA Limestone and Italia Stone Group Joint Venture, Neo Infrastructure and Delta Civil (WA) all scored equally under this evaluation criterion and provided details of very good safety management systems along with evidence of completed safety documentation and application on site during previous relevant projects.

Advanteering Civil Engineers also provided evidence of a very good safety management system, however example safety documentation were not directly applicable to high risk works in a coastal/open ocean environment and they were subsequently scored lower on this basis.

The assessment of this criterion has resulted in the following ranking:

Tenderer	Ranking
WA Limestone and Italia Stone Group Joint Venture	1
Neo Infrastructure	1
Delta Civil (WA)	1
Advanteering Civil Engineers	4

Overall Weighted Assessment and Ranking

Tenderer's submissions were reviewed in accordance with the Tender Evaluation Plan with the following key observations:

- The key component of the tender evaluation is demonstrated experience (35%) and price (30%); and
- The tenderers' bids were evaluated in accordance with the selection criteria and were assessed as having the necessary resources, previous experience, capability and safety and quality management systems to undertake the tender.

The overall weighted assessment resulted in the following tenderer ranking:

Tenderer	Ranking
WA Limestone and Italia Stone Group Joint Venture	1
Delta Civil (WA)	2
Neo Infrastructure	3
Advanteering Civil Engineers	4

Consultation

Community Engagement

The Quinns Rocks community was engaged via a comprehensive community consultation programme throughout the Quinns Beach Long Term Coastal Management Study. Community feedback was used in the assessment of coastal management options and selection of the recommended option.

The Quinns Beach Long Term Coastal Protection Community Reference Group continues to meet on a regular basis to discuss project milestones and provide community input into future plans for implementation of coastal management measures. The group will be updated with the outcome of the tender process at a future meeting after the tender award. The local community will also be advised of the construction program at each stage of the works by way of on-site signage and letters.

Department of Transport

The Department of Transport (DoT) has provided assistance throughout the Quinns Beach Long Term Coastal Management Project including comments on the consultancy scope of work, involvement in tender evaluation and clarifications, attendance at key meetings with the City and review of technical documentation. DoT has also provided data necessary for the Quinns Beach Long Term Coastal Management Study including hydrographic survey data and met-ocean data and financial assistance through the Coastal Adaptation and Protection (CAP) Grant programme described below.

Comment

The tender submission from WA Limestone and Italia Stone Group – Joint Venture achieved the highest overall ranked score in accordance with the assessment criteria and weightings as detailed in the Tender Evaluation Plan. The tender submission was therefore shortlisted for further consideration.

During the tender evaluation process, discussions between the City of Wanneroo, Department of Transport and coastal engineering consultant, Cardno, identified that minor changes to the groyne design could result in a simpler construction process, safer working environment and potential cost saving for the City. Following the initial shortlisting of a preferred tenderer, a workshop was then held on 28 August 2017 between the City, Department of Transport, Cardno and representatives from the shortlisted tenderer (WA Limestone and Italia Stone Group – Joint Venture) to determine whether the minor design changes would compromise the coastal engineering stability of the structure or long term maintenance requirements for the City. The minor change to the groyne design was agreed at the workshop and is as follows:

- Offshore section of all groynes: - replacement of geotextile at the groyne toe with the extension of secondary armour material beneath the primary armour; and
- Areas where limestone bedrock is found – primary armour is to be trenched into the existing limestone bedrock.

Updated groyne design drawings were then developed and provided to the shortlisted tenderer for their consideration of a revised pricing schedule and methodology statement based on the minor design modifications. The financial implications of this minor variation based on updated Price Schedules provided by the shortlisted tenderer, WA Limestone and Italia Stone Group Joint Venture are included in Attachment 1.

This minor design change is recommended to be adopted as a minor variation before entry into Contract in accordance with the Local Government (Functions and General) Regulations 1996, Part 4, Division 2, Regulation 20 (1); "Variation of requirements before entry into contract".

It is therefore recommended to accept the WA Limestone and Italia Stone Group Joint Venture tender for Tender No. 17077 for the Provision of Major Works for Quinns Beach Long Term Coastal Management Works, subject to a minor variation before entry into Contract as identified above.

Statutory Compliance

Tenders were invited in accordance with the requirements of Section 3.57 of the *Local Government Act 1995*. The tendering procedures and evaluation complied with the requirements of Part 4 of the *Local Government (Functions and General) Regulations 1996*.

The following approvals and advice has been sought from the following State Government agencies with regards to the implementation of the Quinns Beach Long Term Coastal Management Project:

- Department of Planning – Confirmation has been received that a Development Application is not required for these works since all works fall within the definition of "public works" as per Section 2 of the Public Works Act.
- Department of Lands – Advice from the Department of Lands indicates that granting of tenure to encompass the groyne boundaries will require further discussion with the Department of Lands legal department to confirm the process. However, no delays are anticipated and issues are expected to be resolved by the end of October 2017.
- Department of Environment Regulation – Confirmation of the Clearing Permit Approval has been received.
- Department of Aboriginal Affairs – Confirmation has been received that there are no Registered Aboriginal Heritage Sites within the boundary of the proposed coastal management works at Quinns Beach.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“3 *Environment (Natural)*

3.1 *Resource Management*

3.1.1 *Minimise impacts of climate change”*

“3 *Environment (Natural)*

3.2 *Enhanced Environment*

3.2.1 *Maximise the environmental value of beaches, nature reserves and parklands”*

Risk Management Considerations

Risk Title	Risk Rating
ST-S06 Climate Change	High
Accountability	Action Planning Option
Director Planning and Sustainability	Manage

Risk Title	Risk Rating
CO-022 Environmental Management	High
Accountability	Action Planning Option
Director Planning and Sustainability	Manage

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic/Corporate risk registers. Action plans have been developed to manage/mitigate/accept this risk to support existing management systems.

It is noted that the ongoing coastal erosion risks pending the implementation of the Quinns Beach Long Term Coastal Management works are being managed via ongoing monitoring and implementation of coastal maintenance works, such as beach re-nourishment, and emergency coastal protection works as required.

Social and Environmental Considerations

Social considerations have been addressed during the Quinns Beach Long Term Coastal Management Study via a comprehensive community consultation process which provided community input into the assessment of coastal management options and selection of the recommended option.

Disabled access was considered as part of the assessment of beach access options, however due to cost and site constraints, universal access to Groyne 4 was not possible. However, the existing beach access ramp at the southern end of Quinns Beach in front of the Quinns Mindarie Surf Life Saving Club provides universal access to the beach.

Environmental impacts have been considered in the scope of the works to ensure that disturbance to dune habitat is minimised. The coastal management option provides protection to coastal assets landward of the beach which includes existing flora and fauna. Also, any areas of cleared/disturbed dune vegetation will be rehabilitated with matting and planting of native dune species. The City is awaiting confirmation of its clearing permit for the works with the Department of Environment Regulation, however no issues are anticipated.

Broader Economic Impact Implications for the City of Wanneroo

Completion of the proposed Contract Works will provide additional coastal protection to the public and private coastal assets along the Quinns Rocks coastline. This will help to improve beach amenity and potentially increase the number of visitors to the area. Resulting benefits to small businesses and adjacent property values may result from the completion of the proposed works which may also increase the tourism value of the area.

The WA Limestone and Italia Stone Group Joint Venture has advised that the majority of limestone and sand required for these works will be sourced from the local quarries; and 10 employees proposed to be working on this project live locally. In addition, other material and resources are proposed to be acquired from the Perth Metropolitan area.

Financial and Performance Risk**Financial Risk**

A financial risk assessment was undertaken as part of the tender evaluation process and the outcome of this independent assessment by Corporate Scorecard Pty Ltd advised that the WA Limestone and Italia Stone Group Joint Venture submission was assessed with only a marginal financial capacity to meet the requirements of the contract. The Corporate Scorecard report identified a number of further options/recommendations to be considered including the following:

- Security be obtained in the form of a Bank Guarantee or Surety Bond from a suitable Tier 1 issuer with an investment grade credit rating, for the duration of the contract and any warranty/defects liability period.
- Given the proposed contract would represent a high level of exposure to the subject, it should provide evidence of sufficient operational resources to undertake the contract. If there is to be a material reliance on a subcontractor(s), we recommend that an assessment be undertaken on the subcontractor(s).
- Given that the proposed contract represents a high level of exposure, we recommend that prompt payments are made by the client to ensure the subject's cash flow is not materially impacted.
- Consideration should also be given to undertaking a financial assessment on the separate corporate partners, PMR Quarries Pty Ltd and Italia Stone Group Pty Ltd to determine their financial capacity to support the contract being tendered for by the subject.
- As the proposed contract is multi-year, we recommend that if the contract is to be awarded to the subject a reporting covenant be imposed requiring the subject to participate in an ongoing financial monitoring regime throughout the course of the contract, requiring the provision of financial statements and other information to support ongoing financial reviews (at the request of the principal). A termination clause should be included in the event of an unsatisfactory assessment.

The reason for the Corporate Scorecard assessment result is considered a consequence of limited recent joint venture works being undertaken by the respective companies. The City has undertaken the following steps to implement the recommendations from the Corporate Scorecard report:

- A security in the form of a Bank Guarantee is to be obtained as a condition of the contract award;
- Evidence has been received of the organisational resources to undertake the major construction elements of the works as outlined within the tender. There is only a small component of works to be delivered by nominated sub-contractors, including landscaping, fencing and concrete works;
- The City will ensure prompt payment of invoices in accordance with the timeframes as indicated in the general conditions of contract;
- Separate independent assessments by Corporate Scorecard Pty Ltd were undertaken on the two individual companies forming the joint venture. The outcome of these individual assessments indicated that PMR Quarries Pty Ltd as Trustee for WA Limestone Unit Trust and Italia Stone Group Pty Ltd each have a "very strong" financial capacity to meet the requirements of the contract; and
- A reporting covenant is being imposed throughout the contract enabling the City to request ongoing financial monitoring.

Performance Risk

Independent reference checks with the Department of Transport have also indicated that WA Limestone and Italia Stone Group Joint Venture has a very good standard of work, can complete projects on time and on budget and are recommended for similar projects.

Policy Implications

The Quinns Beach Long Term Coastal Management Study has been undertaken with consideration of the State Coastal Planning Policy 2.6 (SPP 2.6) and the City's Local Planning Policy 4.21 – Coastal Assets Policy.

Tenders were invited in accordance with the requirements of the City's Purchasing Policy.

The Coastal Protection Policy for Western Australia is now obsolete and the Department of Transport is nearing completion of a review process which will produce a new document summarising State Government's role with regards to coastal hazard management. Meanwhile, the Department of Transport has been kept well informed throughout the study with involvement in technical reviews and funding via the Coastal Adaptation and Protection Grants programme.

Financial Implications

Based on the recommended tenderer's lump sum price, 2017/18 expenditure and commitments, adopted Capital Works Budget for 2017/18, approved grant funding and allocated Capital Works Budget in the Long Term Capital Works Program, the project cost/estimated expenditure for implementation of the Quinns Beach Long Term Coastal Management Works is summarised below.

PR-2561 (2017/18 to 2019/20)

Description	Expenditure	Budget
Budget:		
Adopted Capital Works Budget for 2017/18 (PR-2561)		\$2,950,000
Approved State Government Grant Funding for 2017/18		\$299,212
Capital Works Budget 2018/19 (PR-2561) - Listed		\$2,800,000
Capital Works Budget 2019/20 (PR-2561) - Listed		\$1,700,000
Expenditure:		
Expenditure for the period 1 July 2017 to date	\$1,241	
Commitment to date	\$9,500	
Project Management Fees	\$250,000	
Coastal Management Works based on recommended tender price (Tender No. 17077) including minor variation before entry into Contract	\$6,766,245	
Estimated Cost for 2 Beach Access Staircases at Quinns Beach (Tender No. 17076, Tender evaluation is underway)	\$500,000	
Contingency	\$220,000	
Total Estimated Expenditure	\$7,746,986	
Total Funding commitment/allocation for PR-2561		\$7,749,212

The City of Wanneroo recently received approval for two 2017/18 Coastal Adaptation and Protection (CAP) Grants in June 2017, one of which relates to Stage 1 of the Quinns Beach Long Term Coastal Management Works. This Grant will contribute \$299,212 towards the

Stage 1 works – Construction of Groyne 4, Beach Re-nourishment (8,400 m3), Groyne 4 Beach Access Ramp. A budget variation to include the Coastal Adaptation and Protection (CAP) Grant funding is reflected in the recommendation below.

It is noted that a separate funding application was also submitted to the State Government in December 2016 requesting a 50% contribution towards the long term coastal management works at Quinns Beach on the basis that the works will not only enhance beach amenity for the community, but will also protect both public and private coastal assets including State Government owned public utilities and private residences. A response was received in June 2017 which indicated that the requested funding from the State Government was not available. The City will continue to apply for CAP Grants in subsequent financial years (2018/19 and 2019/20), however even if successful, this funding will be limited to the maximum grant amount of \$300,000.

Final funding requirements for 2018/19 and 2019/20 will be confirmed as part of the annual budget processes noting that funding for the subsequent financial years works is currently listed in the City's Long Term Financial Plan.

Voting Requirements

Absolute Majority

Recommendation

That Council:-

1. **ACCEPTS** a minor variation of groyne design before entry into Contract in accordance with Regulation 20 (1) of the Local Government (Functions and General) Regulations 1996;
2. **ACCEPTS** the tender submitted by WA Limestone and Italia Stone Group Joint Venture for Tender No. 017077 for the Provision of Major Works for Quinns Beach Long Term Coastal Management Works for a lump sum price of \$6,766,245.56 noting that:
 - a) construction works shall be staged over three financial years commencing 2017/18; and
 - b) the lump sum price is amended as inclusive of the minor variation before entry into Contract in accordance with Local Government (Functions and General) Regulations 1996;
3. **ACCEPTS** Grant Funding from the State Government of \$299,212 as part of the 2017/18 Coastal Adaptation & Grant (CAP) funding submission;
4. **APPROVES** by **ABSOLUTE MAJORITY** the following variation to the budget to reflect the receipt of \$299,212 CAP grant funding:

INCOME

Description	GL Account/ Capital Project	Approved Budget	Additional Budget	Revised Budget
Quinns Beach Coastal Protection Works	PR-2561	\$0	\$299,212	\$299,212

EXPENDITURE

Description	GL Account/ Capital Project	Approved Budget	Requested Additional Budget	Revised Budget
Quinns Beach Coastal Protection Works	PR-2561	\$2,950,000	\$299,212	\$3,249,212

5. **THANKS** the members of the Quinns Beach Long Term Coastal Management Community Reference Group for their input in the development of this project.

Attachments:

1. [Attachment - Tender No 17077 - Lump Sum Pricing 17/320490](#)

Attachment 1 – Lump Sum Pricing

Tender No. 17077 for the Quinns Beach Long Term Coastal Management Works.

This attachment is confidential and distributed under separate printed cover to all Elected Members

Administration Use Only

Attachment 1 – # 17/316336

17/320490

Community & Place

Cultural Development

3.5 Early Childhood Strategic Plan 2017/18-2019/20

File Ref:	20637 – 17/305283
Responsible Officer:	Operations Manager Community Service Delivery
Disclosure of Interest:	Nil
Attachments:	3

Issue

To consider the draft Early Childhood Strategic Plan and revised Early Childhood Policy.

Background

The City's Corporate Business Plan for 2016/17 included a priority to *Develop an Early Childhood Strategic Plan for 2017/18 – 2019/2020 (Attachment 1)*. The previous Early Childhood Policy (**Attachment 2**) has also been reviewed to incorporate administrative changes aligned to a new policy template and organisational structure (**Attachment 3**).

The attached plan has been established to build on the significant achievements of the City's first Early Childhood Strategy, which has culminated in successful outcomes for the community. The most recent results from Australian Early Development Census (AEDC), conducted in 2015, show that while 21.2% of five year old children in the City remain vulnerable in one or more domains, this is a 3.8% improvement since the AEDC commenced in 2012.

Detail

The City of Wanneroo is widely recognised as a leader in facilitating effective, evidence based early childhood initiatives for its community. As with its inaugural strategy, this plan emphasises the need for the City to continue to work collaboratively with our partners and the community so that children in their formative years are provided with opportunities to be healthy and socially, emotionally and cognitively prepared for success in school and life. The development of this new plan has been guided by the City's demographics, results from the AEDC and the aspirations of our community as established through consultation with partners, parents and the broader community.

Strategies and actions included in the plan are linked to four priorities:

1. Leadership and advocacy to increase community understanding of and support for high quality early childhood learning and development opportunities throughout the City.
2. Support and strengthen a connected network of partners to provide quality early learning services in the City, promoting a common agenda that reflects the shared responsibility for our young children.
3. Provide families with access to high quality early learning facilities, programs and services that are affordable and culturally relevant to those who require them.
4. Maximise existing infrastructure and projects to create high quality early learning environments.

Consultation

In preparing this draft plan, there has been consultation with all members of the Wanneroo and Surrounds Early Years Network (WASEY) as well as with community members via this network and through the City's early years programs held in libraries and community centres.

Comment

Early childhood is identified as the period from birth to eight years of age and extensive international research demonstrates that relevant, high quality family and community experiences play a vital role in nurturing young children from birth. It is in a child's first five years that their physical, emotional and cognitive skills develop at a faster rate than at any other stage of life. Seventy five percent of a child's brain development occurs in their first three years of life. Biological and scientific research compelling shows that as well as their genes, a young child's environment and experiences impact on their brain development and therefore on their overall development – physical, cognitive, language, social and emotional. Facilitating the health and wellbeing of the next generation of our community will cultivate a skilled workforce and healthy, engaged citizens to meet the economic and social challenges of the future in the City of Wanneroo.

Statutory Compliance

Nil

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“1 Society

1.1 Healthy and Active People

1.1.1 Create opportunities that encourage community wellbeing and active and healthy lifestyles”

Risk Management Considerations

There are no existing Strategic or Corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Policy Implications

Nil

Financial Implications

Expenditure associated with the revised Early Childhood Policy and Early Childhood Strategic Plan 2017/18 – 2019/20 is supported through the City's operating budget. External funding through grant applications will be sought for the implementation of actions where additional funding is required.

Voting Requirements




Simple Majority

Recommendation

That Council:-

1. **ADOPTS** the Early Childhood Strategic Plan as per Attachment 1; and
2. **ENDORSES** the revised Early Childhood Policy as per Attachment 3.

Attachments:

1 	Early Childhood Strategy Dec16	16/424717	Minuted
2 	Early Childhood Policy	14/168055	
3 	CITY OF WANNEROO Policy Manual Early Childhood Policy	16/240368	Minuted

City of Wanneroo
Early Childhood Strategic Plan (DRAFT)
2017/18 – 2019/20



Mayor's Foreword

The City of Wanneroo is proud to release the second Early Childhood Strategic Plan as we continue to support the healthy development of children in their first eight years of life.

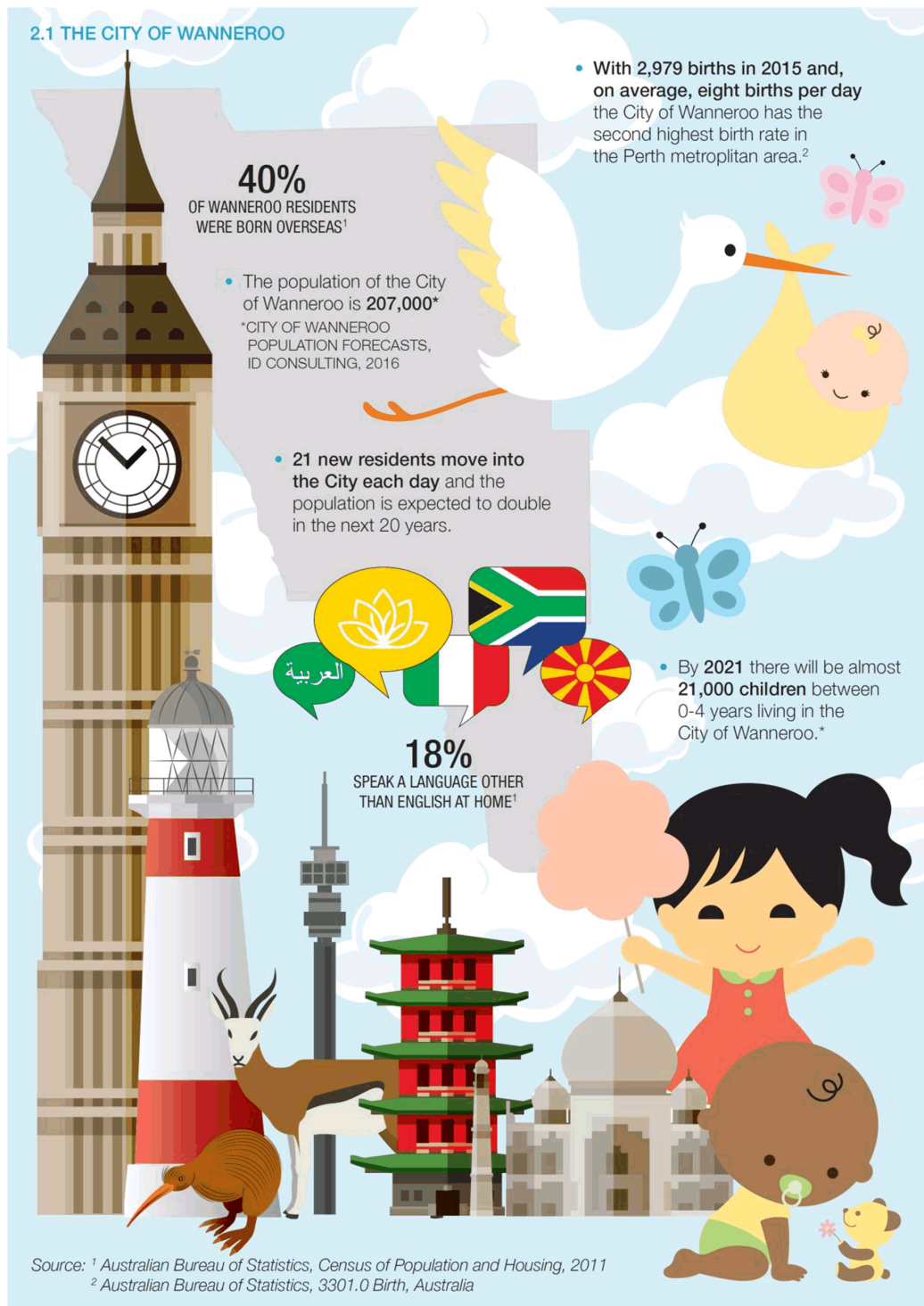
Since the City's first plan which was launched in 2014, results from the Australian Early Development Census show that vulnerability in children as they enter their first year of formal schooling has dropped significantly. This is good news and a trend we hope will continue.

Our strong partnerships over the past three years have ensured an integrated approach to planning, delivery and review of services and supports within our Community. These partnerships continue to drive our work, which will be home to over 25,000 children aged 0-5 years by 2021.

By working together we will continue to improve the lives of young children who live in our City. I would like to take this opportunity to thank our partners, in particular members of the Wanneroo and Surrounds Early Years network whose knowledge and hard work has contributed greatly to improving outcomes for our babies and young children.

We all have a role in guiding and influencing our community to ensure children are valued and supported in their early years.

Mayor Tracey Roberts JP



1. INTRODUCTION

The City of Wanneroo launched its inaugural Early Childhood Strategy in 2014 to provide a three year plan that offered a common agenda for achieving positive outcomes for our youngest residents. During this time, there have been a great many highlights and achievements that would not have been possible without the support and contributions from our community. In particular, the Wanneroo and Surrounds Early Years Network has been integral in delivering many of the actions within the City of Wanneroo Early Childhood Strategy and we thank all of the members for their contribution to a City wide strategy that aims to improve the lives of the children in our community.

Over 95% of the actions from the first strategy were completed or are ongoing and some of the specific highlights include:

- The City's It's All About Play (IAAP) programme was piloted and evaluated and has made a successful transition to the City's libraries.
- The City has developed strong partnerships including:
 - Edith Cowan University's 'Pregnancy to Parenthood' Perinatal and Infant Mental Health service. This allows a Clinical Psychology intern who is studying Perinatal and Infant Mental Health to attend each IAAP session to develop relationships with the families and provide informal or formal support.
 - Child and Adolescent Community Health. Child Health nurses run their drop in clinic alongside each IAAP session to provide an on-site, confidential service for families.
 - Playgroup WA. The City and Playgroup WA have supported several new playgroups to form, including Aboriginal and Young Mums groups, and assisted in groups becoming incorporated and successfully applying for community grants.
- The partnership with the Pregnancy to Parenthood service was reported on in the highly acclaimed international journal 'Zero to Three'.
- The City was a major contributor to the Local Government and Early Years Networks 'Working in Partnership' resource.
- The City presented on its early years work at the annual Australian Early Development Census National Conference in Adelaide and at the Western Australia's Creating Child Friendly Communities State Forum.
- The City assisted in the distribution of \$750,000 Federal Government funding through the Communities For Children grant programme.
- The City has presented Australian Early Development Census workshops to early education and care services and West Coast Institute of TAFE to support staff to use the results to leverage existing services and improve outcomes.
- The City's Australian Early Development Census results in 2015 showed that there was a 3.8% decrease in children who were developmentally vulnerable in one or more domains since the results in 2012.

*"A positive start in life helps children develop to their fullest. The benefits accrue to the whole society, through enhanced human capital and capability, increased productivity, greater social inclusion and reduced public expenditure in health, welfare and crime related to disadvantage over the life course. Healthy and happy children are more likely to become healthy and resilient adults who have more equal capacity, opportunity and resources to contribute to a cohesive and prosperous society. Conversely, children who have a poor start in life are more likely to develop learning, behavioural or emotional problems which may have far-reaching consequences throughout their lives and in turn, the lives of their children."*¹

Early childhood is defined as the period from birth to eight years old². A time of remarkable brain growth, these early years lay the foundation for subsequent learning and development. The interaction between genetics and experiences shapes the architecture of the brain, particularly in the first three years of a child's life. In order to foster a skilled workforce and healthy, engaged future citizens to meet the economic and social challenges of the future, the City of Wanneroo (the City) understands that it must foster the health and wellbeing of the next generation of our community.

In this, our second Early Childhood Strategic Plan, we will again work collaboratively with our partners so that all children are provided with opportunities to be healthy and socially, emotionally and cognitively prepared for success in school and life. Based on strong families and strong communities, we will partner to increase access to and use of culturally and developmentally appropriate services and facilities to ensure that every child is provided with best practice development and learning opportunities during their formative years. Our work will be guided by our demographics, results of the Australian Early Development Census and the needs and aspirations of our community.

¹ 2009, Investing in the Early Years - A National Early Childhood Development Strategy, Council of Australian Governments.

² Commissioner for Children and Young People, Western Australia. Policy brief, March 2012. Early Childhood.

2. LEGISLATION AND POLICY FRAMEWORK

2.1 The Australian Early Development Census (AEDC)

The AEDC provides a snapshot of early childhood development across Australia. It is a population measure of children's development across five domains (physical health and wellbeing, social competence, emotional maturity, language and cognitive skills, communication skills and general knowledge) as they enter school at five years of age.

The first data was collected in 2009, and has been collected every three years since then.

The most recent AEDC National Report outlines the developmental difficulties that some children are facing in the City with 21.2% being identified as developmentally vulnerable in one or more domains and 10.4% being vulnerable on two or more domains. These children demonstrate a much lower than average ability in the developmental competencies measured in that domain. However, since the City's inaugural Early Childhood Strategy was developed in 2014, vulnerability on one or more domains and two or more domains has declined. This is good news for our community, but some domains are not fairing as well as in previous years and some suburbs certainly are not doing as well as others.

The AEDC data continues to drive the work done in the early years. We now have a snapshot of data spanning over six years and trends are emerging. This allows us to work with our community and our partners to ensure we plan and resource accordingly.

"The AEDC is a starting point for identifying the needs of children in your community and forward thinking Local Governments are using the AEDC in their strategic planning"
Australian Early Development Census – www.aedc.gov.au

2.2 Council of Australian Governments (COAG)

In 2009, the Council of Australian Governments (COAG) endorsed Australia's national strategy for early childhood development, 'Investing in the Early Years: A National Early Childhood Development Strategy.' Its aim is for all children have the best start in life – to create a better future for themselves and for the nation. COAG also agreed to a partnership between the Commonwealth and State and Territory governments to establish and National Quality Framework for Early Education and Care.

A key component of the National Quality Framework is the Early Years Learning Framework (EYLF) and this plays a big part in the City's approach to the early years. The Early Years Learning Framework: Belonging, Being and Becoming talks about "creating spaces in which young children can feel attached, feel appreciated for what they are right now and feel supported in what they might become as effective citizens in a complex future world".

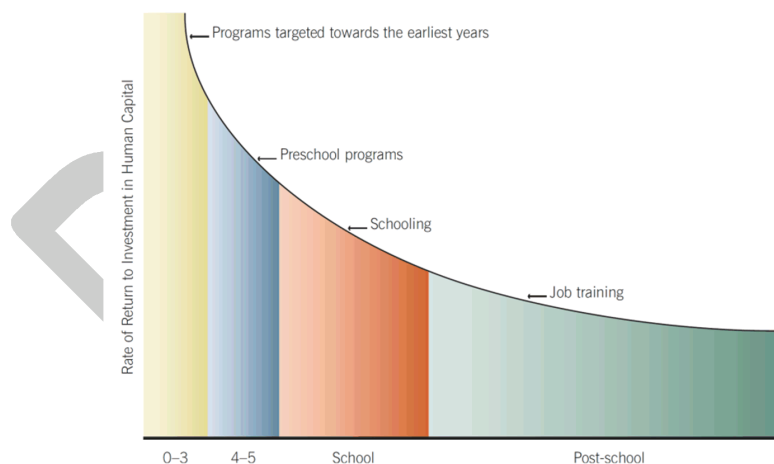
2.3 Early Childhood Research

A vital and productive society with a prosperous and sustainable future is built on the foundation of healthy child development. Research highlights the value of investment in quality development and learning for young children in preventing poor outcomes such as poverty, low literacy achievement, incarceration, poor physical and mental health, low educational attainment, unemployment and welfare dependence. Over 75% of our brain development occurs in the first three years of life. Although we maintain the ability to learn throughout our life, it is more difficult to acquire learning in many areas as we grow older.

Economic research demonstrates that early childhood opportunities are more beneficial and cost effective than those attempting to compensate later in life. Studies show that programs that provide assistance to the child as well as to parents give an average return on investment of between AUD\$4.00 and AUD\$12.90 for every dollar spent³.

Nobel Laureate in Economic Sciences, James Heckman asserts that "Learning starts in infancy, long before formal education begins... when human ability and motivation are shaped by families and non-institutional environments. Early learning begets later learning and early success breeds later success...[which] lays the foundation for success or failure in school, which in turn leads to success or failure in post-school learning".⁴

Returns to a Unit Dollar Invested



Heckman, James Return on Investment: Cost vs Benefits 2008

This evidence provides a compelling case for investing in our young children so that we can improve school readiness and long-term outcomes for all children in the City.

³ Western Australia. Department of Health. Our Children Our Future: WA Child and Youth Framework 2008-2012, 2008.

⁴ Heckman, James : Invest in the Very Young, 2000

2.4 Strengthening partnerships across Western Australia

In 2014, the City of Wanneroo was invited to be a part of the Connecting Early Years Network Project (CEYNP) in recognition of the quality and commitment of the work undertaken by the City, and the leadership role taken within the Wanneroo and Surrounds Early Years (WASEY) network. This project was funded by the Woodside Development Fund, Lotterywest and the Department for Local Government and Communities (DLGC) to support Early Years networks to become more sustainable and achieve their full potential.

In 2016 the City contributed to the development of an Operational Plan and Strategy to support local governments and build the capacity of early years networks to work collaboratively to improve outcomes for children across the State. This alliance was formed with DLGC, the Western Australian Local Government Association (WALGA) and Local Government Professionals (LGP). These resources have now been completed and sent to WA local governments and early years networks. The Strategy includes a case study by the City of Wanneroo showing how effective local government and early years networks can be when there is strong collaboration between the two. This second Strategic Plan for early childhood in the City will build on the achievements of the past three years.



3. STRATEGIC PRIORITIES

This Plan has been developed to align with the City's Integrated Planning and Reporting Framework and supports the *Strategic Community Plan 2017/18 – 2026/27*, particularly outcomes in the *Society* pillar.

The City recognises that we need to collaborate and develop more effective and sustainable responses to early childhood issues. This needs to be done in consultation with communities to enable better outcomes for young children and their families. This Strategic Plan focuses on community driven initiatives and those that leverage on existing services and resources. We will seek to identify opportunities for working together in more strategic, integrated and collaborative ways towards commonly agreed outcomes, as articulated in the City's Early Childhood Policy.

The strategies identified in this plan take a collaborative and community based approach acknowledging that this leads to sustainable initiatives that build capacity in families and the wider community to support the early learning and development needs of young children as well as the confidence and capacity of parents and carers.

The City's early years' efforts are built on the following principles and priorities:

Principles

The City of Wanneroo supports early childhood initiatives that:

- approach early childhood facilities and services as a collaborative effort;
- acknowledge that high-quality opportunities are essential to all children so should be inclusive and accessible;
- promote healthy eating, physical activity and good mental health;
- provide opportunities for parents and carers to build on their individual skills and knowledge to provide high-quality experiences for their children;
- deliver evidence based interventions with well-defined objectives and well-designed evaluations; and
- leverage from existing resources.

Priorities

The strategies are built on the following four priorities:

1. The City will demonstrate leadership and advocacy to increase understanding of and support for quality early childhood learning and development opportunities throughout its boundaries.
2. The City will work to strengthen the participation and coordination of partners to provide, and act as advocates for, quality early learning services in the City, promoting a common agenda that reflects the shared responsibility for our youngest children.
3. Families have access to high-quality early learning programs and services that are affordable and culturally competent for those who require them.
4. The City will maximise existing infrastructure and projects to create high-quality early learning environments.

Strategies, actions and key performance indicators have been identified for each of these priorities to ensure that children in the City of Wanneroo are provided with the best possible start to their healthy development and learning.

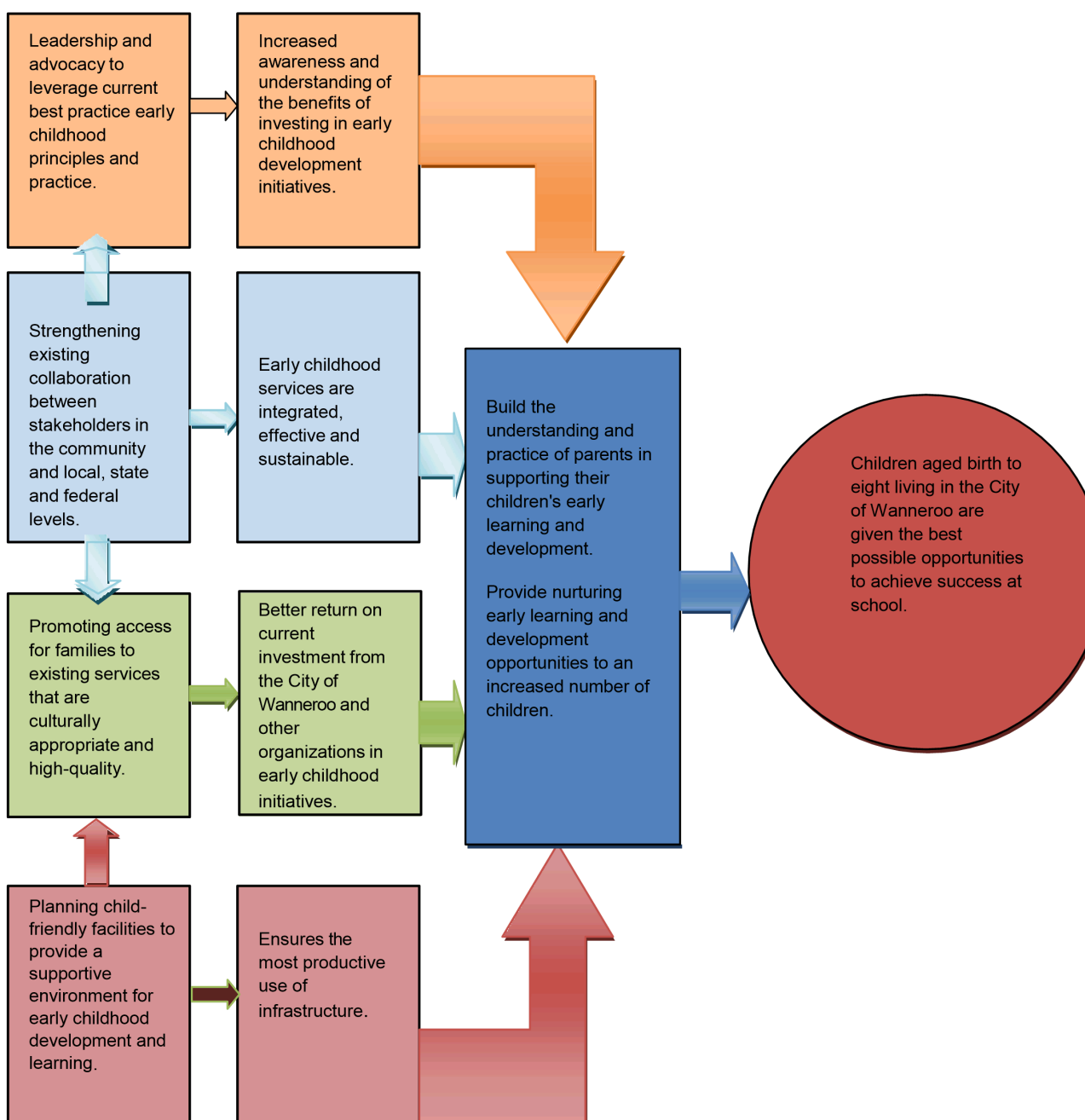
Using this as a guide, over the next three years, the City will work collaboratively to extend social networks and opportunities for civic participation and provide leadership to strengthen organisational networks. The approach of this Strategic Plan is to lead and support existing efforts that contribute to the well-being of our community's young children, rather than creating new initiatives.



4. MONITORING AND REPORTING

As with people of all ages, children are impacted by the place in which they live. Community-based collaborations such as those driven by this plan to promote connections with services and a strong social network have a proven positive impact on health and well-being as highlighted in the diagram below. The Cultural Development Unit has primary responsibility for the implementation of this Plan, however, expertise and resources from across the City and from external stakeholders will be leveraged to deliver strategies and actions. Actions will be incorporated into service unit plans as appropriate and will be monitored and reported quarterly as part of the City's reporting of Corporate Business Plan actions. Success in ensuring that children are given the best possible start in life is tracked through the AEDC.

Investing in... ➡ ...achieves... ➡ ...so we can... ➡ ...and ultimately achieve



Service Delivery Initiatives

Priority Area 1: Leadership and advocacy to increase community understanding of and support for high quality early childhood learning and development opportunities throughout the City

Strategy	Actions	Timeline	Responsibility	Measure
1.1 Enhance awareness of staff, elected members, decision-makers and community members of research, trends and best practice in early childhood development and the community benefits of making children a priority.	Adopt and implement the Early Childhood Policy and Strategic Plan 2017/18 - 2019/20	2017/18	Cultural Development	Policy and Plan adopted and implementation planned
	Review, monitor and report on progress of Early Childhood Strategic Plan 2017/18 - 2019/20.	ongoing	Cultural Development	Quarterly updates completed
	Promote opportunities for community members and practitioners to extend their understanding of supporting the early learning and needs of children.	ongoing	Cultural Development	# of programs identified and promoted
	Identify and provide advocacy on current and emerging issues and disseminate information and data to identified service units in the City and to external stakeholders.	ongoing	Cultural Development	# of advocacy opportunities undertaken
1.2 Lead effective policy responses for the City based on research and the requirements of the local community.	Collate and distribute information on the City's demographics and performance in state and national studies including the AEDC.	2018/19	Cultural Development	AEDC findings for Wannon analysed, reported and communicated to stakeholders
	Coordinate responses to state and federal enquiries as required.	ongoing	Cultural Development	# of submissions completed
1.3 Extend awareness and use of existing early childhood services and programs by residents.	Work with service providers to ensure that appropriate early years services are available in the places that require them.	ongoing	Cultural Development	# of partnerships identified leading to filling service gaps
	Work with stakeholders to ensure residents are made aware of the range of early childhood services and facilities available within the City.	ongoing	Cultural Development	Service mapping undertaken and communicated to stakeholders
1.4 Support communities throughout the City to understand and use their	Incorporate AEDC results into existing workshops and seminars for early childhood practitioners.	ongoing	Cultural Development	# of key messages for parents incorporated into programs.

local AEDC results to improve outcomes for children.	Incorporate key messages for parents and carers in supporting positive outcomes in the five AEDC domains in the City's programs, e.g. It's all About Play.	ongoing	Cultural Development	AEDC data collated and promoted.
	Collect and monitor AEDC results suburb by suburb within the City and use this to leverage existing services and improve outcomes	2018/19	Cultural Development	# of examples of use of AEDC data in service delivery

Priority Area 2: Support and strengthen a connected network of partners to provide quality early learning services in the City, promoting a common agenda that reflects the shared responsibility for our youngest children.

Strategy	Actions	Timeline	Responsibility	Measure
2.1 Improve cross-sector alignment of goals to improve existing early childhood services and programs.	Work with WASEY to identify common outcomes and measurement of success.	ongoing	WASEY	# of common measurements and success indicators
	Collaborate with Child and Parent Centres, schools and early education and care services to develop and share information with parents on activities that facilitate early development and learning.	ongoing	Cultural Development	# of collaborations with CPCs and early childhood programs
	Extend partnerships to enable a targeted approach to hard to reach groups including ATSI, CaLD and FIFO families.	ongoing	Cultural Development	# of collaborations established.
2.2 Facilitate an exchange of information and ideas between organisations working with young children and families and identify opportunities for collaboration among policy makers, service providers and other stakeholders.	Maintain the City's advocacy and leadership in WASEY to guide strategies for collaborative and integrated working.	ongoing	Cultural Development	Leadership provided for WASEY
	Partnerships and joint initiatives established to enhance or address gaps in services.	ongoing	Cultural Development	# of partnerships
	Identify opportunities to work with existing partners to provide family friendly activities in new and growing suburbs.	ongoing	Cultural Development	# of new services in emerging communities
2.3 Facilitate capacity building in local early years service providers to deliver programs and activities.	Link providers to the City's Volunteer Development Officer (VDO) and Community Funding Officer (CFO)	ongoing	Cultural Development/Place Activation	# of volunteers referred to early childhood programs # of community grants to early years programs
	Facilitate partnerships between organisations to sustain and extend current initiatives.	ongoing	Cultural Development/Place Activation	# of partnerships established to deliver early childhood initiatives.

Priority Area 3: Provide families with access to high-quality early learning facilities, programs and services that are affordable and culturally relevant for those who require them.

Strategy	Actions	Timeline	Responsibility	Measure
3.1 Promote early childhood services and programs throughout the City.	Monitor services to ensure they are meeting the evolving needs of the community.	Ongoing	Cultural Development	# of identified gaps in services
	Facilitate the sharing of information on services that support family involvement in children's development.	Ongoing	Cultural Development	Weekly distribution of information # of attendees and satisfaction with services
3.2 Facilitate the delivery of services that develop young children's: <ul style="list-style-type: none"> ○ literacy and language skills; ○ curiosity, self-direction and persistence in learning situations; ○ social and emotional development. 	Deliver the Better Beginnings family literacy program via the City's libraries	Ongoing	Library Services	Delivery of BB to all new borns and children starting school
	Deliver It's All about Rhymes and It's All about Stories in the City's libraries	Ongoing	Library Services	Delivery of weekly program
	Deliver It's All About Play in the City's libraries	Ongoing	Library Services /ECOs	Delivery of weekly program
	Deliver It's All About the Past in the museum.	Ongoing	Cultural Services	Delivery of weekly program
3.3 Promote and support best practice services and facilities that target children's health, nutrition and physical activity.	Promote opportunities for young children to eat healthily and be active.	Ongoing	Healthy & Resilient Communities/Cultural Development	# of opportunities identified and promoted.
	Promote information and opportunities for families to participate in perinatal and infant mental health services.	Ongoing	Cultural Development	# of opportunities identified and promoted
	Support junior sporting clubs	Ongoing	Community Facilities	# of initiatives supported
3.4 Facilitate continuous	Work with partners to effectively measure	Ongoing	Cultural	# of evaluations

improvement in early childhood services throughout the City to ensure that they are nurturing, safe, accessible, culturally appropriate and meet best practice.	qualitative and quantitative outcomes of early childhood development programs.	ng	Develop ment	undertaken and improvements implemented
	Support the delivery of the City's Access and Inclusion Plan (AIP).	ongoi ng	Place Activatio n/Cultura l Develop ment	# of AIP initiatives supported
	Investigate the development of a Child Safe Plan as per Commissioner for Children and Young People guidelines.	2017/ 18	Cultural Develop ment	Investigated completed and recommendations made
3.5 Support families in the delivery of community led early childhood activities.	Engage with the community involving families in decision making on early years services and facilities.	ongoi ng	Cultural Development	# of community led programs supported
	Identify opportunities and support the formation of play groups	ongoi ng	Cultural Development	# of new playgroups established
	Support community groups in submitting grant applications to establish community led programs	ongoi ng	Cultural Development	# of grant applications supported

Priority Area 4: Maximise existing infrastructure and projects to create high-quality early learning environments.

Strategy	Actions	Timeline	Responsibility	Measure
4.1 City facilities are designed and/or adapted so that infrastructure, furniture and equipment are family friendly and child safe.	Research and promote best practice design principles for child and family friendly facilities.	2018/19	Cultural Development	Research completed and principles promoted across the City.
	Incorporate children's developmental needs and family accessibility needs into the planning and development of City buildings, public open spaces and playgrounds.	2019/20 onwards	Cultural Development	Best practice principles incorporated into new and refurbished facilities.
4.2 Facilities are designed to engage children in quality experiences in the built and natural environments.	Plan and develop outdoor play spaces that encourage active play and build motor and sensory development.	Ongoing	Cultural Development Land Development Approval Services	Best practice principles incorporated into planning of play grounds and buildings.

Related Policies, Documents and Studies

Investing in the Early Years – A National Early Childhood Development Strategy: an Initiative of the Council of Australian Governments, 2009.

Belonging, Being & Becoming: The Early Years Learning Framework for Australia. Australian Government Department of Education, Employment and Workplace Relations for the Council of Australian Governments, 2009.

Australian Early Development Census National Report 2015: A Snapshot of Early Childhood Development in Australia.

Growing Up in Australia: The Longitudinal Study of Australian Children (LSAC). Australian Institute of Family Studies.

Footprints in Time: The Longitudinal Study of Indigenous Children (LSIC). Australian Institute of Family Studies.

City of Wanneroo, Strategic Community Plan 2017/18 - 2026/27

City of Wanneroo, Reconciliation Action Plan 2015 - 2017

City of Wanneroo, Access and Inclusion Plan 2015/16 - 2018/19



Policy Manual

Early Childhood Policy

Policy Owner: ~~Community Capacity Building~~ Cultural Development
Contact Person: Manager ~~Community Capacity Building~~ Cultural Development
Date of Approval: CD02-07/14

POLICY OBJECTIVE

This policy sets out the City's commitment to enabling sustainable and accessible early childhood pathways to ensure that parents, caregivers and communities have the information, support and services they need to provide their young children with positive experiences from birth throughout their first eight years of life. Its purpose is to create a framework for high quality inclusive practices in early childhood development and learning throughout the City of Wanneroo. ^[NS1]

POLICY STATEMENT

The City of Wanneroo recognises that early childhood development does not occur in isolation but in relation to a child's family, home, community and society. Children are born ready to learn and quality early learning and development opportunities provide the social, emotional and learning foundations to make a lasting improvement in the lives of young children by helping them and their parents before concerns arise. This contributes to a stronger community, both socially and economically.

The City acknowledges its responsibility in responding to the Australian Early Development Census findings for the City of Wanneroo by leading the establishment of community driven early childhood initiatives to strengthen the foundations for lifelong learning, behaviour and health of children for birth to eight. ^[NS2]

The City plays a key role in providing advocacy, advice and facilitation for community based early childhood initiatives that are universally accessible. This policy aims to support and stimulate community members and groups as well as other agencies to create their own community responses that contribute to a supportive environment for children. The City's role is to facilitate and promote early childhood initiatives that are sustainably managed by and for the community, rather than in directly funding community groups or agencies in delivering services. ^[NS3]

~~The City is committed to making a sustainable long-term contribution to its future through supporting a collaborative approach to delivering community based early childhood strategies recognising the evidence that:~~

- ~~• Seventy five percent of brain development occurs in the first three years of life.~~



Policy Manual

- Quality interactions in a child's first years of life play a critical role in determining their cognitive ability, physical, social and emotional development and health and skills and behaviour in adult life.
- Family and community are key contexts for successful early childhood development.
- Investing in the development of young children benefits children, families, the community and the economy.

The City of Wanneroo is committed to identifying and supporting opportunities to optimise the development of our young children and assist families in this vital role. The City supports early childhood policies and services that:

- Promote children's early learning and development to help them fulfil their potential in school and in life.
- Are child centred, family focused, and community guided, accountable and informed by best practice research and experience.
- Recognise that parents and carers are their child's first and most important teacher.
- Are inclusive with consideration for culture, language and physical and intellectual abilities.
- Use evaluation to inform continuous improvement.
- Are flexible and responsive so that they can adapt to meet emerging family and community issues.
- Link to and build on local, state and federal initiatives in early childhood development to better meet the needs of children and families in their communities.
- Value, respect and build on the unique strengths of children, families and service providers.
- Collaborate with other agencies to make services more accessible and inclusive.^[NS4]

SCOPE

This policy applies to all stakeholders in the City of Wanneroo who have an interest in the development of young children. It includes City of Wanneroo business units, families, children and educators that reside in the City, developers and policy makers, as well as practitioners working with families.

BACKGROUND

The City of Wanneroo is experiencing the fastest population growth of any local government in Western Australia and has a significantly higher percentage of children aged birth to eight than in Western Australia as a whole. There are currently 25,575 children aged 0-8 in the City of Wanneroo, making up almost 15% of the population. Eight and a half percent of the City's population (12,891 children) are aged four years and under compared with 6.6% in Greater Perth.



Policy Manual

It is in a child's first five years that their physical, emotional and cognitive skills develop at a faster rate than at any other stage of life. Seventy five percent of a child's brain development occurs in their first three years of life. Scientific research shows that as well as their genes, a young child's environment and experiences impact on their brain development and therefore on their overall development – physical, cognitive, language, social and emotional.

The release of results from the Australian Early Development Census for 2015, highlight that, while the majority of five year olds in the City of Wanneroo are on track in their development 21.2% of children are developmentally vulnerable on one or more domains and 10.4% are vulnerable on two or more domains.

The City of Wanneroo recognises that it is much more effective to tackle development issues in the early years, both in terms of the well being of individuals and the cost to society and that healthy early childhood development is underpinned by responsive parenting and a responsive community. The City will continue to build on its existing services to improve access to programs that grow the capacity of young children and their families to ensure they are strong, healthy and self-reliant.

CONSULTATION WITH STAKEHOLDERS

Internal and external stakeholders have been consulted in the development of this policy. Externally this includes the Wanneroo and Surrounds Early Years Network comprising representatives from state government departments, non-government service providers and community members.

IMPLICATIONS (Financial, Human Resources)

This policy supports the objectives outlined in national and state and federal early childhood strategies, agendas and reflects priorities identified in the City of Wanneroo Strategic Community Plan 2013/14 2017/18 – 2023/24 2026/27.

Policy outcomes can be achieved through existing operational plans, services, events and programs using existing resources and through collaboration with key stakeholders.

IMPLEMENTATION

Key actions to support positive early childhood development outcomes for the community should be considered early in planning and decision making processes, guided by best practice and facilitated by Early Childhood Officers in the Community Capacity Building Cultural Development Unit.

In planning new early childhood services and facilities or reviewing existing ones, City Officers are required to refer to this policy to ensure best practice early childhood development principles have been considered and appropriately applied.

The City's Early Childhood Development Strategy Strategic Plan 2017/18 – 2019/20 should be consulted in conjunction with this policy.



Policy Manual

The ~~Community Capacity Building~~Cultural Development Unit has ownership of this policy and its implementation. It is the responsibility of the whole organisation to ensure that the principles outlined in this policy are considered in conducting the City's business.

ROLES AND RESPONSIBILITIES

~~Community Capacity Building~~The Cultural Development Unit has ownership is responsible for the currency of this policy and its implementation. It is the responsibility of the whole organization to ensure that the principles outlined in this policy are considered in conducting the City's business. will work with relevant City staff and external stakeholders to ensure the policy is promoted.

DISPUTE RESOLUTION

All disputes in regard to this policy will be referred to the Manager ~~Cultural Services~~Cultural Development in the first instance. In the event that an agreement cannot be reached, the matter will be submitted to the Director Community and Place for a ruling.

WHO NEEDS TO KNOW ABOUT THIS POLICY?

All City of Wanneroo elected members and officers should be aware of this policy and be able to interpret and implement its requirements. The policy also provides guidance to external stakeholders.

EVALUATION AND REVIEW PROVISIONS

This policy will be evaluated and reviewed every three years to determine its effectiveness in achieving its objectives.

DEFINITIONS

DEFINITIONS: Any definitions listed in the following table apply to this document only.

Early childhood	The term early childhood is used in this policy to refer to children from birth to eight years of age in line with standard practice in Australia and internationally.
-----------------	---

RELEVANT POLICIES/MANAGEMENT PROCEDURES/DOCUMENTS OR DELEGATIONS

This policy is supported by the City of Wanneroo Early Childhood ~~Strategy~~Strategic Plan 2014/15 – 2016/172017/18 – 2019/20.

This policy supports state and federal early childhood agendas including:

- *Investing in the Early Years*, a National Early Childhood Development Strategy adopted by the Council of Australian Governments (COAG) in 2009.



Policy Manual

- *Belonging, Being and Becoming: the Early Years Learning Framework*, produced by the Australian Government Department of Education, Employment and Workplace Relations for COAG.
- Child and Parent Centre's, an initiative of the Government of Western Australia.
- Australian Early Development [Index Census 2009, 2012, 2015.](#)

REFERENCES

Investing in the Early Years, a National Early Childhood Development Strategy, The Council of Australian Governments, 2009

http://www.coag.gov.au/sites/default/files/national_ECD_strategy.pdf

Australian Early Development Census <https://www.aedc.gov.au/resources/community-profiles>

Belonging, Being & Becoming: The Early Years learning Framework for Australia, produced by the Australian Government Department of Education, Employment and Workplace Relations for the Council of Australian Governments, 2009.

<https://docs.education.gov.au/documents/belonging-being-becoming-early-years-learning-framework-australia>

RESPONSIBILITY FOR IMPLEMENTATION

Manager [Community Capacity Building Cultural Development](#)
Early Childhood Officers, [Community Links Cultural Development](#)

Version	Next Review	Record No:
Version 1 13th June 2014	July 2017	14/168055
Version 2 August 2017	August 2020	16/240368



Policy Manual

Early Childhood Policy

Policy Owner: Cultural Development
Contact Person: Manager Cultural Development
Date of Approval:

POLICY STATEMENT

This policy provides a framework for high quality inclusive practices in early childhood development and learning throughout the City of Wanneroo. The City of Wanneroo recognises that early childhood development does not occur in isolation but in relation to a child's family, home, community and society. Children are born ready to learn and quality early learning and development opportunities provide the social, emotional and learning foundations to make a lasting improvement in the lives of young children by helping them and their parents before concerns arise. This contributes to a stronger community, both socially and economically.

POLICY OBJECTIVE

This policy sets out the City's commitment to enabling sustainable and accessible early childhood pathways to ensure that parents, caregivers and communities have the information, support and services they need to provide their young children with positive experiences from birth throughout their first eight years of life.

SCOPE

This policy applies to all stakeholders in the City of Wanneroo who have an interest in the development of young children. It includes City of Wanneroo business units, families, children and educators that reside in the City, developers and policy makers, as well as practitioners working with families.

IMPLICATIONS (Strategic, Financial, Human Resources)

This policy supports state and federal early childhood agendas and reflects priorities identified in the City of Wanneroo Strategic Community Plan 2017/18 – 2026/27, particularly outcomes in the Society pillar. Policy outcomes will be achieved through service unit plans and programs using existing resources and through collaboration with key stakeholders.

The City plays a key role in providing advocacy, advice and facilitation for community based early childhood initiatives that are universally accessible. This policy aims to support and stimulate community members and groups as well as other agencies to create their own community responses that contribute to a supportive environment for children. The City's role is to facilitate and promote early childhood initiatives that are sustainably managed by and for the community, rather than in directly funding community groups or agencies in delivering services.

10/6748



Policy Manual

IMPLEMENTATION

Key actions to support positive early childhood development outcomes for the community should be considered early in planning and decision making processes, guided by best practice and facilitated by Early Childhood Officers in the Cultural Development Unit. In planning new early childhood services and facilities or reviewing existing ones, City Officers are required to refer to this Policy and the City's Early Childhood Strategic Plan 2017/18-2019/20 to ensure best practice early childhood development principles have been considered and appropriately applied.

The City acknowledges its responsibility in responding to the Australian Early Development Census data to facilitate the establishment of community driven early childhood initiatives to strengthen the foundations for lifelong learning, behaviour and health of children from birth to eight years of age.

The City is committed to identifying and supporting opportunities to optimise the development of our young children and assist families in this vital role. The City supports early childhood policies and services that:

- Promote children's early learning and development to help them fulfil their potential in school and in life.
- Are child centred, family focused, community guided, accountable and informed by best practice research and evidence.
- Recognise that parents and carers are their child's first and most important teacher.
- Are inclusive with consideration for culture, language and physical and intellectual abilities.
- Use evaluation to inform continuous improvement.
- Are flexible and responsive so that they can adapt to meet emerging family and community issues.
- Link to and build on local, state and federal initiatives in early childhood development to better meet the needs of children and families in their communities.
- Value respect and build on the unique strengths of children, families and service providers.
- Collaborate with other agencies to make services more accessible and inclusive.

ROLES AND RESPONSIBILITIES

The Cultural Development Unit has ownership of this policy and its implementation. It is the responsibility of the whole organisation to ensure that the principles outlined in this policy are considered in conducting the City's business.

DISPUTE RESOLUTION *(If applicable)*

All disputes in regard to this policy will be referred to the Manager Cultural Development in the first instance. In the event that an agreement cannot be reached, the matter will be submitted to the Director Community and Place for a ruling.

EVALUATION AND REVIEW PROVISIONS

10/6748



Policy Manual

This policy will be evaluated and reviewed every three years to determine its effectiveness in achieving its objectives.

DEFINITIONS

DEFINITIONS: Any definitions listed in the following table apply to this document only.	
Early Childhood	The term early childhood is used in this policy to refer to children from birth to eight years of age in line with standard practice in Australia and internationally.

RELEVANT POLICIES/MANAGEMENT PROCEDURES/DOCUMENTS OR DELEGATIONS

This policy is supported by the City of Wanneroo Early Childhood Strategic Plan 2017/18-2019/20.

This policy supports state and federal early childhood agendas including:

- Investing in the Early Years, a National Early Childhood Development Strategy adopted by the Council of Australian Governments (COAG) in 2009.
- Belonging, Being and Becoming: the Early Years Learning Framework, produced by the Australian Government Department of Education, Employment and Workplace Relations for COAG.
- Child and Parent Centre, an initiative of the Government of Western Australia.
- Australian Early Development Census 2009, 2012 and 2015

REFERENCES

Investing in the Early Years, a National Early Childhood Development Strategy, The Council of Australian Governments, 2009

http://www.startingblocks.gov.au/media/1104/national_ecd_strategy.pdf

Australian Early Development Census

<http://www.aedc.gov.au/>

Belonging, Being & Becoming: The Early Years Learning Framework for Australia, produced by the Australian Government Department of Education, Employment and Workplace Relations for the Council of Australian Governments, 2009.

https://docs.education.gov.au/system/files/doc/other/belonging_being_and_becoming_the_early_years_learning_framework_for_australia.pdf

RESPONSIBILITY FOR IMPLEMENTATION

Manager Cultural Development

Early Childhood Officers, Cultural Development



Policy Manual

Version	Next Review	Record No:
Version 1 13 th June 2014	July 2017	14/168055
Version 2 August 2017	August 2020	16/240368

3.6 Installation of commemorative plaque at Wanneroo War Memorial

File Ref:	20844 – 17/323057
Responsible Officer:	A/Director Community & Place
Disclosure of Interest:	Nil
Attachments:	1

Issue

To consider the placement of a commemorative plaque within the City of Wanneroo's War Memorial Precinct.

Background

The Wanneroo RSL Sub-Branch (Wanneroo RSL) has submitted an application (**Attachment 1**) to the City of Wanneroo requesting that a memorial plaque be installed at the Wanneroo War Memorial to commemorate John Rogers Hall, the only known serviceman from the City of Wanneroo who perished during the Korean Conflict of 1950-1953. If approved, the Wanneroo RSL intends to hold a Dedication Ceremony at the Commemorative Service to mark Remembrance Day on the 11 November 2017.

Detail

Details of the proposed plaque are as follows:

- Bronze plaque 380mm by 280mm.
- Plaque to contain; crucifix (to left), crest, and wording to read 'IN MEMORY OF A SOLDIER OF THE WANNEROO DISTRICT WHO PAID THE SUPREME SACRIFICE IN THE KOREAN WAR 1950-1953. NO5/400213 PTE AUST ARMY JOHN R HALL LEST WE FORGET'.

Installation is proposed for October 2017 in preparation for the Remembrance Day Service on the 11 November 2017.

Consultation

There has been consultation with representatives from the Wanneroo RSL and the City's Governance, Facilities and Planning Units in the preparation of this report.

Comment

Placement of the plaque is in line with the City of Wanneroo's 'Naming of City Assets and Memorials Policy', specifically: Category 2 – Commemorating individuals, groups or events through Memorials and/or Commemorative Plaques.

Administration recommends that the plaque is placed on the semi-circular wall that frames the war memorial obelisk. The wall has existing plaques and has the capacity for more plaques to be added (if required). The Wanneroo RSL has indicated its support for this project and location. The location is also supported by the above policy which states:

- "Memorials are to be appropriately located. Applicants must consider whether the memorial will enrich a public open space and should be carefully balanced against public benefits;

- Not compromise the aesthetic integrity of the site nor interfere or disturb the fabric or character of the proposed site.”

The placement of the plaque provides an opportunity for the City to support veterans and acknowledge the efforts of ex-servicemen who served in the Korean War. The plaque offers the opportunity to respectfully provide an enduring legacy to these veterans and provide a focal point for community response and expressions of support.

Statutory Compliance

Nil

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“1 Society

1.3 Distinctive Places

1.3.1 Create distinctive places based on identity of areas”

Risk Management Considerations

There is no existing Strategic or Corporate risks within the City’s existing risk registers which relates to the issue contained in this report.

Policy Implications

Naming of City Assets and Memorials Policy

Financial Implications

As per the Policy, the Wanneroo RSL intends to cover all costs associated with the design, manufacture, installation and maintenance of the plaque and the organisation and funding of the commemorative ceremony.

Voting Requirements

Simple Majority

Recommendation

That Council:-

1. **SUPPORTS** the placement by the Wanneroo RSL of a memorial plaque acknowledging the only known serviceman from the City of Wanneroo who perished during the Korean War. The plaque is to be installed on the semi-circular wall of the Wanneroo War Memorial; and
2. **APPROVES** the Wanneroo RSL holding a Ceremony of Dedication to acknowledge the installation of the plaque.

Attachments:

1. [Memorial Plaque Application - John Rogers Hall - War Memorial Wall - Memorial Park](#) 17/186015

**THE RETURNED & SERVICES
LEAGUE OF AUSTRALIA
WA BRANCH INCORPORATED**



Wanneroo RSL Sub-Branch

5th June 2017

Mr D Simms,
Chief Executive Officer
City of Wanneroo,
Wanneroo

Dear Sir,

RSL RESEARCH FOR CITIZENS OF WANNEROO WHO LOST THEIR LIVES DURING THE KOREAN CONFLICT.
APPLICATION FOR A MEMORIAL PLAQUE

The Wanneroo RSL Sub-branch, through one of its members has over the past two years conducted research to establish whether or not there were any citizens who joined the Australian Defence Forces died during the Korean Conflict of 1950 – 1953.

The result of this project was to find there was only one such member of the Forces, he being John Rogers Hall, 5/400213.

The circumstances of his death were that he was lost at sea en-route to Australia on the 3rd October, 1952.

His body was not recovered.

We attached a copy of records which we have obtained from official sources.

John Hall was married to Kim Lorraine Olive (nee Hepple). We have not been able to trace her. Nor are we aware of any family.

We make application for a Memorial Plaque commemorating John Hall's service to be placed at the Memorial Park.

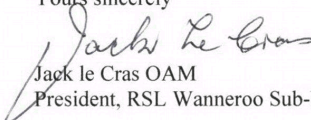
We submit for your consideration the proposed plaque.

We further ask, if approved, that the Dedication Ceremony take place on Remembrance Day 2017 when a Commemorative Service will be conducted by the Naval Association of Australia who have given their approval for their ceremony to include the dedication.

We are available for further information as required.

As we move towards the 100th Anniversary Year of conflicts we consider this would be a fitting time to honour one of our fallen.

Yours sincerely


Jack le Cras OAM
President, RSL Wanneroo Sub-branch

"THE PRICE OF LIBERTY IS ETERNAL VIGILANCE"

President: Jack le Cras
Address: PO Box 1151, Wangara WA 6947
T: (08) 9409 1014 | E: jack.lecras@ozemail.com.au

City of Wanneroo IM 09-06-2017



Policy Manual

DEFINITIONS

Any definitions listed in the following table apply to this document only.

City assets	Anything under the control of the City of Wanneroo.
Memorial plaque	A plate containing written information which is mounted on a structure to recognise the memory of a deceased person.
Commemorative plaque	A plate containing written information which is mounted on a structure to provide information about a past time or significant public event or contribution of a community group.
Immediate family	For the purposes of this Policy, "immediate family" means the nucleus of a family that is a spouse; children; parents; and siblings, as recognised under Australian law.

RELEVANT POLICIES/MANAGEMENT PROCEDURES/DOCUMENTS OR DELEGATIONS

- Naming of City Assets and Memorial Plaques Management Procedure.
- Roadside Memorials Policy
- Community Engagement Policy
- Sponsorship Policy
- Elected Members Recognition Policy
- Award of the Title "Honorary Freeman of the City of Wanneroo.
- Award of the Title "Wanneroo Pioneer".

The above policies are available on the City of Wanneroo's website at www.wanneroo.wa.gov.au.

RESPONSIBILITY FOR IMPLEMENTATION

Corporate Strategy and Performance – Governance and Legal Services

Version	Next Review	Record No:
21 July 2015 (CS04-07/15)	July 2017	12/22694



Policy Manual

SCHEDULE 2

Memorials and/or Commemorative Plaques Application Form

Please complete this form and forward it to the Chief Executive Officer, City of Wanneroo, Locked Bag 1, Wanneroo WA 6946.

Name of Nominee:

JOHN ROGERS HALL

Name of Applicant:

WANNEROO RSL SUB-BRANCH

Address:

PO Box 1151
WANGARA

Post code:

Phone: (h) 9409-1014 (w)

(m)

Email: JACK.LECRAS@OZEMAIL.COM.AU

Request for (please list three locations)

Commemorative Tree with Plaque inPark

Commemorative Tree with Plaque inPark

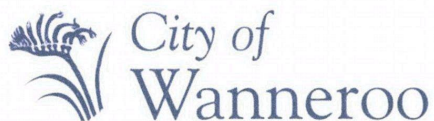
Commemorative Tree with Plaque inPark

Memorial Plaque on bench inPark

Memorial Plaque on bench inPark

Memorial Plaque on bench inPark

MEMORIAL PLAQUE ON WAR MEMORIAL WALK,
MEMORIAL PARK



Policy Manual

Justification as per criteria in the City's Naming of City Assets and Memorial Plaques Policy (Category 2). Attach additional information if required.

JOHN ROGERS HALL, Citizen of Wanneroo enlisted with the Australian Army. He was a member of the Reinforcement Holding Unit Japan ex Korea. On 3rd October 1952. He was lost at sea enroute to Australia. His body was never recovered. His memorial details are listed at the United Nations Memorial Cemetery Busan, Korea. Extensive Research was undertaken to establish serve personnel who lost their lives during the Korean Conflict.

If the proposal is for an individual, please provide contact information of immediate family. Where the proposal has been submitted by a third party, please provide proof of consent by the immediate family.

Name:	Tel/Mobile:	Address:
		Email:

The result of that research has established that John Rogers Hall is the only citizen of Wanneroo to have been lost during the Korean War Conflict.

Extensive enquiries have only established that John Hall married Kim Rosaine Hall (nee Hepple) with present whereabouts unknown.

Roll of Honour circular

For the First World War the circulars were forms sent to next of kin seeking details regarding the deceased. They form the basis of the card indexes from which the original Roll of Honour was compiled.

[View circular](#) 61.76 KB PDF

Personal Service Records

For information on how to access service records please see [Personal service records: Australian service](#).

War Graves

The [Office of Australian War Graves](#) has the location and other information about war graves and memorials. Search the records of the [Commonwealth War Graves Commission](#) for details about First and Second World War graves.

Roll of Honour Certificate

Roll of honour certificates are available from the Orientation Gallery for \$5.40 each.

[Print a Roll of Honour certificate](#)

Internal use only

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- [Research Centre](#)
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- [Conservation](#)
- [Blog](#)
- [Media](#)
- [Jobs](#)

Research

- [Family history](#)
- [Information sheets](#)
- [Roll of Honour](#)
- [Official Histories](#)
- [Australian military units](#)
- [Encyclopedia](#)
- [Glossary](#)
- [Publications](#)

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- [Flickr Commons](#)
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- [Instagram](#)
- [Google Cultural Institute](#)



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- [People profiles](#)

Roll of Honour: John Rogers Hall

Service Number: 5/400213

Rank: Private

Unit: Reinforcement Holding Unit Japan, Ex Korea

Service: Australian Army

Conflict / Operation: Korea, 1950-1953

Conflict eligibility date: Korea, 1950-1953

The official commencement and cut-off dates for inclusion in the Roll of Honour and the Commemorative Roll.

[Read more](#)

Date of death: 3 October 1952

Place of death: At sea (en route to Australia)

Cause of death: Lost at sea

Age at death: 31

Place of association: Wanneroo, Perth, Western Australia, Australia

Cemetery or memorial details: United Nations Memorial Cemetery, Busan, Korea

Notes: Private Hall's body was never recovered and is therefore regarded as missing.

Source: AWM149 Roll of Honour cards, Korea

Location on the Roll of Honour

John Rogers Hall's name is located at **1** in the [Commemorative Area](#) at the Australian War Memorial (as indicated by the poppy on the plan).

 Plan of Commemorative area showing which panel the name John Rogers Hall's is located

Roll of Honour: John Rogers Hall

Service Number: 5/400213

Rank: Private

Unit: Reinforcement Holding Unit Japan, Ex Korea

Service: Australian Army

Conflict / Operation: Korea, 1950-1953

Conflict eligibility date: Korea, 1950-1953

Date of death: 3 October 1952

Place of death: At sea (en route to Australia)

Cause of death: Lost at sea

Age at death: 31

Place of association: Wanneroo, Perth, Western Australia, Australia

Cemetery or memorial details: United Nations Memorial Cemetery, Busan, Korea

Notes: Private Hall's body was never recovered and is therefore regarded as missing.

Source: AWM149 Roll of Honour cards, Korea

Location on the Roll of Honour

John Rogers Hall's name is located at 1 in the Commemorative Area at the Australian War Memorial .



Australian Government

Department of Veterans' Affairs

Office of Australian War Graves

17 February 2017

TO WHOM IT MAY CONCERN

Approval is given under *Section 83 of the Defence Act* for the Australian Military Force (AMF) badge to be used on the private memorial to:

Name: HALL, John Rodgers
Service number: 5/400213

Please note that the veteran's rank and unit are not specified. However rank and unit can be inscribed on the plaque or memorial without permission from the Office of Australian War Graves (OAWG).

Approval is issued on the understanding that the erection of the memorial will be at no cost to the Commonwealth. While responsibility for the inscription and layout lies with the person arranging this memorial you should be aware of copyright provisions applicable to official commemoration.

This approval should be presented to whoever is arranging for the manufacture of the memorial or plaque.

By request from certain foundries, letters of permission are unable to be faxed directly from OAWG to foundries. All correspondence must be forwarded to the applicant who must then forward the permission letter to the relevant foundry along with their order.

Please do not hesitate to contact the Office of Australian War Graves on 1800 026 185 should you have any questions regarding this matter.

Yours faithfully

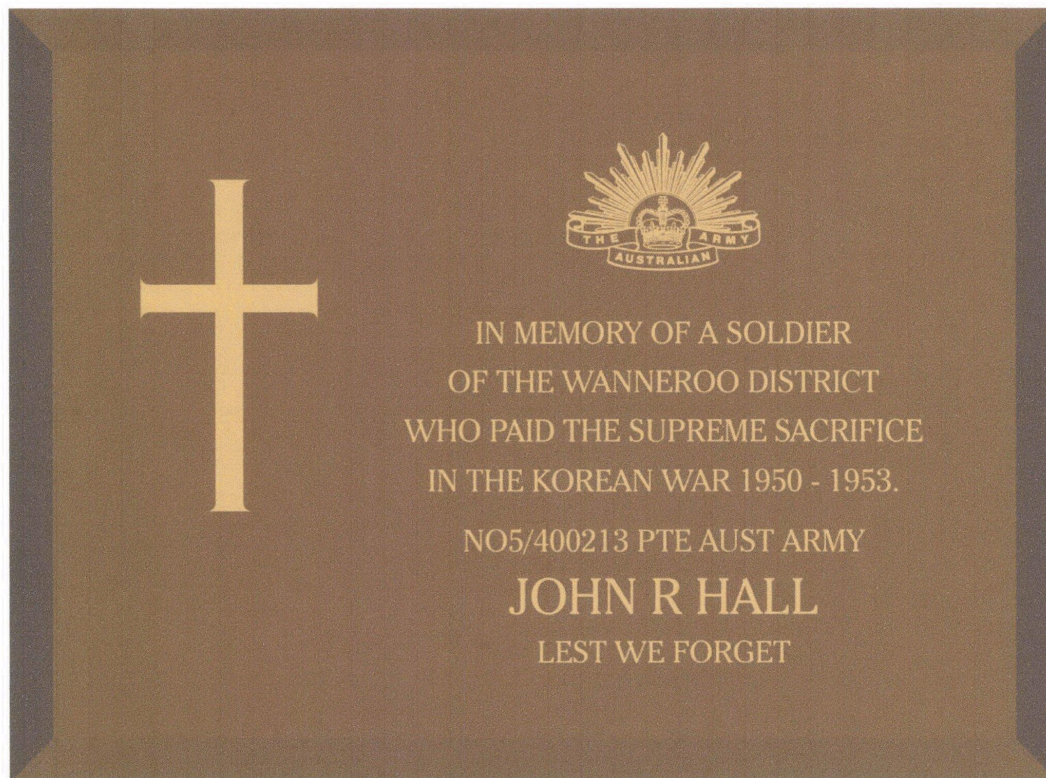
for the Director

21 GENG ST
CANBERRA CITY ACT 2601

GPO BOX 9998
CANBERRA ACT 2601

TELEPHONE: (02) 62896517
FACSIMILE: (02) 62896571
INTERNET: <http://www.dva.gov.au>
EMAIL: wargraves@dva.gov.au

Saluting Their Service



Additional Information

Remarks

Order: W-KMW-B170217C-1

Size: 380 x 280mm

Border: SBD19 - Standard Military Border (Bevelled Painted)

Surface: Smooth

Colour: Pantone PMS (PMS7533C)

Font: Cheltenham Regular

Fixing: 4 x Lugs With Studs

X: 260mm

Y: 160mm

Quantity: 1

Customer Approval

I have proofed the inscription and design of this plaque and approve the manufacture of this product.

Date:

Print Name:

Sign:

Community Facilities

3.7 Edgar Griffiths Park Projects - Outcome of Community Consultation and Concept Approval

File Ref:	24615 – 17/305963
Responsible Officer:	A/Director Community & Place
Disclosure of Interest:	Nil
Attachments:	5

Issue

To consider the proposed concept design for the development of the Edgar Griffiths Park Sports Amenities Building, Floodlighting and Oval Extension.

Background

Edgar Griffiths Park (Reserve No: 36601) is located at 60 Garden Park Drive, Wanneroo **Attachment 1**. The land was vested in the City of Wanneroo in 1987 for the purposes of Public Recreation.

Edgar Griffiths Park comprises of two land parcels. The area directly adjacent to Garden Park Drive (Lot 10080) is currently used for formal sporting activities (i.e. AFL and cricket) and passive recreation (i.e. dog walking) and is 14.7ha in size. This portion is zoned Parks and Recreation. The east land parcel (Lot 10857) has an area of 9.2 ha and is zoned Parks & Recreation as well as Regional Parks and Recreation, however approximately 5.8 ha of this site to the north/east is bush forever and is fenced with conservation fencing. This section of land is not subject to this proposed development.

Edgar Griffiths Parks has previously been the subject of a Master Planning exercise in 2004. While the draft Master Plan was released for community consultation, it was not formally considered by Council due to the Motion on Notice (MN02-10/04) outcome from the Council Meeting held on 12 October 2004.

Detail

PR-4010 Sports Amenities Building

The location of the proposed new sports amenities building is on the southern boundary of the active reserve and will replace the existing toilet/changeroom facility. The concept plan has been included as **Attachment 2** and was used as the basis for the consultation process.

The concept plan includes:

Element	Description
Changerooms	2 x 42m ² changeroom facilities including an amenities area for each changeroom.
Storerooms	2 x 20m ² user group external storerooms.
First Aid Room	10m ² first aid room
Umpires room	includes 1 shower and toilet facilities
Male & Female Toilets	Male and female toilets that are separate facilities from changerooms. A separate universal access toilet that provides external access. These facilities will service the reserve hirers.
100m ² of Multipurpose Room	Future provision as a stage 2, subject to demand.

The proposed facility provision is considered to be appropriate for a neighbourhood level sport reserve of this size (Reserve size of 14.7ha and Playing Field size of 2.5 ha). The provision of a 100m² of multipurpose room has been included as a future second stage, based on demand. It has not been included in the stage 1 development on the basis that there is not sufficient demand to justify the development of this space at the present time.

This position is consistent with the Draft Community Facility Standards which are currently being developed by Administration in respect to future community level sport infrastructure provision. The draft Standards will propose all future neighbourhood level Active Open Space is provided with a sports amenities building of up to 100m², subject to consideration through the planning process of:

- Number of user groups; and
- Specific sport requirements.

Future facility provision will be guided by the Draft Community Facility Standards. These will be based around the below existing hierarchy which applies to Active Open Space:

Designation	Number of Ovals Provided*	Size +	Minimum Multipurpose Facility Provision	Maximum Multipurpose Room Provision
Local	0	Between 0.4 and 1 ha	N/A	N/A
Neighbourhood	1	1 to 5ha	0m ²	100m ²
District	2	5 to 15+ha	100m ²	150m ²
Regional	More than 2	At least 20ha	150m ²	200m ²

*1 Oval can host cricket, AFL, 2 x Rugby / Soccer fields

+based on classification framework developed by Department of Sport and Recreation(DSR) in 2012 and revised City of Wanneroo Local Planning Policy 4.3 – Public Open Space.

In accordance with the Draft Community Facility Standards that will ultimately be presented to Council for endorsement, the provision of such infrastructure would also be measured against the levels of activity at each location on a case by case basis specific to sport requirements and a clear demonstration of the need identified for the provision of the facilities within the minimum and maximum provision.

In terms of the broader catchment for the Park, the following table provides an overview of the other active reserves within the catchment and their current use.

Park	Size	Distance from Edgar Griffiths	Facilities	Current users	Level of use per week (hours)
Houghton Park	5ha	6.2km	One playing field, floodlighting, sports amenities building, playground equipment, BMX facility	Carramar FC Carramar Primary School Wanneroo Cricket Club Step into Life Wanneroo/ Joondalup Tee ball Wanneroo Lacrosse	21 (W) 30 (A) 22 (S) 7 (A) 0.5 (S) 2 (S)

Peridot Park	3ha	6km	One playing field, toilet block, playground, floodlighting, tennis courts	Neerabup Junior Football Club Carramar FC Neerabup Primary School *No summer club usage	8.5 (W) 7.5 (W) 35 (A)
Scenic Park	4.6ha	3.6km	Two playing fields, floodlighting, playground,	Wanneroo Junior Football Club Personal Trainer Brazilian Soccer School RSPCA	4 (W) 8 (A) 3 (A) 3 (A)
Lake Joondalup Park	9.2ha	3.1km	One playing field, changerooms, toilets, cricket nets, floodlighting, playground, fitness equipment	Wanneroo Cricket Club – Juniors Wanneroo Junior Football Club	15 (S) 8 (W)
Wanneroo Showgrounds	9.3ha	3.06km	One playing field, clubrooms, 3 x toilet blocks, tennis courts, pavilion, cricket nets, power supplies	Wanneroo Cricket Club – Juniors Wanneroo Cricket Club – Seniors Wanneroo Junior Football Club Wanneroo Amateur Football Club Step into Life (Fitness) Nollamara RSL Swap Meets	17 (S) 9.5 (S) 21 (W) 10.25 (W) 6.25 (W) 6 (A)

Note: W – Winter, S – Summer, A - Annual

In respect to population growth within the catchment area, the table below outlines the anticipated growth within the locations of Wanneroo, Carramar and Tapping. As can be seen, the level of growth over the 10 year period will be significant, with the population threshold meeting the required 1:7,000 ratio for Neighbourhood POS (Active) (Northern Coastal Growth Corridor Community Facilities Plan, 2011).

The population of Wanneroo is expected to increase by 38% by the year 2024 and a 16% rise in population is anticipated for the suburb of Carramar.

Suburb	2014	2024	Difference	%
Wanneroo	12,749	17,706	+ 4,957	38%
Carramar	7,134	8,339	+ 1,205	17%
Tapping	9,791	10,001	+ 210	2%
Total	29,674	36,046	6,372	21%

Source – Population Forecast id

To ensure access by the broader community to the building, it will be necessary to implement an appropriate management model that does not allow any one group or only a small number of groups to have dedicated exclusive use. Fundamentally, this will be achieved via the City's Facility Hire and Use Policy, providing equitable access to all of the community.

PR-4101 Floodlighting and Oval Extension

The proposal to realign the oval **Attachment 2** will better accommodate existing sports to be played on this reserve. It is proposed that Edgar Griffiths Park is floodlit to allow clubs to train after dusk in winter. It is proposed to design and construct a 4 pole installation on the playing field to AS 2560.2.3 for large ball sport training, with capacity to increase to 100 lux at a future point in time. The City of Wanneroo is now controlling floodlighting through an SMS system. This system prevents power wastage by only activating floodlighting when there is a booking on the reserve. The current Facility Hire & Use Policy permits the use of floodlights up until 10pm each night.

The floodlighting installation is currently scheduled to be completed in the 2019/20 financial year, following the completion of the Sports Amenities Building.

PR-4106 – Edgar Griffiths Park – Water Main Extension

The current provision for drinking water is provided through a water filtration system however this amenity would not have the capacity to provide clean water to the proposed new facilities.

There is currently no scheme water connection at Edgar Griffiths Park and this will be required to support the functions of the new sports amenities building. This will allow the building to be used to its full potential and provide drinking water to the community members and sporting clubs that will use this facility.

Project Schedule

The proposed timeframes for the Edgar Griffiths Park Sports Amenities Building, Floodlighting, Oval Extension and Water Main Extension are as follows;

Key Tasks	Target Date
Council report – consultation outcomes and concept, cost and funding model	10 October 2017
Procurement Oval Extension	Oct 2017
Oval Extension	Oct – Dec 2017
Procurement Floodlighting	Jan – March 2018
Construction Floodlighting	April – June 2018
Detailed design Sports Amenities Building	Oct- Dec 2017
Procurement Sports Amenities Building	Jan – March 2018
Construction Sports Amenities Building	July 18 – Feb 2019

It should be noted that the project schedule will be subject to further refinement as the project progresses and more detailed planning undertaken.

Consultation

The community consultation period for Edgar Griffiths Park projects was conducted between 21 August to 15 September 2017 and included the following consultation strategy:

- Distribution of an information letter and survey **Attachment 3** and plans **Attachments 2** to 291 residents and landowners within 400m from the Park, requesting that they take part by providing feedback and view the concept plan;

- Community consultation held onsite on 11 September 2017 to allow interested members of the public to view and discuss the draft concept plan with the relevant City of Wanneroo staff members and Elected members; and
- Inclusion of the concept plan and comment form on the City's web site with links provided on City of Wanneroo Facebook and Youth Facebook pages.

The Wanneroo Junior Cricket Club, Wanneroo Cricket Club, Wanneroo Amateur Football Club, Wanneroo Junior Football Club and the Wanneroo Little Athletics were also contacted and provided with links to the consultation and survey information for distribution through their networks.

Public Comment Outcomes

At the close of the consultation period, Administration received 52 responses, a return rate of 17.8%. Of the 52 responses, 49 were supportive of the Sports Amenities Building (94.2%), 47 (90.3%) supported the oval realignment, while 5 (9.7%) did not support the tree removal or the upgrades at this reserve in general.

In respect to the floodlighting, 46 (88.4%) of respondents supported the proposed project, while 6 (11.6%) opposed the project stating that consideration should be given to the local residents who have chosen to live semi-rural and that the floodlighting will attract anti-social behaviour.

A list of all comments for the Sports Amenities Building can be found on **Attachment 4**. Some of those comments in favour of the project are;

- *It would be great if the toilets were made available during the day in the new building;*
- *Better oval needs better facilities;*
- *Yes, about time it was updated;*
- *Sport is a fantastic thing for both adults and children. There can never be too many opportunities for sport. Well done on this proposal City of Wanneroo.*

Comments were mainly supportive for the Oval Realignment as shown in **Attachment 4**. Some of those comments in favour of the project are;

- *Again, to use the park to the full capacity that is required for future events. The oval should be changed to suit the sports that are to be played on it;*
- *It is only minor. My grandson plays there and it will bring it in line with other ovals;*
- *Sports are important for the younger generations so future venues need to keep up with the growing suburbs, but Wanneroo definitely needs updating, anything for the youth is a good thing as there is not a lot for them*

The comments were generally supportive for the Floodlighting **Attachment 4**. Some of those comments in favour of the project are;

- *Fantastic, flood lighting activates public space at times people are most able to utilise. The safety benefits and overall community benefit is outstanding. Great job;*
- *Good quality community facilities are invaluable and have many benefits;*
- *The use of the oval under lights will be a great success for more sports to be able to use at different times of the day.*

A summary of the responses received which were not in favour of the proposed projects, has been included below and has been outlined in more detail in **Attachment 4**:

- *The provision of 30 metre lighting columns is not required to satisfy passive recreation needs. Further encouraging night time use of the facility is likely to result in anti-social behaviour and inconvenience to adjacent property owners;*
- *Remediation and upgrading of the verges is currently required as present use has damaged the verges significantly;*
- *Lighting towers as proposed are not in keeping with the Special rural designation of the Garden Park area, which is able to provide a suitable amenity for the vast majority of current users and has done so for more than thirty years. If illuminated facilities are required to accommodate incoming residents, they should be located in the newly developed/developing areas;*
- *The present oval has served the required purpose for the past thirty+ years. I see no point in destroying trees to expand it;*
- *This would be a much better improvement if the verge area on Garden Park Drive had a hard surface as a lot of cars are parked along there and surface is dug up and cars are getting bogged. Also this makes it hard for people to walk along side park;*

The survey also asked if there were any other comments that the respondent would like to advise the City and the full list is on **Attachment 4**. A sample of those comments includes;

- *Please create a bin compound storage area;*
- *Onsite bbq would be nice;*
- *There is a great need for much more parking areas than at the moment;*
- *I am behind all positive changes for young people;*
- *I would like to frequent Edgar Griffiths park more often but it is difficult to access as there is no proper footpath from Dundee road and I can't push my double pram safely along the shoulder. It would be great if this could be taken into consideration as part of these upgrades or in future;*
- *Once done need security people driving and keeping an eye on the new area;*
- *I am not a resident of Wanneroo but a rate payer so believe I have a right to comment particularly on the environmental impact of loss of tree cover and the need to replace it due to my interest in these matters.*

Onsite Community Consultation

As part of the community consultation period, Administration and Councillors attended Edgar Griffiths Park on Monday 11 September 2017 to present the design to interested community members. The opinion of the residents present was that this park is regularly used by dog walkers and this was evident as there were about 16 dogs with their owners at this meeting.

Their concern was that the oval would have more sporting usage, disadvantaging their group although they were pleased with the proposed design. There were suggestions to make the area to the east more accessible by the inclusion of dog waste bags and picnic shelters allowing the dog walkers to use another portion of Edgar Griffiths Park avoiding conflict and competing time with sports groups for the oval space.

Other issues that were raised at this meeting were parking along Garden Park Drive. This is regularly used for parking and creates a safety issue with cars parking along the soft edges and also that this is a 70km speed zone. Requests were made to reduce the speed limit along this section and to formalise off street parking.

It should be noted that these comments were submitted through the formal survey and included in **Attachment 4**.

The consultation process has been undertaken as per the City's Community Engagement Policy. Consultation with key stakeholders will be undertaken as a matter of course throughout the design and construction processes.

Comment

Administration is of the view that the proposed facility provision, being the Sports Amenities Building, Floodlighting and Oval extension is appropriate for a neighbourhood level active reserve of this size

Although the large majority of respondents are in support of the concept as presented, Administration will seek to work with Main Roads Western Australia in regards to the speed limit along Garden Park Drive. The provision of dog waste bags and a picnic shelter and / or seating will be further investigated by Administration, and may be considered as part of this project if budget funding permits.

In respect to the comments received opposing the development as it is thought not to be in accordance with the original subdivision, Administration can advise that Edgar Griffiths Park is utilised within the parameters of the Vesting Order **Attachment 5** issued by the Governor of Western Australia to the City of Wanneroo on 31 March 1987 under the Land Act 1933 (Section 33) for the purposes of "Public Recreation" which by definition includes active and passive leisure pursuits. The Garden Park estate was zoned 'Special Rural' under the City's former Town Planning Scheme No. 1 in 1979 and during subdivision in the 1980's the Park was formally created as a Reserve for the purpose of "Public Recreation"

It should be noted that the development proposal outlined in this report is to extend the current use and not introduce new uses.

Statutory Compliance

The City will be required to secure the necessary Building Licence and Development Approvals prior to the commencement of construction.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

"1 Society

1.1 Healthy and Active People

1.1.1 Create opportunities that encourage community wellbeing and active and healthy lifestyles"

Risk Management Considerations

Risk Title	Risk Rating
CO-O01 Relationship Management	Moderate
Accountability	Action Planning Option
Executive Leadership Team	Manage

Risk Title	Risk Rating
CO-O20 Productive Communities	Moderate
Accountability	Action Planning Option
Director Community and Place	Manage

Risk Title	Risk Rating
CO-O23 Safety of Community	Moderate
Accountability	Action Planning Option
Director Community and Place	Manage

The above risks relating to the issue contained within this report has been identified and considered within the City's Corporate risk register. Action plans have been developed to manage this risk to improve the existing management systems.

Policy Implications

The City's Local Planning Policy 4.3 Public Open Spaces was used as the guiding framework for the development of the draft concept plan. The community consultation process was undertaken as per the City's Community Engagement Policy.

Financial Implications

The total estimated cost for the Sports Amenities Building, Floodlighting, Oval Extension and Water Main Extension is \$2,606,000 with the funding source being the City of Wanneroo municipal funds, as captured within the Long Term Financial Plan.

A summary of the combined project has been outlined in the table below.

Year	Project No.	Description	Total
1 (2017/18)	4101	Oval Extension and Sports Floodlighting Design	69,000
1 (2017/18)	4010	Sports Amenities Building (New / Refurbishments / Additions) - Detailed Design & Construct Stage 1 (ARMP)	400,000
1 (2017/18)	4106	Water Main Extension	150,000
2 (2018/19)	4010	Sports Amenities Building (New / Refurbishments / Additions) - Detailed Design & Construct Stage 2 (ARMP)	1,300,000
3 (2019/20)	4101	Oval Extension and Sports Floodlighting - Construction	687,000
Total			2,606,000

Voting Requirements

Simple Majority

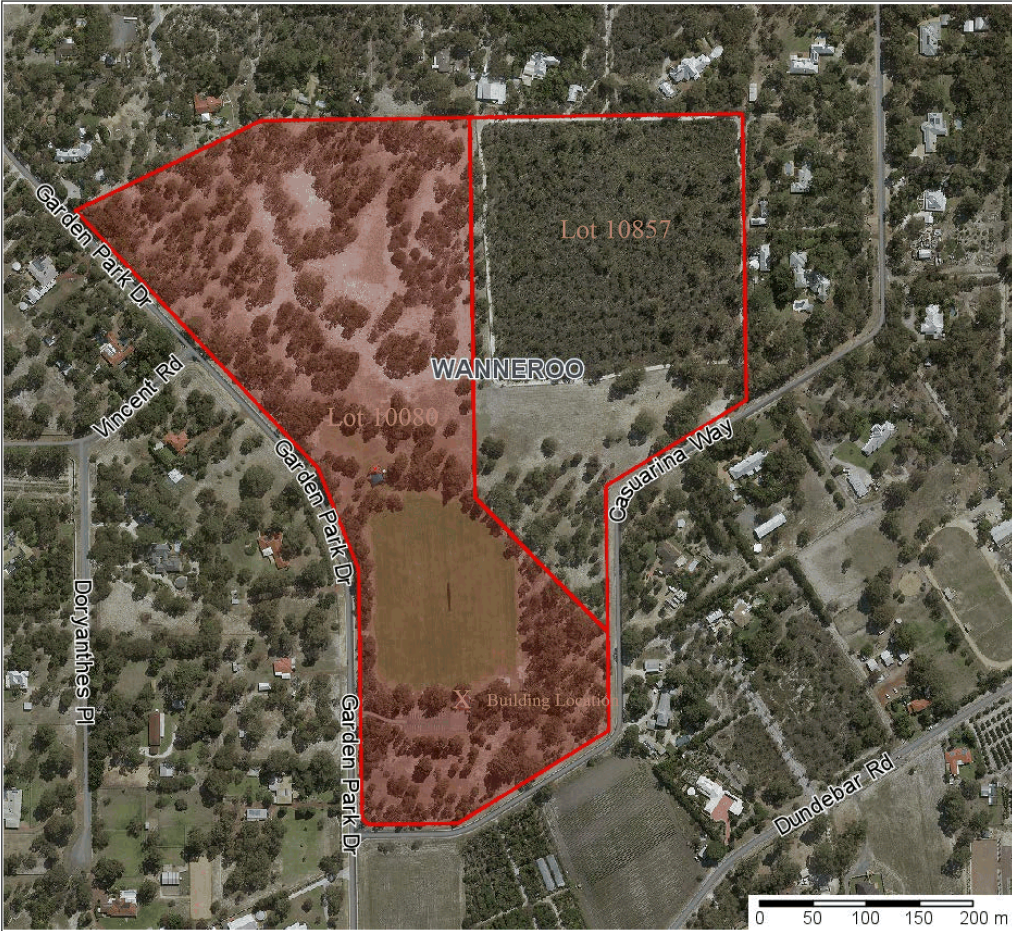
Recommendation

That Council:-

- ENDORSES** the Edgar Griffiths Park Sports Amenities Building, Floodlighting, Oval Realignment Concept Plan as shown in Attachment 2 of this report;
- NOTES** that construction of the proposed development is estimated to commence by end October 2017 and will be concluded in February 2019; and
- RECOGNISES** and **THANKS** the community for its involvement in the community consultation component of the project.

Attachments:

1. Edgar Griffiths Park - Land Parcels and Location Plan 17/311146
2. Edgar Griffiths Park - Building and Oval Concept 17/319346 Minuted
3. Edgar Griffiths Park Letter and Survey 17/319350
4. Edgar Griffiths Park - Survey Comments 17/319474
5. Edgar Griffiths Park - Vesting 17/311159



Parcel Boundaries

Lot Number 10080 & 10857
Park & Reserve Name EDGAR GRIFFITHS PARK

Property

Parcel Number 151163 & 195185
Legal Area 147742m² & 91925 m²
Assessment Number 2705610
Property Name EDGAR GRIFFITHS PARK
Address 60 Garden Park DR
Suburb WANNEROO 6065
Property Type Crown Land - COW Managed
Legal Description Lot: 10080 P: 12918 & Lot: 10857 P: 15402

Volume 3155
Folio 666 & 667
Reserve Purpose Public Recreation
Reserve No 36601

Owner

Name Crown Land - City of Wanneroo Management
Address Locked Bag 1
Locality WANNEROO WA 6946



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Edgar Griffiths Park

Date: 14/09/2017

Printed by Hamling, Lita

Scale = 1:6000





ROOM	AREA (SQM)
CHANGEROOMS	34
UMPIRES	13
FIRST AID	10
PUBLIC TOILETS	30
PASSAGE & DUCTS	17
STORAGE	40
KIOSK KITCHEN	22
CLEANERS	3
ELECTRICAL + HOT WATER	6
TOTAL	225

[illegible]



File Ref: 24615 (17/227095)
Your Ref:
Enquiries: Lita Hamling – 9405 5050

17 August 2017

«OwnerName»
«OwnerAddr1»
«OwnerAddr2»

Dear Sir/Madam,

EDGAR GRIFFITHS PARK – FACILITY UPGRADES

At the Ordinary Council Meeting 27 June 2017, Council adopted the 2017/18 Capital Works Budget and approved the funding for upgrades at Edgar Griffiths Park, located at 60 Garden Park Drive, Wanneroo. These upgrades are being undertaken to support the local community and sporting groups and include;

- Minor oval realignment and floodlighting
- New sports amenities building
- Connection of scheme water supply

To ensure the proposed development meets the needs of the community, the concept plans are now released for public comment between 21 August and 15 September 2017.

A community sausage sizzle will be held on site at Edgar Griffiths Park, Wanneroo on Monday 11 September commencing at 5:00pm. This event will allow interested community members the opportunity to view the draft concept plans onsite and make comment to the Elected Members and City's Officers.

The City is very keen to understand your point of view and invites you to return the enclosed survey in the reply paid envelope or by sending your completed survey by email to leisure.planning@wanneroo.wa.gov.au.

Alternatively the link to the survey can be found on the "Your Say" section of the City's website www.wanneroo.wa.gov.au/consultations/

The City is committed to the provision of facilities to service the community and it is important to ensure that the development contains those facilities best suited to meet the needs of both users and the surrounding community before commencement of construction.

We thank you for your interest in the Edgar Griffiths Park upgrades and would welcome any feedback you may have on the draft concept plan.

Yours sincerely



Shane Spinks
MANAGER COMMUNITY FACILITIES



Community Survey Edgar Griffiths Park Facility Upgrades

The 2017/18 capital works budget has set aside funding to improve the current amenities at Edgar Griffiths Park which will benefit local sporting clubs, community members and support the existing use. Those improvements include:

1. A new sports amenities building
2. SMS controlled floodlighting
3. A minor upgrade to the oval alignment
4. Connection to scheme water

To ensure the proposed plans meet the community needs, the City invites you to view these plans and partake in this survey or you may complete this online at <https://www.surveymonkey.com/r/egupgrade>

<input type="checkbox"/>	I am a City of Wanneroo Resident and use Edgar Griffiths Park
<input type="checkbox"/>	I am a City of Wanneroo Resident and I do not use Edgar Griffiths Park
<input type="checkbox"/>	I am a City of Wanneroo Resident and a Member of Club which uses Edgar Griffiths Park
<input type="checkbox"/>	I am a Non-Resident of the City of Wanneroo and a Member of Club which uses Edgar Griffiths Park

Q. 1 – Sports Amenities Building

The new sports amenities building will replace the existing toilet/changeroom area. The concept design provides two changerooms with toilets and showers, two club storerooms, male/female toilet facilities and an external public toilet which will be open daily by a time lock system. The facility will also include an umpires room and a kiosk. Do you support the provision of a sports amenities building?

Yes ☐ No ☐

Please tell us why?

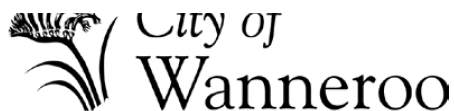
Q 2 Oval Realignment

Realignment the oval will better accommodate existing sports to be played on this reserve. Do you support this minor upgrade?

Yes ☐ No ☐

Please tell us why?

Continued Overleaf



Community Survey Edgar Griffiths Park Facility Upgrades

Q3 – Floodlighting

It is proposed that Edgar Griffiths Park is floodlit to allow clubs to train after dusk in winter. This will include 50 lux lighting on 4 x 30 metre poles on each corner. The City of Wanneroo is now controlling floodlighting through an SMS system. This system prevents power wastage by only activating floodlighting when there is a booking on the reserve. Do you support the floodlighting for Edgar Griffiths Park?

Yes ☐ No ☐

Please tell us why?

Q4 – Is there any other comments you would like to provide?

Yes ☐ No ☐

The City of Wanneroo would like to thank you for your feedback. A reminder that there is an onsite community BBQ at **Edgar Griffiths Park on Monday 11 September 2017 at 5:00pm** if you would like to view plans and make comment to Elected Members and City staff. To find out what is happening with this and other City of Wanneroo projects, visit <http://www.wanneroo.wa.gov.au/communityfacilityprojects> where you can find the latest information including timeframes and plans

Thank you for taking the time to complete the survey

17/227119

2 of 2

Edgar Griffiths Park Community Consultation Outcomes

Sports Building All Comments Support

- As long as it is only a sporting facility and doesn't end up being a clubrooms/bar facility
- Up to a point. Will the park be used for both junior and senior sporting activities
- If possible could seats be incorporated into design, of the type which are bolted to wall.
- To have public toilets open and close on timed locks."
- it would be great if the toilets were made available during the day in the new building
- Upgrade with better lighting would be good
- Better oval needs better facilities
- Please include a bin storage area for the storage of the bins that will be supplied to building for club use.
- It also needs to have a function room
- There appears to have been some oversight in the location of the club rooms "directly behind the bowlers arm" which may prove problematic for cricket use. The location should be shifted to avoid this
- Better utilities are always welcomed and the sketch looks great! Very modern
- Small blocks and no gardens - inhabitants need to use an oval with a public toilet. There should be more than one!
- To be able to use the ground and attract events to the park. These facilities are vital
- Edgar Griffiths Park is such a beautiful space. It should have amenities to match
- Its needed. The ones there are too small and they are crappy
- Yes, about time it was updated
- Provided there is no future expansion capability facilitating easy conversion into a clubhouse with the attendant problems that this would bring
- Any upgrade for anything is Wanneroo is a good thing as we still seem far behind many of the newer suburbs
- I use it myself and notice a lot of other people use as well. Will not go to waste
- Future Development
- I believe the existing building is inadequate and would welcome external public toilets as young children who use the play area have no opportunity to use a toilet. I often see young mothers taking children behind trees as a toilet.
- Walkers need to have access to a toilet facility. Good for playground users and cyclists too. Important to secure external public toilet at dusk with a lock system. Well done! Thanks.
- Is there ambulant faculties available?
- Please ensure it is accessible for everyone - wheelchair friendly, autism friendly. Thank you
- It will create a better atmosphere for supporters and players in sports
- 30 years old. Requires upgrade for increased use of park.
- Is a fantastic upgrade for sporting clubs that use the facilities and to hopefully grow the sporting community that use the facilities.
- I support the provision of additional sporting facilities to cater for the clubs in the growing City of Wanneroo and especially Sinagra
- I personally think the place needs an upgrade
- Sport is a fantastic thing for both adults and children. There can never be too many opportunities for sport. Well done on this proposal CoW.
- Investment in the improvement of the park indicates a commitment to its ongoing retention as green space within Wanneroo. We are concerned that Edgar Griffiths Park might be lost as part of the East Wanneroo urbanisation plans

Sports Building All Comments - Against or Query Future Development

Edgar Griffiths Park Community Consultation Outcomes

- This sports oval should never have been built. The shire did not comply with the original development agreement as set up with Dr Edgar Griffiths. The original owner of the land. Many meetings were held with local residents and the shire. It was finally agreed to with all parties that this oval was to be limited to football only up to the ages under 12 - MAX.
- If you are removing trees that give us shade as spectators and opposing cricket teams, then a sheltered area will be necessary
- We have some concerns over the proposed upgrade of facilities at Edgar Griffiths Park. Most of the local residents have paid a premium to live in this special rural area in search of peaceful surroundings and a quiet neighbourhood.
- The sports amenities building is long overdue and will be a welcome addition to the area however.....
- The proposed multi purpose room.
- Will this be hired out for after hour's functions? eg. club events,weddings, birthdays etc. We feel, if this is the case, local residents will have to deal with sometimes rowdy and anti social behaviour as has been the case in many other similar facilities.
- Lighting
- When this was proposed several years ago the main concern from local residents was the spill light onto nearby properties. This will be unavoidable. Our company has had long term experience in installation of sports lighting and it has caused distress to many local residents in the past.
- Parking
- This needs to be increased considerably as it is totally inadequate at present. People park on the verge, causing damage and it is only a matter of time before a major accident occurs. Vehicles regularly reverse out onto the 70kmh Garden Park Drive and it is also not uncommon for children and dogs to run onto the road.
- I do not support the provision of a kitchen kiosk and the future extensions as the next step would like be a clubhouse/ bar. Such a proposal was rejected just a few years ago.
- I'm against the park being used as a base for amateur sport as the original bases for this park was for passive recreational reserve & Not for sport
- Why hasn't the Council provided sufficient sporting centres within it's Town Planning Scheme. Locate sports centres in suburbia. This is already effecting our rural lifestyles. What are you doing about the already dangerous parking habits of those doing sports at our local park. Insufficient parking places for volume of users

Edgar Griffiths Park Community Consultation Outcomes

Floodlighting All Comments - Support

- As long as they are well regulated and lighting is not shining into local surrounding residences.
- However this training should not take place late evening
- The floodlighting will allow more junior sports - maybe little athletics - etc to use the area safely
- Provide more opportunities to use the oval as area is rezoned more people - more use
- He Lux level needs to be higher to facilitate small ball sports
- Fantastic, flood lighting activates public space at times people are most able to utilise. The safety benefits and overall community benefit is outstanding. Great job
- Great idea!
- Increased usage in darker months
- I support this so long as the residents surrounding the park have no objection to this, as they are the people who will be most affected by this
- Perhaps it may deter vandals from digging up the park with their vehicles
- There are no lights that works properly at present. At least SMS ones will be able to be switched off and on.
- It is such a waste as it stands and desperately needs lighting so it can be used more often. There should actually be more lighting around the park all of the time so that residents can walk their dogs and exercise. You cannot do much in pitch darkness.
- Very good idea. That way lights won't be left on in daylight as often happens with the street lights
- I can also go to the park with kids and pets at late evenings as well
- Great idea for security, maximum usage of facility and also being frugal
- Is there provisions to make the lights a better LUX?
- Good quality community facilities are invaluable and have many benefits
- The use of the oval under lights will be a great success for more sports to be able to use at different times of the day
- Allows for dusk operation for adult sports and increased usability of facilities.
- Wonderful for sporting clubs and to grow the sporting community.
- Flood lighting improves the capital return on the investment. Naturally night raining should be limited to reasonable times with an agreed limit on when to close up in consultation with local residents. Functions such as bucks nights and BBQ's with alcohol need to be controlled if they are to occur at all.
- Great for sports especially in winter when it gets dark so early. Will allow for additional training and matches
- I would like your engineering department to ensure that there is hooding over the lights, such that it illuminates the playing surface only without causing irritation to nearby residents

Floodlighting All Comments - Against or Query Future Development

- This park was gifted to Wanneroo by Edgar Griffiths to be used as a passive recreation area. The provision of 30 metre lighting columns is not required to satisfy passive recreation needs. Further encouraging night time use of the facility is likely to result in anti-social behaviour and inconvenience to adjacent property owners. Remediation and upgrading of the verges is currently required as present use has damaged the verges significantly.
- Lighting towers as proposed are not in keeping with the Special rural designation of the Garden Park area, which is able to provide a suitable amenity for the vast majority of current users and has done so for more than thirty years. If illuminated facilities are required to accommodate incoming residents, they should be located in the newly developed/developing areas.

Edgar Griffiths Park Community Consultation Outcomes

- Such floodlighting is unsuitable / undesirable in a special rural area which has adequately functioned without it for 30+ years. 30 metre poles are unsightly in such an area
- Absolutely NO to 30 metre towers in a residential area - you must be joking!!!!
- Surely the noise and interruption is sufficient already. This is not a sports centre. Really floodlighting. When what times. The hours being utilised is already long enough. Suburbia would love this which I expect most of the club members are from. Hours of use?

Oval Realignment All Comments - Support

- If there are going to be sports activities clearly there will have to be a minor upgrade
- This is a good idea and more seats around playing area.
- Oval realignment should not cut into surrounding bush/park
- As long as the children's play area is still within safe boundaries
- The cricket pitch should also be re-aligned
- Great idea
- The oval will a regular shape. I can't abide the lack of symmetry.
- Again, to use the park to the full capacity that is required for future events. The oval should be changed to suit the sports that are to be played on it
- Will better suit all users much better as we walk our dogs there daily.
- It is only minor. My grandson plays there and it will bring it in line with other ovals
- Sports are important for the younger generations so future venues need to keep up with the growing suburbs, but Wanneroo definitely needs updating, anything for the youth is a good thing as there is not a lot for them
- More people use the park facility the better it is and not wasted money
- Increase flexibility to embrace needs required for different codes.
- The present oval has served the required purpose for the past thirty+ years. I see no point in destroying trees to expand it.
- I play cricket at this ground and I believe the current facility isn't very accommodating and functional
- As provided in first answer.
- If it works better then do it
- As above. Its all about sport and fitness and good health

Oval Realignment All Comments - Against or Query Future Development

- The term oval realignment is a misnomer. It should be "oval increase in area." Also it isn't an upgrade but an improvement in facilities to cater for larger numbers of users at a higher standard and to cater for night usage. It is noted that 16 non-native trees are to be removed to increase the playing area. I believe the City has a responsibility to replace those trees with native trees of local provenance with the seeds preferably taken from nearby species of Marri, Tuart and Jarrah and slot them in in the bare areas to the North and North east where the map shows blank spaces. Replacing with double the number taken out would be a good rule of thumb. They should be planted in non-irrigated areas to avoid collar rot.
- The oval has provided adequate facilities for users for more than thirty years. I see no reason to destroy valuable trees to enlarge it
- This would be a much better improvement if the verge area on Garden Park Drive had a hard surface as a lot of cars are parked along there and surface is dug up and cars are getting bogged. Also this makes it hard for people to walk along side park.
- Unhappy about tree removal.
- So much for Shire, Now City of Wanneroo agreements Check your records and meeting minutes and stop any further development.

Edgar Griffiths Park Community Consultation Outcomes

- There is absolutely no need to remove trees given that the originally the council approved this subdivision based on this donated land being used as passive recreational reserve.
- There is absolutely no need to remove trees given that the originally the council approved this subdivision based on this donated land being used as passive recreational reserve.
- This is not a sports centre. Its a shame Administration is not providing the same information to all local residences. What are the permitted times of use by the clubs?

Other Comments - Support

- I use this park to exercise my dog as do many others. I would like to see more bins for dog poo collection @ the Northern side of the park towards the Edward Griffiths fenced reserve. Would also like to see the childrens playground fenced as it is very close to Garden Park Drive which is a very busy road. finally the placement of more seats around the oval. Finally I would like to congratulate the council & parks department staff for the excellent upkeep of parks @ gardens around the Shire of Wannon.
- Would like to see provision of scheme water directed off Casuarina Way on eastern side to provide some benefit of scheme water connection to local residents most affected by design
- Public BBQ's would be useful at play grounds and clubrooms
- Very supportive of the proposal
- I only hope that the park will continue to be used for the dog walkers and other non sporting activities. I sincerely hope that there will not be any question of the kiosk having a liquor licence and no BYO after training sessions or games
- Request for additional nets to be built – 4 practise nets in total would be fantastic as Edgar Griffiths is used for Junior training each week during the season and also by the Seniors when the Showgrounds are unavailable due to City of Wannon events and prior to scheduled games at the ground. Also can these be fully Astro turfed as they are at the Wannon Showgrounds. This ensures that cricket balls and equipment are not damaged as they can be now as the nets are not fully astro turfed.
- I generally support the upgrade of the oval and club rooms but i feel there a lack of foresight in the limited parking for the user after the upgrade. Nowhere in the planned upgrade is there provision allocated for extra parking. People are forced to park on the soft sandy verge on Gardenpark drive which had a speed limit of 70 kphs and has corner which i my opinion is a accident waiting to happen
- I am writing on behalf of the dog owners, as we definitely use the park the most. We would love to see some seating up near the fenced in walking path as there are a lot of elderly dog owners and we get harrassed on a daily basis by people who hate dogs. this would allow us to use this area and stay away from sports people and children's playground, as it is shady it would be ideal in the summer, as we come every day, thank you, sharlene sladen.
- Im happy to have the upgrade go ahead with the park but would also love the to keep the current rules going as far as being able to take my dog there for walks as long as we pick up there toilet habbits and so forth and keep the dog drinking bowl there which was a perfect little addition
- "Better parking facilities are needed
- Pedestrian pathways on Garden Park Road are also well overdue
- Street lights on Garden Park Drive should be turned on nightly as currently are not - very dangerous
- Needs upgrading to balance the rezoning of garden park area as more population will need to use the park and sporting facilities
- Please create a bin compound storage area.
- Onsite bbq would be nice

5 of 7

Edgar Griffiths Park Community Consultation Outcomes

- The car park needs extending . There also needs to be street lights as the road has none and it is pitch black at night time . More bins. More benches. A barbecue at the playground end of the reserve.
- Just do it !!
- "While I know Wanneroo is experiencing growth, the people surrounding the park have chosen that location because of its privacy & peacefulness. All consideration should be taken in the planning to have close-by residents requirements met. Events at the park should reflect this - suitable hours etc.
- Also, please consider park Cnr Stephen Street and Bonnievale Terrace. This park should have basketball hoops & such for the kids in the area. - Have been asking for this but nothing happens.
- There is a great need for much more parking areas than at the moment.
- Cameras on the light poles and hopefully get the idiots who choose to do burn outs on the oval and perhaps one in the play area to the other people doing the wrong thing
- The car park and roads surrounding Edgar Griffiths Park are used as areas where young people drink alcohol, take drugs and undertake in other inappropriate acts. There should be a security/neighbourhood watch vehicle patrolling these areas at night. We have young children and felt the playground and equipment should also be upgraded.
- I am behind all positive changes for young people
- I would like to frequent Edgar Griffiths park more often but it is difficult to access as there is no proper footpath from Dundeebar road and I can't push my double pram safely along the shoulder. It would be great if this could be taken into consideration as part of these upgrades or in future.
- I am in favour of anything that brings Wanneroo in line with the other suburbs. This sounds fantastic. I will definitely go and see it when completed. Now you just have to upgrade our local swimming pool!!!
- Once done need security people driving and keeping an eye on the new area
- I am the current President of the Wanneroo Junior Football Club. We currently use this facility extensively throughout the winter Football season. We have Junior teams train at this oval every evening Monday - Friday during this time. The oval is also used as an overflow oval for our junior team fixtures on Sundays to accommodate the increasing numbers of team we have at our club. An upgrade to the facilities at this venue would greatly benefit our club in the future. With the addition of extra teams forecast over the next few years to accommodate the Girls AFL competitions we would be looking for even more oval space. The ability to use this oval at night with floodlights would further enhance the opportunities we can provide for the junior teams within our club. Lastly the addition of lights would give us the capacity to reschedule some teams away from the Showgrounds and allow it to not be so heavily overused during the football season hopefully allowing it to be maintained to a higher standard for games over the weekend. Our club would definitely make use of changeroom and storeroom facilities. We currently store some gear in a sea container on the Southern end of the facility. I would also recommend some extra signage alerting dog owners to ensure they clean up after their dogs when using the facility.
- 1 - I love my community and encouragement of places to meet with other folk, casually.
- 2 - A footpath would be a help down Vincent Street for walkers and families with prams and children on bikes, as many young families live in new development.
- I like the concept as a whole.
- As President of the Wanneroo Amateur Football Club, I think we would be inclined to possibly use this as a second training facility. I do have some questions though.
- This will be a great update and we look forward to it

Edgar Griffiths Park Community Consultation Outcomes

- Public toilets should be trialed to ensure no antisocial behavior. Current policy of locked toilets when not used by sports clubs has mitigated the risk in the toilets albeit not in the car park. Police patrols required.
- It is a wonderful idea and think it would be a great benefit to the surrounding community.
- Well done. I love seeing these kind of improvements. Money well spent!
- The provision of scheme water to the park is a positive, but if this can be routed down Casuarina Way it would be closer to the sports amenities building and preferred by local residents

Other Comments - Against

- This is similar to a proposal put up about four years ago which was rejected. Garden Park was gifted to Wanneroo for use as a passive recreation area for children, junior dog walkers and as such should remain that way
- A proposal to carry out similar works was put to council and rejected about four years ago. With the exception of the amenities building, excluding future extensions I do not support, nor I suspect will most Garden Park residents, the oval realignment and floodlighting. Repairs and remediation to the verges and pine post fencing would be a welcome undertaking.
- I am not a resident of Wanneroo but a rate payer so believe I have a right to comment particularly on the environmental impact of loss of tree cover and the need to replace it due to my interest in these matters
- Residents of Garden Park went through this whole proposal some years back & none of our opinions have changed. The reserve was donated to the Shire by Edgar Griffiths as part of the Garden Subdivision approval & it was specified in the minutes that the that land would be used for passive recreation only. I'm one of the original owners. The shire then in its wisdom & without referral to the residence of Garden Park bulldozed the area & installed an oval without due process. It is again trying to change the nature & ambience of the area by relocating a sports facility from the showgrounds (is it being sold) to a rural area proposing 30 metre lighting towers
- Very disappointing that Administration has again submitted planning to alter the intended use of Edgar Griffiths Park. This proposal was put forward previously against the wishes of the local residences. This area was donated during the subdivision for the local amenities for local residents not for sporting clubs and their games.
- May I suggest that you visit the City of Wanneroo records, regarding all the goings-on, site meetings, shire meetings, regarding Edgar Griffiths Park. It was agreed to by all parties, However against the will of all local residents, that this Park was to be LIMITED to up to Under 12 years, Footballers. This Oval should not have been built at all, the Shire built this Oval without consent or allowing for any Local comment. It just appeared very quickly. All we have heard since, it is there now, and we cannot remove it And sure enough, the Age groups of sports just kept on climbing, and now everything is played on this Park. And the City just wants to keep on expanding.....
- This whole area of Edgar Griffiths land, was set-up as a SPECIAL RURAL ZONE.
- Jointly with the Shire of Wanneroo (then) All land other than the land for Housing, (Hobby Farms), was to be used for PASSIVE RECREATION, and NOT NOISY SPORTS OVALS. This is what was designed by the Shire of Wanneroo, and this is what attracted many people to buy and live in this TRANQUIL RURAL Area. I personally sold-up in Carine Glades 37 Years ago, as I was attracted to this UNIQUE SPECIAL RURAL AREA.

Attachment 2

L.196

V.O.
395LAND ACT, 1933
(Section 33)

FILE COPY

VESTING ORDER

File No. 2251/79

I, Professor Gordon Reid, Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia, do hereby, in pursuance of the powers enabling me in that behalf, and under and by virtue of the provisions of Section 33 of the Land Act, 1933, direct that Reserve No. 36601 (Swan Locations 10080 and 10857)

shall vest in and be held by the City of Wanneroo

in trust for the following objects and purposes (that is to say)

"Public Recreation"

subject nevertheless to the powers reserved to me by Section 37 of the said Act.

Given under my hand, at Perth

this 31st day
of March 19 87

Gordon Reid
GOVERNOR

3.8 Wanneroo Aquamotion Outdoor Pool and Hydrotherapy Pool Re-tiling – Project Funding

File Ref:	24129 – 17/313030
Responsible Officer:	A/Director Community & Place
Disclosure of Interest:	Nil
Attachments:	2

Issue

To consider tiling rectification works to the Wanneroo Aquamotion (Aquamotion) Outdoor Pool and Hydrotherapy Pool and related adjustments to the 2017/18 Capital Works Budget.

Background

The Wanneroo Aquamotion refurbishment was undertaken in 2007/8 and as part of the refurbishment a new deep water outdoor pool and indoor hydrotherapy pool were constructed.

Both pools were constructed using industry recognised thick reinforced concrete shell construction methods (to water retention codes), coated with ceramic tiles bonded with nanolight glue, all of which met with the standards of the day.

The original tiling specification was warranted for 10 years and was to meet the British Codes for adhesive mortar and tiling in pools (EN144111) and Australian Standards code AS3958 (Ceramic Tiles – Guide to the installation of ceramic tiles). These standards specify that the tiles should be laid with an adhesive overage to a minimum of 80% of the surface and tiles be back buttered (i.e. a thin layer of adhesive is applied to the back of the tile before laying the tile onto the comb-spread adhesive applied directly to the concrete pool shell). Tiles should then be twisted and tapped into position, removing air/voids between the tile and the concrete shell to a minimum level of 80%.

The original works were carried out by the sub-contractor tiling company engaged by the main contractor for the facility refurbishment. The sub-contractor has since ceased to operate.

Detail

Outdoor Pool

In August 2017, staff at Aquamotion discovered a number of tiles delaminating from the upper section of the outdoor deep water pool (**Attachment 1**). At the time the pool was closed for the winter season and, as a result of the tile delamination, the pool will remain closed (for safety reasons) until the re-tiling is completed.

Administration engaged the specialist Aquatic Engineers, Geoff Ninnies Fong and Partners Ltd (GNFP) to inspect the pool, provide advice on the extent of the delamination, investigate the cause of the problem and identify required rectification. GNFP were the Aquatic Engineers for the refurbishment works at Aquamotion in 2007/8.

An inspection of delaminated areas of the pool tank was undertaken on 10 August 2017, with the following being noted;

- Delamination was at the tile-adhesive barrier;
- No back-buttering appeared to be present on delaminated tiles;

- No twisting of tiles appeared to have occurred to spread the adhesive evenly between tile and concrete shell, resulting in a less than minimum 80% coverage of adhesive.

GNFP identified that there was no evidence of diagonal tile crack, suggesting that the reinforced concrete structure of the pool shell was sound and that the delamination was not due to structural movement but rather due to the tiling works not being undertaken to standard.

As a result of the inspection, GFNP recommend that:

- The outdoor deep water pool be drained and the entire pool be checked for adhesion levels and retiled where appropriate throughout;
- The specifications used for the re-tiling are in keeping with the current best industry practice and require a minimum coverage of 90% with a target of 100%;
- All tiles are checked for adhesion levels as part of the quality assurance for the work undertaken; and
- The use of a specific adhesive product and tile product which also requires the work be carried out by a toiler approved by the product supplier, giving a 10 year warranty on the rectification works.

Hydrotherapy Pool

On 15 September 2017, Aquamotion staff found approximately 100 tiles delaminating from the floor of the hydrotherapy pool (**Attachment 2**). Given the risk to pool users, the pool was closed immediately, impacting on the Swim School program and public hydrotherapy sessions (18 sessions per week). Customers impacted by this closure have been provided with a credit for the next term of classes or a refund.

Interim rectification works (retiling of the affected areas) is in the process of being completed. These works were funded via existing maintenance budgets.

An inspection of delaminated areas of the pool tank was undertaken on 19 September 2017, with the following being noted;

- Delamination was at the tile-adhesive barrier;
- No back-buttering appeared to be present on delaminated tiles;
- No twisting of tiles appeared to have occurred to spread the adhesive evenly between tile and concrete shell, resulting in a less than minimum 80% coverage of adhesive.

As with the outdoor pool, GNFP found that the reinforced concrete structure of the pool shell was sound and that the delamination was not due to structural movement, but rather due to the tiling works not being undertaken to standard.

As a result of the inspection, GFNP recommend that:

- The hydrotherapy pool be drained and the entire pool be checked for adhesion levels and retiled where appropriate throughout;
- The specifications used for the re-tiling are in keeping with the current best industry practice and require a minimum coverage of 90% with a target of 100%;
- All tiles are checked for adhesion levels as part of the quality assurance for the work undertaken; and
- The use of a specific adhesive product and tile product which also requires the work be carried out by a toiler approved by the product supplier, giving a 10 year warranty on the rectification works.

Project Schedule

Administration's intention is to undertake the re-tiling of the outdoor pool as soon as possible so that it is available for use prior to the onset of the summer season. In respect to the hydrotherapy pool, the intention is to undertake these works post the completion of Term 4 2017, to minimise impact on the Aquamotion Swim School program. Further advice will be provided on specific project timeframes once the relevant procurement processes have been completed and contractors appointed.

Consultation

Aquamotion staff continue to provide customers ongoing updates and progress reports on the rectification works, in addition address enquiries in respect to program registrations, credits and refunds.

Comment

Administration will continue to work with GNFP and relevant contractors to undertake the required rectification works for the outdoor pool and the hydrotherapy pool.

Administration will also be seeking advice from the City's Lawyer in respect to any claim that may be able to be made against relevant parties in respect to costs incurred in rectification of the issue and lost income.

It should be noted that the tile delamination issue being experienced with the outdoor pool and the hydrotherapy pool appear to be the same as those being experienced in the main lap pool. Aquamotion staff are currently managing the delamination issue in the main lap pool, replacing tiles where required, thus enabling the pool to remain open. Administration is currently progressing with a more detailed review of the issues pertaining to the main lap pool, with a view to undertaking corrective works in the 2018/19 financial year.

The City's Building Asset Management Plan (2011) details the levels of service, maintenance requirements and predicts the long term renewal demand of the City's building portfolio. This Plan is currently being reviewed and updated. The AMP identified and listed the most critical and valuable facilities within the City requiring detailed Facility Management Plans (FMP) which included the Aquamotion facility. The development of the FMP is intended to ensure that these high profile facilities remain 'fit for purpose' throughout their anticipated life. The FMP for Aquamotion has yet to be completed.

In the absence of the FMP for Aquamotion, the City in 2012, engaged an asset management consultant to undertake a building asset inventory audit and asset condition assessment at the Aquamotion facility. The final report also provided the future renewal expenditure requirements of the facility which included the pools in question. The scope of the inspections at the time considered the assets in their entirety and did not drill down to the detailed elements of the asset, for example the surface tiling for the pools. The need for the renewal of the pools in their entirety was not expected until 2036.

Statutory Compliance

Nil

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

"1 Society

1.1 Healthy and Active People

1.1.1 Create opportunities that encourage community wellbeing and active and healthy lifestyles"

Risk Management Considerations

Risk Title	Risk Rating
CO-O01 Relationship Management	Moderate
Accountability	Action Planning Option
Executive Leadership Team	Manage

The above risks relating to the issue contained within this report has been identified and considered within the City's Corporate risk register. Action plans have been developed to manage this risk to improve the existing management systems.

Policy Implications

Nil

Financial Implications

The total estimated cost to undertake the rectification work for the outdoor pool and the hydrotherapy pool is \$89,050 and \$89,335, respectively. These estimates include the preparation of specifications, Quality Assurance inspections during and at the completion of works, tiling works, project management fees and contingencies.

Given the urgency of the works, this report will recommend that these works be funded from the Asset Replacement Reserve. The current balance of this reserve is \$4.5 million of uncommitted funds in 2017/18, as per the recently adopted Long Term Financial Plan.

It should also be noted that the closure of these pools will result in loss of income for the centre.

Voting Requirements

Absolute Majority

Recommendation

That Council:-

- 1. NOTES the required re-tiling rectification works for the Wanneroo Aquamotion Outdoor Pool and Hydrotherapy Pool;**
- 2. APPROVES BY ABSOLUTE MAJORITY the unbudgeted expenditure listed in the following table, pursuant to Section 6.8(1)(b) of the Local Government Act 1995 for the Wanneroo Aquamotion Outdoor Pool and Hydrotherapy Pool Re-tiling Works:**

Description	GL Account/ Capital Project	Current Budget	Adjusted Budget
Wanneroo Aquamotion Outdoor Pool and Hydrotherapy Pool Re-tiling Works	PR-TBA	\$0	\$178,385

3. **APPROVES** the following budget amendment to address the project funding shortfall for the Wanneroo Aquamotion Outdoor Pool and Hydrotherapy Pool Re-tiling Works, noting that a new Project Number will be created upon Council endorsement;

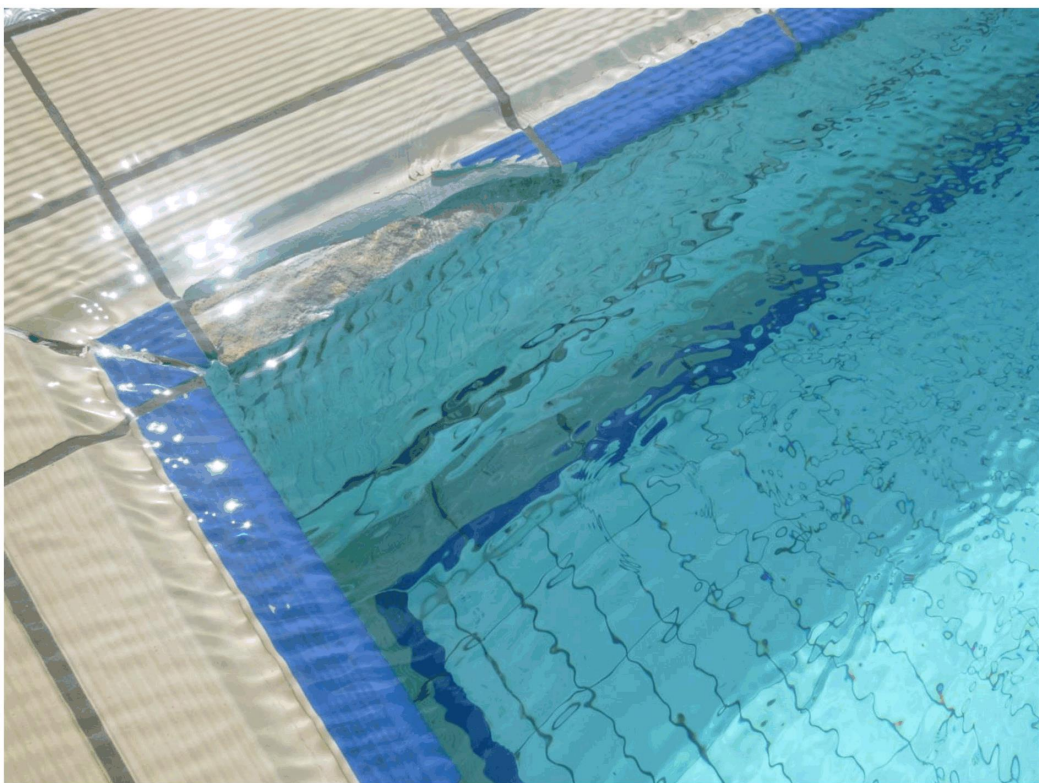
Project Number	From	To	Description
Reserve	\$178,385		Asset Replacement Reserve
PR- TBA		\$178,385	Wanneroo Aquamotion Outdoor Pool and Hydrotherapy Pool Re-tiling Works

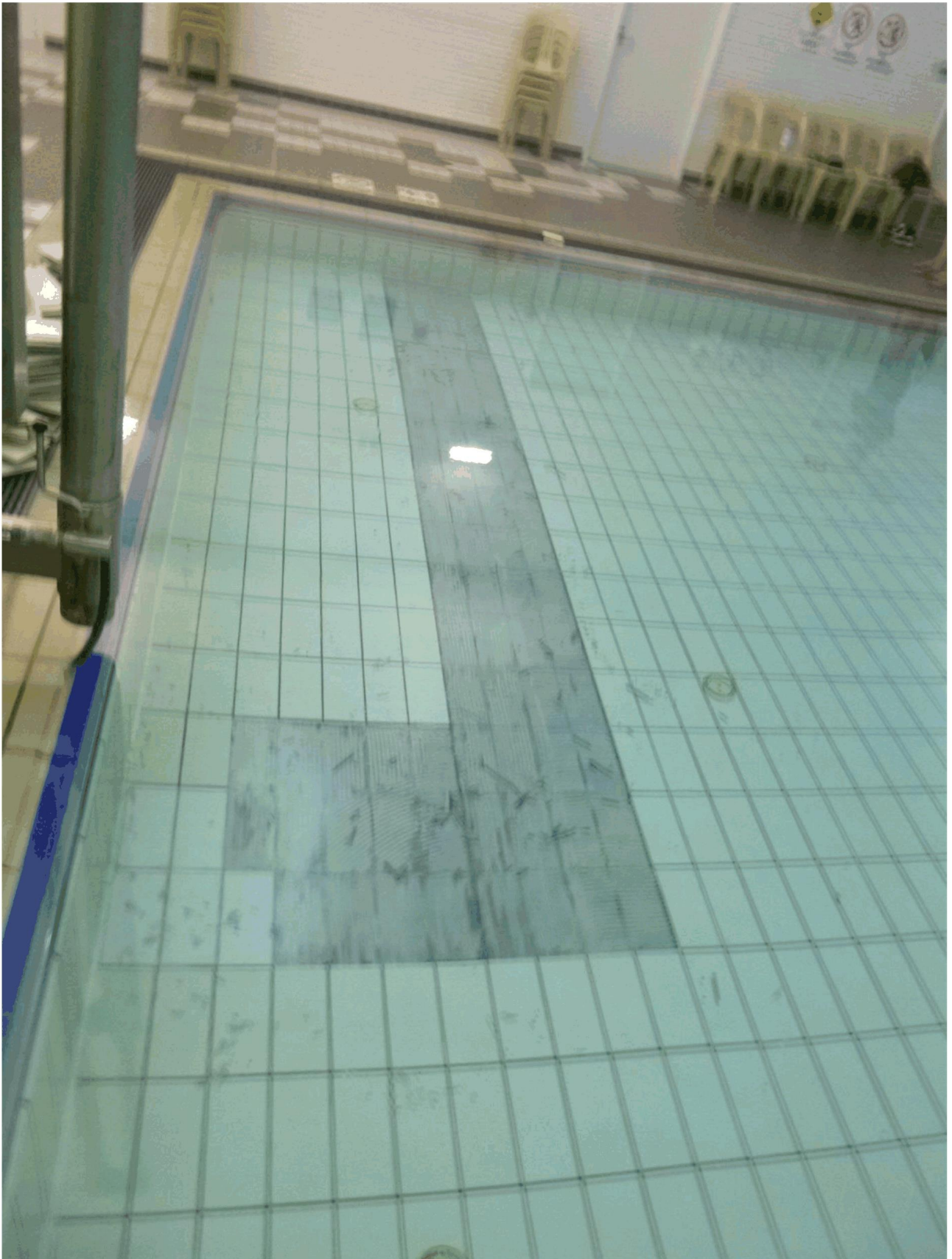
4. **NOTES** Administration will explore opportunities to recover costs incurred as a result of these rectification works and lost income.

Attachments:

- 1 [!\[\]\(223f1a84e0bc2cacb9c165f716817dcc_img.jpg\)](#). Outdoor Pool tiles 22.9.17 17/321466
 2 [!\[\]\(c437123967ec19fa50ef7951237304ba_img.jpg\)](#). Hydrotherapy Pool Tile Delamination 17/322813







Communication, Marketing and Events

3.9 Review of Council Policy - Sponsorship Policy

File Ref:	6193 – 17/317671
Responsible Officer:	A/Director Community & Place
Disclosure of Interest:	Nil
Attachments:	2

Issue

To consider proposed amendments to the Sponsorship Policy.

Background

Council policies are a statement of the principles or position that are intended to guide or direct decision-making and operations within the City. All Council policies should be reviewed regularly to remain compliant with legislation and the City of Wanneroo (the **City**) requirements.

Detail

A review of Communications, Marketing & Events documents has been undertaken. As a result, it is recommended that Council consider the adoption of amendments as shown in the marked-up document listed below.

1. Sponsorship Policy

The Sponsorship Policy was developed in 2010 and provides guidance on how to coordinate and manage sponsorships for City activities, events and initiatives.

The policy has been reviewed and changes have been made to:

- rename to Incoming Sponsorship Policy
- clarify the scope of incoming sponsorships (only)
- outline the sponsorships the City will and will not undertake
- ensure there is neither conflict of interest nor negative impact on the City's reputation and probity
- the process for attracting sponsors, and
- the sponsorship approval process.

The proposed amendments are outlined in **Attachments 1** and a clean, unmarked version is provided in **Attachment 2**. To ensure this policy is supported by robust processes, a Management Procedure for the Incoming Sponsorship Policy is under development.

Consultation

Consultation has been undertaken with the relevant internal and external stakeholders.

Comment

The review of Council Policies will ensure that the information available to the City's stakeholders is aligned to the City's Strategic Community Plan, and it is clear, relevant and up to date.

It should also be noted that an overall review of outgoing financial assistance provided by Council, including sponsorship is scheduled to be undertaken in the current financial year.

Statutory Compliance

Nil

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“4 Civic Leadership

4.1 Working with Others

4.1.2 Engage, include and involve community”

Risk Management Considerations

Risk Title	Risk Rating
Decision Making	Low
Accountability	Action Planning Option
Chief Executive Officer	Manage

The above risk/s relating to the issue contained within this report has been identified and considered within the City's Corporate risk register. The review of the policies as set out in this report will support existing management systems.

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council ACCEPTS the marked-up amendments and ADOPTS the amended Incoming Sponsorship Policy as set out in Attachment 1.

Attachments:

- 1 [Download](#) Sponsorship Policy 10/16982[v2] Minuted
- 2 [Download](#) Incoming Sponsorship Policy - finalised copy 17/305473



Policy Manual

Incoming Sponsorship Policy

Policy Owner: Community & Place Development
Contact Person: Manager Communications, Marketing and Events
Date of Approval: 29 June 2010, CD09-06/10

POLICY STATEMENT

Through sponsorship agreements, the City of Wanneroo is able to reduce costs; enhance reputation and improve current and new activities, events and initiatives across the organisation.

POLICY OBJECTIVE

The objective of this policy e-City of Wanneroo's sponsorship policy is to:

- coordinate and maximise sponsorship of City of Wanneroo activities, events and initiatives events, programs venues and activities ;
- coordinate selection of potential sponsors fairly and equitably;
- identify appropriate benefits for a sponsor while protecting the City's brand and reputation;
- ensure transparency in all sponsorship transactions and agreements; and
- coordinate and manage risks associated with sponsorship of the City's activities, events and initiatives programs and events.

POLICY STATEMENT

The City of Wanneroo encourages sponsorship, by appropriate third parties, of City activities, facilities, services, venues and programs, and actively seeks grants, as a means of:

- developing alternative sources of income to facilitate the provision of the City's services;
- forming partnerships with corporate entities;
- increasing the long term sustainability of the City; and,
- supporting the provision of the City's services.

This policy ensures that when seeking sponsorship, the City will:

- coordinate selection of potential sponsors fairly and equitably;
- protect the City's integrity, public image and reputation;
- ensure the City maximises the full potential benefit from sponsorship; and
- ensure transparency in all sponsorship transactions and agreements.



Policy Manual

~~Sponsorship of City activities, facilities, services, venues and programs does not imply endorsement of the Sponsor's products.~~

SCOPE

~~This policy applies to the Mayor, Elected Members, the Chief Executive Officer and City Administrative staff and provides guidance to potential sponsors.~~

This Policy applies to all incoming sponsorships received by the City of Wanneroo. It does not apply to outgoing donations, sponsorships and waivers of fees and charges given by the City of Wanneroo which are covered by the City's Donations, Sponsorships and Waivers of Fees and Charges Policy.

The following are not considered as sponsorship and are excluded from consideration:

- the selling of advertising space;
- donations, bequests, endowments, hospitality, gifts and prizes which are given for philanthropic reasons, where financial or material assistance is given without expectation of anything in return;
- grants and/or goods provided through a formally recognised program for a specified purpose with no expectation of commercial return;
- joint ventures, consultancies or partnerships in which organisations share ownership and responsibility for the ultimate outcome or product;
- scholarships; and
- research projects.

Sponsorship of City of Wanneroo activities, events and initiatives does not imply endorsement of the Sponsor's products.

BACKGROUND

~~Sponsoring a City event, program or activity provides external organisations with the opportunity to gain increased exposure within the City and to potentially wider audiences.~~

~~The following are not considered sponsorship and are excluded from consideration:~~

- ~~donations;~~
- ~~grants, bequests, endowments, hospitality, gifts and prizes which are given for philanthropic reasons, where financial or material assistance is given without expectation of anything in return;~~
- ~~grants and/or goods provided through a formally recognised program for a specified purpose with no expectation of commercial return;~~
- ~~joint ventures, consultancies or partnerships in which organisations share ownership and responsibility for the ultimate outcome or product;~~
- ~~scholarships; and~~
- ~~research projects.~~



Policy Manual

The City of Wanneroo will not accept sponsorship from organisations promoting activities:

- that are deemed inappropriate by the City; such as discriminatory, illegal or political activities;
- which do not positively reflect the City's core values and brand;
- which can reasonably be judged as offending or denigrating minority community groups; and
- which promote smoking, gambling and/or excessive drinking

IMPLICATIONS (Strategic, Financial, Human Resources)

This policy has the potential to add new revenue sources for the City's activities, events and initiatives as well as providing a risk assessment process to reduce any problems that might be associated with sponsorship arrangements.

All sponsorships sought for City activities, events or initiatives will have financial commitment from the sponsor to help offset the costs associated with the activity, event or initiative.

There is a requirement to negotiate with potential sponsors, undertake risk assessments and report to Council.

CONSULTATION WITH STAKEHOLDERS

This policy has been developed in consultation with Council and also with officers who have been involved in the administration of sponsorship arrangements at the City of Wanneroo. The Sponsorship policies and practices of other local government authorities have also been reviewed.

IMPLICATIONS (Financial, Human Resources)

This policy has the potential to add new revenue sources for the City's programs and events as well as providing a risk assessment process to reduce any unforeseen problems that might be associated with sponsorship arrangements.

All event and project sponsorships sought for City events, programs or activities will have significant financial commitment from the sponsor to help offset the costs associated with the activity.

There is a requirement to negotiate with potential sponsors, undertake risk assessments and report to council.

IMPLEMENTATION

1. Sponsorship Principles

Any sponsorship arrangement that is offered or sought by the City of Wanneroo must align with the following outcomes:

- benefit the City and its residents, workers and visitors;
- be compatible with, and complementary to, the City of Wanneroo's values, interests, objectives and/or mission;



Policy Manual

- not create an actual or perceived conflict of interest; and or
- not interfere with the City's compliance with and exercise of its legislative obligations.

The City of Wanneroo will not accept sponsorships that:

- require or imply the City's endorsement of commercial products, services, companies, political parties or individuals;
- are not consistent with the City of Wanneroo's social justice principles of equity, diversity, inclusion, participation, rights and access for all groups in the community; and or
- personally benefit individual City employees, or their friends and/or families.

The City of Wanneroo will not accept sponsorships from organisations promoting activities:

- which do not positively reflect the City's core values and brand;
- that are deemed inappropriate by the City; such as pollution, destroy or waste non-recurring resources, illegal or political in nature; and or
- which promote tobacco, gambling, pornography, weaponry and/or alcohol.

Sponsorships with the following monetary issues will not be considered:

- if the sponsorship investment is more than the cost of the activity, event or initiative; or
- where a price is placed on the City of Wanneroo sponsorship package that is not fair, undermines the perceived quality of the package or does not represent value for money for the City of Wanneroo.

All sponsorship contributions must be received by the City of Wanneroo and will be used to directly support the City's community activities, events and initiatives.

Conflicts arising from personal relationships or financial arrangements of staff involved in sponsorship assessment, approval or administration will be managed in accordance with the conflict of interest provisions in the City of Wanneroo Code of Conduct.

2. Sponsorship Assessment

All sponsorships will be subject to an assessment process. This is to ensure that the City of Wanneroo's expectations, objectives, ethical requirements and sponsor benefits, are aligned to the City's Sponsorship Principles.

The City will make a preference for businesses located within the City of Wanneroo.

The City retains the discretion not to accept sponsorship from any entity for any reason.

- ~~1) Sponsors will be afforded a level of recognition that fairly reflects their contribution and optimises the benefit they derive from their association with the City. The value of sponsorship opportunities for projects will be determined through the negotiation process, which precedes individual sponsorship arrangements. The solicitation of sponsorships~~



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shall be conducted in a manner that enhances access and fairness and that results in the optimal balance of overall benefits to the City, the sponsor and the community.

- 1) The following matrix has been developed to help guide these negotiations and provide consistency with regard to assigned benefits. It may be however that through negotiation there may be some variation to what is suggested as a starting point in the matrix below.

Program/ Event budget	Sponsor's contribution	Potential Benefits	Approval required
0 – \$40,000	Up to \$20,000 in-kind contribution and to a maximum of 50% of the program value	Public announcement on the day of the event; Framed certificate of appreciation; Logo inclusion on signage, invitations, and programs; Opportunity to present awards if appropriate.	Director
0 – \$40,000	Up to \$20,000 cash contribution and to a maximum of 50% of the program value	Public announcement on the day of the event; Framed certificate of appreciation; Logo inclusion on signage, invitations, and programs; Opportunity to present awards if appropriate.	Chief Executive Officer
0 – \$1,000,000	\$20,000 or more cash contribution and less than 10% of the program value	Recognition of the sponsor in agreed schedule of City advertising associated with the program; Logo inclusion on signage, invitations, and programs; Approval to reference City of Wanneroo sponsored event in the sponsor's own advertising; Public announcement(s) on the day of the event; Ability to display promotional information at the event.	Circulated for information and either presented to Council on the request of elected members or approved by the CEO under delegated Authority where no request is received.



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Program/ Event budget	Sponsor's contribution	Potential Benefits	Approval required
		<p>Opportunity to present awards if appropriate;</p> <p>Framed certificate of appreciation.</p>	
0 – \$1,000,000	\$20,000 or more cash contribution and between 10 – 25% of the program value.	<p>Recognition of the sponsor in agreed schedule of City advertising associated with the program;</p> <p>Logo inclusion on signage, invitations, and programs;</p> <p>Advertising opportunities in published programs;</p> <p>Approval to reference City of Wanneroo sponsored event in the sponsor's own advertising.</p> <p>Public announcement(s) on the day of the event;</p> <p>Presentation folder of all advertising, recognition and photos of the event including a framed certificate of appreciation;</p> <p>Opportunity to present awards if appropriate;</p> <p>Ability to display promotional information at the event.</p>	Circulated for information and presented to Council on the request of elected members or approved by the CEO under delegated Authority where no request is received.
0 – \$1,000,000	\$20,000 or more cash contribution and between 25 – 50% of the program value	<p>Joint naming rights of the program with the City of Wanneroo;</p> <p>Recognition of the sponsor in an agreed schedule of City advertising associated with the program;</p> <p>Logo inclusion on signage, invitations, and programs;</p> <p>Advertising opportunities in published programs;</p>	Council



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Program/ Event budget	Sponsor's contribution	Potential Benefits	Approval required
		<p>Mention of the sponsorship in the bi-monthly residential newsletter "What's Happening";</p> <p>Approval to reference City of Wanneroo sponsored event in the sponsor's own advertising.</p> <p>Prominent signage on display throughout the sponsorship period;</p> <p>Ability to display products and promotional information at the event;</p> <p>Opportunity to present awards if appropriate;</p> <p>5 VIP tickets to the event;</p> <p>Public announcement(s) on the day of the event;</p> <p>Presentation folder of all advertising, recognition and photos of the event including a framed certificate of appreciation.</p>	

Note: in-kind contributions of more than \$3000 will be valued and considered as a cash contribution. EG. a car donated as a prize would be valued and would be considered as if the cash value of the prize was the sponsorship commitment.

3. Sponsorship Arrangement

Agreements for sponsorship accepted and undertaken by the City of Wanneroo shall be confirmed in a legally binding agreement and relate to the specific activity, event and initiative.

The City must dutifully undertake and abide by conditions of sponsorship agreements entered into.

The duration of sponsorship agreements is fixed and will not normally exceed 12 months.

Sponsorship agreements may be terminated by mutual agreement between the City and the Sponsor or where either party has breached the conditions of the agreement.



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All sponsorship relationships will be identified and recorded ~~for information purposes on a City maintained register. The value of the sponsorship will not be published information about sponsorships as if disclosed would reveal information that has a commercial value to a person as referred to in Section 5.23(2)(e)(ii) of the Local Government Act 1995.~~

~~2) Sponsors and Sponsor Products~~

~~Any sponsorship that the City accepts or undertakes will be compatible with, and complementary to, the City of Wanneroo's values. This includes:~~

- ~~• a preference for businesses located within the City of Wanneroo;~~
- ~~• no sponsorship from tobacco companies;~~
- ~~• no political organisations; and~~
- ~~• sponsorship from lobby groups to be at the discretion of the Council.~~

~~3) Sponsorship Agreements~~

~~Agreements for sponsorship accepted and undertaken by the City shall be confirmed in writing and relate to the specific event, program or activity. They may not involve future consideration or influence the day-to-day business of the City and/or Council.~~

~~The City must dutifully undertake and abide by conditions of sponsorship agreements entered into. Only the CEO or Council may enter into a sponsorship agreement.~~

~~The duration of sponsorship agreements is fixed and will not normally exceed 12 months.~~

~~Sponsorship agreements may be terminated by mutual agreement between the City and the Sponsor or where either party has breached the conditions of the agreement. This would include situations where the Sponsor is no longer able to meet the requirements listed in the background to this report and is no longer compatible with the City's brand.~~

~~Risk Management~~

~~Before entering into a sponsorship agreement the City will undertake a written risk assessment based on the following criteria and submitted for the consideration of the Director or Chief Executive Officer according the value of the sponsored amount.~~

- ~~• Does the proposed sponsor have a formal legal entity?~~
- ~~• Is the proposed sponsor involved in any other business/transaction with the City and will the sponsorship proposal be perceived to influence that other transaction?~~
- ~~• Will association with this proposed sponsor damage the City's brand/image?~~
- ~~• Does the proposed sponsor bring a network of potential participants to the City's programs and events?~~
- ~~• Is the proposed sponsor able to demonstrate the capability to meet the obligations of sponsorship?~~

4. Attracting Sponsorships

Requests for sponsorships shall be conducted in a manner that enhances access and fairness and results in the optimal balance of overall benefits to the City, the sponsor and the community.



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Sponsorship Approval

The following matrix has been developed to guide the negotiations and provide consistency with regard to the approval.

<u>Sponsor's contribution</u>	<u>Approval required</u>
<u>Up to \$20,000 in-kind or cash contribution</u>	<u>Director*</u>
<u>\$20,001 to \$50,000 in-kind or cash contribution</u>	<u>CEO*</u>
<u>\$50,001 or more in-kind or cash contribution</u>	<u>Council</u>
<u>More than 50% of the total activity, event or initiative budget and more than \$10,000</u>	<u>Council</u>

**Note – Details of these sponsorship approvals will be provided to Elected Members for information.*

ROLES AND RESPONSIBILITIES

- ~~Sponsorship negotiations will be conducted by the responsible officer and their supervising service unit manager.~~
- ~~Risk assessments will be undertaken by the officer involved in initiating the sponsorship proposal with the assistance of the City's Enterprise Risk Management unit.~~
- Sponsorship proposals will be developed by the officer responsible for initiating sponsorship negotiations in consultation with the Manager Communications, Marketing and Events and their staff.
- ~~Sponsorship negotiations will be conducted by the responsible officer and their supervising service unit manager.~~
- ~~Risk assessments will be undertaken by the officer involved in initiating the sponsorship proposal with the assistance of the City's Chief Operations Officer.~~
- ~~Directors are responsible for approving in-kind donations below the value of \$3000 and ensuring that reports are prepared for the information and approval of the CEO or council~~
- The respective Director ~~CEO~~ is responsible for reviewing the risk assessments and approving proposals or referring them to the CEO/Council.
- Council is responsible for approving or refusing sponsorship proposals presented to it.
- The City's ~~Grants Officer~~ will maintain a register of sponsorship agreements and approaches made by/to potential sponsors and which will include the agreed contribution, benefits and timeframe for the agreements.
- ~~The City's Grants Officer will also provide advice to officers administering and acquitting sponsorship funds~~

DISPUTE RESOLUTION

~~The CEO is responsible for review decisions and resolving conflicts with the day to day management of sponsorship agreements. Council is responsible for the review of any decisions made by the CEO.~~



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All disputes in regard to this policy will be referred to the Director Community & Place in the first instance. In the event that an agreement cannot be reached, the matter will be submitted to the CEO for a ruling.

WHO NEEDS TO KNOW ABOUT THIS POLICY?

Mayor, Elected Members, CEO, Directors, all staff and potential sponsors.

EVALUATION AND REVIEW PROVISIONS

Evaluation of this policy will be undertaken on an ongoing basis. Regular financial and performance reviews will be undertaken of sponsorship arrangements to determine the effectiveness of sponsorships in supporting City activities, events and initiatives, programs and events. A formal review will be undertaken within two (2) years to show –

risks encountered;

income generated;

positive and negative impacts;

Community feedback;

Council feedback.

DEFINITIONS

<u>DEFINITIONS: Any definitions listed in the following table apply to this document only.</u>	
<u>CEO</u>	<u>Means the Chief Executive Officer of the City of Wanneroo.</u>
<u>City</u>	<u>Means the City of Wanneroo local government authority.</u>
<u>Council</u>	<u>Means the Council of the City of Wanneroo (the elected body).</u>
<u>Sponsorship</u>	<u>Means a mutually beneficial arrangement, either financial or in-kind, which involves the purchase of the right to associate the sponsor's name, products or services with the sponsored organisation's services, products or activities in return for perceived tangible and or negotiated benefits.</u>

DEFINITIONS

Chief Executive Officer means the Chief Executive Officer of the City of Wanneroo.

City means the City of Wanneroo local government authority.

Council means the Council of the City of Wanneroo (the elected body).



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~~**Sponsorship** means a mutually beneficial arrangement, which involves the purchase of the right to associate the sponsor's name, products or services with the sponsored organisation's services, products or activities in return for perceived tangible and or negotiated benefits.~~

~~**Lobbyist or Lobby Group** means a person(s), body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interests of a third party to a Government Representative.~~

RELEVANT POLICIES/MANAGEMENT PROCUDURES/DOCUMENTS OR DELEGATIONS

~~Donations, Sponsorships and Waivers of Fees and Charges Policy.~~

~~A Management Procedure to support this policy is being developed.~~

REFERENCES

Nil

RESPONSIBILITY FOR IMPLEMENTATION

~~The Director Community & Place is responsible for the implementation of this policy.~~

~~Director Community Development~~

Version	Next Review	Record No:
29 June 2010, Resolution No. CD09-06/10 (Rescinds Grants and Sponsorship Policy adopted 25 August 2009)	June 2012	10/16982



Policy Manual

Incoming Sponsorship Policy

Policy Owner: Community & Place
Contact Person: Manager Communications, Marketing & Events
Date of Approval:

POLICY STATEMENT

Through sponsorship agreements, the City of Wanneroo is able to reduce costs; enhance reputation and improve current and new activities, events and initiatives across the organisation.

POLICY OBJECTIVE

The objective of this policy is to:

- coordinate and maximise sponsorship of City of Wanneroo activities, events and initiatives;
- coordinate selection of potential sponsors fairly and equitably;
- identify appropriate benefits for a sponsor while protecting the City's brand and reputation;
- ensure transparency in all sponsorship transactions and agreements; and
- coordinate and manage risks associated with sponsorship of the City's activities, events and initiatives.

SCOPE

This Policy applies to all incoming sponsorships received by the City of Wanneroo. It does not apply to outgoing donations, sponsorships and waivers of fees and charges given by the City of Wanneroo which are covered by the City's Donations, Sponsorships and Waivers of Fees and Charges Policy.

The following are not considered as sponsorship and are excluded from consideration:

- the selling of advertising space;
- donations, bequests, endowments, hospitality, gifts and prizes which are given for philanthropic reasons, where financial or material assistance is given without expectation of anything in return;
- grants and/or goods provided through a formally recognised program for a specified purpose with no expectation of commercial return;
- joint ventures, consultancies or partnerships in which organisations share ownership and responsibility for the ultimate outcome or product;
- scholarships; and
- research projects.

Sponsorship of City of Wanneroo activities, events and initiatives does not imply endorsement of the Sponsor's products.



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IMPLICATIONS (Strategic, Financial, Human Resources)

This policy has the potential to add new revenue sources for the City's activities, events and initiatives as well as providing a risk assessment process to reduce any problems that might be associated with sponsorship arrangements.

All sponsorships sought for City activities, events or initiatives will have financial commitment from the sponsor to help offset the costs associated with the activity, events or initiative.

There is a requirement to negotiate with potential sponsors, undertake risk assessments and report to Council.

IMPLEMENTATION

1. Sponsorship Principles

Any sponsorship arrangement that is offered or sought by the City of Wanneroo must align with the following outcomes:

- benefit the City and its residents, workers and visitors;
- be compatible with, and complementary to, the City of Wanneroo's values, interests, objectives and/or mission;
- not create an actual or perceived conflict of interest; or
- not interfere with the City's compliance with and exercise of its legislative obligations.

The City of Wanneroo will not accept sponsorships that:

- require or imply the City's endorsement of commercial products, services, companies, political parties or individuals;
- are not consistent with the City of Wanneroo's social justice principles of equity, diversity, inclusion, participation, rights and access for all groups in the community; or
- personally benefit individual City employees, or their friends and/or families.

The City of Wanneroo will not accept sponsorships from organisations promoting activities:

- which do not positively reflect the City's core values and brand;
- that are deemed inappropriate by the City; such as pollution, destroy or waste non-recurring resources, illegal or political in nature; or
- which promote tobacco, gambling, pornography and/or alcohol.

Sponsorships with the following monetary issues will not be considered:

- if the sponsorship investment is more than the cost of the activity, event or initiative; or
- where a price is placed on the City of Wanneroo sponsorship package that is not fair, undermines the perceived quality of the package or does not represent value for money for the City of Wanneroo.



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All sponsorship contributions must be received by the City of Wanneroo and will be used to directly support the City's community activities, events and initiatives.

Conflicts arising from personal relationships or financial arrangements of staff involved in sponsorship assessment, approval or administration will be managed in accordance with the conflict of interest provisions in the City of Wanneroo Code of Conduct.

2. Sponsorship Assessment

All sponsorships will be subject to an assessment process. This is to ensure that the City of Wanneroo's expectations, objectives, ethical requirements and sponsor benefits, are aligned to the City's Sponsorship Principles.

The City will make a preference for businesses located within the City of Wanneroo.

The City retains the discretion not to accept sponsorship from any entity for any reason.

3. Sponsorship Arrangement

Agreements for sponsorship accepted and undertaken by the City of Wanneroo shall be confirmed in a legally binding agreement and relate to the specific activity, event and initiative.

The City must dutifully undertake and abide by conditions of sponsorship agreements entered into.

The duration of sponsorship agreements is fixed and will not normally exceed 12 months.

Sponsorship agreements may be terminated by mutual agreement between the City and the Sponsor or where either party has breached the conditions of the agreement.

All sponsorship relationships will be identified and recorded on a City maintained register. The value of the sponsorship will not be published information about sponsorships as if disclosed would reveal information that has a commercial value to a person as referred to in Section 5.23(2)(e)(ii) of the Local Government Act 1995.

4. Attracting Sponsorships

Requests for sponsorships shall be conducted in a manner that enhances access and fairness and results in the optimal balance of overall benefits to the City, the sponsor and the community.



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5. Sponsorship Approval

The following matrix has been developed to guide the negotiations and provide consistency with regard to the approval.

Sponsor's contribution	Approval required
Up to \$20,000 in-kind or cash contribution	Director*
\$20,001 to \$50,000 in-kind or cash contribution	CEO*
\$50,001 or more in-kind or cash contribution	Council
More than 50% of the total activity, event or initiative budget and more than \$10,000	Council

**Note – Details of these sponsorship approvals will be provided to Elected Members for information*

ROLES AND RESPONSIBILITIES

- Sponsorship negotiations will be conducted by the responsible officer and their supervising service unit manager.
- Risk assessments will be undertaken by the officer involved in initiating the sponsorship proposal with the assistance of the City's Enterprise Risk Management unit.
- Sponsorship proposals will be developed by the officer responsible for initiating sponsorship negotiations in consultation with the Manager Communications, Marketing & Events and their staff.
- The respective Director is responsible for reviewing the risk assessments and approving proposals or referring them to the CEO/Council.
- Council is responsible for approving or refusing sponsorship proposals presented to it.
- The City will maintain a register of sponsorship agreements and approaches made by/to potential sponsors and which will include the agreed contribution, benefits and timeframe for the agreements.

DISPUTE RESOLUTION

All disputes in regard to this policy will be referred to the Director Community & Place in the first instance. In the event that an agreement cannot be reached, the matter will be submitted to the CEO for a ruling.

EVALUATION AND REVIEW PROVISIONS

Regular financial and performance reviews will be undertaken of sponsorship arrangements to determine the effectiveness of sponsorships in supporting City activities, events and initiatives.



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DEFINITIONS

DEFINITIONS: Any definitions listed in the following table apply to this document only.	
CEO	Means the Chief Executive Officer of the City of Wanneroo.
City	Means the City of Wanneroo local government authority.
Council	Means the Council of the City of Wanneroo (the elected body).
Sponsorship	Means a mutually beneficial arrangement, either financial or in-kind, which involves the purchase of the right to associate the sponsor's name, products or services with the sponsored organisation's services, products or activities in return for perceived tangible and or negotiated benefits.

RELEVANT POLICIES/MANAGEMENT PROCUDURES/DOCUMENTS OR DELEGATIONS

Donations, Sponsorships and Waivers of Fees and Charges Policy.

REFERENCES

Nil

RESPONSIBILITY FOR IMPLEMENTATION

The Director Community & Place is responsible for the implementation of this policy.

Version	Next Review	Record No:
29 June 2010, Resolution No. CD09-06/10 (Rescinds Grants and Sponsorship Policy adopted 25 August 2009)	June 2012	10/16982

Community Safety & Emergency Management Report

3.10 CCTV Hub Kingsway Regional Sporting Complex - Budget Variation

File Ref:	3272 – 17/311790
Responsible Officer:	A/Director Community & Place
Disclosure of Interest:	Nil
Attachments:	Nil

Issue

To consider a budget variation to the approved 2017/2018 Capital Works Budget for PR-4066, CCTV Hub Kingsway Regional Sporting Complex.

Background

In September 2016 the City sought funding through the Attorney-General's Department, "Crime Prevention Through Environmental Design Initiatives, Safer Streets Programme" funding round for the design and installation of a CCTV hub around the exterior entry/egress routes and interior access roads of the Kingsway Regional Sporting Complex.

Grant funding of \$207,700 was approved for the purpose of installing a CCTV system in and around the sporting complex to help deter anti-social behaviour, vandalism and criminal activity occurring in the vicinity whereby creating a safe, family friendly and social environment. The Commonwealth Attorney-General's Department and the City agreed to enter in to an Agreement to meet the project objectives.

The project was listed within the 2016/2017, Capital Works Program and was subsequently carried forward to the 2017/2018 financial year.

Detail

Request for Tender No. 16227 was advertised on 26 November 2016 and closed on 24 January 2017. Two (2) tenders were received and evaluated against the assessment criteria. Following the evaluation process, the Tender Evaluation Panel concluded to decline both offers on the basis that the submissions were in excess of the budget and the process highlighted a lack of understanding of some aspects contained in the scope of works.

Consequently Administration approached the market through the eQuote portal, inviting four (4) Western Australian Local Government Association (WALGA) panel preferred CCTV suppliers to provide a quotation for services and product to undertake the scope of works. Only one (1) company provided a quote with the price schedule resulting in excess of \$100,000 of the grant funds received.

Administration engaged an independent CCTV consultant to review the price schedule and provide expert advice in relation to scope of works required to complete the project. It has been determined that the pricing is feasible considering costs associated with undertaking the civil works.

Consultation

Consultation has been undertaken with an independent CCTV Consultant (Redfish Technologies) to determine best product and cost solutions to derive maximum value from the technology.

Comment

Given the costs associated to deliver the project as documented in the endorsed Commonwealth Government Grant Agreement, a budget transfer is necessary.

Administration does not recommend the scope of works be varied in an attempt to reduce costs as the endorsed Commonwealth Government Grant Agreement would require a written request for any variation. There may be a possibility of this request being rejected by the Attorney-General's Department and will further cause delays to commence this project.

Statutory Compliance

Part 6 – Financial Management of Local Government Act and Part 2 – General Financial Management of the Local Government (Financial Management) Regulations 1996 makes provision for budget variations.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“1 Society

1.2 Safe Communities

1.2.1 Enable community to be prepared and to recover from emergency situations”

Risk Management Considerations

Risk Title	Risk Rating
CO-O23 Safety of Community	Moderate
Accountability	Action Planning Option
Director Community and Place	manage

The above risk relating to the issue contained within this report has been identified and considered within the City's Corporate risk register. Action plans have been developed to manage this risk to support existing management systems.

Policy Implications

The City's Accounting Policy Section 2 Budget Variations (c) states:

“Circumstances:

Where the budget allocation for a new initiative, the acquisition of an asset or a capital work project is insufficient.

Action:

In accordance with Section 6.8 of the Local Government Act 1995 by way of a report and recommendation to the Council seeking authorisation of the expenditure and to endorse the necessary budget variation.”

Financial Implications

The funding shortfall required to fully complete the work to design, supply and install a CCTV Hub at the Kingsway Regional Sporting Complex project can be sourced from Municipal Funds as summarised below.

Project No.	Description	Approved Municipal Budget/ Grant Funding	Transfers From/To	Adjusted Totals
PR-2094	CCTV Expansion	\$202,170	-\$100,000	\$102,170
PR-4066	CCTV Hub – Kingsway Regional Sporting Complex	\$217,700	+\$100,000	\$317,700

Implementation of the project PR-2094, CCTV Expansion Project, is subject to the finalisation of the CCTV Strategy and as a result will be listed as a priority for commencement in the 2018/19 financial year.

Voting Requirements

Absolute Majority

Recommendation

That Council:-

- 1. NOTES the current status of PR-4066, CCTV Hub at Kingsway Regional Sporting Complex; and**
- 2. APPROVES BY ABSOLUTE MAJORITY the budget transfer of \$100,000 as listed in the following table, pursuant to Section 6.8 (1)(b) of the Local Government Act 1995.**

Project No.	From	To	Description
PR-2094	\$100,000		CCTV Expansion
PR-4066		\$100,000	CCTV Hub – Kingsway Regional Sporting Complex

Attachments: Nil

Place Activation

3.11 Two Rocks Fitness Program Transition Model and Fee Waiver Proposal

File Ref:	6355 – 17/273714
Responsible Officer:	A/Director Community & Place
Disclosure of Interest:	Nil
Attachments:	Nil

Issue

To consider fee waivers associated with the Two Rocks Fitness Program transition model.

Background

The City has delivered low cost fitness classes in Two Rocks since 2013 through the Healthy Communities Initiative. The program was established to address the high number of seniors living in the area, and its low Socio-Economic Indexes for Areas (SEIFA) on disadvantage score (960.1 compared to City of Wanneroo average 1,025.5). The fitness classes have remained ongoing due to the lack of other affordable programs and services within the Two Rocks area, including no other City managed leisure centres in the North Coast Ward and the popularity / benefit of the initiative.

The City directly funds and manages two exercise classes that operate twice weekly at the Phil Renkin Recreation Centre (Phil Renkin), Two Rocks.

Move for Life: one hour low intensity group fitness program utilising light weights and chair exercises designed for people over the age of 60. Participant cost per class is \$4.00.

Move for Fitness: one hour moderate intensity group fitness program that utilises heavier weights than Move for Life and ends with a cardio component. A crèche service is available for this class. Participant cost per class is \$4.00 and \$3.00 for crèche.

Both classes run twice a week as part of four, 11 week terms and provide a local, affordable and convenient service for local seniors, unemployed, shift workers and stay at home parents.

At present, the City funds an external fitness instructor to deliver both programs, with three City staff operating the crèche. The City receives income generated from both classes and crèche. The City manages room bookings and promotion of the programs. As this is currently a City managed program, no fee waiver is applicable for room use.

Currently both the Move for Life program for over 60's and Move for Fitness program experience high attendance with the over 60's class averaging 16 – 20 attendees per session, the over 18's class averaging 10 – 12 people per session, and 6 – 8 children in the crèche. Last financial year, there were over 2,500 attendances at fitness classes, and 600 children attendances within the crèche facility as part of the Two Rocks program.

Below is a breakdown of the City's operational costs for the current Two Rocks programs.

Table 1:

Item	Detail	Amount
In-kind room provision	Includes both Function Room for fitness sessions and Meeting Room for crèche. <i>Function Room - \$29.50 p/hour</i> <i>Meeting Room - \$22.40 p/hour</i>	\$11,500 per annum
Crèche Worker salary	3 crèche workers. Crèche worker 0.10 FTE each or \$5,509.80 p/year.	\$16,529 per annum
Facilitator contractor costs	6hrs p/week x 48 weeks @ \$60.00 p/hour (plus administration time)	\$17,280 per annum
Administration support	In-kind salary and on costs – 0.1 Health Promotion Officer FTE	\$7,500 per annum
Less Income	Income received from participants fees	- \$8,360 per annum (average)
Total		\$44,449 per annum

Fitness Program Review

In 2016/17, the City undertook a review of the current fitness programs offered from the Phil Renkin Centre and within Two Rocks to identify future operating models.

The review highlighted:

- There are no gym or fitness centres in Two Rocks. The closest is located in Yanchep however does not offer a crèche or an over 60's program.
- Local parks and the Yanchep Community Centre host a number of small businesses that run specific programs such as Yoga, Zumba and Bootcamp but classes do not offer the weight training and functional movement of current programs, and are more expensive than the City's fitness programs.
- The provision of crèche and low cost programs in Two Rocks are vitally important;
- Participants did not support a self-managed, volunteer operated crèche;
- Potential for the City to lower operational costs and facilitation requirement by transitioning programs to a local business owner / instructor;
- Ability to identify an appropriate local fitness instructor via an Expression of Interest process who would manage core operations of the program;
- The City may need to continue in-kind support via room hire and crèche, due to no other crèche services operating in the far north of the City;
- In-kind room hire for fitness classes at Phil Renkin would enable costs for participants to remain low, while making the initiative financially viable for an external provider, thereby assisting a sustainable transition process / model.

Detail

The following operating models were investigated as a result of the review process:

- Option One – The City retain existing delivery model;
- Option Two – The City ceases program delivery;
- Option Three – The City transitions the program to an external business without in-kind room hire and crèche support;
- Option Four – The City transitions the program to an external business with City room hire and crèche in-kind support.

Proposed Model

To enable the City to lower its operational costs, retain levels of service, and provide a local business opportunity, Option Four is the proposed future operating model. To enhance sustainability and longer term benefits of this model, transition to an external local business / instructor with in-kind support is proposed to be delivered over two stages.

Stage One (January 2018 – January 2019)

Stage one involves continued City support of the Two Rocks fitness program with ongoing crèche staffing resource and in-kind facility hire for both Function Room (program room) and Meeting Room (crèche room) for a period of 12 months. All participant bookings, enquires, income collection and class facilitation will be transferred to the successful business / instructor identified through an Expression of Interest (EOI) process. The program outcomes will be reviewed after 12 months to evaluate its effectiveness and any required changes prior to stage two commencing.

The EOI is expected to be released November 2017, pending facility waiver endorsement by Council, and be for a two year period.

The table below highlights the cost breakdown of stage one of the transition proposal.

Table 2:

Item	Detail	Amount
In-kind room provision – Both rooms	Includes both Function room for fitness sessions and Meeting Room for crèche. <i>Function Room - \$29.50 p/hour</i> <i>Meeting Room - \$22.40 p/hour</i>	\$11,500 per annum
Crèche Worker salary costs	x3 Crèche Workers. Crèche worker 0.10 FTE each or \$5,509.80 p/year	\$16,529 per annum
Administration in-kind	In-kind salary and on costs – 0.05 Health Promotion Officer FTE	\$3,750 per annum
Total		\$31,779 per annum

Stage Two (January 2019 – January 2020)

Stage two of the transition model would involve the City providing in-kind contributions to the crèche room (Meeting Room) and crèche service provision only, with the instructor taking on board Function Room booking and hire costs.

Stage two would commence after the initial 12 month review period finished (from January 2019), and remain in place for a further 12 months (to January 2020). During the latter part of the Stage Two period, the program operating model would again be reviewed to inform the decision making process about its future state.

It is anticipated that by the end of Stage Two, the business model would have more capacity to stand alone, or other complementary fitness based programs would be available within the Two Rocks area thereby reducing the requirement for the City to be the service provider.

The Table below highlights the cost breakdown of the stage two transition proposal.

Table 3:

Item	Detail	Amount
In-kind room provision – Crèche room only	The meeting room \$22.40 p/hour; used x2 hrs per program = 4hrs p/week x 48 weeks.	\$4,300 per annum
Crèche Worker salary costs	x3 Crèche Workers. Crèche worker 0.10 FTE each or \$5,509.80 p/year	\$16,529 per annum
Administration in-kind	In-kind salary and on costs – 0.05 Health Promotion Officer FTE	\$3,750 per annum
Income for Room Hire	Function Room hire fee income - for fitness classes paid by Instructor	- \$7,200 per annum
Total		\$17,248.80 per annum

Consultation

A participant survey was conducted in 2016 to gauge program satisfaction, potential future delivery options, pricing, importance of crèche and indoors format, and awareness of other local services. The findings from this survey and associated investigations were used to inform the proposed transition model.

At the latter part of Stage One and Stage Two, the City will conduct further engagement activities of key stakeholders, to inform model refinements and future directions.

Comment

The importance of supporting local jobs, smart business and healthy and active people has been highlighted in the City's *Corporate Business Plan 2017/18 to 2021/22* (CBP). Supporting this arrangement will contribute towards the achievement of these objectives, while ensuring provision of a much needed service within the Yanchep / Two Rocks community.

The City will request that the successful local business / instructor acknowledge the support provided by the City via use of the City logo on promotional materials. The successful business will also be required to provide evidence to the City of program statistics, outputs and outcomes achieved through service delivery. This data will also be used as part of the review and refinement processes.

The City will be continuing the current service delivery model until the beginning of January 2018, from which it is intended that the transition model will commence.

Statutory Compliance

As the fee waiver component of the proposal is \$11,500 for Stage One and \$4,300 for Stage Two, and is over the \$1,000 CEO delegation limit, a majority decision from Council is required pursuant to the *Local Government Act 1995* and the *Donations, Sponsorships and Waiver of Fees and Charges Policy*.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“1 Society

1.1 Healthy and Active People

1.1.1 *Create opportunities that encourage community wellbeing and active and healthy lifestyles*

Risk Management Considerations

Risk Title	Risk Rating
CO-O17 Financial Management	Moderate
Accountability	Action Planning Option
Executive Management Team	Manage

Risk Title	Risk Rating
CO-O20 Productive Communities	Moderate
Accountability	Action Planning Option
Director Community & Place	Manage

The above risks relating to the issues contained within this report have been identified and considered within the City's Corporate risk register. Action plans have been developed to manage these risks to improve the existing management systems.

Policy Implications

Expressions of Interest will be invited in accordance with the requirements of the City's *Purchasing Policy* and *Request for Tenders and Expressions of Interest Management Procedure*.

The fee waiver request does not adhere to the City's *Donations, Sponsorships and Waiver of Fees and Charges Policy* as the successful business will be collecting a minimum user entry fee from the participants. Council can still decide to waive the facility hire fee in accordance with the *Local Government Act 1995*, section 6.12 that states a local government may waive or grant concessions in relation to any amount of money which is owed to the local government.

Financial Implications

The table below highlights the cost comparisons between the current delivery model, proposed stage one transition and proposed stage two transition.

Table 4:

Item	Current delivery model	Stage Transition One (Jan 2018)	Stage Transition Two (Jan 2019)
Facilitator / contractor expenses	\$17,280 per annum	Nil	Nil
In-kind room provision	\$11,500 per annum (Includes both Function room and Meeting Room)	\$11,500 per annum (Includes both Function room and Meeting Room)	\$4,300 per annum (Meeting Room only)
Crèche Worker salary costs	\$16,529 per annum (x3 crèche workers)	\$16,529 per annum (x3 crèche workers)	\$16,529 per annum (x3 crèche workers)
Administration in-kind costs	\$7,500 per annum	\$3,750 per annum	\$3,750 per annum

Minus City income	- \$8,360 per annum (Average participant income)	Nil	- \$7,200 (room hire fees)
Total	\$44,449 per annum	\$31,779 per annum	\$17,248.80 per annum

There is no operational budget allocated towards ongoing external contractor expenses from January 2018. Therefore, if Council do not support a fee waiver for room hire fees as outlined above, this may result in difficulty contracting an instructor (due to decreased profit capability), or result in increased fees to participants due to increased room booking / program costs being passed on by the business owner.

At present, the City recoups all income generated from the programs and crèche. The transition proposal will allow the successful business to receive and keep the income in lieu of the City paying contractor fees. The change in income has been reflected in the above table.

As the Two Rocks Fitness Program has been a City managed initiative to date, there has been no previous requirement to seek fee waivers for the model, however if this program transitions to an independent (for profit) contractor, and the City's involvement significantly decreases, then a fee waiver endorsed by Council is required.

Should the City fail to successfully engage a business to undertake the new model, the City would continue to provide the current level of service for a further 12 months (to January 2019) while other options are explored.

Voting Requirements

Absolute Majority

Recommendation

That Council:-

1. **NOTES** the proposed Two Rocks fitness program transition model;
2. **NOTES** that the Administration will continue to provide the current service delivery until January 2018, at which point it is intended that the transition model will commence.
3. **APPROVES BY ABSOLUTE MAJORITY** to waiver the Facility Hire fees in accordance with section 6.12 of the *Local Government Act 1995* for both:
 - a) **Stage One (January 2018 – January 2019) transition model** for Function Room (program room) and Meeting Room (crèche room) at the Phil Renkin Centre to the value of \$11,500; and
 - b) **Stage Two (January 2019 – January 2020) transition model** for Meeting Room (crèche room) at the Phil Renkin Centre to the value of \$4,300.
4. **NOTES** further review of the transition model after the completion of Stage One to occur in December 2018, prior to Stage Two commencing.

Attachments: Nil

Corporate Strategy & Performance

Transactional Finance

3.12 Change of Valuation of Land Method - 1139 Old Yanchep Road, Pinjar

File Ref:	2093V03 – 17/309967
Responsible Officer:	Director Corporate Strategy and Performance
Disclosure of Interest:	Nil
Attachments:	1

Issue

To consider making a recommendation to the Minister of the Department of Local Government, Sport and Cultural Industries that the basis for rating Lot 2 D57000, 1139 Old Yanchep Road, Pinjar be changed from unimproved value (UV) to gross rental value (GRV).

Background

Section 6.28 of the *Local Government Act 1995* requires the Minister to determine the method of valuation of land to be used by a local government as the basis for a rate and publish a notice of the determination in the Government Gazette.

In determining the method of valuation to be used by a local government, the Minister is to have regard to the principle that the basis for a rate on any land is to be either: -

- a) Where the land is used predominantly for rural purposes, the UV of the land; and
- b) Where the land is used predominantly for non-rural purposes, the GRV of the land.

Each local government has a role in ensuring that the rating principles of the *Local Government Act 1995* are correctly applied to rateable land within their district.

Detail

Lot 2 D57000, 1139 Old Yanchep Road, Pinjar

The owners of the property, Department of Water and Environmental Regulation (DWER), have submitted a Land Use Declaration Form to the City requesting that the valuation of land method be changed from Unimproved Valuation (UV) to Gross Rental Valuation (GRV) as the property is not being used for a rural use. The property is being used for residential purpose only and therefore should be rated on the GRV method.

This property is currently leased to a tenant through a real estate agent for the purposes of residential. There is no lease/licence agreement between DWER and either the tenant or the Real Estate agent for the land to be utilised for agricultural/farming purposes. This would be inconsistent with DWER's Policy for the protection of ground water for which these premises are located in a Priority 1 Public Drinking Water Source Area. This has been confirmed through aerial mapping (**Attachment 1** refers).

Consultation

Process Guide – Valuation of Land (S.6.28) issued by the Minister of the Department of Local Government, Sport and Cultural Industries provides guidance to all local governments stating that affected property owners are to be informed of proposed changes to the method of valuing their property.

In this instance consultation with the owner is not considered necessary as the request to have the valuation of land method changed from UV to GRV was received in writing from the owner by way of the Land Use Declaration Form. This request was submitted as a result of a face to face meeting with the owners outlining the process and the expected outcome.

Comment

Under Section 6.28 of the *Local Government Act 1995* the Minister of the Minister of the Department of Local Government, Sport and Cultural Industries is to determine the method of valuation of land. The Minister's approval is required before the method of valuation of a property can be changed.

Statutory Compliance

Section 6.28 of the *Local Government Act 1995* requires the Minister to determine the method of valuation to be used by a local government as the basis for a rate and publish a notice of the determination in the Government Gazette.-

“(1) The Minister is to –

(a) determine the method of valuation of land to be used by a local government as the basis for a rate; and

(b) publish a notice of the determination in the Government Gazette.

(2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be –

(a) where the land is used predominantly for rural purposes, the unimproved value of the land; and

(b) where the land is used predominantly for non-rural purposes, the gross rental value of land.”

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“4 Civic Leadership

4.3 Progressive Organisation

4.3.2 Ensure excellence in our customer service”

Risk Management Considerations

There are no existing Strategic or Corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Policy Implications

Nil

Financial Implications

The change in basis of rating to GRV as opposed to the UV will result in a reduction in the rates of \$2,037.00 generated from this property.

Voting Requirements


Simple Majority

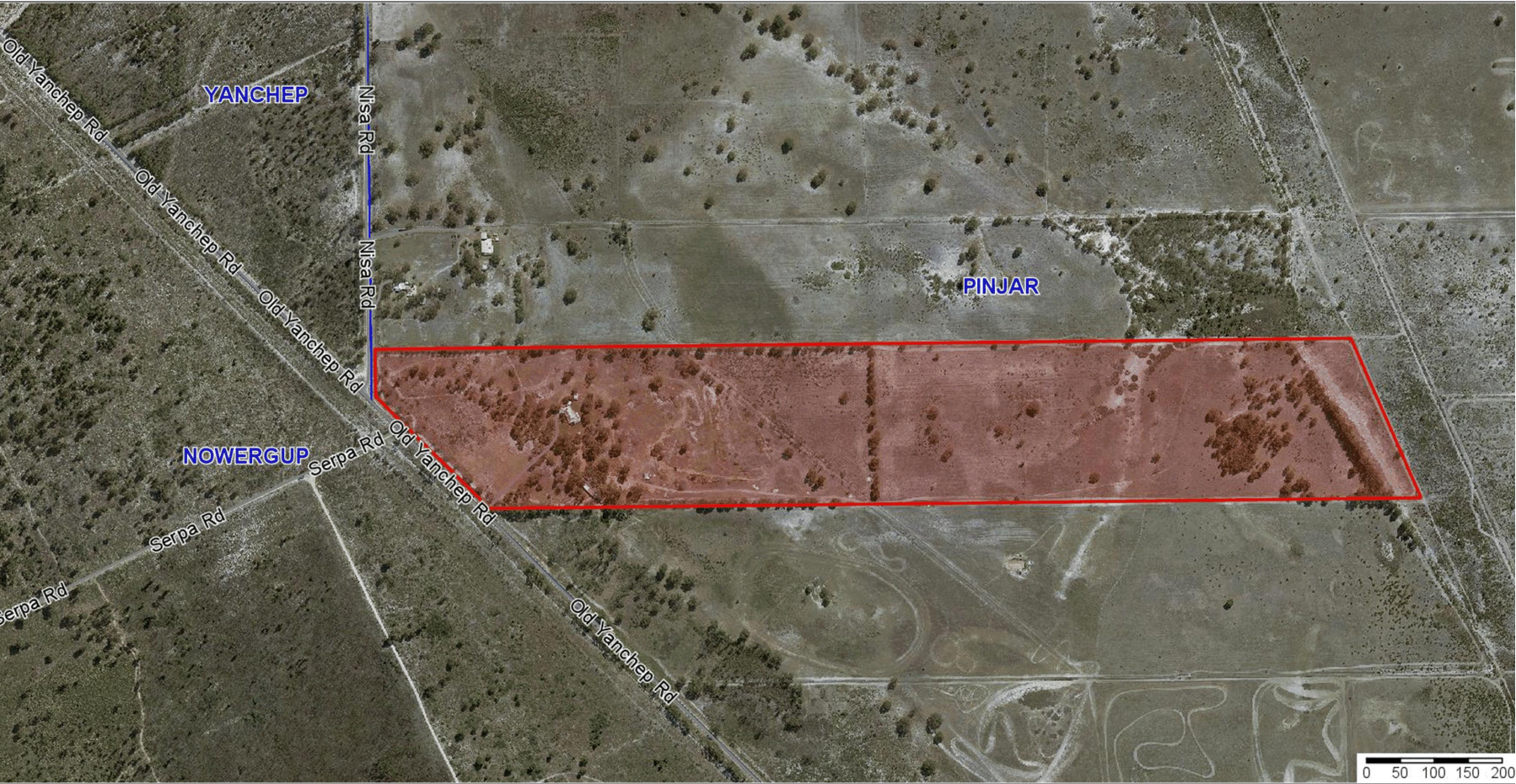
Recommendation



That Council:-

1. **NOTES** the predominant use of Lot 2 D57000, 1139 Old Yanchep Road, Pinjar is residential.
2. **RECOMMENDS** to the Minister of the Minister of the Department of Local Government, Sport and Cultural Industries that, pursuant to Section 6.28 of the *Local Government Act 1995*, the method of valuation for the property outlined in 1. above be changed from unimproved value to gross rental value; and
3. **NOTES** that the effective date of the new method of valuation for the property outlined in 1. above to be the date of gazettal.

Attachments:

1  Aerial 1139 Old Yanchep Road, Pinjar 17/309993



	<p>© Landgate WA, Nearmaps, OpenStreetMaps contributors While every care is taken to ensure the accuracy of this product, City of Wanneroo and the Local/State/Federal Government departments and Non-Government organisations whom supply datasets, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damage (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason. www.openstreetmap.org/copyright</p>	<p>Lot 2 D57000 1139 Old Yanchep Road, Pinjar</p>	Date: 13/09/2017	
			Printed by King, Carolyn	
			Scale = 1:7982	

3.13 Debt Write Off - Balga Job Link Inc

File Ref:	4532 – 17/313805
Responsible Officer:	Director Corporate Strategy and Performance
Disclosure of Interest:	Nil
Attachments:	Nil

Issue

To consider the write off of the outstanding sundry debt for Balga Job Link Inc (BJL) amounting to \$12,813.97.

Background

The City (as lessor) and BJL entered into a lease agreement over the property known as Girrawheen Hall (and an adjoining 119m² portion of land), situated at 11 Patrick Court, Girrawheen for a three (3) year term with an option to renew for a further three (3) year term. The lease commenced on 1 November 2010, was extended on 1 November 2013, and had an expiry date of 31 October 2016. The lease rental commenced at \$39,773.50 per annum plus GST and has been increased annually by CPI.

11 Patrick Court is owned freehold by the City and is comprised of the Girrawheen Hall, Girrawheen Senior Citizen's Centre and the Girrawheen Library. Prior to the current lease, BJL occupied the building since 2004 under previous lease agreements.

Until 31 October 2015, the City received an annual rent from BJL of \$44,384.12 per annum (invoiced quarterly in advance). The City has also recovered water utility expenses from BJL throughout the term of the lease until the most recent invoice.

On 23 November 2015, the City issued a rent invoice for the period 1 November 2015 to 28 February 2016. Upon receipt of this invoice BJL alerted the City that it was struggling to meet its obligations to pay rent and requested a meeting to discuss the issue. City Officers met with a representative of BJL on 10 December 2015.

As a result of the meeting on 10 December 2015, it was anticipated that a report would be presented to Council to seek approval to waive BJL's rent for a six month period (January to June 2016), subject to BJL substantiating its request to the satisfaction of the City through the provision of its financial records. The proposal was for BJL to pay the rent for the months of November and December 2015 and then resume paying rent under the terms of the lease from 1 July 2016 to 31 October 2016, the expiry of the lease

However, BJL contacted the City in January 2016 to advise that it had gone into administration and that all employment contracts had been terminated in late December 2015.

BJL engaged solicitors, Chris Stokes & Associates, to formally wind up the entity in the Supreme Court. The City wrote to the solicitors and BJL to advise that it considers BJL to be in breach of the lease pursuant to clause 5.1(f) in the lease and therefore considers the lease to be terminated. The City also requested that outstanding invoices for rent and water usage be paid immediately.

Detail

On 25 February 2016, Dougal McLay of Dougal McLay & Associates (DMA), Chartered Accountant was appointed as the liquidator of BJL pursuant to an order of the Supreme Court of Western Australia.

The City was advised by DMA that BJL has ceased to trade and advising of date and time of the meeting of creditors. Accordingly the total receivable from BJL has been fully provided as doubtful debts in the City's books.

The City lodged Form 535, Formal Proof of Debt or Claim (General Form) with DMA detailing the debt owed to the City totalling \$12,813.97. On 7 November 2016, the City was advised that no dividend would be paid to creditors as there were insufficient funds to enable this to occur.

Consultation

Nil

Comment

As per the DMA Final Circular to Creditors regarding BJL liquidation, the City would not receive any dividends due to insufficient funds. Therefore the debt totalling \$12,813.97 comprising of the following invoices is required to be written off. Since the full amount has been provided as doubtful debts, there is no impact on current year operating position of the City's financial statements.

Invoice No	Issue Date	Details	Amount
167145	23/11/2015	Quarterly Rent 1/11/15 to 25/2/16	\$12,205.63
167169	26/11/2015	Water Us 7/9/15 to 5/11/15, Water Rates 1/11/15 to 31/12/15	\$ 310.71
168606	28/1/2016	Water charges 5/11/15 to 8/1/16, Water Rates 1/1/16 to 29/2/16	\$ 297.63
Total amount to be written off			\$12,813.97

Statutory Compliance

Section 6.12 of the *Local Government Act 1995* provides that:-

- "(1) Subject to subsection (2) and any other written law, a local government may –
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money;
or
 - (c) write off any amount of money.
- which is owed to the local Government."

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“4 *Civic Leadership*

4.3 *Progressive Organisation*

4.3.2 *Ensure excellence in our customer service”*

Risk Management Considerations

There are no existing Strategic or Corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Policy Implications

Nil

Financial Implications

The debts are provided for within the Provision for Doubtful Debts and as a result the operating position of the City will not be affected.

Voting Requirements

Absolute Majority

Recommendation

That Council pursuant to Section 6.12(1)(c) of the *Local Government Act 1995*, WRITE OFF BY ABSOLUTE MAJORITY the outstanding amount of \$12,913.97 for Balga Job Link Inc.

Attachments: Nil

Property Services

3.14 Proposed Lease to Axicom Pty Ltd over Portion of Lot 9023 Marmion Avenue, Clarkson, for Telecommunication Purposes

File Ref: 4606 – 17/308187
 Responsible Officer: Director Corporate Strategy and Performance
 Disclosure of Interest: Nil
 Attachments: 1

Issue

To consider a proposed new lease to Axicom Pty Ltd over a portion of Lot 9023 (1700K) Marmion Avenue, Clarkson.

Background

Lot 9023

Lot 9023 (1700K) Marmion Avenue, Clarkson (commonly known as “**Tamala Park**”) is comprised in Certificate of Title Volume 2931 Folio 346 and is owned jointly by seven local governments (“**Owner Councils**”) as tenants in common, each with its own allotment of shares, as shown in the following table:-

Local Government	Portion of Ownership of Lot 9008
City of Stirling	4/12
City of Joondalup	2/12
City of Wanneroo	2/12
City of Perth	1/12
City of Vincent	1/12
Town of Cambridge	1/12
Town of Victoria Park	1/12

Historical telecommunication's tower lease

There is a telecommunication's tower situated on an approximately 150m² fenced off portion of Tamala Park (**Attachment 1** refers) which is used as a telecommunication's mobile telephone coverage base station. Since 1 November 1998, the tower has been the subject of a lease arrangement between the owners of Tamala Park at the time and Vodafone Network Pty Ltd (the lessee at the time and owner of the tower). There have been changes to the lease since 1998 which have been presented to Council for approval on each occasion during the course of the lease. Those changes have taken several forms, such as an assignment of the lease from Vodafone Network Pty Ltd to Crown Castle Australia, deeds of variations and changes associated with the ownership of Tamala Park (for example the City of Joondalup dividing into two separate councils to form the City of Joondalup and the City of Wanneroo, and in 2001, the City of Perth's original interest in the land was divided equally between the City of Perth, the Town of Cambridge, the Town of Victoria Park and the City of Vincent).

The initial lease was for a five year term with the option for two further terms of five years each. The options were exercised at the appropriate times and the lease expired on 31 October 2013. The lease, however, included a six monthly holdover provision which the Owner Councils at the time agreed (by way of seeking approval from their respective Councils – CB09-04/14 refers in respect to the City of Wanneroo report) should be implemented to allow time for the essential terms of a proposed new lease be negotiated.

The six month holdover period expired on 30 April 2014, however, the lessee (which is now Axicom Pty Ltd) continues to occupy the site and pay the Owner Councils an aggregate annual rent of \$60,000.

Land development to the north (Catalina Estate)

The Catalina Estate to the north is being developed for residential lots. However, this will not be affected by the proposed lease. The nearest house within the Catalina Estate is located approximately 650 metres north of the tower.

Lessee history

Since the expiry of the six month holdover on 30 April 2014, the lessee (Crown Castle Australia) was purchased by Axicom Pty Ltd which, as referred to earlier in this report, continues to operate the site and pay rent.

Detail

Discussions and negotiations since 2013

Discussions have been ongoing between the parties since 2013 (prior to the expiry of the lease) in an effort to reach agreement to essential terms and progress the matter to each of the respective Owner Councils for approval to enter into a new lease. As mentioned earlier, the six month holdover clause was implemented so that the parties could continue to negotiate the essential terms.

As part of the negotiation process, officers of the Owner Councils met on 16 July 2013 to discuss terms for a proposed new lease including a licenced valuation sought on 20 May 2013. It was also agreed that the City take on the responsibility to negotiate the lease (on behalf of the Owner Councils) going forward.

As part of the negotiation over a proposed new lease, Administration sought the 20 May 2013 market valuation for the rent from licenced valuer Burgess Rawson for the 150m² area currently occupied by Axicom Pty Ltd. The recommended rent at that time was \$60,000 per annum based on the lessee's (Crown Castle Australia) circumstances at the time.

The Owner Councils agreed to the following essential terms (which were presented to Crown Castle Australia on 19 December 2013), subject to Council approval from each of the seven owners:-

Term:	Five (5) years with one five (5) year option
Rent:	\$60,000.00 plus GST (based on 3 telecommunication carriers operating from the site)
Rent Review:	Rent to be increased by 5% annually
Further Rent Review:	Rent to be reviewed after the initial term of 5 years
Commencement Date:	1 May 2014

The lessee initially challenged the proposed \$60,000 rent and sought its own valuation from McGees Property. McGees Property's valuation recommended an annual rent of \$45,000. The Owner Councils rejected the rent proposed by McGees Property on the basis that it is lower than the agreed rent. Crown Castle Australia and the Owner Councils eventually reached agreement to the above essential terms, subject to final delegated authority from Crown Castle Australia's board which was subsequently granted.

Draft lease

Whilst the essential terms as outlined above were agreed (with subsequent advertising undertaken in order to comply with section 3.58 of the *Local Government Act 1995* in respect

to the advertising of the disposition), there have been extremely protracted delays in the preparation of the draft lease since then which have been outside the City's control. In addition, it has taken a considerable length of time for the parties to reach agreement to the contents of the draft lease (beyond the essential terms) taking into account the sale of Crown Castle Australia to Axicom Pty Ltd that took place during this process requiring agreement from the new incoming party to the draft lease.

Revised proposed essential terms

Due to the delays as described earlier, the Owner Council's sought a new licenced rental valuation on 10 March 2017 (and has received written confirmation from the valuer on 8 September 2017 that the 10 March 2017 valuation still applies) to determine the current market rent applicable.

The following revised proposed essential terms have been presented (and agreed by all the parties) to Axicom Pty Ltd, subject to formal approval by the Owner Councils Elected Members:-

Term:	Ten (10) years from Commencement Date
Further Term:	Nil
Commencement Date:	1 November 2017
Rent:	\$70,000.00 per annum plus GST and outgoings (based on the licenced valuation)
Restriction on maximum height of the lessee's tower:	45 metres
Occupation Fee (additional fee in addition to annual rent which will be applicable if further major telecommunication carriers co-locate to the site over and above those already in situ on the tower):	\$5,000.00 plus GST.
Rent review:	Rent will be incremented annually through the Term at a rate of 5%
Permitted Use:	Telecommunications facility
Termination of Lease:	Lessee may determine the Lease at any time by giving not less than twelve (12) month's prior written notice to the Lessor.

Should Council approve the proposed new lease, the City (on behalf of the Owner Councils) will be required to advertise the proposed disposition in accordance with the requirements of Section 3.58 of the *Local Government Act 1995*.

Consultation

The Owner Councils have been consulting amongst themselves throughout the negotiation process via correspondence and through various meetings and have agreed to the revised essential terms of the proposed new lease as detailed above, subject to approval from each Council.

Comment

The Owner Councils support the proposed new lease to Axicom Pty Ltd and each of the seven owners will revert to their respective councils for formal approval to the proposed lease.

Statutory Compliance

Section 3.58(3) of the *Local Government Act 1995* states that a local government can dispose of property (including leasing) other than by public tender or auction if, before agreeing to dispose of the property:-

- “(a) it gives a local public notice of the proposed disposition –
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given.”

Section 3.58(4) provides what details are required under (a)(ii) above:-

- “(a) the names of all other parties concerned; and
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.”

Given that the proposed lease is not considered an exempt disposition for the purposes of Section 3.58 a local public notice is required. Notwithstanding this and given the subject matter also affects other councils, it is proposed that a public notice will be placed in the West Australian instead given its metropolitan area distribution.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

- “2 Economy
 - 2.2 Strategic Growth
 - 2.2.5 Attract investment development and major infrastructure”

Risk Management Considerations

Risk Title	Risk Rating
Stakeholder Relationships	Moderate
Accountability	Action Planning Option
Chief Executive Officer	Manage

The above risk relates to the issue contained within this report has been identified and considered within the City's Strategic risk register. Action plans have been developed to manage this risk to support existing management systems.

Policy Implications

In accordance with the City's Leasing Policy, this lease is considered 'commercial' and the terms are therefore by negotiation (at market value).

Financial Implications

The proposed rent of \$70,000.00 per annum (plus GST), in aggregate, will be distributed to each of the seven owners in proportion with each local government's portion of ownership.

The City's portion (2/12ths) will therefore be \$11,666.66 plus GST for the first year of the term of the lease.

Voting Requirements

Simple Majority

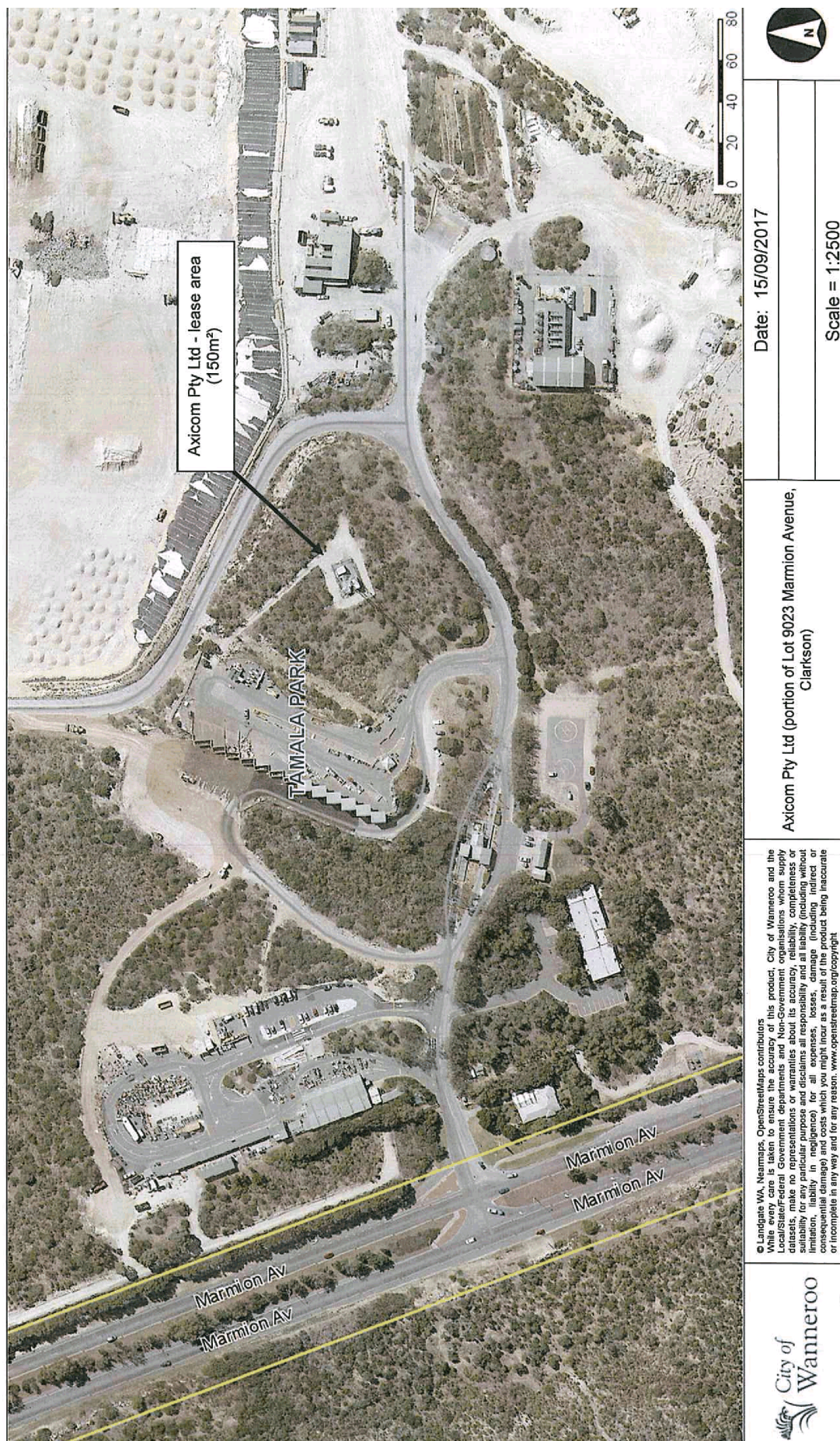
Recommendation

That Council:-

- 1. AGREES in principle to the leasing of the site currently occupied by Axicom Pty Ltd on a commercial basis for a term of ten (10) years, subject to the requirements of Section 3.58(3) of the *Local Government Act 1995* and the approval from the City of Joondalup, City of Perth, City of Stirling, Town of Victoria Park, City of Vincent and Town of Cambridge;**
- 2. AUTHORISES the Chief Executive Officer to publish a local public notice of its intention to enter into the Lease as per 1 above;**
- 3. In the event there are no submissions, NOTES the Chief Executive Officer, under delegated authority, can approve the lease; and**
- 4. NOTES that if any submissions or comments are received, a further report will be presented to Council for consideration.**

Attachments:

[1](#). *Axicom Pty Ltd - aerial plan of lease area 17/312828*



3.15 Proposed Lease to Telstra Corporation Limited over Portion of 30 Tranquil Drive, Carramar for Telecommunication Purposes

File Ref:	4320 – 17/312975
Responsible Officer:	Director Corporate Strategy and Performance
Disclosure of Interest:	Nil
Attachments:	1

Issue

To consider a proposed new lease to Telstra Corporation Limited over a portion of 30 Tranquil Drive, Carramar.

Background

30 Tranquil Drive (Lot 11) ("**Land**"), Carramar is owned freehold by the City and is comprised in Certificate of Title Volume 2104 Folio 198. The Land forms part of the City's Carramar Public Golf Course with the remainder of the course situated on Crown Reserve 46459 (61 Golf Links Drive, Carramar).

Aurecon Group, which acts for Telstra Corporation Limited ("**Telstra**"), initially approached the City in March 2015 enquiring about leasing a portion of the Land for telecommunication purposes on behalf of its client. Aurecon Group advised that Telstra is looking to relocate its existing site on Flynn Drive due to road widening works being undertaken by the City.

Telstra identified a number of properties within the area that it believed may be suitable for a base station site from a technical and environmental perspective. One of the identified sites (**Attachment 1** refers) is situated on the Land adjacent to Tranquil Drive, Carramar and is accessible via a gate located near the site.

The City provided Telstra access to the site so that it could assess the feasibility of the site in more detail. Following preliminary investigations, Telstra has determined the site as suitable to construct a 25m monopole tower with a headframe and equipment shelter at its base. Telstra has also advised it will require a ground footprint area of 70m² to establish a fenced off area for the tower.

Telstra, through its agent, is aware that Council approval is required to any lease and will also need to seek the necessary planning approvals as part of the process. As part of the planning approvals process, the proposal would need to satisfy the requirements of Local Planning Policy 2.5 Telecommunications Infrastructure.

Detail

The City and Aurecon Group have been in lengthy discussions over the essential terms since its initial enquiry (on behalf of Telstra) to potentially leasing the subject portion of the Land.

As part of those discussions, the City sought a licenced rental valuation in January 2016 (and has written confirmation dated 1 June 2017 that the valuation in 2016 continues to apply) from McGees Property which determined a rent of \$25,000.00 per annum exclusive of GST plus outgoings where there is only one telecommunication user (single user) being considered. Telstra has confirmed it does not contemplate accommodating any other telecommunication provider on the tower, however, if it does, a market rent will be determined at the time and Telstra will seek prior approval from the City if it is considering other users for the site.

As a result of the negotiations, the parties have now reached agreement to the following essential terms for a proposed lease, subject to Council approval, and compliance with applicable legislation (including section 3.58 of the *Local Government Act 1995*). In addition, the lease is also subject to Telstra securing the relevant development and building application approvals at its own cost. The planning application will likely require the City to undertake community consultation in accordance with the City's "Planning and Sustainability Local Planning Policy 2.5: Telecommunications Infrastructure":-

		Comments
Term	5 years	
Options	2 x five (5) year options with a break clause applicable to the second five (5) year option period whereby the City, in consideration of the second option, will include a break clause with 12 months' notice, allowing the City to terminate early should it require the site for any reason.	Telstra has agreed to the break clause with 12 months' notice to apply.
Rent	\$25,000 per annum plus GST plus outgoings.	Based on a single user basis i.e. Telstra does not foresee other telecommunication providers operating from the site. Telstra has been advised that whenever a new additional telecommunication carrier (except if it is a related body corporate) is being considered in the future for the site, this will attract an additional rent per carrier and the rent will be determined by a market rental valuation at the time. The additional rent will be dealt with in the assignment clause and consent will be required for all matters except dealings with related body corporates.
CPI Review	Annual reviews to 3% or CPI (whichever is the greater) to apply during the term and any option periods except when the Market Rent Review is conducted.	Telstra has agreed and the City has noted the method for dealing with CPI Review.
Market Rent Review (MRR)	To be undertaken 6-9 months prior to the commencement date of each option term, and that the date for exercise of the options is 3-6 months prior to the commencement date of the relevant option term.	Telstra has agreed to the MRR at the beginning of each option period. The cost of meeting the MRR is to be shared equally, split between the City and Telstra.
Rates, Taxes and Outgoings	Lessee responsible for all rates (including Council rates), taxes, assessments, impositions and outgoings for water, electricity, gas, telephone, whether billed directly or otherwise.	Electricity will likely be the only utility required to be charged. There is currently no submeter in place at the subject site and the City has proposed to Telstra that Telstra install a submeter, at

		<p>Telstra's cost, to account for the usage directly attributable to the proposed tower.</p> <p>Telstra has proposed (and the City has agreed) that the following wording be used in the lease documentation: "The Lessee will use reasonable endeavours to install separate metering for the Services to the Premises if requested by the Lessor, and it is reasonable able and permitted by any relevant authority to do so. The Lessee will bear the cost of separate metering under this clause and must pay to the suppliers all charges for the separately metered Services that are consumed or used by the Lessee."</p> <p>The City understands that the installation of the submeter can proceed, but notes that this will also require Western Power's agreement.</p>
Insurance	<p>Lessee responsibility for insuring the tower and associated telecommunications equipment. Public liability (\$20M or such greater amount required by the City, for any one instance) – Lessee responsibility.</p>	<p>Telstra has advised that it self-insures for property damage and has a global insurance policy for public liability.</p> <p>The following insurance clauses are required to be included in the lease: "For so long as Telstra Corporation Limited (or its corporate successor) is the Lessee, the Lessor acknowledges that the Lessee will self-insure the respective rights and interests of the Lessor and the Lessee for damage which must be repaired by the Lessee under the Lease." and "For so long as Telstra Corporation Limited (or its corporate successor) is the Lessee, the Lessor acknowledges that the Lessee has a global insurance policy which includes public liability insurance in excess of \$20 million and which includes the Lessor as an insured to the extent required in the Lease."</p>

		The City's view on the above is that the proposed clauses are acceptable, subject to the advice of the City's solicitors in the course of preparing the draft lease. The City notes that the global insurance requirement will be a special condition to apply only to Telstra Corporation Limited and its corporate successors – the standard insurance requirement will apply to any assignees, sublessees and licensees.
Access	Telstra will require access to the site 24 hours a day, 7 days a week during the term, any option period and any holding over period.	The City has agreed to this
Maintenance	Lessee responsibility	Telstra will be responsible for the tower and associated infrastructure and equipment in its entirety.
Statutory Compliance	Lessee responsibility	

In addition to the above proposed essential terms, Telstra will contribute to the City's cost in preparing the draft lease capped at \$2,000 plus GST.

The City is bound by the *Local Government Act 1995* regarding the disposal (lease) of property and, therefore, the City will be required (should Council approve to entering into a lease) to advertise the lease details (such as the parties concerned and the market rental value) in the local paper.

If the lease is required to be registered, any associated costs including costs to remove any such registration from the Certificate of Title at the end of the term (or to withdraw any caveat lodged by Telstra) will be borne by Telstra.

Should the lease be approved, Telstra will appoint its surveyors to undertake a site survey.

Consultation

The City has been consulting with Aurecon Group for some time and has reached agreement on the proposed essential terms as outlined earlier in this report.

There is also likely to be consultation undertaken with local residences in the area as part of the planning approval process.

The City's operator of the golf course, which leases the pro shop from the City and runs the golf course on the City's behalf (i.e. collects revenue from the patrons of the golf course) was consulted early in the negotiations that the City was considering the subject lease. The golf course operator did not have any issues with the matter progressing as it will not have any impact on the day to day operation of the course.

Other relevant sections within Administration are aware of the proposed potential lease and have no issues with the matter progressing to Council given the proposed location is close to the perimeter of the golf course and therefore considered to have no impact on the maintenance of the golf course as a whole.

Comment

Administration supports the proposed new lease to Telstra Corporation Limited as it will provide an annual revenue stream to the City of \$25,000 per annum plus GST.

Statutory Compliance

Section 3.58(3) of the *Local Government Act 1995* states that a local government can dispose of property (including leasing) other than by public tender or auction if, before agreeing to dispose of the property:-

- “(a) it gives a local public notice of the proposed disposition –
- (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given.”

Section 3.58(4) provides what details are required under (a)(ii) above:-

- “(a) the names of all other parties concerned; and
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.”

Given that the proposed lease is not considered an exempt disposition for the purposes of Section 3.58 a local public notice is required.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

- “2 Economy
 - 2.2 Strategic Growth
 - 2.2.5 Attract investment development and major infrastructure”

Risk Management Considerations

Risk Title	Risk Rating
Stakeholder Relationships	Moderate
Accountability	Action Planning Option
Chief Executive Officer	Manage

The above risk relates to the issue contained within this report has been identified and considered within the City's Strategic risk register. Action plans have been developed to manage this risk to support existing management systems.

Policy Implications

The lease has been negotiated in accordance with the City's Leasing Policy. It is considered 'commercial' and the terms are therefore by negotiation (at market value).

Financial Implications

The City will receive an annual income of \$25,000.00 per annum (plus GST) incremented annually to CPI or 3% (whichever is the greater). In addition to CPI increments, the rent will also be reviewed to market at defined stages as outlined in the essential terms earlier in this report.

Voting Requirements


Simple Majority

Recommendation

That Council:-

1. **AGREES** in principle to the leasing of the 70m² site to Telstra Corporation Limited on a commercial basis for a term of five (5) years with two further options of five (5) years each, subject to the requirements of Section 3.58(3) of the *Local Government Act 1995*;
2. **AUTHORISES** the Chief Executive Officer to publish a local public notice of its intention to enter into the Lease as per 1 above;
3. In the event there are no submissions, **NOTES** the Chief Executive Officer, under delegated authority, can approve the lease; and
4. **NOTES** that if any submissions or comments are received, a further report will be presented to Council for consideration.

Attachments:

1  *Telstra Corporation Limited - proposed location of tower at 30 Tranquil Drive Carramar* 17/312963



3.16 Proposed commercial Lease of Lot 502, Jindalee Boulevard, Jindalee (Jindalee Beach Kiosk) to Shack Holdings Pty Ltd for a term of five (5) years

File Ref:	4603 – 17/283703
Responsible Officer:	Director Corporate Strategy and Performance
Disclosure of Interest:	Nil
Attachments:	1
Previous Items:	CB02-11/12 - Proposed Sub-Lease of Jindalee Beach Kiosk, Crown Reserve 20561, Jindalee - Ordinary Council - 13 Nov 2012 7.00pm CB04-02/14 - Proposed Sub-lease to Surf Life Saving Western Australia (Inc.), portion of Reserve 20561, Lot 502, Jindalee Boulevard, Jindalee (Jindalee Beach Kiosk) - Ordinary Council - 04 Feb 2014 7.30pm

Issue

To consider the proposed Commercial Lease of a portion of Crown Reserve 20561, Lot 502 Jindalee Boulevard, Jindalee to Shack Holdings Pty Ltd for a term of five (5) years.

Background

Land

The Jindalee Beach Kiosk (**the Building**) is located on a 563m² portion of Crown Reserve 20561, Lot 502 on Deposited Plan 69500 being the whole of the land comprised in Certificate of Title Volume LR3160 Folio 642 (**Lot 502**) (**Attachment 1** refers).

Lot 502 is a category "C" reserve, vested in the City for the purpose of "Recreation & Purposes Incidental thereto", under a Management Order with power to lease for a term not exceeding 21 years, subject to the consent of the Minister for Lands.

Lot 502 (**the Premises**) is currently zoned as "Parks and Recreation" under the Metropolitan Region Scheme and "Regional Parks and Recreation" in the City of Wanneroo District Planning Scheme No.2.

Building

The Building (**Attachment 1** refers) was designed in 2010 in consultation between the City and the project manager of the Jindalee area, Heath Development Company (**HDC**). It is a freestanding rammed earth and iron roof building comprising:

- kiosk/commercial kitchen;
- public ablutions;
- general area (predominantly used for storage);
- service/bin room; and
- store yard.

Carine Nominees Pty Ltd, Belgravia Pty Ltd and Penhurst Nominees Pty Ltd (**the Existing Lessee**) are the owners and developers of the Building and funded its construction. HDC is the project manager for the Jindalee Beachside Estate and has the authority to obtain all necessary approvals on behalf of the Lessee under HDC's project management agreement.

In addition to the Building, the Premises also contains two fixed tensile membrane umbrellas, a fixed pizza oven/servy area oven and non-fixed tables and chairs for patrons.

Agreement for Lease & Land Lease

At its Ordinary Meeting of 14 December 2010 (CS12-12/10), Council resolved to allow the Existing Lessee to construct the Building pursuant to an Agreement for Lease (**AFL**) and then Lease Lot 502 from the City for a term of five (5) years with a five (5) year option.

The Building was leased under an AFL as vacant land with the Existing Lessee responsible to construct and develop the Building. Practical completion of the Building occurred on 17 December 2012 and resulted in the commencement of the land Lease agreement between the City and the Existing Lessee. At the expiration of the land Lease, the Existing Lessee is required to hand back the Building to the City for management. Up until that time, the Existing Lessee is responsible for full maintenance of the land and the Building (including structural maintenance).

The initial five (5) year Lease term is scheduled to expire 16 December 2017. The Lease contains an option for a further five (5) year term commencing 17 December 2017 and expiring 16 December 2022, subject to the Existing Lessee providing the City with written notice not less than three (3) months prior to 17 December 2017.

The Existing Lessee advised the City in writing on 25 May 2017 that it will not exercise its five (5) year option. It further advised the City in writing on 22 June 2017 that as of 16 December 2017 it would:

- vacate the Premises and the Building;
- provide the City all keys for the Premises and the Building;
- provide the City the combinations to any locks, safes or vaults in the Premises and the Building; and
- leave the Premises and the Building in a condition that is:
 - clean;
 - rubbish free; and
 - consistent with full compliance by the Existing Lessee with every tenant obligation.

For all intents and purposes, the City will take control of the Building and the Premises as of 16 December 2017.

Sublease

The City is currently party to two Subleases within the Building:

1. Hutton Holdings WA Pty Ltd (Chippy's Fish Café)

In March 2012, the Existing Lessee wrote to the City requesting consent to Sublease a 54.15m² portion of the Building comprising the kiosk, dry-store and utility area to Hutton Holdings W.A. Pty Ltd (**Hutton**), trading as Chippy's Fish Cafe. Subsequently, Council at its Ordinary Meeting of 13 November 2012 (CB02-11/12) resolved to Sublease a 54.15m² portion of the Building to Hutton for a term of four (4) years and three hundred and sixty four (364) days commencing 17 December 2012, together with an option to renew for a further five (5) years for the purpose of a cafe and/or kiosk.

The Sublease to Hutton is scheduled to expire 16 December 2017. The renewal option period no longer applies as the Existing Lessee (**Sublessor**) has declined to exercise the five (5) year option contained in the land Lease (**Head Lease**).

2. Surf Life Saving Western Australia (Inc.)

Part of the initial Building design negotiations between the City and the Existing Lessee revolved around portion of the Premises (General Area (38.7m²)) and an access lay-up area (27.74m²)) being set aside for future multi-purpose use, including the potential for use or part use by Surf Life Saving Western Australia (Inc.) (**SLSWA**).

SLSWA advised the City in writing on 11 April 2013 that it was interested in utilising a portion of the Premises to store equipment and to support current and future operations along the coastline.

Council, at its Ordinary Meeting of 4 February 2014 (CB04-02/14) resolved to Sublease a portion of the Premises to SLSWA. The Sublease commenced on 1 January 2015 for the purpose of administrative & research monitoring, incident control centre, storage and training and is scheduled to expire 15 December 2017 with an option to renew for a further five (5) year term.

The renewal option period is no longer applicable as the Sublessor has declined to exercise the five (5) year option contained in the Head Lease.

Agreement Expiration

The Head Lease will expire 16 December 2017. Accordingly, the Subleases with Hutton and SLSWA will expire 16 December 2017 and 15 December 2017 respectively.

The City will take control of the Building and the Premises and assume asset replacement budgeting therein. Unless a new lessee is appointed, the City will be required to assume all maintenance of the Premises.

Proposal

The City contacted Hutton on 27 June 2017 advising that its Sublease will expire 15 December 2017. Hutton subsequently verbally advised the City that it wished to enter into a new five (5) year Lease with the City, commencing 17 December 2017.

Hutton and its "Chippy's" group was established in 2003. It is a family owned business brand with fish and chip shops exclusively located in the City, namely Carramar and Butler. The Building at Jindalee offers a variety of breakfast, lunch and dinner options with community engagement and interaction a theme of the business (including live entertainment and family focused events).

Hutton has advised the City that for the purpose of the proposed new Lease, it has restructured its business and registered the following company name with the Australian Securities and Investments Commission, Shack Holdings Pty Ltd (**Shack**).

Accordingly, Administration proposes to Lease not only the existing Sublease area but also the remainder of the Building to Shack as well (total Lease area 184m² approximate). In addition, Shack will also assume responsibility for the Licence Area (271m²) and have the benefit of the Common Area (91m²) to aid deliveries and the like (**Attachment 1** refers).

Further planning approval will be required if the use of the portion of the building, currently leased by SLSWA, has not been previously approved as part of the kiosk. As the subject site is on land reserved under the Metropolitan Region Scheme, any planning application is to be determined by the Western Australian Planning Commission.

The SLSWA Sublease will expire 15 December 2017 and will not be renewed. SLSWA has never utilised the Building and wrote to the City on 17 August 2017 advising that it has no future requirement for it, predominantly due to its interim Surf Life Saving facility at Alkimos.

Detail

A proposed new five (5) year Lease commencing 17 December 2017 has been negotiated with Shack.

The Shack proprietor was involved with the concept of the Building from the outset of the Building design, planning and construction phase. It is familiar with the Premises, customers and the local residents and has the necessary business acumen to continue to service patrons and meet the requirements of the proposed new Lease

Under the terms of the City's Leasing Policy approved by Council, Shack is categorised as a "commercial" entity, being a non-exempt disposition under the *Local Government Act 1995*. In accordance with the Leasing Policy, annual rent is to be negotiated at market rate.

A market valuation was sought from a licensed valuer to establish the current market rental of the Premises as per required legislation. A valuation report was provided to the City by a licenced valuer on 23 August 2017 and a rate of \$149/m² per annum net over the Lease area of 184m² was suggested inclusive of the right to use the Licence and common areas. This equates to \$27,500 per annum net based on a lettable area of 184m².

The licensed valuer concluded that the current market value of the Building (and taking into consideration the benefit of the Licence and Common Area) is \$27,500 (plus GST) per annum plus outgoings with annual CPI review.

It is therefore proposed, subject to Council approval and the requirements of the *Commercial Tenancy (Retail Shops) Agreements Act 1985* (CTA) being satisfied, to enter into a "private treaty" semi gross Lease arrangement with Shack.

Accordingly, the following essential terms for the proposed CTA Lease have been agreed with Shack and are subject to Council and Minister for Lands approval:-

Leased Premises:	Exclusive use of the Jindalee Beach Kiosk being an area of approximately 184m ² (Attachment 1 refers) to Shack Holdings Pty Ltd
Permitted Purpose:	Kiosk and ancillary purposes
Lease Term:	Five (5) years
Commencement Date:	17 December 2017
Lease Commencement Date:	17 December 2017
Lease Rental:	\$27,500 (plus GST) per annum plus outgoings and annual CPI review for the 184m ² Leased Premises
CPI Review:	Annual increase in accordance with CPI
Bond:	The Lessee will be required to submit a bond of \$5,000 which will be held by the City for the full term of the Lease in a non-interest bearing account.
Outgoings:	Lessee responsibility – including (but not limited to) utility connections/outgoings for water, electricity and gas consumption and telephone/broadband use, connection and consumption
Rates & Taxes:	Lessee responsibility – Commercial Council rates and Emergency Services Levy and any other rates, taxes, assessments and impositions

HVAC/Mechanical Services:	Lessee responsibility
Building Insurance:	Lessor responsibility to implement (Lessor to on charge insurance premium to Lessee)
Public Liability Insurance:	Lessee responsibility - \$20 million minimum
Other Insurances:	Lessee responsibility - Plate Glass, Workers Compensation, Breakdown Insurance and Property Damage Cover
Cleaning:	Lessee responsibility
Lessee Services:	Lessee responsible for the provision of any special requirements such as telephone and broadband services
Building Maintenance:	Lessee to keep and maintain every part of the inside of the leased premises including all ceiling panels, lighting and electrical installations, doors, windows frames, floor coverings and all other fixtures and fittings in good and substantial repair and condition. The Lessee is responsible for the outer surface of any plate glass and the exterior walls
Cleaning:	Lessee responsibility for Lease and Licence Areas
Grease Trap:	Lessee responsibility
Fit Out (if required):	Lessee responsibility
Signage:	Lessee responsibility
Structural Maintenance:	Lessor responsibility (Lease premises only)
Compliance:	Lessee responsibility
Existing Fixtures, Fittings & Appliances:	Lessee responsibility. The Premises will be leased by the Lessor to the Lessee on an "as is" basis
Food Act and Health Services Assessment:	Lessee responsibility to notify and register with the City the relevant forms and associated fees
Special Conditions:	<p>The Lessor cannot guarantee against interruptions to Quiet Enjoyment. It has the care, control and management of the Premises along with other roads and reserves in the vicinity of the Premises that may require essential works to be undertaken from time to time that may impact on the Lessee's business. Restrictions (not limited to):</p> <ul style="list-style-type: none"> • disruption to utilities; • disruption or closure of roads, reserves and road reserves; • pedestrian movement and access; • vehicle movement, access and parking; • vibration and noise; and • dust and dirt. <p>As a result, the City or its agents and contractor works will not be considered as having breached the Lessee's "quiet enjoyment" of the Premises and the Lessee will not be liable to compensate the Lessee</p>
Licence Area:	Use of an approximate 271m ² brick paved external area incorporating the al-fresco area inclusive of two fixed

	umbrellas and pizza oven/servery area (Attachment 1 refers)
Maintenance of Licence Area:	Lessee responsibility (including structural - Pizza oven/umbrellas)
Building Insurance for Licence Area:	Lessee responsibility (Pizza oven/umbrellas)
Outgoings for Licence Area:	Lessee responsibility
Structural Maintenance of Licence Area:	Lessee responsibility
Common Areas:	Lessee is permitted to use (on a non-exclusive basis) the Common Area during the Building's standard trading hours and other times as permitted. No tables and chairs are to be located in the Common Area (Attachment 1 refers)

Under the CTA, Shack has the right to trade during whatever time Shack requires. The City cannot compel Shack to open at specific days and times. The ablutions will only be open when Shack is trading.

It is proposed that, subject to Council and Ministerial approval to the indicative Lease terms, formal commercial Lease documentation will be prepared to reflect those terms above and to comply with the disclosure requirements of the CTA.

Consultation

Section 18 of the *Land Administration Act 1997* requires the City to obtain Ministerial endorsement to the proposed Lease from the Department of Planning, Lands and Heritage (DPLH) on behalf of the Minister for Lands. Once the Lease has been prepared and is accepted by Shack, Administration will forward the document to the DPLH for its consideration and endorsement.

It is proposed that, subject to Council approval to the proposed Lease, formal commercial lease documentation will be prepared either in-house or by a solicitor and will include the disclosure requirements of the *Commercial Tenancy (Retail Shops) Agreements Act 1995*.

Comment

Should Council agree to the Lease, given that the proposed Lease is not an exempt disposition, it will be necessary to publish a local notice of the proposal inviting public submissions. Subject to no submissions being received from the advertising process, formal consent to the Lease as outlined in this report is sought from Council.

Should any submissions be received, Administration recommends that no further report is presented to Council due to timeframe considerations and the expiration of the Head Lease and Subleases in mid-December 2017. Administration recommends that the CEO be granted authority to consider and reject any submissions, negotiate private treaty commercial Lease terms and effect any documentation relating to it to enable a timely and expedient resolution. It is anticipated that public expectation is for the Building to remain open to provide a service and the closure of the Building (even for a limited period) is not recommended.

The proposed new Lease of the Building to Shack is supported in the manner outlined in this report. The proposed Lease conditions will protect the City's interest in the Premises.

Statutory Compliance

The public notice advertisement will comply with the requirements of Section 3.58 of the *Local Government Act 1995* with respect to the proposed disposition.

In addition, the proposed Lease tenure complies with the requirement of the CTA whereby a minimum tenure term of five (5) years (including options) is required along with the provision of a Disclosure Statement.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“2 *Economy*

2.1 *Local Jobs*

2.1.2 *Build capacity for businesses to grow”*

Risk Management Considerations

Risk Title	Risk Rating
ST-S12 Economic Growth	Moderate
Accountability	Action Planning Option
CEO	Manage

Risk Title	Risk Rating
CO-O01 Relationship Management	Moderate
Accountability	Action Planning Option
Executive Leadership Team	Manage

Risk Title	Risk Rating
CO-O04 Asset Management	Moderate
Accountability	Action Planning Option
Executive Leadership Team	Manage

Risk Title	Risk Rating
CO-O20 Productive Communities	Moderate
Accountability	Action Planning Option
Director Community & Place	Manage

Policy Implications

The proposed Lease will be negotiated in accordance with the commercial guidelines as outlined in the City's Leasing Policy under private treaty negotiations.

Financial Implications

- The proposed commercial lease will generate an annual income stream to the City of \$27,500 (plus GST) per annum. Annual CPI increases will apply throughout the term;
- Commercial valuation to ascertain the current market rent - \$1,950 (plus GST) cost to the City;

- Public Notice in the Wanneroo Times and North Coast Times - \$1,000 (plus GST) (approximate) cost to the City;
- Any required fit out works and infrastructure upgrades to be at the sole cost of Shack and detailed in the Lease;
- Full cost of any required ventilation, gas, extraction and cool room modification works are to be at the cost of Shack and detailed in the Lease; and
- Whilst it is anticipated that the commercial CTA Lease can be prepared in-house, should timeframes and work constraints delay preparation given the limited timeframe until the expiration of the existing Head Lease and Subleases, a commercial Lease can be prepared by one of the City's external solicitors - \$2,000 (plus GST) (approximate) cost to the City. Note that changes to the CTA in 2013 prohibit lessors from claiming legal expenses relating to the preparation, negotiation or execution of leases and associated documentation.

Voting Requirements

Simple Majority

Recommendation

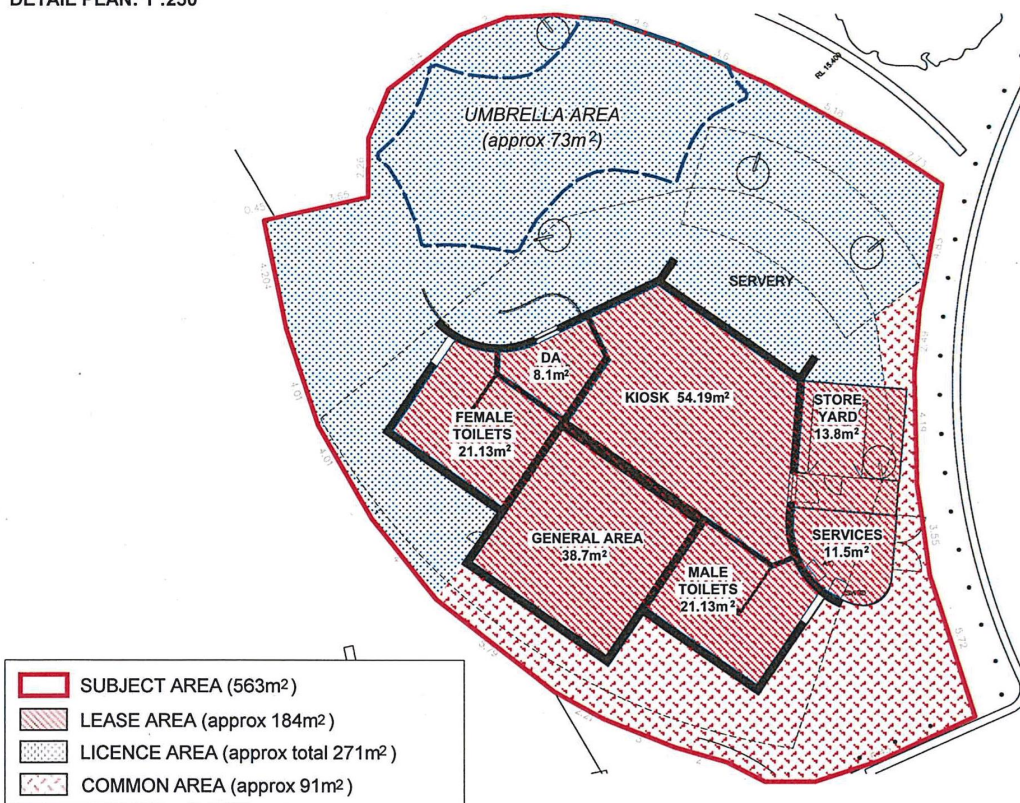
That Council:-

1. **APPROVES**, in principle, a commercial Lease of the Jindalee Beach Kiosk, being an approximate 184m² portion of Part Reserve 20561, Lot 502 (99L) Jindalee Boulevard, Jindalee (Attachment 1 refers) to be formalised pursuant to private treaty Lease negotiations with Shack Holdings Pty Ltd, for a term of five (5) years, subject to the requirements of the *Commercial Tenancy (Retail Shops) Act 1985 (WA)* and the approval of the Minister for Lands;
2. **AUTHORISES** the publication of a local public notice of the intention to enter into the Lease in accordance with Section 3.58 of the *Local Government Act 1995 (WA)*;
3. **AUTHORISES** to the Chief Executive Officer to:
 - a) negotiate commercial terms, execute all documentation, consider and reject any submissions and comply with all applicable legislation as is required to effect items 1) and 2); and/or
 - b) appoint any operator at Part Reserve 20561, Lot 502 (99L) Jindalee Boulevard, Jindalee via private treaty negotiations for a term of five (5) years; and
4. **AUTHORISES** the affixing of the Common Seal of the City of Wanneroo to the Lease in accordance with the City's Execution of Documents Policy.

Attachments:

1. [Attachment 1: Proposed Lease & Licence Area - Jindalee Beach Kiosk](#) 17/267343 Minuted

DETAIL PLAN: 1 : 250



City of Wanneroo



JINDALEE BEACH KIOSK - LEASE AND LICENCE AREA
LOT 502 (R20561) JINDALEE BVD, JINDALEE

SCALE: As Noted

DATE: Aug 2017

REF: 2017-08 jindalee kiosk lease

3.17 Proposed Surrender of Lease and new Lease to the Yanchep Sports and Social Club (Inc.) over Lot 1 (81) Yanchep Beach Road, Yanchep

File Ref:	6036 – 17/253672
Responsible Officer:	Director Corporate Strategy and Performance
Disclosure of Interest:	Nil
Attachments:	2
Previous Items:	MN01-08/16 - Investigate Establishment of Men's Shed in Yanchep/ Two Rocks Area - Ordinary Council - 16 Aug 2016 7.00pm

Issue

To consider surrendering the Yanchep Sports and Social Club (Inc.) (YSSC) existing Lease in order to enter into a new Lease of greater tenure with the YSSC over Lot 1 (81) Yanchep Beach Road, Yanchep.

Background

Land

The YSSC currently leases Lot 1 on Diagram 52126 (81) Yanchep Beach Road, Yanchep (Lot 1) being the whole of the land comprised in Certificate of Title 1497 Folio 32.

Lot 1 is 32,000m² in area and zoned as "Urban" under the Metropolitan Region Scheme and "Urban Development" in the City of Wanneroo District Planning Scheme No.2. It is bounded by Yanchep Beach Road to the north, a vacant lot that is proposed for residential development to the east, a commercial precinct to the south and Marmion Avenue to the west.

Lot 1 currently comprises a clubhouse with a licensed bar, associated car park, two grass bowling greens, three storage sea containers and a toilet block (**Attachment 1** refers). In addition, there are two marked tennis courts on-site with associated fencing that are the sole responsibility of the City to maintain.

Lot 1 is owned by the City in freehold and located within the strategic Yanchep town centre. This locality presents the City with future potential commercial opportunities to develop or sell Lot 1.

Under the terms of the City's Leasing Policy, standard protocol is for "Not-For-Profit" (NFP) entities/community facilities to be located on crown land as opposed to City freehold land. Presently, it is anticipated that the YSSC will be relocated to an alternative site at some point in the future. To-date, no relocation site has been identified for the anticipated relocation and the City is in the very early stages of identifying regional open space for the Yanchep area which is reliant on the State of WA purchasing and allocating the land to the City. This process is anticipated to take at least ten (10) years.

Current Lease

At its Ordinary Council Meeting of 24 October 2000, a report was presented to Council (W337-10/00) that detailed the approval of the current twenty-one (21) year Lease that commenced 1 January 2001 and is scheduled to expire 31 December 2021.

Council resolved as follows:

- "1. ENDORSES a 21 year tenure period;*

2. *ENDORSES a Lease agreement based on the club being responsible for Council and water rates and all costs involved with site inspections, preparation of the Lease document, and maintenance and operational costs associated with the property, including court lighting; and*
3. *RETAIN RESPONSIBILITY for maintenance of the court surfacing and fencing*

The existing Lease has four (4) years, and three (3) months remaining.

Leasing Policy

The YSSC is classified as a NFP entity under the terms of the City's Leasing Policy.

Under the City's previous Tenancy Policy, NFP entities were responsible for all maintenance (excluding structural) on leased facilities in exchange for a \$1 annual peppercorn rent. The terms of the YSSC current Lease, expiring 31 December 2021 are based on this principle (asides from the City's sole maintenance responsibility for the tennis courts and its associated fencing in this instance).

In order to alleviate pressure on NFP lessee members to maintain leased City buildings and ensure that City assets are maintained to a satisfactory and compliant standard, Council adopted a Leasing Policy (CS05-09/15, 15 September 2015) that included provision for the City and not the respective NFP lessee's to undertake and assume responsibility for all maintenance and repairs on leased City buildings in exchange for an annual maintenance fee payable by the NFP lessee entities on their respective leased buildings. Accordingly, the YSSC annual maintenance fee has been calculated at \$3,200 (plus GST) and is scheduled to commence at the expiration of the current Lease on 31 December 2021.

Proposed Surrender of current Lease and new Lease with longer tenure

Since the formation of the YSSC in 1976, the Yanchep/Two Rocks area has grown extensively. It is an area of high population and urban residential growth that is envisaged to continue for the foreseeable future. It currently has few conventional facilities and limited infrastructure and public transport links.

In endeavouring to adapt to the changing circumstances in the area, the YSSC has written to the City to request the termination of its existing Lease in exchange for a new Lease with greater tenure. The YSSC is actively looking to capture additional members (current membership is 660 members) from the increase in population growth in the area and broaden and promote the use of its existing facilities.

The YSSC has also explored the feasibility of utilising the additional spare land contained on Lot 1 for additional sports and social purposes to create a multi-purpose sporting and social hub as a focal point for the expanding residential community. It is in the preliminary stages of negotiations with the Yanchep Community Men's Shed (Inc.) (YCMS) (MN01-08/16) of 16 August 2016 refers) over a potential Sublease of an area of Lot 1 north of the bowling greens, subject to City consent. Negotiations cannot proceed in detail between the YSSC and the YCMS until Council considers the YSSC request for a new Lease with greater tenure.

Whilst there is four (4) years and three (3) months remaining of the existing Lease term, the YSSC has advised the City that in its opinion, this perceived lack of security of tenure is impeding its growth and development especially in regards to the YSSC's proposed grant applications for additional sport and recreation facilities and the potential upgrade of existing facilities at Lot 1.

Both the existing and previous YSSC Committees have been regularly advised by the City that Lot 1 may be utilised for alternative purposes in the future (due to its freehold land status

and the commercial opportunities that this may present the City) which would require the YSSC to relocate to an alternative, as of yet, unidentified site. Despite this notification, the YSSC has repeatedly requested that it be allowed to surrender its existing Lease for a new Lease of greater tenure.

Under the terms of the City's Leasing Policy any brand new Lease is required to adhere to the current Policy. In this particular instance, this would result in the YSSC being required to commence payment of an annual maintenance fee of \$3,200 (plus GST) per annum (subject to review on an annual basis) from 15 September 2017 as per the terms of the City's Leasing Policy in exchange for the City assuming all maintenance responsibilities at Lot 1.

Proposed Land Excision

As part of the Lease negotiations, the YSSC and Administration have negotiated the excision of a 5,000m² (approximate) portion of Lot 1 (Excised Land) from the existing YSSC leased area (**Attachment 2** refers), subject to Council approval.

The YSSC has advised the City that it does not use the Excised Land (aside from occasional overflow car parking) and has no plans to develop it in the future. It is proposed that the City will assume full responsibility of the Excised Land for future in-house development or commercial leasing opportunities. Should such a proposal proceed in the future, the City may enter into some form of reciprocal car parking agreement with the YSSC to allow the YSSC to utilise any future car park on the Excised Land.

In exchange for the Excised Land, Administration has agreed to the YSSC's request to waive the annual maintenance fee of \$3,200 (plus GST) per annum for the term of the Lease. The YSSC will continue to maintain its leased premises at its cost until Lease expiration with the City to continue to undertake structural maintenance of all buildings and full maintenance responsibility for the tennis courts and its fence.

Detail

The YSSC has agreed in writing to surrender its existing Lease for a new Lease of greater tenure.

As per the City's Leasing Management Procedure, all tenants are required to prepare a business plan to cover the term of any new Lease. The YSSC has submitted a comprehensive business plan detailing the longer term plans of the YSSC including financial analysis and developmental and funding plans. This City deems the business plan acceptable.

The City and the YSSC have negotiated a new Lease subject to Council approval of the surrender of the existing Lease and the following essential proposed new Lease terms:

Leased Premises:	Portion of Lot 1 (81) Yanchep Beach Road, Yanchep (Attachment 2 refers)
Lease Term:	Ten (10) years
Commencement Date:	Upon surrender of the proposed Deed of Surrender of Lease and execution of the proposed new Lease by all parties
Lease Rental:	\$1 per annum (peppercorn)
Permitted Purpose:	Club premises
Cleaning:	Lessee responsibility
Rates & Taxes:	Lessee responsible for all rates (including Council rates and water rates), taxes, assessments and impositions
Outgoings:	Lessee responsibility for all outgoings (not limited to)

	electricity, gas, water and telephone/broadband connection used in relation to the Premises whether billed directly or otherwise.
Lessee Services:	Lessee responsible for the provision of special requirements such as the connection of telephone, broadband services and the like
Grease Trap Cleaning:	Lessee responsibility
Building Insurance:	<ul style="list-style-type: none"> • Lessor responsibility to insure the building to the correct replacement value; and • Lessee responsibility to pay the premium as on-charged by the Lessor.
Public Liability Insurance:	Lessee responsibility – Minimum \$20 million
Other Insurance:	Lessee responsibility
Consumables:	Lessee responsibility
Maintenance:	Lessee responsible for all internal and external maintenance of the leased premises except for: <ul style="list-style-type: none"> • tennis court surface (Lessor responsibility); and • tennis court fence (Lessor responsibility)
Bowling Greens:	Lessee responsibility
Tennis Court Lighting:	Lessee responsibility
Use of Tennis Courts:	<ul style="list-style-type: none"> • For tennis purposes only (all other sporting codes prohibited); and • Lessee to permit the public to use the tennis courts at all times when the tennis courts are not required by the lessee, and the lessee shall not charge any fee for such use in excess of the fees fixed by the Lessor from time to time
Structural Maintenance:	Lessor responsibility
Special Conditions:	<ul style="list-style-type: none"> • Lessee to relocate to an appropriate alternative site should one become available over the term of the Lease; and • Prohibition of any other sporting activity to be undertaken on the tennis courts, aside from tennis to protect the court surface.
Annual Maintenance Fee:	Waived for entire Lease term
Lessor Maintenance Works:	Not applicable

Consultation

- The essential terms of the proposed Surrender of Lease and proposed new Lease have been prepared in consultation with the YSSC;
- The City confirms that there is no plan for the City to develop the proposed leased portion of Lot 1 in the short to medium term;
- All required legal documentation will be prepared in-house; and
- Western Australian Planning Commission (WAPC) approval to the proposed new Lease under Section 136 of the *Planning and Development Act 2005* is not required as the proposed term is less than twenty (20) years.

Comment

The YSSC is a long-term, stable tenant and the proposed Surrender of the existing Lease (at the YSSC's request) to facilitate a new Lease with longer tenure will enable the YSSC to

seek grant funding for potential improvements and additions to Lot 1, subject to relevant approval whilst increasing its membership base and providing a more inclusive community hub. Notwithstanding this, consideration is required to be given to Lot 1's freehold land status and the future potential commercial opportunities that Lot 1 presents the City, given its strategic Yanchep Town Centre location.

The ability for the City to develop the Excised Land in exchange for waiving the YSSC annual maintenance fee is deemed an acceptable commercial decision considering that the YSSC will continue to be responsible for maintenance of the leased premises, save for items of a structural nature. For all intents and purposes, if the YSSC did not agree to surrender its existing Lease (scheduled to expire 31 December 2021) then it would not be required to pay the annual maintenance fee until 1 January 2022.

Both the current and previous YSSC Committees have been advised that Lot 1 may be utilised for alternative purposes in the future which would require the YSSC to move from its existing leased premises, subject to formal Council approval. However, it is anticipated that the City would have a new site identified, with appropriate facility planning undertaken prior to commencing formal negotiations with the YSSC over relocating from Lot 1. Undefined future scenarios not fully investigated at this stage should not interfere with the YSSC's proposed plans for potential improvements and additions to its existing leased premises prior to any potential future move from Lot 1 to an alternative site. The City will continue to consult the YSSC over any future relocation plans.

The City acknowledges that the YSSC provides an important service to the community and it is the City's preference that this service continues uninterrupted.

The YSSC has demonstrated through its business plan that it is committed to the improvement and longevity of Lot 1. It has a facility and a membership base that is well managed and is capable of generating a significant income stream that will allow the YSSC to grow and offer benefits not only to its members but to the local community as a whole. The City therefore supports a new Lease to the YSSC for a period of ten (10) years, subject to formal Council approval. It is not anticipated that regional open space will be made available to develop for the YSSC during the term of the proposed new Lease and the lifecycle of the existing buildings on Lot 1 will meet the duration of the proposed new Lease tenure. Note however, that the tennis court surface is likely to require remedial maintenance work or full capital replacement within the next ten (10) years.

The City has undertaken some notable maintenance works on the leased premises at its cost during the past four (4) years, namely:

- replacement of roof anchor points;
- installation of new smoke detectors;
- checking and tagging of fire extinguisher apparatus;
- resealing of tennis court surface and repaint of surface;
- tennis court line marking, new nets etc.;
- renewal of air conditioning;
- new internal panelled ceiling;
- new compliant electrical lighting and re-wiring in roof void; and
- new main clubroom roof.

Statutory Compliance

- In accordance with the *Planning and Development Act 2005*, any Lease of, or the granting of a licence to occupy City freehold land for a term exceeding twenty (20) years (including any options to extend or renew) will generally require the approval of the

WAPC. As the proposed new Lease to the YSSC is for a term of ten (10) years only, the City is not required to seek WAPC approval in this instance; and

- Under Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*, the proposed Lease to the YSSC is an exempt disposition of property to which section 3.58 of the *Local Government Act 1995* does not apply as the YSSC is a sporting and recreational entity.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“1 Society

1.1 Healthy and Active People

1.1.1 Create opportunities that encourage community wellbeing and active and healthy lifestyles”

Risk Management Considerations

Risk Title	Risk Rating
Relationship Management	Moderate
Accountability	Action Planning Option
Executive Management Team	Manage

The following additional comments are provided on the risk arising from the subject of this report.

Current Risk	Mitigation
Asbestos Containing Materials (ACM) on-site:	<ul style="list-style-type: none"> • The leased premises is recorded on the City's Asbestos register and is resurveyed on a regular basis. • The City is to continue to provide the YSSC with a copy of the latest available asbestos report when made available. • The City is compliant with its asbestos inspection requirements.
ACM present within tennis court surface:	<ul style="list-style-type: none"> • The leased premises is recorded on the City's Asbestos register and is resurveyed on a regular basis. • The risk to users during normal activity is minimal as it is the membrane under the surface covering that contains the ACM. • The YSSC regularly monitors the tennis court surface and advises the City of any defects. Appropriate remedial action is undertaken by the City. • The City arranged for the courts to be resealed and recoated with fibroseal in 2014.
Tennis court degradation:	<ul style="list-style-type: none"> • The courts are currently only moderately used. Any significant degradation of the surface would require the City to either repair as per the 2014 works or budget in the Capital Works Program to completely remove and replace. • The YSSC reports any tennis court defects to the City for Administration to action. • Clause to be included in the Lease prohibiting any other sporting

	code aside from tennis utilising the courts.
Financial:	<ul style="list-style-type: none"> A new Lease would prevent the City from developing, leasing or selling Lot 1 (Excision Area excluded) for commercial purposes for a ten (10) year period. As the City does not currently have a plan of action for the remainder of Lot 1, undefined future scenarios should not impede on the YSSC's request to a longer tenure in the short to medium term.

Policy Implications

The City's Leasing Policy states that the City's preference is that leased facilities to NFP entities should be located on crown land as opposed to City freehold land which the YSSC is currently located on.

The proposed new Lease with the YSSC has been negotiated generally in accordance with the NFP guidelines as outlined in the City's Leasing Policy. Any exemptions are detailed in the "Financial Implications" section of this report.

Financial Implications

An Annual Maintenance fee of \$3,200 (plus GST) per annum (subject to review on an annual basis) will not apply for the term of the Lease.

Voting Requirements

Simple Majority

Recommendation

That Council:-

- 1. AGREES to the termination of the existing Lease between the City of Wanneroo and the Yanchep Sports and Social Club (Inc.) on City freehold Lot 1 (81) Yanchep Beach Road, Yanchep subject to the signing of a formal Deed of Surrender of Lease;**
- 2. AUTHORISES the affixing of the Common Seal of the City of Wanneroo to a Deed of Surrender of Lease between the City and the Yanchep Sports and Social Club (Inc.) in accordance with the City's Execution of Documents Policy;;**
- 3. APPROVES a new Lease of a portion of City freehold Lot 1 (81) Yanchep Beach Road, Yanchep (Attachment 2 refers) to the Yanchep Sports and Social Club (Inc.) for a term of ten (10) years commencing upon the execution of the Deed of Surrender of Lease;**
- 4. AUTHORISES the affixing of the Common Seal of the City of Wanneroo to a Lease between the City and the Yanchep Sports and Social Club (Inc.) in accordance with the City's Execution of Documents Policy;**
- 5. NOTES that the 5,000m² (approximate) portion of Lot 1 (81) Yanchep Beach Road, Yanchep (Attachment 2 refers) proposed to be excised and maintained by the City will be available for future development considerations; and**

6. **NOTES that should Council agree to the termination of the existing Yanchep Sports and Social Club (Inc.) Lease to facilitate a new Lease of greater tenure, the City proposes to enter into Sublease negotiations with the Yanchep Community Men's Shed (Inc.) and the Yanchep Sports and Social Club (Inc.) over a portion of Lot 1 (81) Yanchep Beach Road, Yanchep.**

Attachments:

1. [!\[\]\(065aacad479feea1b3f501fa02b79a7a_img.jpg\)](#) Attachment 1: Existing Leased Premises - Yanchep Sports and Social Club (Inc.) 17/245638
2. [!\[\]\(f90d8b6badff022f4fa9e71b17a20969_img.jpg\)](#) Attachment 2: Proposed Leased Area - Yanchep Sports & Social Club 17/253313 Minuted



City of Wanneroo



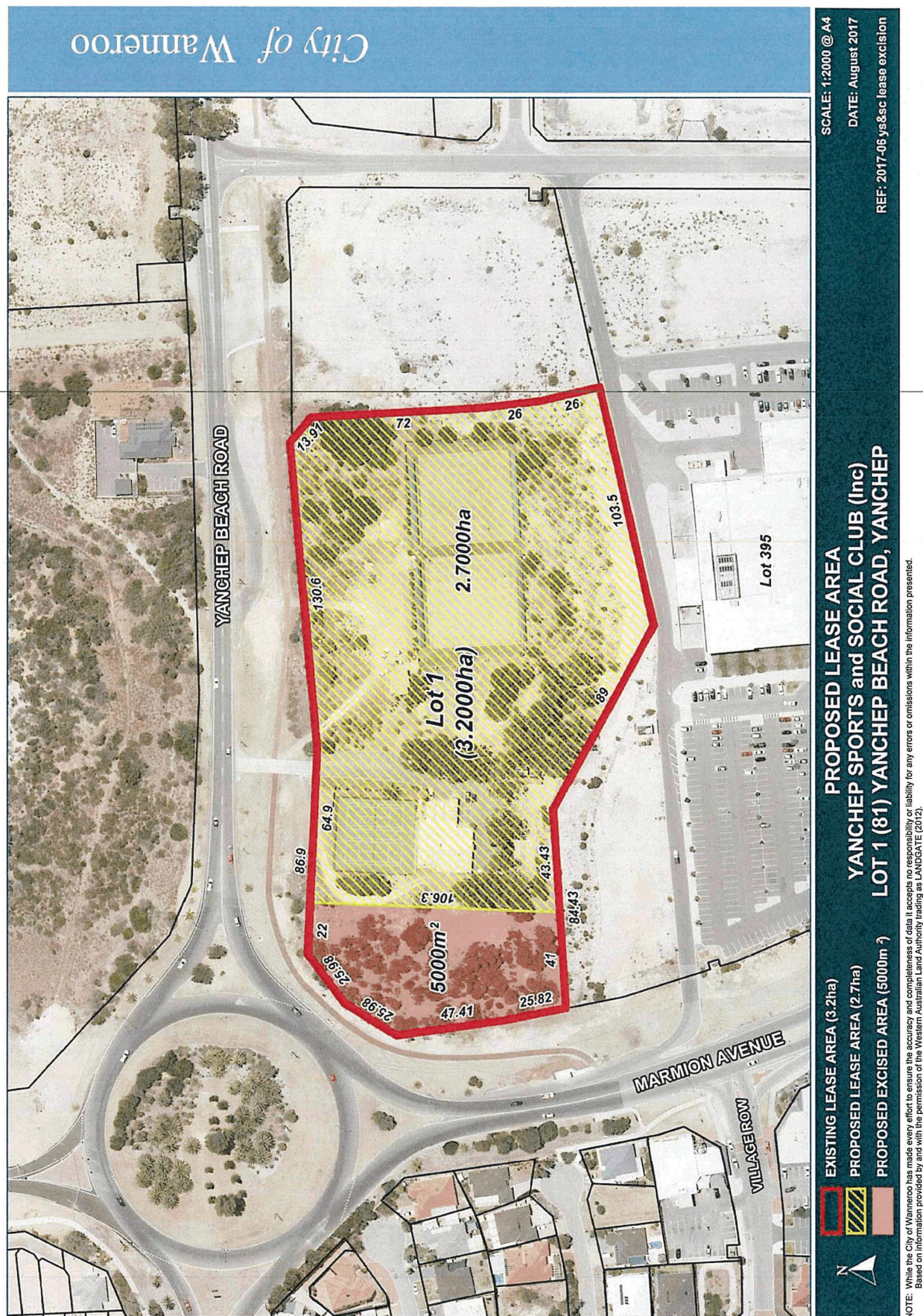
LEASE AREA - (32,000m)
YANCHEP SPORTS and SOCIAL CLUB (Inc)
LOT 1 (81) YANCHEP BEACH ROAD, YANCHEP

SCALE: 1:4000@A4

DATE: Feb 2017

REF: 2017-02 yanchep s&s club

NOTE: While the City of Wanneroo has made every effort to ensure the accuracy and completeness of data it accepts no responsibility or liability for any errors or omissions within the information presented.



3.18 Proposed Lease to Volunteer Task Force (Inc.) over a portion of Lot 500, Leach Road, Wanneroo

File Ref:	5397 – 17/156169
Responsible Officer:	Director Corporate Strategy and Performance
Disclosure of Interest:	Nil
Attachments:	1

Issue

To consider entering into a new Lease with Volunteer Task Force (Inc.) (**VTF**) over a portion of Crown Reserve 10845, Lot 500 (9) Leach Road, Wanneroo for a term of two (2) years with an option of an additional two (2) years.

Background

Land

VTF currently leases a portion of Crown Reserve 10845, Lot 500 (9) Leach Road, Wanneroo (Lot 500) being the whole of the land comprised in Certificate of Title Volume LR3147 Folio 365 (**Attachment 1** refers) and otherwise known as one half of the Leach Road duplex building. The other half of the building is leased to the Wanneroo Agricultural Society (Inc.) under a separate agreement.

Crown Reserve 10845 is a category “C” reserve vested in the City for “Community Office” purposes under a Management Order with power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

The land is currently zoned as “Urban” under the Metropolitan Region Scheme and “Centre” in the City of Wanneroo District Planning Scheme No.2.

Funding

VTF is a not for profit community service provider that has been operating since 1970. Its purpose is to ensure people of limited financial, social and physical capability are assisted with services including gardening, home maintenance, domestic assistance, social support and transport.

VTF has more than 100 staff members and 475 volunteers and provided services to more than 5,000 clients in the Perth Metropolitan Area in 2016. It obtains its primary funding from the Western Australian Home and Community Care program (**HACC**), a joint funding initiative of the Commonwealth and WA State Governments which provides basic support services for eligible people of all ages with a disability and their carers to assist them to continue living independently at home. This funding stream is administered by the Department of Health (**DOH**).

VTF received \$9.3 million in funding via HACC in 2015 which equated to 91% of its funding with the balance coming from a mixture of client contributions and interest earnings.

Lease

Historically, VTF has a long standing relationship with the City. VTF originally operated out of the building known as Enterprise House which is located on City freehold Lots 90 and 91 (935/937) Wanneroo Road on short term Lease agreements:

- Ordinary Council Meeting of 29 April 2003 (CD08-04/03) – One (1) year Lease that commenced 27 June 2003 and expired 26 June 2004; and
- Ordinary Council Meeting of 8 June 2004 (CD02-06/04) - Two (2) year Lease that commenced 27 June 2004 and expired 26 June 2006.

Following a confidential Council report of May 2005 (CR02-05/05) on the, “*progress of relocation of tenants from 935 Wanneroo Road to enable the establishment of the Wanneroo Grow Centre*”, VTF was not offered a long term Lease of Enterprise House.

Council subsequently determined at its Ordinary Council Meeting of 4 April 2006 (CS04-04/06) to:

- Grant VTF a short term extension of tenure at Enterprise House for the period 27 June 2006 until 30 September 2006; and
- Approve a new Lease over a portion of Lot 500 following the necessary modification of the building from a residential property at VTF's cost.

The existing VTF Lease of a portion of Lot 500 commenced 1 December 2006 and expired 30 November 2011. The Lease, dated 6 February 2007, provided VTF with an option to exercise an additional five (5) year lease term commencing 1 December 2011 on the proviso that notification in writing was submitted to the City during a period commencing six (6) months and ending three (3) months prior to the expiration of the initial term of the lease. VTF advised the City in writing on 23 September 2011 of its intention to exercise its five (5) year option. This was outside of the required notification period. Administration, at that time allowed VTF to exercise the option and therefore the Lease essentially became an equitable Lease.

The equitable Lease expired 30 November 2016 and is currently held over on a month to month basis. VTF's current annual rent is \$5,950.70 (plus GST) per annum.

Merger

VTF recently merged with two other Perth based care providers, Care Options Incorporated and Community First Incorporated to create a larger and stronger Western Australian based support services organisation which will offer a range of improved community services from mental health support to home care and disability services.

Each individual entity will continue to exist as a separate organisation, with individual funding agreements, employment contracts and Leases. Therefore the City will still only liaise with VTF and any new approved Lease will remain in the name of VTF.

The new VTF constitution was adopted on the 31st October 2016 and subsequently approved by the Department of Commerce.

Detail

VTF has written to the City requesting a new Lease.

Under the City's Leasing Policy, VTF is categorised as a Government entity due to its government funding stream from the DOH. Due to the Government classification, any new Lease fee to VTF is to be via negotiation.

A market valuation was obtained from a licensed valuer to establish the current market rent of part Lot 500 currently leased to VTF. A valuation report was provided to the City on 16

June 2017 that valued the leased premises at \$12,500 (plus GST) per annum plus outgoings. The licensed valuer concluded a rental range of between \$6,250 and \$12,500 (plus GST) per annum plus outgoings but due to VTF's non-profit community use it considered that a subsidised rent should apply and arbitrarily adopted 50% which equates to \$6,250 (plus GST) per annum plus outgoings with Council to apply.

Administration is of the opinion that a rent of \$6,250 (plus GST) per annum plus outgoings is acceptable and in keeping with the terms of the City's current Leasing Policy for a government classified entity whereby the method of dealing is "by negotiation".

Administration and VTF have negotiated a new Lease for the leased premises subject to Council and the Minister for Lands approval with the following essential terms:

Lease Premises:	Portion of Crown Reserve 10845, Lot 500 (9) Leach Road, Wanneroo as shown hachured on the plan (Attachment 1 refers)
Lease Term:	Two (2) years
Option Term:	Two (2) years
Commencement Date:	On execution of the Lease
Lease Rental:	\$6,250 (plus GST) per annum
CPI Review:	Annually
Permitted Purpose:	Office & Storage Space and uses reasonably ancillary thereto
Rates^{*1}, Taxes and Outgoings:	The Lessee will be responsible for all rates, taxes, assessments, impositions and outgoings for electricity, gas, water and telephone/broadband used in relation to the premises whether billed directly or otherwise.
Building Insurance^{*2}:	The Lessor shall insure the building and on-charge the Lessee the premium for its leased portion of Lot 500
Public Liability Insurance:	Lessee responsibility - \$20 million (minimum)
Other Insurance (including contents, plate glass et cetera):	Lessee responsibility
Maintenance of Premises:	Lessee responsibility
Structural Maintenance^{*3}:	Lessor responsibility
Lessee Fixtures (Colorbond workshop and colorbond shed):	Lessee responsibility
Heating, Ventilation & Air Conditioning:	Lessee responsibility
Lessee Services:	Lessee responsibility for the provision of special requirements such as telephone and broadband services
Statutory Compliance:	Lessee responsibility
Cleaning:	Lessee responsibility
Gardening:	Lessee responsibility

^{*1} VTF's use of Lot 500 will be for charitable purposes. The VTF is therefore non rateable due to its charitable status;

^{*2} VTF will be responsible to insure its colorbond workshop and colorbond storage shed and it will not be the responsibility of the City to take out building insurance for the workshop and shed; and

*³ *Structural Maintenance of the colorbond workshop and colorbond storage shed is the sole responsibility of VTF.*

Consultation

The essential terms of the proposed Lease have been prepared in consultation with VTF and the Lease has been prepared in-house.

Section 18 of the *Land Administration Act 1997* requires the City to obtain Ministerial endorsement to the proposed Lease from the Department of Planning, Lands & Heritage (DPLH) on behalf of the Minister for Lands. Administration has forwarded the document to the DPLH for its consideration and endorsement.

Comment

Administration supports the terms of the proposed new Lease to VTF.

The proposed new Lease will allow VTF to continue its tenancy in accordance with the City's Leasing Policy and will clarify both the City's and VTF's responsibilities to maintain the leased premises to the required standard.

A new Lease will provide security of tenure to VTF and enable it to continue to work in partnership with people and their carers to increase independence and physical and social wellbeing.

Statutory Compliance

Under the *Local Government (Functions and General) Regulations 1996* Regulation 30, the proposed lease to VTF is an exempt disposition of property to which section 3.58 of the *Local Government Act 1995* does not apply.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2013 – 2023:

“4 Civic Leadership

4.1 Working with Others”

Risk Management Considerations

Risk Title	Risk Rating
Asset Management	Moderate
Accountability	Action Planning Option
Executive Management Team	Manage

Policy Implications

The proposed new Lease to VTF has been negotiated in accordance with the Government guidelines as outlined in the City's Leasing Policy.

Financial Implications

- VTF will be responsible for all costs of cleaning, consumables utility outgoings, relevant insurances, rates and taxes, repairs and maintenance, operational compliance matters and all other costs associated with the leased premises;

- VTF will also be responsible for the structural integrity and building insurance of the colorbond workshop and storage shed buildings that it constructed at the leased premises;
- The City will be responsible to meet any costs in relation to the structural integrity of the duplex building;
- The licensed valuation cost \$1,250 (plus GST); and
- As the leased premises will be used for charitable purposes only, the land is not rateable under Section 6.26(g) of the *Local Government Act 1995*.

Voting Requirements


Simple Majority

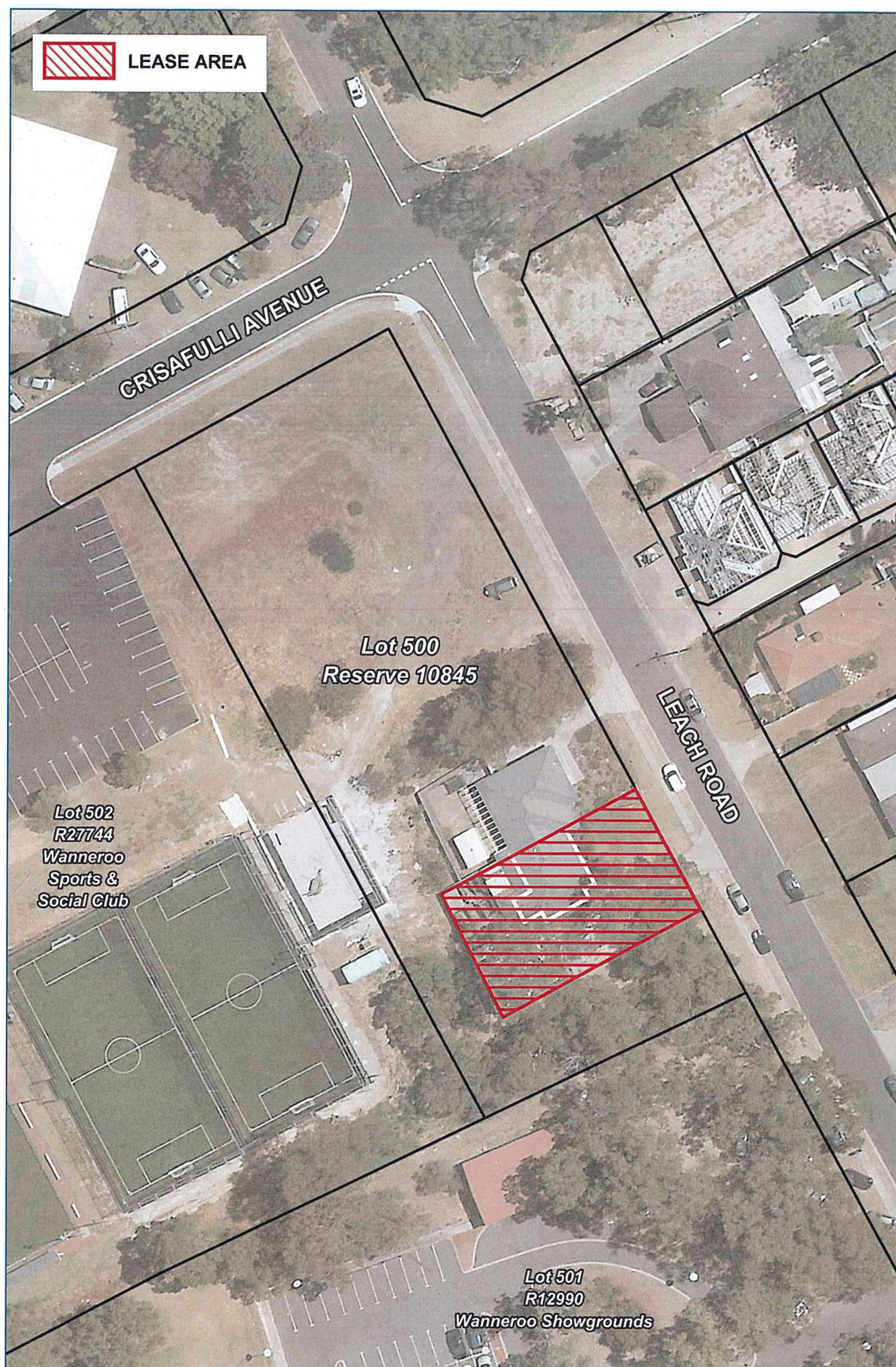
Recommendation

That Council:-

1. **APPROVES** the Lease of a portion of Crown Reserve 10845, Lot 500 (9) Leach Road, Wanneroo (Attachment 1 refers) to Volunteer Task Force (Inc.) for a term of two (2) years with the option of an additional two (2) year term commencing on the execution of the Lease and subject to the Minister for Lands approval; and
2. **AUTHORISES** the affixing of the Common Seal of the City of Wanneroo to a Lease between the City and Volunteer Task Force (Inc.) in accordance with the City's Execution of Documents Policy.

Attachments:

1  Attachment 1 - VTF Plan of leased area 17/158103 Minuted



City of Wanneroo



VOLUNTEER TASK FORCE Inc - LEASE AREA
LOT 500 (R10845)
9 LEACH ROAD, WANNEROO

SCALE: 1:750 @ A4

DATE: May 2017

REF: 2017-05 task force lease

Council & Corporate Support

3.19 Donations to be Considered by Council - October 2017

File Ref: 2855V02 – 17/320874
 Responsible Officer: Director Corporate Strategy and Performance
 Disclosure of Interest: Nil
 Attachments: Nil

Issue

To consider requests for sponsorships, donations and waiver of fees in accordance with the City's Donations, Sponsorships and Waiver of Fees and Charges Policy (Policy).

Background

The Policy requires applications over \$500 from individuals and organisations to be determined by Council. Consequently a report is prepared for Council meetings, coinciding with a period where applications of this nature have been received.

With respect to requests for sponsorships, the Policy specifies that for National Events the amount provided will be \$200.00 per individual, capped at \$600.00 per team, and for International Events the amount provided is \$500.00 per individual capped at \$1,500.00 per team. Schools are capped at \$2,000.00 per school per financial year.

Detail

During this period, the City has received four sponsorship requests, nil community donation requests and nil requests for a waiver of fees and charges, which are summarised as follows. Copies of the full applications are available from Council and Corporate Support upon request.

Comment

Sponsorship Donations

Applicant 1 – West Coast Fury Cheerleading	
Name of Individual/s	Sub-Zero – Ashlee Mettimano, Faith Kapo, Jacinta Waters and Kyla Payne Magnitude – Alisha Tripodi, Ella Scullino, Taylah Mendez and Chloe Coubrough Aftershock – Brya Waghorn, Asia Tamlyn, Jolie Sims and Jordan Newman Heatwave – Lily Webb, Amy Beavan and Piper Ewen
Reside in City of Wannon 18 years of age or under	Yes Yes
Event Details	AASCF Cheer and Dance Nationals 2017, Melbourne Vic 24 – 27 November 2017
Commitment to providing a written report regarding the event	Yes
Commitment to acknowledgement of the City of Wannon	Yes

Eligibility Level	National
Comments	As per the policy \$200.00 per individual (capped at \$600 per team to a maximum of four teams per event).
Recommendation	APPROVE a request for sponsorship in the sum of \$2,400.00 to West Coast Fury Cheerleading for the participation of <u>Sub-Zero</u> – Ashlee Mettimano, Faith Kapo, Jacinta Waters and Kyla Payne; <u>Magnitude</u> – Alisha Tripodi, Ella Scullino, Taylah Mendez and Chloe Coubrough; <u>Aftershock</u> – Brya Waghorn, Asia Tamlyn, Jolie Sims and Jordan Newman and <u>Heatwave</u> – Lily Webb, Amy Beavan and Piper Ewen at the AASCF Cheer and Dance Nationals 2017 to be held in Melbourne Vic from 24 – 27 November 2017.
Reason	This request is in accordance with Council's Policy

Applicant 2 – Wanneroo Junior Motocross Club	
Name of Individual/s	Braydan Porter, Zara Porter, Joshua McQuade and Keenan Murphy
Reside in City of Wanneroo 18years of age or under	Yes Yes
Event Details	Australian ATV Motocross Championship, Murray Bridge SA, 30 September to 1 October 2017
Commitment to providing a written report regarding the event	Yes
Commitment to acknowledgement of the City of Wanneroo	Yes
Eligibility Level	National
Comments	As per the policy \$200.00 per individual (capped at \$600 per team to a maximum of four teams per event).
Recommendation	APPROVE a request for sponsorship in the sum of \$600.00 to Wanneroo Junior Motocross Club for the participation of Braydan Porter, Zara Porter, Joshua McQuade and Keenan Murphy at the Australian ATV Motocross Championship to be held in Murray Bridge SA from 30 September to 1 October 2017.
Reason	This request is in accordance with Council's Policy

Applicant 3 – ATI Martial Arts Joondalup	
Name of Individual/s	Mitchell Wood, Tyrell Dawson, Rhys Hughes, Nathan Coler and Johan Cubong
Reside in City of Wanneroo 18years of age or under	Yes Yes
Event Details	Australian Taekwondo National Championships, Bendigo Vic, 5 – 8 October 2017
Commitment to providing a written report regarding the event	Yes
Commitment to acknowledgement of the City of Wanneroo	Yes
Eligibility Level	National
Comments	As per the policy \$200.00 per individual (capped at \$600 per team to a maximum of four teams per event).
Recommendation	APPROVE a request for sponsorship in the sum of \$600.00 to ATI Martial Arts Joondalup for the participation of Mitchell Wood, Tyrell Dawson, Rhys Hughes, Nathan Coler and Johan Cubong at the Australian Taekwondo National Championships to be held in Bendigo Vic from 5 – 8 October 2017.
Reason	This request is in accordance with Council's Policy

Applicant 4 – School Sport Western Australia Inc	
Name of Individual/s	Shae Fitzgerald, Robyn Windeatt and Sofia Talemaira
Reside in City of Wanneroo 18years of age or under	Yes Yes
Event Details	SSA Netball 12's National Championship, Adelaide SA, 1 – 9 December 2017
Commitment to providing a written report regarding the event	Yes
Commitment to acknowledgement of the City of Wanneroo	Yes
Eligibility Level	National
Comments	As per the policy \$200.00 per individual (capped at \$600 per team to a maximum of four teams per event).
Recommendation	APPROVE a request for sponsorship in the sum of \$600.00 to School Sport Western Australia Inc for the participation of Shae Fitzgerald, Robyn Windeatt and Sofia Talemaira at the SSA Netball 12's National Championship to be held in Adelaide SA from 1 – 9 December 2017.

Reason	This request is in accordance with Council's Policy
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Statutory Compliance

Nil

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“1 Society

1.1 Healthy and Active People

1.1.1 Create opportunities that encourage community wellbeing and active and healthy lifestyles”

Risk Management Considerations

There are no existing Strategic or Corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Policy Implications

The Policy states that sponsorship applications for attendance at National Events will be capped at \$600.00 per team (up to four teams) and Regional or State capped at \$600 per club. International events will be capped at \$1,500.00 per team and schools capped at \$2,000.00 per school per financial year.

Financial Implications

Budget 2017/2018	\$100 000.00
Amount expended to date (as at 22.09.17)	\$47,709.44
Balance	\$52,290.56
Total of requests for this round: Donations (in this report):	\$4,200.00
Total this Round (recommended)	\$4,200.00
BALANCE	\$48,090.56

Voting Requirements

Simple Majority

Recommendation

That Council:-

1. **APPROVES** a request for sponsorship in the sum of \$2,400.00 to West Coast Fury Cheerleading for the participation of Sub-Zero – Ashlee Mettimano, Faith Kapo, Jacinta Waters and Kyla Payne; Magnitude – Alisha Tripodi, Ella Scullino, Taylah Mendez and Chloe Coubrough; Aftershock – Brya Waghorn, Asia Tamlyn, Jolie Sims and Jordan Newman and Heatwave – Lily Webb, Amy Beavan and Piper Ewen at the AASCF Cheer and Dance Nationals 2017 to be held in Melbourne Vic from 24 – 27 November 2017;
2. **APPROVES** a request for sponsorship in the sum of \$600.00 to Wanneroo Junior Motocross Club for the participation of Braydan Porter, Zara Porter, Joshua McQuade and Keenan Murphy at the Australian ATV Motocross Championship to be held in Murray Bridge SA from 30 September to 1 October 2017;
3. **APPROVES** a request for sponsorship in the sum of \$600.00 to ATI Martial Arts Joondalup for the participation of Mitchell Wood, Tyrell Dawson, Rhys Hughes, Nathan Coler and Johan Cubong at the Australian Taekwondo National Championships to be held in Bendigo Vic from 5 – 8 October 2017; and
4. **APPROVE** a request for sponsorship in the sum of \$600.00 to School Sport Western Australia Inc for the participation of Shae Fitzgerald, Robyn Windeatt and Sofia Talemaira at the SSA Netball 12's National Championship to be held in Adelaide SA from 1 – 9 December 2017.

Attachments: Nil

Chief Executive Office

Office of the CEO Reports

3.20 Review of Connect Wanneroo Advocacy Agenda

File Ref:	26467V03 – 17/326130
Responsible Officer:	A/Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil

Issue

The current advocacy agenda was set in 2014. A refresh is needed given the outcomes achieved over the last three years and the recent political changes at Federal and State Government levels. The four areas of roads, rail, reserves and region are to be retained as the overarching framework. Connect Wanneroo is proposed as the ongoing advocate brand for the City, ensuring that momentum and recognition generated to date will be further capitalised on.

Background

In 2014 (CEO1-07/14) Council approved the advocacy agenda covering the four areas of:

- Delivery of Major Regional **Road** Transport Infrastructure
- Expansion of the northern suburbs **Rail** network
- Active regional open space – Reservation; Land acquisition: Development (**Reserves**)
- Collaborative planning for Major **Regional** Economic Growth

The objectives for the advocacy agenda set in 2014 remain current:

To identify, advocate for and promote key strategic priorities and projects within the City of Wanneroo and the North Metropolitan Region to State and Federal Governments, government agencies and stakeholders.

- *To secure funding support and/or*
- *To influence or support policy development, change or review: and/or*
- *To promote the region in a State, Federal and International context to benefit our community and achieve its aspirations and priorities in the Strategic Community Plan (SCP)*

Since 2014 the focus has been on two key areas:

- Mitchell Freeway extension to Romeo Road Alkimos, and
- The extension of the rail line from Butler to Yanchep.

In 2016 the focus on regional growth was extended to also encompass agribusiness and this approved by Council (CEO1-01/16)

Detail

Since the original strategy was endorsed, there have been Federal (2016) and State (2017) Government elections.

The next milestone for a refreshed advocacy campaign to be supported by the City will be the next Federal election.

To undertake the preparatory work, the City needs to refresh the Connect Wanneroo advocacy agenda as follows:

- ROADS:** Continuing request for the extension of the Mitchell Freeway to Romeo Road.
Commence work on developing a clear plan for freight movement across the City and surrounding regions including Neerabup.
- RAIL:** Watching brief on the State Government funded rail extension to Yanchep. It has been proposed that in the future, given the destination will be the strategic metropolitan centre of Yanchep, the line should be renamed the Yanchep Line.
- RESERVES:** Securing a funding contribution for the Butler North District Open Space development.
- REGION:** Continue the focus on jobs.
Continue focus on agribusiness including water.

Consultation

The original impetus for these projects can be found in the community consultation undertaken and reflected in the City's Strategic Community Plan. Each project has dedicated City staff undertaking work, including community and stakeholder consultation. Projects with a clear advocacy objective namely Butler North District Open Space and the Mitchell Freeway extension to Romeo Road have strong community input. Emerging issues including the freight network, jobs, water and agribusiness have their own community involvement plans and are at the research and designing stages which will lead to the City having a clearly articulated advocacy objective for each area.

Comment

It is proposed that the four areas of road, rail, reserves and region are retained to provide the ongoing advocacy framework under which specific projects fit. It is also proposed to retain the Connect Wanneroo branding given its recognition and ongoing relevance to the refreshed advocacy agenda.

The refreshed and agreed agenda will drive the revamp of advocacy materials under the Connect Wanneroo brand. Agreed emerging issues will lead to updated Fact Sheets for advocacy activities undertaken by Council, City staff and community stakeholders.

Statutory Compliance

Nil

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“4 *Civic Leadership*

4.1 *Working with Others*

4.1.3 *Advocate and collaborate for the benefit of the City”*

Risk Management Considerations

Risk Title	Risk Rating
ST-S12 Economic Growth ST-S23 Strategic Relationships	Moderate
Accountability	Action Planning Option
CEO	Manage

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic risk register. Action plans have been developed to manage this risk to support existing management systems.

Policy Implications

Work is being undertaken on establishing an Advocacy Services Panel using a similar approach to the Legal Services Panel now possible under the May 2017 Procurement changes.

Financial Implications

All work for the current advocacy agenda, including strategy review and update of Connect Wanneroo materials is included in the City's 2017/18 budget. Any additional resources required to support specific advocacy campaigns such as Get on Board will be sought through the City's annual budgeting process.

Voting Requirements

Simple Majority

Recommendation

That Council:-

- ENDORSE** the continuation of the four areas of the Advocacy Framework of roads, rail, reserves and region;
- ENDORSE** the continued use of the brand Connect Wanneroo for all strategic advocacy projects and the trademarking of the brand;
- ENDORSE** the following refreshed advocacy agenda including:
 - ROADS:** Continuing request for the extension of the Mitchell Freeway to Romeo Road.
Commence work on developing a clear plan for freight movement across the City and surrounding regions including Neerabup.
 - RAIL:** Watching brief on the State Government funded rail extension to Yanchep.
It has been proposed that in the future, given the destination will be the strategic metropolitan centre of Yanchep, the line should be renamed the Yanchep Line.
 - RESERVES:** Securing a funding contribution for the Butler North District Open Space development.
 - REGION:** Continue the focus on jobs.
Continue focus on agribusiness including water.

Attachments: Nil

Governance & Legal

3.21 Review of the Local Government Act 1995

File Ref:	30736 – 17/324589
Responsible Officer:	Executive Manager Governance and Legal
Disclosure of Interest:	Nil
Attachments:	2

Issue

To consider the City of Wanneroo's (the **City**) response to the Western Australian Local Government Association (**WALGA**) discussion paper on the review of the Local Government Act 1995 (the **Act**).

Background

On 20 June 2017, the Local Government Minister announced that the Department of Local Government, Sport and Cultural Industries (**DLGSC**) would commence a review of the Act. This is the first major review since the Act was introduced more than 20 years ago.

Detail

The review will introduce changes that will modernise the Act and identify ways to reduce red tape to ensure Western Australian communities benefit from efficient and effective Councils now and into the future.

The review is being conducted in two phases:-

Phase one of the review will focus on four key areas:

- Electronic availability of information;
- Meeting public expectations for accountability, including gift disclosures;
- Meeting community expectations of standards, ethics and performance; and
- Building capacity through reducing red tape.

Commencing in 2018, phase two will ensure local governments are positioned to deliver for the community by examining ways to:-

- increase participation and public confidence in local government elections;
- increase community participation in local government decision-making;
- improve financial management, including through local government enterprises; and
- build capacity through reducing red tape.

The need to conduct the review in two phases is to ensure that those aspects of the Act that are clearly outdated are addressed sooner rather than later and have therefore been prioritised. Other matters that are more complicated and would require detailed consideration of the options available have been listed for consideration as part of phase two.

The review will be supported by a reference group with representation from the Western Australian Local Government Association, Local Government Professionals Australia (WA), Western Australian Electoral Commission, Western Australian Council of Social Service, Regional Chamber of Commerce and Industry and the WA Rangers Association.

Local governments will be engaged throughout the review, with a discussion paper for the first phase planned for release later this year by the DLGC.

In the interim WALGA have circulated their own discussion paper for comment

Consultation

The City's draft submission has been presented for consideration to the Executive Leadership team and to Elected Members at the 26 September 2017 Council Forum.

Comment

The WALGA Discussion Paper shown in **Attachment 1** incorporates a number of proposals that have either been raised through Zone or Sate Council meetings or are matters that have been highlighted by the sector as requiring attention. The proposals have been transposed into the submission table shown at **Attachment 2** and Council's comments and responses added for adoption.

The following timeline is proposed to meet the WALGA deadline:-

Deadline for Submission to WALGA:	20 October 2017
Report to Council:	10 October 2017

Statutory Compliance

Nil

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“4 Civic Leadership

4.3 Progressive Organisation

4.3.1 Lead excellence and innovation in local government”

Risk Management Considerations

There are no existing Strategic or Corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Policy Implications

Amendments to the Act as a result of this review may impact on a number of the City's current policies and procedures. These will be reviewed to meet the new legislative requirements.

Financial Implications

The DLCSC have stated that the review will be conducted with fiscal responsibility in mind and will be funded within their local government portfolio.

Voting Requirements

Simple Majority

Recommendation

That Council:

1. **ENDORSES** the City of Wanneroo's submission in response to WALGA's Discussion Paper on the Local Government Act 1995 review; and
2. **NOTES** that subject to Council's decision in respect of 1 above, the City of Wanneroo's submission will be forwarded to WALGA.

Attachments:

- 1 [!\[\]\(49aa2e1da5fe39294864e9598c593810_img.jpg\)](#). *WALGA Discussion Paper - Review of the LGA 2017* 17/304990
- 2 [!\[\]\(7d0a8d8b1031f74abe67b09fcf4a2322_img.jpg\)](#). *Draft Submission - LGA Review City's Submission WALGA* 17/316003



REVIEW OF LOCAL GOVERNMENT ACT 1995

DISCUSSION PAPER



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Executive Summary

The Minister for Local Government, Hon David Templeman wrote to the Association on 14 June 2017 to announce the commencement of the review of the *Local Government Act* 1995. The correspondence is outlined below:

Due to the scope of the likely amendments and my desire to see early progress, I have decided that the work will be undertaken in two phases:

The first will focus on modernising Local Government, with the policy work and consultation to be completed in 2017 with a Bill in 2018. Key topics in this phase will be increasing elector participation, electronic disclosure (making information more readily available), simplifying the disclosure of gifts and some reducing red tape provisions.

The theme for the second phase is delivering for the community, with the policy work and consultation to be completed in 2018 with a Bill in 2019. Key themes for this phase will be improving behaviour and relationships, increasing community participation, enabling local government enterprises, improving financial management and reducing red tape.

The following are the issues that the Minister's office has put forward:

Phase 1: 'Modernising local government' - 2017

- Increasing participation in local government elections
- Strengthening public confidence in local government elections
- Making information available online
- Restoring public confidence (includes the gift provisions)
- Reducing red tape
- Regional Subsidiaries

Phase 2: 'Services for the community' - 2018

- Increasing community participation
- Improving financial management
- Improving behaviour and relationships
- Reducing red tape

The Minister also expressed the Review's Principles and Vision thus:

Vision

The vision for local government in Western Australia is: Agile, Smart, Inclusive.

Principles

The review will deliver on this through application of the following principles:

- *Transparent – providing easy access to meaningful, timely and accurate information about local governments (S, I);*
- *Participatory – strengthening local democracy through increased community engagement (I);*
- *Accountable – holding local governments accountable by strengthening integrity and good governance (S, I);*



- *Efficient – providing a framework for local governments to be more efficient by removing impediments to good practice (A, S); and*
- *Modern – embracing contemporary models for governance and public sector management (A, S, I).*

The Minister has invited WALGA and Local Government Professionals WA to participate in a reference group on the review. The Minister's office has advised that there may be some flexibility as to what issues are to be considered in Phase 1 or Phase 2.

In July 2017, State Council considered and adopted the following Consultation Process:

- An Infopage will be distributed to Local Governments including a Discussion Paper on issues that have been identified over the last 8 years including advocacy positions resolved by the sector. This will include a request for Local Governments to submit additional items for consideration in the Act review process. Councils can submit individually or collectively through their Zone.
- WALGA to hold Zone/regional group forums on the Act/Regulatory amendment suggestions. Can be held in-conjunction with a Zone meeting or separately.
- Finalise feedback and provide recommendations on legislative and regulatory change through a State Council agenda item that would go through the Zones.

It is expected that this process will be carried out between July and November 2017 with the State Council item being considered at the 6 December meeting.

Local Government Priorities

The following key issues have previously been brought to the attention of WALGA and identified as priorities, and will form part of the consultation process with the sector on Act amendments:

- a) Gifts
 - Exempt gifts received in a genuinely personal capacity
 - Gift declarations threshold to commence at \$500.00 with no upper limit
 - Gift provisions to apply to Elected Members and CEO only
- b) Regional Subsidiaries
 - Amend Regulations to permit borrowings
 - Amend Regulations to permit dealing in land transactions
 - Amend Regulations to permit trading undertakings
- c) Rating Exemptions:
 - Charitable Purposes provisions
 - Rate Equivalency Payments of Government Trading entities
- d) Financial Management Issues:
 - Borrowings
 - Investments*
 - Fees and Charges
 - Financial ratios



(* Regulation 19C(2)(b) of the Financial Management Regulations was amended on 12 May 2017 to permit fixed term deposits to be invested for up to 3 years,)

e) Administration:

- Electors' General Meetings to be optional
- Designated Senior Officer section to be reviewed
- Public Notices (modernisation of the Act to acknowledge electronic means)

f) Functions of Local Governments:

- Tender Thresholds
- Establish Council Controlled Organisations (Local Government Enterprises)
- Regional Council provisions (review of compliance requirements)

g) Poll Provisions relating to amalgamations and boundary adjustments.

- The poll provisions contained in Schedule 2.1 of the Local Government Act should be extended to provide any community whose Local Government is undergoing a boundary change or amalgamation with the opportunity to demand a binding poll of electors.

Sector Principles

Key foundations of the Act, which the sector would like considered, relate to the retention of the 'general competence' principle and consideration of a size and scale compliance regime. The Act review will incorporate regulatory amendments.

Previous Amendments to the Local Government Act

The current *Local Government Act 1995* commenced on 1 July 1996, and has provided communities with an effective system of Local Government where locally governing Councils have general competence powers to determine the general functions and scope of services provided for the good government of people in their districts. Since 1996, the following major amendments have been promulgated:

- Local Government Amendment Act 1998	Assented to 26 March 1998
- Local Government Amendment Act (No 2) 1998	Assented to 12 January 1999
- Local Government Amendment Act 2004	Assented to 12 November 2004
- Local Government Amendment Act 2006	Assented to 8 December 2006
- Local Government Amendment Act 2007	Assented to 25 June 2007
- Local Government (Official Conduct) Amendment Act 2007	Assented to 28 March 2008
- Local Government Amendment (Elections) Act 2009	Assented to 17 August 2009
- Local Government Amendment Act 2009	Assented to 16 September 2009
- Local Government Amendment Act 2012	Assented to 4 April 2012
- City of Perth Act 2016	Assented to 3 March 2016
- Local Government Legislation Amendment Act 2016	Assented to 21 September 2016





About this Discussion Paper

This Discussion Paper draws on a number of resources upon which WALGA's proposals for Act amendment are based. These resources represent long-standing positions on Act amendments that were developed by the Sector and Sector representatives.

It is acknowledged that only formally adopted State Council advocacy positions can be truly regarded, for the purpose of this Discussion Paper, as representing the collective views of Local Government. Ultimately, this Discussion Paper aspires to honour all views on Local Government Act reform identified through research of the following resources:

- **WALGA Advocacy Positions:** A document representing a collation of WALGA's advocacy positions determined by formal State Council resolutions, inclusive of motions passed at the Association's Annual General Meeting.
- **WALGA Zone Proposals:** This Discussion Paper attempts to capture WALGA Zone resolutions requesting WALGA seek amendment to the Local Government Act.
- **Local Government Reform Steering Committee Report May 2010:** Proposals developed by the Legislative Reform Working Group. Some proposals have already been implemented through Local Government Act amendments since 2010, with the remaining recommendations presented in this Paper for consideration.

This Paper gathers the information from these sources and presents in order of the relevant Part of the Act and associated Regulation. The relationship between Parts of the Act and Regulations is shown in this Table:

LG Act	Regulation
Part 2 →	Constitution Regulations 1998
Part 3 →	Functions and General Regulations 1996 / Regional Subsidiaries Regulations 2017
Part 4 →	Elections Regulations 1996
Part 5 →	Administration Regulations 1996 / Rules of Conduct Regulations 2007
Part 6 →	Financial Management Regulations 1996
Part 7 →	Audit Regulations 1996
Part 8 →	No Regulations
Part 9 →	Uniform Local Provisions Regulations 1996
Schedules	Uniform Local Provisions Regulations 1996



LOCAL GOVERNMENT ACT AMENDMENT PROPOSALS

Part 1 – Introductory Matters

Local and Statewide Public Notice: Sections 1.7 and 1.8

The Association welcomes the opportunity to modernise the requirements of giving public notice of particular matters, as prescribed in the Local Government Act. The Minister for Local Government has indicated an intention to deal with this in Phase 1 of the Review process, by making information available online. It is already common practice within the Local Government sector to place statutory public notices on official websites, despite there being no legislated requirement to do so.

Part 2 – Constitution of Local Government

Method of Election of Mayor/President: Section 2.11

Position Statement	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
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State Council Resolution	March 2012 – 24.2/2012
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Elected Member Training: New Proposal

Position Statement	<p>WALGA opposes legislative change that would:</p> <ol style="list-style-type: none"> 1. Require candidates to undertake training prior to nominating for election; 2. Incentivise Elected Member training through the fees and allowances framework; or 3. Mandate Elected Member training.
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Further, if mandatory training becomes inevitable, WALGA will seek to ensure that it:

- a) Only applies to first time Elected Members;
- b) Utilises the Elected Member Skill Set as the appropriate content for mandatory training;
- c) Applies appropriate Recognition of Prior Learning (RPL);
- d) Requires training to be completed within the first 12 months of office; and
- e) Applies a penalty for non-completion of a reduction in fees and allowances payable.

State Council Resolution	December 2015 – 119.7/2015 October 2008 – 399.4/2008
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Stand Down when Contesting State or Federal Election: New Proposal

Amend the Act to require an Elected Member to stand down when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:

- (a) that an Elected Member stand down from any decision making role and not attend Council and Committee meetings; or
- (b) that an Elected Member stand down from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.

Background

The East Metropolitan Zone has identified that, under the *Local Government Act 1995*, there is no requirement for an Elected Member to either stand down or take leave of absence if they are a candidate for a State or Federal election. If elected to Parliament the Elected Member is immediately ineligible to continue as an Elected Member. Currently it is up to an individual Elected Member to determine if they wish to take a leave of absence. In some cases Elected Members have voluntarily resigned.

Part 3 – Functions of Local Government

Notification of Affected Owners: Section 3.51

Position Statement

Section 3.51 of the *Local Government Act 1995* concerning "Affected owners to be notified of certain proposals" should be amended to achieve the following effects:

1. to limit definition of "person having an interest" to those persons immediately adjoining the proposed road works (i.e. similar principle to town planning consultation); and
2. to specify that only significant, defined categories of proposed road works require local public notice under Section 3.51 (3) (a).

State Council Resolution February 2009 – 480.1/2009

Control of Certain Unvested Facilities: Section 3.53

The Local Government Act 1995 includes a provisions, under Section 3.53, that is carried forward from Section 300 of the former Local Government Act 1960. Former Section 300 stated:

300. A council has the care, control, and management of public places, streets, ways, bridges, culverts, fords, ferries, jetties, and drains, which are within the district, or, which although not within the district, are by this Act placed under the care, control, and management, of the council, or are to be regarded as being within the district, except where and to the extent that under an Act, another authority has that care, control, and management.



Section 3.53 refers to infrastructure as an 'otherwise unvested facility', and is defined to mean: *"a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section."*

Section 3.53 places responsibility for an otherwise unvested facility on the Local Government in whose district the facility is located. Lack of ongoing maintenance and accreting age has resulted in much infrastructure falling into a dilapidated state. This, together with the uncertain provenance of many of these facilities, particularly bridges, is reported as placing an unwarranted and unfunded burden on a number of Local Governments.

It is recommended Section 3.53 of the Act be deleted and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

Regional Local Governments: Part 3, Division 4

Position Statement	The compliance obligations of Regional Local Governments should be reviewed.
Background	<p>Currently, Regional Local Governments are treated by the <i>Local Government Act 1995</i> for the purposes of compliance, as if they were a Local Government.</p> <p>The Association believes that this places an overly large compliance burden on Regional Local Governments. The large compliance burden reduces potential cost savings that aggregated service delivery may achieve through increased efficiency and acts as a disincentive for Local Governments to establish Regional Local Governments.</p>
State Council Resolution	January 2012 – 9.1/2012

Council Controlled Organisations: Part 3, Division 4

Position Statement	The <i>Local Government Act 1995</i> should be amended to enable Local Governments to establish Council Controlled Organisations (CCO) - also referred to as 'Local Government Enterprises' i.e WALGA's Systemic Sustainability Study 2008.
Background	The CCO model is available to Local Governments in New Zealand where they are used for a variety of purposes. The model allows one or more Local Governments to establish a wholly Local Government owned commercial organisation. The Association has developed the amendments required for the CCO model to be implemented in Western Australia.
State Council Resolution	<p>October 2010 – 107.5/2010</p> <p>October 2010 – 114.5/2010</p>



Local Government (Functions and General) Regulations 1996

Tender Threshold: Regulation 11(1)

Position Statement	WALGA supports an increase in the tender threshold to align with the State Government tender threshold (\$250 000).
Background	The tender threshold should be increased to allow Local Governments responsiveness when procuring relatively low value good and services.
State Council Resolution	July 2015 – 74.4/2015 September 2014 – 88.4/2014

Dispositions of Property: Regulation 30(3)

That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.

Local Government (Regional Subsidiaries) Regulations 2017

Regional Subsidiaries

Position Statement	That WALGA advocate for legislative and regulatory amendments to enable Regional Subsidiaries to: <ol style="list-style-type: none"> 1. Borrow in their own right; 2. Enter into land transactions; and, 3. Undertake commercial activities.
Background	<p>The <i>Local Government Act 1995</i> was amended in late 2016 to enable Local Governments to establish regional subsidiaries, and this represents a significant advocacy achievement for the Local Government sector;</p> <p>The <i>Local Government (Regional Subsidiaries) Regulations 2017</i>, which were enacted in early 2017, contain significant restrictions that limit the flexibility and will reduce the benefits of the regional subsidiary model;</p> <p>In particular, the regulations prevent regional subsidiaries from borrowing from any organisation other than a constituent Local Government, entering into a land transaction, and commencing a trading undertaking; and,</p> <p>This item recommends legislative and/or regulatory amendments to remove these restrictions that unnecessarily</p>



prevent regional subsidiaries from becoming an effective and efficient collaborative service delivery mechanism.

State Council Resolution March 2017 – 5.1/2017

Part 4 – Elections and Other Polls

Conduct of Postal Elections: Sections 4.20 and 4.61

Position Statement	The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and Local Governments to conduct postal elections.
Background	Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.
State Council Resolution	March 2012 – 24.2/2012

Voluntary Voting: Section 4.65

Position Statement	Voting in Local Government elections should remain voluntary.
State Council Resolution	427.5/2008 – October 2008

On-Line Voting

WALGA has received requests from three (3) Zones to explore the possibility of introducing on-line voting in Local Government elections.

A State Council Item for Noting was prepared in May 2017 advising that WALGA staff will liaise with the WAEC regarding the use of the iVote system and also seek feedback from the Local Government sector on online voting and other opportunities to increase voter turnout. The Minister for Local Government has indicated that online voting is likely to be considered in the context of increasing elector participation.



Part 5 - Administration

Electors' General Meeting: Section 5.27

Position Statement Section 5.27 of the *Local Government Act 1995* should be amended so that Electors' General Meetings are not compulsory.

Background There is adequate provision in the Local Government Act for the public to participate in Local Government matters and access information by attending meetings, participating in public question time, lodging petitions, and requesting special electors' meetings.

NOTE: The current Local Government Amendment (Auditing) Bill 2017 proposes that a Local Government's Annual Report is to be placed on its official website within 10 days of being received.

State Council Resolution February 2011 – 09.1/2011

Special Electors' Meeting: Section 5.28

That Section 5.28(1)(a) be amended:

- (a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and
- (b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.

Senior Employees: Section 5.37(2)

That Section 5.37(2) be deleted to remove any inference or ambiguity as to the role of Council in the performance of the Chief Executive Officer's function under Section 5.41(g) regarding the appointment of other employees (with consequential amendment to Section 5.41(g) accordingly).

Annual Review of Certain Employees Performance: Section 5.38

Section 5.41(g) of the Act prescribes the function of responsibility for all employees, including management supervision, to the Chief Executive Officer. Section 5.38 therefore creates unnecessary ambiguity; unnecessary in terms of the certainty that Section 5.41(g) already provides. It is recommended that Section 5.38 either be deleted, or amended so that there is only a specific statutory requirement for Council to conduct the Chief Executive Officer's annual performance review.



Gifts and Contributions to Travel: Sections 5.82 and 5.83

The current Gift Provisions in the Local Government Act are very confusing and overly prescriptive. The Department of Local Government and Communities have established a Gift Working Group to look at completely reviewing the gift provisions for changes following the March 2017 State Election. WALGA is a participant in this working group. WALGA representatives have been advocating for the following:

- There be one section for declaring gifts. Delete declarations for Travel.
- No requirement to declare gifts received in a genuinely personal capacity.
- Gift provisions only for Elected Members and CEO's. Other staff fall under Codes of Conduct from the CEO to the staff.
- Gifts only to be declared if above \$500.00.
- There will not be any category of notifiable gifts or prohibited gifts.
- Gifts only to be declared in respect to an Elected Member or CEO carrying out their role.
- Exemptions for ALGA, WALGA and LG Professionals (already achieved).
- Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts. So Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift.

Vexatious and Frivolous Complainants: New Provision

It is recommended that a statutory provision be considered, permitting a Local Government to declare a person a vexatious or frivolous complainant. Section 5.110(3a) of the Act was recently introduced in relation to the Local Government Standards Panel ruling on vexatious and frivolous Rules of Conduct Regulations breach allegations:

"...a standards panel can at any stage of its proceedings refuse to deal with a complaint if the standards panel is satisfied that the complaint is frivolous, trivial, vexatious, misconceived or without substance."

Given the extensive cost and diversion of administrative resources currently associated with vexatious and frivolous complainants across the Local Government sector, it is recommended that a more general mechanism, based on the principles associated with the introduction of Section 5.110(3A), be investigated.

Amendments to the legislation would need to cover the following points to implement the proposed arrangements:

- Create a head of power to determine whether a community member is vexatious (potentially establish a new body through legislation and give it this power of determination);
- Define vexatious behaviour broadly to include the extent and nature of communication between the alleged vexatious person and the Local Government (using words such as 'unreasonable', 'persistent', 'extensive', 'malicious' and 'abusive');
- Outline the restrictions to statutory rights which can be imposed on a person if he or she is declared by the independent body to be vexatious;
- Establish a process, if necessary, to enable a Local Government to present its case for the alleged vexatious person to defend himself/herself;
- Determine what appeal rights are necessary.



Local Government (Administration) Regulations 1996

Revoking or Changing Decisions: Regulation 10

Regulation 10 provides a mechanism for the revocation or change to a previous decision of Council. It does not however, contain any provision clarifying that the provisions do not apply to Council decisions that have already been implemented. This regulatory deficiency is currently managed administratively, but warrants an appropriate amendment to assist clarify the rights of a Councillor to seek a revocation or change.

Minutes, contents of: Regulation 11

Regulation 11 contains a potential anomaly in that the content requirements relating to Minutes of a Council or Committee meeting do not make reference to the reports and information that formed the basis of the Agenda to that meeting. Despite it being a common practice that Agenda reports and information are included in most Minutes, this is not universally the case, and it is recommended that an amendment be considered as an aid to community understanding of the decision-making process of the Council.

Repayment of Advance Annual Payments: New Regulation

The Local Government Legislation Amendment Act 2016 introduced Section 5.102AB, which provides that Regulations may be made relating to the recovery of advance payments of annual allowances or annual fees made to a person who subsequently ceases to hold office during the period to which the payment relates:

5.102AB. Repayment of advance annual payments if recipient ceases to hold office

(2) *Regulations may be made —*

(a) requiring the repayment to a local government, to the extent determined in accordance with the regulations, of an advance payment of an annual allowance or annual fee in the circumstances to which this section applies; and

(b) providing for a local government to recover any amount repayable if it is not repaid.

Regulations enabling the recovery of advance annual payments have yet to be made and it is recommended this matter be prioritised.



Local Government (Rules of Conduct) Regulations 2007

Position Statement

WALGA supports:

1. Official Conduct legislation to govern the behaviour of Elected Members;
2. An efficient and effective independent Standards Panel process;
3. An ability for the Standards Panel to dismiss vexatious and frivolous complaints; and,
4. Confidentiality for all parties being a key component of the entire process.

NOTE: Point 3 achieved under the Local Government Legislation Amendment Act 2016

State Council Resolution

March 2016 – 10.1/2016
 July 2012 – 55.3/2012
 December 2008 – 454.6/2008

Part 6 – Financial Management

Imposition of Fees and Charges: Section 6.16

Position Statement

That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services

Background

Local Governments are able to impose fees and charges on users of specific, often incidental, services. Examples include dog registration fees, fees for building approvals and swimming pool entrance fees.

In some cases, Local Governments will recoup the entire cost of providing a service. In other cases, user charges may be set below cost recovery to encourage a particular activity with identified community benefit, such as sporting ground user fees or swimming pool entry fees.

Currently, fees and charges are determined according to three methods:

- By legislation
- With an upper limit set by legislation
- By the Local Government.

Fees determined by State Government legislation are of particular concern to Local Governments and represent significant revenue leakage because of:



- Lack of indexation
- Lack of regular review (fees may remain at the same nominal levels for decades)
- Lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels).

Examples of fees and charges of this nature include dog registrations fees, town planning fees and building permits. Since Local Governments do not have direct control over the determination of fees set by legislation, this revenue leakage is recovered from rate revenue. This means all ratepayers end up subsidising the activities of some ratepayers.

When fees and charges are restricted by legislation, rather than being set at cost recovery levels, this sends inappropriate signals to users of Local Government services, particularly when the consumption of those services is discretionary. When legislative limits allow consumers to pay below 'true cost' levels for a discretionary service, this will lead to overprovision and a misallocation of resources.

Under the principle of 'general competence' there is no reason why Local Governments should not be empowered to make decisions regarding the setting of fees and charges for specific services.

Additionally, it is recommended that Section 6.16 be amended so that it only relates to statutory application fees and charges and not consumer items, facility entrance fees, ad hoc minor fees and charges etc. The exhaustive listing of relatively minor fee and charge items, together with the technical requirement to give public notice of any change after the adoption of the annual budget, is both inefficient and costly.

Power to Borrow: Section 6.20

Section 6.20(2) requires, where a power to borrow is proposed to be exercised and details of the proposal are not included in the annual budget, that the Local Government must give one month's public notice of the proposal (unless an exemption applies). There is no associated requirement to request or consider written submission prior to exercising the power to borrow, as is usually associated with giving public notice. Section 6.20(2) simply stops the exercise of power to borrow for one month, and it is recommended it be deleted.



Restrictions on Borrowings: Section 6.21

Position Statement	Section 6.21 of the <i>Local Government Act 1995</i> should be amended to allow Local Governments to use freehold land, in addition to its general fund, as security when borrowing.
Background	<p>Borrowing restrictions in the <i>Local Government Act 1995</i> act as a disincentive for investment in community infrastructure. Section 6.21(2) states that a Local Government can only use its 'general funds' as security for borrowings to upgrade community infrastructure, and is restricted from using its assets to secure its borrowings. This provision severely restricts the borrowing capacity of Local Governments and reduces the scale of borrowing that can be undertaken to the detriment of the community.</p> <p>This is particularly relevant since the Global Financial Crisis. Treasury now requires member Local Governments to show as contingent liabilities in their balance sheet their proportion of contingent liabilities of the Regional Local Government of which they are a member. Given that the cost of provision of an Alternative Waste Disposal System is anything up to \$100 million, the share of contingent liabilities for any Local Government is significant. Even under a 'Build-Own-Operate' financing method, the unpaid (future) payments to a contractor must be recognised in the balance sheet of the Regional Local Government as a contingent liability.</p> <p>This alone is likely to prevent some Local Governments from borrowing funds to finance its own work as the value of contingent liabilities are taken into account by Treasury for borrowing purposes.</p>
State Council Resolution	January 2012 – 8.1/2012

Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)

Position Statement	<p>WALGA's policy position regarding charitable purposes is as follows:</p> <ol style="list-style-type: none"> 1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997; 2. Either <ol style="list-style-type: none"> a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or
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- b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates.

Background

Exemptions under this section of the Act have extended beyond the original intention and now provide rating exemptions for non-charitable purposes, which increase the rate burden to other ratepayers. There may be an argument for exemptions to be granted by State or Federal legislation. Examples include exemptions granted by the Commonwealth *Aged Care Act 1997* and group housing for the physically and intellectually disabled which is supported under a government scheme such as a Commonwealth-State Housing Agreement or Commonwealth-State Disability Agreement.

State Council Resolution December 2015 – 118.7/2015
January 2012 – 5.1/2012

Basis of Rates: Section 6.28

1. That Section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives.

The method of valuation of land to be used as the basis of rating in Western Australia is either: Gross Rental Value for predominantly non-rural purpose; or unimproved value of land for rural purposes. These are the only two methods available under the Section 6.28 of the Local Government Act in Western Australia.

Eastern State Local Governments can elect to rate on one of the following options:

- Site Value - levy on the unimproved value of land only and disregards the value of buildings, personal property and other improvements;
- Capital Value - value of the land including improvements;
- Annual Value - rental value of a property (same as GRV).

Alternative land valuation methods came under the scope of the WALGA Systemic Sustainability Study, particularly Capital Improved Valuations which is in operation in Victoria and South Australia.

2. Advocate for amendment to Section 6.28 to enable Differential Rating based on the time land remains undeveloped.

Concern at the amount of vacant land remaining in an undeveloped state for an extensive period of time and holding up development opportunities.



North Metropolitan Zone advocates an amendment to the current legislative provisions in relation to differential rating to enable a differential rate to be applied on the basis of the length of time a property has remained in an undeveloped state.

Differential General Rates: Section 6.33

This section outlines the characteristics that Local Governments may take into account when imposing differential general rates. It is recommended the issue of time-based differential rating should be examined, to address some Local Governments view that vacant land should be developed in a timely manner.

Service of Rates Notice: Section 6.41

That Section 6.41 be amended to:

- (a) permit the rates notice to be issued to electronically; and
- (b) introduce flexibility to offer regular rate payments (i.e. fortnightly, monthly etc) without requirement to issue individual instalment notice.

Rates or Service Charges Recoverable in Court: Section 6.56

That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.

Rating Exemptions – Rate Equivalency Payments

Position Statement	Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.
Background	<p>A particular example is the exemption granted to LandCorp by the <i>Land Authority Act 1992</i>. In 1998, the Act was amended to include provisions for LandCorp to pay the Treasurer an amount equal to that which would have otherwise been payable in Local Government rates, based on the principle of 'competitive neutrality'.</p> <p>This matter is of concern to Local Governments with significant LandCorp holdings in their district. The shortfall in rates is effectively paid by other ratepayers, which means ratepayers have to pay increased rates because LandCorp has a presence in the district.</p>
State Council Resolution	January 2012 – 6.1/2012



Rating Restrictions – State Agreement Acts

Position Statement	Resource projects covered by State Agreement Acts should be liable for Local Government rates.
Background	<p>In 2011, the State Government introduced a new policy on 'the application of Gross Rental Valuation to mining, petroleum and resource interests' (the GRV mining policy). The Policy was extended in 2015 and remains in place. The primary objectives of the policy were to clarify the circumstances where Local Governments could apply GRV rating to mining land and enable the use of GRV rating on new (i.e., initiated after June 2012) mining, petroleum and resource interests. This included the application of GRV rating to new State Agreement Acts.</p> <p>However, existing State Agreement Acts continue to restrict Local Government rating. Rating exemptions on State Agreement Acts mean that Local Governments are denied an efficient source of revenue. There are also equity issues associated with the existing exemptions since they only apply to a select group of mining companies whose projects are subject to older State Agreement Acts. Removing the rates exemption clauses from the pre-July 2012 State Agreement Acts would provide a fairer outcome for all other ratepayers, including the proponents of new resources projects.</p>
State Council Resolution	September 2014 – 89.4/2014 March 2014 – 10.1/2014 October 2011 – 116.5/2011

Local Government (Financial Management) Regulations 1996

Exemption from AASB 124: Regulation 4

Regulation 4 of the Financial Management Regulations provides a mechanism for an exemption from the Australian Accounting Standards (AAS). Regulation 16 is an example of the use of this mechanism, relieving Local Governments from the requirement to value land under roads.

A Zone has requested that an exemption be allowed from the implementation of AASB 124 'Related Party Transactions' due to the current provisions in the Act on declarations of interest at meetings and in Primary and Annual returns. This is regarded as providing appropriate material declaration and disclosure of interests associated with function of Local Government.



Part 7 – Audit

The Local Government Amendment (Auditing) Bill 2017, before Parliament at the time of writing, will substantially replace much of Part 7 to provide for the auditing of Local Governments by the Auditor General. New legislation will allow the Auditor General to contract out some or all of the financial audits but all audits will be done under the supervision of the Auditor General and Office of the Auditor General. State Government will pay the cost for the conduct of performance audits.

Part 8 – Scrutiny of the Affairs of Local Government

Stand Down Provision: New Proposal

Position Statement

WALGA supports, in principle, a proposal for an individual elected member to be 'stood down' from their role when they are under investigation; have been charged; or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken.

Further policy development of the Stand Down Provisions must involve specific consideration of the following issues of concern to the Sector:

1. That ... the established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and
2. That activities associated with the term 'disruptive behaviour', presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.

Background

In 2008 a Discussion Paper was circulated seeking feedback regarding legislative amendments to suspend an individual Elected Member, as follows:

- An elected member to have the ability to stand down where they are being investigated or have been charged;
- An elected member to be forcibly stood down where they are being investigated or have been charged and whose continued presence prevents Council from properly discharging its functions and affects its reputation and integrity or where it is in the public interest;
- The Standards Panel to make the stand down decision;



- Such matters to be referred to the Standards Panel only by a Council (absolute majority), a statutory agency or the Department;
- Three to six months stand down periods with six month extensions;
- The elected member to remain entitled to meeting fees and allowances; and
- Inclusion of an offence for providing false information leading to a stand down.

State Council Resolution August 2008 – 400.4/2008

Part 9 – Miscellaneous Provisions

Onus of Proof in Vehicle Offences may be Shifted: Section 9.13(6)

Amend Section 9.13 by introducing the definition of 'responsible person' and enable Local Governments to administer and apply effective provisions associated with vehicle related offences

Background:

This proposal from the North Metropolitan Zone emerged due to an increase in cases when progressing the prosecution of vehicle related offences in court (at the request of the vehicle owner) resulted in dismissal of charges by the Magistrate when the owner of the vehicle states that he does not recall who was driving his vehicle at the time of the offence.

The *Litter Act 1979* was amended in 2012 to introduce the definition of 'responsible person' (as defined in *Road Traffic Act 1974*) so that a 'responsible person' is taken to have committed an offence where it cannot be established who the driver of the vehicle was at the time of the alleged offence. This also removes the ability for the responsible person to be absolved of any responsibility for the offence if they fail to identify the driver. It is suggested that a similar amendment be made to Section 9.13 of the Act in order to ensure that there is consistent enforcement in regards to vehicle related offences.

Schedule 2.1 – Creating, Changing Boundaries and Abolishing Districts

Poll Provisions: New Proposal

Position Statement

Schedule 2.1 of the *Local Government Act 1995* should be amended so that the electors of a Local Government affected by any boundary change or amalgamation proposal are entitled to petition the Minister for a binding poll.

State Council Resolution December 2014 – 108.5/2014



Number of Electors: Clause 2.1(1)(d)

That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 5% of electors) to 500 (or 5% of electors) whichever is fewer.

Schedule 2.2 – Provisions about Names, Wards and Representation

Who may make Submission: Clause 3(1)

That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 5% of electors) to 500 (or 5% of electors) whichever is fewer.

Schedule 4.1 – How to Count Votes and Ascertain Result of Election

Method of Voting

Position Statement	Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.
Background	The FPTP method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.
State Council Resolution	427.5/2008 – October 2008

This State Council resolution influenced amendment to Schedule 4.1 in 2009 that returned Local Government elections to a first past the post system from the preferential proportional Representation. The resolution is reiterated here as an indication of the sector's ongoing preference for this vote counting system.



Submission of Feedback

How to get involved

WALGA will conduct a comprehensive consultation process to provide Member Local Governments with as much opportunity as possible to contribute. This process will also assist WALGA determine its advocacy position on whether proposed changes should be dealt with in Phase 1 or Phase 2 (see Executive Summary).

During August and September 2017, WALGA will hold Zone and Regional Group forums on the Local Government Act Review. Local Governments can choose to contribute in conjunction with a Zone/Regional Group meeting, separately by lodging a Council endorsed submission, or both.

The final collated feedback will be prepared as a State Council Agenda Item for Zone consideration during the November/December 2017 round of Zone meetings. State Council will ultimately determine its position at its meeting of 6 December 2017.

Council endorsed submission on the issues raised in this Discussion Paper, as well as any other relevant matters, can be forwarded by Friday 20th October 2017 to:

James McGovern, Manager Governance - jmcgovern@walga.asn.au
or 9213 2093

Should you have any questions or queries about any aspect of the Discussion Paper or review process, please contact James McGovern at the above contacts, or Tony Brown on 9213 2051 or tbrown@walga.asn.au

Review of Local Government Act 1995
City of Wanneroo Submission to WALGA

This submission by the City of Wanneroo was approved by Council on [insert date] and sets out the City of Wanneroo's position in respect of the amendment proposals and positions of WALGA in relation to the review of the Local Government Act 1995.

Any references to the Act are references to the Local Government Act 1995

Amendment Proposals/Position Statements by WALGA	City of Wanneroo Council's Submission
Part 1: Introductory Matters: Modernise the requirements of giving public notice of particular matters, as prescribed in the Local Government Act. Providing Information on line. Already common practise within the Local Government sector to place statutory public notices on official websites despite there being no legislated requirement to do so.	<ol style="list-style-type: none"> 1. Local and state wide public notice requirement to be satisfied by providing notice on the City's website. Notice to be maintained on the website until the public consultation period closes or as otherwise determined by the applicable legislation. 2. Confusing terminology. Whilst it is understood legalese is at times required, the Act would be an easier document to apply if plain English was used more often. Examples include how 75% Majority and Absolute Majority are defined (S1.4) and the definition of "Limit on revenue or income from general rates" (S6.34).
Part 2 – Constitutions of Local Government Method of Election of Mayor/President Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.	Local Governments can determine how the Mayor/President is elected once the district is established. Should electors propose to change the method of election for the Mayor then it is suggested that the number of electors or the percentage total of electors required to do so should be reviewed in line with population growth. Council supports this proposal but notes that the Act already has provisions for Council to determine how the Mayor/President is elected.
Elected Member Training WALGA opposes legislative change that would: <ol style="list-style-type: none"> 1. Require candidates to undertake training prior to nominating for election; 2. Incentivise Elected Member training through the fees and allowances framework; or 3. Mandate Elected Member training. Further, if mandatory training becomes inevitable, WALGA will seek to ensure that it: <ol style="list-style-type: none"> a) Only applies to first time Elected Members; b) Utilises the Elected Member Skill Set as the appropriate content for mandatory training; c) Applies appropriate Recognition of Prior Learning (RPL); d) Requires training to be completed within the first 12 months of office; and e) Applies a penalty for non-completion of a reduction in fees and allowances payable. 	Council supports training for Members and notes the importance of an induction program and ongoing training for Members, subject to standardisation of training modules.
Stand Down when Contesting State or Federal Election: Background The East Metropolitan Zone has identified that, under the <i>Local Government Act 1995</i> , there is no requirement for an Elected Member to either stand down or take leave of absence if they are a candidate for a State or Federal election. If elected to Parliament the Elected Member is immediately ineligible to continue as an Elected Member. Currently it is up to an individual Elected Member to determine if they wish to take a leave of absence. In some cases Elected Members have voluntarily resigned.	A Member's commitment to their role with Council could be negatively impacted by their State of Federal election candidacy, especially whilst campaigning however in some instances, particularly for rural Council's, standing down a Councillor could significantly increase the work load of other Councillors in a Ward system and leave sections of the district under represented. Additionally:- To be able to "stand down" individual Elected Members who are under investigation or who are preventing Council from operating efficiently.

Amendment Proposals/Position Statements by WALGA	City of Wanneroo Council's Submission
<p>Proposal</p> <p>Amend the Act to require an Elected Member to stand down when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:</p> <p>(a) that an Elected Member stand down from any decision making role and not attend Council and Committee meetings; or</p> <p>(b) that an Elected Member stand down from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.</p>	<p>Council supports this proposal however Elected Members should automatically be reinstated to their office should they not be elected to State or Federal parliament.</p>
<p>Part 3 – Functions of Local Government</p>	
<p>Notification of Affected Owners: Section 3.51</p> <p>Section 3.51 of the <i>Local Government Act 1995</i> concerning "Affected owners to be notified of certain proposals" should be amended to achieve the following effects:</p> <ol style="list-style-type: none"> to limit definition of "person having an interest" to those persons immediately adjoining the proposed road works (i.e. similar principle to town planning consultation); and to specify that only significant, defined categories of proposed road works require local public notice under Section 3.51 (3) (a). 	<p>This relates only to fixing or altering the level of, or the alignment of, a public thoroughfare, or draining water from a public thoroughfare or other public place onto adjoining land.</p> <p>This proposal will alleviate the burden on resources and allow the City to undertake works more efficiently. Currently local governments are required to provide written notice to all persons having an interest. Limiting the definition of "person having an interest" to those individuals that will be directly affected reduces the notification burden on the local government noting that have an interest does not necessarily mean that a party is affected.</p> <p>By defining "significant defined categories" to limit the requirement for public notice will remove red tape. Currently the City is required to provide local public notice if any land is likely to be adversely affected by undertaking the works mentioned above.</p> <p>Council supports this proposal.</p>
<p>Control of Certain Unvested Facilities: Section 3.53</p> <p>The Local Government Act 1995 includes a provisions, under Section 3.53, that is carried forward from Section 300 of the former Local Government Act 1960. Former Section 300 stated:</p> <p><i>300. A council has the care, control, and management of public places, streets, ways, bridges, culverts, fords, ferries, jetties, and drains, which are within the district, or, which although not within the district, are by this Act placed under the care, control, and management, of the council, or are to be regarded as being within the district, except where and to the extent that under an Act, another authority has that care, control, and management.</i></p> <p>Section 3.53 refers to infrastructure as an 'otherwise unvested facility', and is defined to mean: "a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section."</p> <p>Section 3.53 places responsibility for an otherwise unvested facility on the Local Government in whose district the facility is located. Lack of ongoing maintenance and accreting age has resulted in much infrastructure falling into a dilapidated state. This, together with the uncertain provenance of many of these facilities, particularly bridges, is reported as placing an unwarranted and unfunded burden on a number of Local Governments.</p> <p>It is recommended Section 3.53 of the Act be deleted and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.</p>	<p>This is particularly important for the City due to its size and rapid growth. Alleviating the burden of managing ageing unvested infrastructure will allow the City to focus on other services and facilities that would better serve the community.</p> <p>Maintenance of Unvested Facilities should be funded by the State or Federal Government (as applicable) considering that local governments must be aware of facilities that are to be vested in them prior to accepting to ensure the costs associated with such facilities are fairly and equitably distributed to the responsible party whether that be the district's ratepayers or the State Government.</p> <p>Council supports this proposal.</p>
<p>Regional Local Governments: Part 3, Division 4</p> <p>Background:</p> <p>Currently, Regional Local Governments are treated by the <i>Local Government Act 1995</i> for the purposes of compliance, as if they were a Local Government.</p> <p>The Association believes that this places an overly large compliance burden on Regional Local Governments. The large compliance burden reduces potential cost savings that aggregated service delivery may achieve through increased efficiency and acts as a disincentive for Local Governments to establish Regional Local Governments.</p>	<p>Most of the compliance and accountability requirements that apply to Local Governments also apply to Regional Local Governments.</p> <p>It is considered appropriate that such compliance requirements for Regional Local Government be balanced in respect of the Regional Local Governments purpose and objectives. There is currently a disincentive for local governments to create Regional Local Governments due to the compliance and burden.</p> <p>Council supports this proposal.</p>

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Proposal The compliance obligations of Regional Local Governments should be reviewed.	
Council Controlled Organisations: Part 3, Division 4 Background: The CCO model is available to Local Governments in New Zealand where they are used for a variety of purposes. The model allows one or more Local Governments to establish a wholly Local Government owned commercial organisation. The Association has developed the amendments required for the CCO model to be implemented in Western Australia. Proposal The <i>Local Government Act 1995</i> should be amended to enable Local Governments to establish Council Controlled Organisations (CCO) - also referred to as 'Local Government Enterprises' i.e WALGA's Systemic Sustainability Study 2008.	Council supports this proposal however it is more appropriate to provide Regional Subsidiaries the powers and authority that would otherwise be provided to Council Controlled Organisations considering that the Act and Regulations already provide for Regional Subsidiaries notwithstanding the current restrictions in place.
Local Government (Functions and General) Regulations 1996	
Tender Threshold: Regulation 11(1) Background: The tender threshold should be increased to allow Local Governments responsiveness when procuring relatively low value good and services. Proposal ALGA supports an increase in the tender threshold to align with the State Government tender threshold (\$250 000).	Procurement activities of local governments are not dissimilar in volume or value to that of State Government departments and therefore it is considered appropriate that the same thresholds apply especially as local governments can also access State Government Common Use Agreements. Also to note that the changes to the Regulations in relation to Panel arrangements are both problematic and cumbersome. Local governments should be able to establish panels as and when required for durations exceeding 12 months. Council supports this proposal and notes that changes to the Regulations in respect of establishing Panel arrangements are both cumbersome and problematic.
Dispositions of Property: Regulation 30(3) That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.	In addition to the above, section 3.57 Tenders for provision of goods or services does not allow for requests for proposals and does not include a definition of "goods or services" Part 4 – Provision of goods and services of Regulations dealing with these matters are overly prescriptive and should be addressed within Purchasing Policies. References to "pre-qualified suppliers for example, is administratively complex. The reference to "local government" requires formal delegations of authority are necessary to give effect to such Regulations (administratively complex). Regulations dealing with disposal of "real property" should be separated from disposal of other property. Council supports this proposal.
Local Government (Regional Subsidiaries) Regulations 2017	
Regional Subsidiaries Background	State Government should provide more authority to local governments in relation to Crown Reserves vested in and/or managed by local governments especially in relation to the use of such Crown Reserves. Local government need to diversify their revenue and income streams away from the

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<p>The <i>Local Government Act 1995</i> was amended in late 2016 to enable Local Governments to establish regional subsidiaries, and this represents a significant advocacy achievement for the Local Government sector;</p> <p>The <i>Local Government (Regional Subsidiaries) Regulations 2017</i>, which were enacted in early 2017, contain significant restrictions that limit the flexibility and will reduce the benefits of the regional subsidiary model;</p> <p>In particular, the regulations prevent regional subsidiaries from borrowing from any organisation other than a constituent Local Government, entering into a land transaction, and commencing a trading undertaking; and,</p> <p>This item recommends legislative and/or regulatory amendments to remove these restrictions that unnecessarily prevent regional subsidiaries from becoming an effective and efficient collaborative service delivery mechanism.</p> <p>Proposal</p> <p>That WALGA advocate for legislative and regulatory amendments to enable Regional Subsidiaries to:</p> <ol style="list-style-type: none"> 1. Borrow in their own right; 2. Enter into land transactions; and, 3. Undertake commercial activities. 	<p>heavy reliance on Rates and local governments should be allowed to undertake commercial activities for this purpose.</p> <p>The requirements under the Major Land Transactions and Major Trading Undertakings provisions are onerous and do not recognise commercial reality.</p> <p>It is also appropriate to consider that the authority and powers to establish and to provide to Council Controlled Organisations should be provided to Regional Subsidiaries noting that WALGA's 2012 "Metropolitan Local Government Review" submission stated:-</p> <p>The third key plank of the Association's position on shared services is for Local Governments to be enabled to establish Council Controlled Organisations (CCOs). This model is available to Local Governments in New Zealand where they are used for a variety of purposes. The model allows one or more Local Governments to establish a wholly Local Government owned commercial organisation.</p> <p>In New Zealand, CCOs are employed:</p> <p>"to carry out a broad range of functions where (in the opinion of the shareholding local authorities) the efficiency of delivering such functions would be enhanced by the creation of professionally governed entities established for the specific purpose and where the appropriate consultation and oversight measures are in place."</p> <p>One key example of a function that could be undertaken by a Council Controlled Organisation is urban regeneration on a small, localised scale where low financial returns might be justified in pursuit of broader social objectives.</p> <p>There are a number of benefits of the CCO model. Firstly, the CCO governance structure is flexible and will primarily consist of independent directors with experience relevant to the organisation's purpose and undertakings. Secondly, while the broad purpose and objectives will be set at the Council level, the CCO model removes commercial decisions from the political realm which can lead to improved decision making. Risk can also be reduced by the CCO model by quarantining ratepayers from legal liability and financial risk arising from commercial decisions.</p> <p>Another benefit is the increased oversight that a CCO provides relative to the traditional Local Government approach. The board of the CCO will provide greater oversight to the organisation's undertakings than if the function were being undertaken by a business unit inside the Local Government with a hierarchical oversight chain through the Chief Executive Officer to the Council.</p> <p>Council supports this proposal.</p>
Part 4 – Elections and Other Polls	
<p>Conduct of Postal Elections: Sections 4.20 and 4.61</p> <p>Background</p> <p>Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.</p> <p>Proposal</p>	<p>The City supports local governments determining whether to conduct their elections by postal elections however considers that the WAEC should not be provided a monopoly for conducting postal elections. Local governments are required to achieve value for money in their procurement activities and this should also extend to undertaking postal elections, whether that be to allow local governments to undertake postal elections themselves or by contracting either the AEC or the WAEC.</p> <p>An external contractor can also provide an 'at-arms-length' and independent management of the electoral process. Notwithstanding that the AEC or WAEC have sophisticated processes and</p>

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The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and Local Governments to conduct postal elections.	systems in place to manage postal elections, this does not preclude a corporate organisation from providing these services. Council supports this proposal.
Voluntary Voting: Section 4.65 Voting in Local Government elections should remain voluntary.	Compulsory voting would increase the costs associated with Local Government Elections including for candidates contesting elections and the resources needed to determine whether those who failed to vote have valid reasons for not voting. To increase voter participation, postal voting should be encouraged as well as online voting. Council supports this proposal however notes that compulsory voting has merit.
On-Line Voting WALGA has received requests from three (3) Zones to explore the possibility of introducing on-line voting in Local Government elections. A State Council Item for Noting was prepared in May 2017 advising that WALGA staff will liaise with the WAEC regarding the use of the iVote system and also seek feedback from the Local Government sector on online voting and other opportunities to increase voter turnout. The Minister for Local Government has indicated that online voting is likely to be considered in the context of increasing elector participation.	Council supports on-line voting and the subsequent change to legislation to facilitate this subject to the availability of a cost effective and secure system that guarantees security of information and maintains the integrity of the electoral process.
Part 5 - Council	
Electors' General Meeting: Section 5.27 Background: There is adequate provision in the Local Government Act for the public to participate in Local Government matters and access information by attending meetings, participating in public question time, lodging petitions, and requesting special electors' meetings. <i>NOTE: The current Local Government Amendment (Auditing) Bill 2017 proposes that a Local Government's Annual Report is to be placed on its official website within 10 days of being received.</i> Proposal Section 5.27 of the <i>Local Government Act 1995</i> should be amended so that Electors' General Meetings are not compulsory.	The Annual Report is presented to a Council meeting prior to being presented at an Electors General Meeting providing residents the opportunity to ask question at this forum. It is a repetitive and inefficient process to require that it be presented again at an Electors General Meeting. Additionally, there are many opportunities for the public to participate in Council matters especially considering numerous electronic options. The City publishes the Annual Report on its website soon after it is adopted by Council and well before the 10 days period stated in the proposal. Council supports this proposal.
Special Electors' Meeting: Section 5.28 That Section 5.28(1)(a) be amended: (a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and (b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.	This is particularly important for the City due to its current population and predicted growth in population size. Notwithstanding only a few requests have been received from electors to hold an electors meeting, there is the potential for these to be called without sufficient community support. Council supports this proposal
Senior Employees: Section 5.37(2)	Section 5.41(g) states that the CEO is responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees. Considering that the CEO is the only employee that Council directly employs and that all other employees are employed by the CEO, this change is considered appropriate.

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That Section 5.37(2) be deleted to remove any inference or ambiguity as to the role of Council in the performance of the Chief Executive Officer's function under Section 5.41(g) regarding the appointment of other employees (with consequential amendment to Section 5.41(g) accordingly).	Council supports this proposal.
Annual Review of Certain Employees Performance: Section 5.38 Section 5.41(g) of the Act prescribes the function of responsibility for all employees, including management supervision, to the Chief Executive Officer. Section 5.38 therefore creates unnecessary ambiguity; unnecessary in terms of the certainty that Section 5.41(g) already provides. It is recommended that Section 5.38 either be deleted, or amended so that there is only a specific statutory requirement for Council to conduct the Chief Executive Officer's annual performance review.	Council supports this proposal.
Gifts and Contributions to Travel: Sections 5.82 and 5.83 The current Gift Provisions in the Local Government Act are very confusing and overly prescriptive. The Department of Local Government and Communities have established a Gift Working Group to look at completely reviewing the gift provisions for changes following the March 2017 State Election. WALGA is a participant in this working group. WALGA representatives have been advocating for the following: There be one section for declaring gifts. Delete declarations for Travel. a) No requirement to declare gifts received in a genuinely personal capacity. b) Gift provisions only for Elected Members and CEO's. Other staff fall under Codes of Conduct from the CEO to the staff. c) Gifts only to be declared if above \$500.00. d) There will not be any category of notifiable gifts or prohibited gifts. e) Gifts only to be declared in respect to an Elected Member or CEO carrying out their role. f) Exemptions for ALGA, WALGA and LG Professionals (already achieved). g) Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts. So Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift.	The current gift acceptance and disclosure provisions are overly onerous however WALGA's proposal may leave the door open to potential misconduct relating to conflicts of interest arising from accepting gifts. Comments in relation to each of the numbered sections is set out below: a) Support this proposal. b) Legislative provisions should apply to all staff with delegated authority considering that decision makers are those that may be unduly influenced by gifts c) Support this proposal. d) Subject to above, support removal of categories. e) Should include all staff with delegated authority and agree with limitation to the declaration requirement in respect of carrying the duties of their role. f) Noted that this has already been achieved. g) Support this proposal. The legislation also must be further amended to ensure that terms are clearly defined and consistent used, specifically removing terms that provide different definitions in the Act and Regulations (specifically see the contradictory definitions for "notifiable gifts"). Also the DLGSC must provide clear guidelines to interpret the provisions that are supported by legal advice. Aligning the gift disclosure provisions with those that apply for State Parliament members is appropriate. Council supports this proposal however notes that the legislative provisions should extend to officers with delegated authority and that further amendments are required to provide for unambiguous definitions used in the gift acceptance and disclosure provisions.
Vexatious and Frivolous Complainants: New Provision It is recommended that a statutory provision be considered, permitting a Local Government to declare a person a vexatious or frivolous complainant. Section 5.110(3a) of the Act was recently introduced in relation to the Local Government Standards Panel ruling on vexatious and frivolous Rules of Conduct Regulations breach allegations: <i>"...a standards panel can at any stage of its proceedings refuse to deal with a complaint if the standards panel is satisfied that the complaint is frivolous, trivial, vexatious, misconceived or without substance."</i> Given the extensive cost and diversion of administrative resources currently associated with vexatious and frivolous complainants across the Local Government sector, it is recommended that a more general mechanism, based on the principles associated with the introduction of Section 5.110(3A), be investigated.	There is a clear need for statutory provisions and procedures to be established to assist Local Governments in dealing with vexatious and frivolous complainants, to ensure that the correct balance is achieved in providing natural justice to the complainant and the resources intensive investigations undertaken to deal with the complaint. It is not considered appropriate to establish a statutory new body as the WA Ombudsman provides sufficient guidance in this respect. Once the head of power is in place, this must be supported by robust guidelines from the DLGSC, to ensure that Local Governments are adequately equipped and supported to make a decision based on the guidelines. Council supports this proposal.

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<p>Amendments to the legislation would need to cover the following points to implement the proposed arrangements:</p> <ul style="list-style-type: none"> • Create a head of power to determine whether a community member is vexatious (potentially establish a new body through legislation and give it this power of determination); • Define vexatious behaviour broadly to include the extent and nature of communication between the alleged vexatious person and the Local Government (using words such as 'unreasonable', 'persistent', 'extensive', 'malicious' and 'abusive'); • Outline the restrictions to statutory rights which can be imposed on a person if he or she is declared by the independent body to be vexatious; • Establish a process, if necessary, to enable a Local Government to present its case for the alleged vexatious person to defend himself/herself; • Determine what appeal rights are necessary. 	
Local Government (Council) Regulations 1996	
<p>Revoking or Changing Decisions: Regulation 10</p> <p>Regulation 10 provides a mechanism for the revocation or change to a previous decision of Council. It does not however, contain any provision clarifying that the provisions do not apply to Council decisions that have already been implemented. This regulatory deficiency is currently managed administratively, but warrants an appropriate amendment to assist clarify the rights of a Councillor to seek a revocation or change.</p>	Council supports this proposal.
<p>Minutes, contents of: Regulation 11</p> <p>Regulation 11 contains a potential anomaly in that the content requirements relating to Minutes of a Council or Committee meeting do not make reference to the reports and information that formed the basis of the Agenda to that meeting. Despite it being a common practice that Agenda reports and information are included in most Minutes, this is not universally the case, and it is recommended that an amendment be considered as an aid to community understanding of the decision-making process of the Council.</p>	<p>It would be appropriate to consider that all meeting agendas and minutes are published on the Local Government's official website and the bound official copies of the agenda and minutes maintained by the Local Government and made available on request.</p> <p>Council supports this proposal.</p>
<p>Repayment of Advance Annual Payments: New Regulation</p> <p>The Local Government Legislation Amendment Act 2016 introduced Section 5.102AB, which provides that Regulations may be made relating to the recovery of advance payments of annual allowances or annual fees made to a person who subsequently ceases to hold office during the period to which the payment relates:</p> <p>5.102AB. Repayment of advance annual payments if recipient ceases to hold office</p> <p>(2) Regulations may be made —</p> <p>(a) requiring the repayment to a local government, to the extent determined in accordance with the regulations, of an advance payment of an annual allowance or annual fee in the circumstances to which this section applies; and</p> <p>(b) providing for a local government to recover any amount repayable if it is not repaid.</p> <p>Regulations enabling the recovery of advance annual payments have yet to be made and it is recommended this matter be prioritised.</p>	Council supports this proposal.
Local Government (Rules of Conduct) Regulations 2007	
<p>WALGA supports:</p> <ol style="list-style-type: none"> 1. Official Conduct legislation to govern the behaviour of Elected Members; 2. An efficient and effective independent Standards Panel process; 3. An ability for the Standards Panel to dismiss vexatious and frivolous complaints; and, 	<p>Should the Official Conduct legislation be amended to include a provision to govern the behaviour of Elected Members then it should be proposed that an amendment to the Act to remove the requirement for Local Governments to adopt a Code of Conduct for Elected Members considering that all the relevant provisions would be covered in the legislation.</p> <p>Codes of Conduct established under the Act provide limited ability to enforce penalties or sanctions for contravention of the Code of Conduct, other than sanction motions, request for an apology or</p>

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<p>4. Confidentiality for all parties being a key component of the entire process.</p> <p><i>NOTE: Point 3 achieved under the Local Government Legislation Amendment Act 2016</i></p>	<p>request to undertake training. In addition, any formal complaint under the Rules of Conduct Regulations regardless of whether it is low level misconduct should be addressed in accordance with established processes requiring investigation by an independent body rather than by Council.</p> <p>Currently a Local Government is required to pay the costs of the Standards Panel dealing with a complaint. A more appropriate cost model needs to be considered.</p> <p>Council supports this proposal and recommends that the issue of the costs of the Standards Panel dealing with a complaint should be reviewed.</p>
Part 6 – Financial Management	
<p>Imposition of Fees and Charges: Section 6.16</p> <p>Background</p> <p>Local Governments are able to impose fees and charges on users of specific, often incidental, services. Examples include dog registration fees, fees for building approvals and swimming pool entrance fees.</p> <p>In some cases, Local Governments will recoup the entire cost of providing a service. In other cases, user charges may be set below cost recovery to encourage a particular activity with identified community benefit, such as sporting ground user fees or swimming pool entry fees.</p> <p>Currently, fees and charges are determined according to three methods:</p> <ul style="list-style-type: none"> • By legislation • With an upper limit set by legislation • By the Local Government. <p>Fees determined by State Government legislation are of particular concern to Local Governments and represent significant revenue leakage because of:</p> <ul style="list-style-type: none"> • Lack of indexation • Lack of regular review (fees may remain at the same nominal levels for decades) • Lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels). <p>Examples of fees and charges of this nature include dog registrations fees, town planning fees and building permits. Since Local Governments do not have direct control over the determination of fees set by legislation, this revenue leakage is recovered from rate revenue. This means all ratepayers end up subsidising the activities of some ratepayers.</p> <p>When fees and charges are restricted by legislation, rather than being set at cost recovery levels, this sends inappropriate signals to users of Local Government services, particularly when the consumption of those services is discretionary. When legislative limits allow consumers to pay below 'true cost' levels for a discretionary service, this will lead to overprovision and a misallocation of resources.</p> <p>Under the principle of 'general competence' there is no reason why Local Governments should not be empowered to make decisions regarding the setting of fees and charges for specific services.</p> <p>Additionally, it is recommended that Section 6.16 be amended so that it only relates to statutory application fees and charges and not consumer items, facility entrance fees, ad hoc minor fees and charges etc. The exhaustive listing of relatively minor fee and charge items, together with the technical requirement to give public notice of any change after the adoption of the annual budget, is both inefficient and costly.</p> <p>Proposal</p>	<p>Fees and Charges for services are a significant source of income for a local government and at the very least should be set to recover the costs of the service or where the service provides a significant community need be subsidised by the local government taking into consideration the need of the local community.</p> <p>The process for establishing fees and charges and making minor amendments after the budget is adopted, other than statutory charges is inefficient and costly. Especially when a local government is required to capture minor fees and charges such as photocopy charges. Without capturing fees in the Fees and Charges schedule, a local government has no ability to levy a charge for a particular service. Additionally some fees remain unchanged from one budget to another and do not necessarily provide for a cost recovery or profit.</p> <p>Acknowledging the Fees and Charges setting process, a local government has no input in relation to Fees and Charges set by the State Government. This should be amended to allow for consultation with the sector to ensure that statutory fees are set with full cost recovery in mind. Examples of such fees and charges and those set under the Planning and Development Act and the Council fee in relation to the Emergency Services Levy.</p> <p>It is also noted that further clarity around a local government's ability to waive fees and charges is also required especially in relation to the current position that a debt must be incurred first before the fee/charge can be waived.</p> <p>Council supports this proposal.</p>

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That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services	
<p>Power to Borrow: Section 6.20</p> <p>Section 6.20(2) requires, where a power to borrow is proposed to be exercised and details of the proposal are not included in the annual budget, that the Local Government must give one month's public notice of the proposal (unless an exemption applies). There is no associated requirement to request or consider written submission prior to exercising the power to borrow, as is usually associated with giving public notice. Section 6.20(2) simply stops the exercise of power to borrow for one month, and it is recommended it be deleted.</p>	<p>Council supports this proposal.</p>
<p>Restrictions on Borrowings: Section 6.21</p> <p>Background</p> <p>Borrowing restrictions in the <i>Local Government Act 1995</i> act as a disincentive for investment in community infrastructure. Section 6.21(2) states that a Local Government can only use its 'general funds' as security for borrowings to upgrade community infrastructure, and is restricted from using its assets to secure its borrowings. This provision severely restricts the borrowing capacity of Local Governments and reduces the scale of borrowing that can be undertaken to the detriment of the community.</p> <p>This is particularly relevant since the Global Financial Crisis. Treasury now requires member Local Governments to show as contingent liabilities in their balance sheet their proportion of contingent liabilities of the Regional Local Government of which they are a member. Given that the cost of provision of an Alternative Waste Disposal System is anything up to \$100 million, the share of contingent liabilities for any Local Government is significant. Even under a 'Build-Own-Operate' financing method, the unpaid (future) payments to a contractor must be recognised in the balance sheet of the Regional Local Government as a contingent liability.</p> <p>This alone is likely to prevent some Local Governments from borrowing funds to finance its own work as the value of contingent liabilities are taken into account by Treasury for borrowing purposes.</p> <p>Proposal</p> <p>Section 6.21 of the <i>Local Government Act 1995</i> should be amended to allow Local Governments to use freehold land, in addition to its general fund, as security when borrowing.</p>	<p>Considering the requirements of the Local Government Amendment (Auditing) Act 2017 which amends the Act to provide for the Auditor General to undertake financial audits for local governments being a significant external control, greater flexibility should be provided for local governments to consider appropriate and fiscally sound borrowings with using freehold and holdings as security.</p> <p>Council supports this proposal.</p>
<p>Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)</p> <p>Background</p> <p>Exemptions under this section of the Act have extended beyond the original intention and now provide rating exemptions for non-charitable purposes, which increase the rate burden to other ratepayers. There may be an argument for exemptions to be granted by State or Federal legislation. Examples include exemptions granted by the Commonwealth <i>Aged Care Act 1997</i> and group housing for the physically and intellectually disabled which is supported under a government scheme such as a Commonwealth-State Housing Agreement or Commonwealth-State Disability Agreement.</p> <p>Proposal</p> <p>WALGA's policy position regarding charitable purposes is as follows:</p> <ol style="list-style-type: none"> 1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth <i>Aged Care Act 1997</i>; 2. Either :- <ol style="list-style-type: none"> a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates. 	<p>The Act contains provisions to exempt properties from rates where they meet certain charitable criteria. These provisions were not altered when the Act was updated in 1995 and they had been in place for many years prior to that. These provisions have always been difficult to interpret and apply consistently. In recent years, they have become unworkable on a practical basis.</p> <p>Previously, charitable exemptions were claimed for and provided to not-for-profit agencies providing very basic housing at a subsidised rent to needy families and individuals. This recognised that the not-for-profit owners were providing housing at a financial cost to themselves. More recently, these existing properties have been redeveloped and additional properties purchased to provide a completely new form of facility, the retirement village with independent living units. New property developments and a more focussed businesslike approach by not-for-profit agencies have targeted the potential provided by the very loosely worded charitable exemption provisions.</p> <ul style="list-style-type: none"> ▪ All Independent Living Units should be rated. The exemption should only apply to the Nursing Home and Aged Care Hostel portion of the property which is governed by the Commonwealth <i>Aged Care Act 1997</i>. Examples of this are the RAFA Villages where they have a Nursing Home on the property as well as 200-300 Independent Living Units. ▪ Local Governments should have the ability to request the Minister's approval to grant a rate exemption for the Nursing Home portion of a property and rate the independent living units regardless if the owner/s of the property are a charitable organisation or not. ▪ The Community Housing organisations that lease properties from the Housing Authority should not be granted a rate exemption. There is a continual rate drain from properties owned by the

Amendment Proposals/Position Statements by WALGA	City of Wanneroo Council's Submission
	<p>Housing Authority being leased to Community Housing organisations who are claiming a rate exemption under the auspices of 'Charitable' using the Charitable Uses Act 1601 (Statute of Elizabeth 1) and other case law matters. The Housing Authority were paying rates on these properties prior to them being leased. This additional burden of rates is redistributed to all ratepayers, thus increasing their rates, as the Local Government still needs to raise the same amount of rates.</p> <ul style="list-style-type: none"> There needs to be a more definite interpretation of 'Charitable' so that there are no grey areas in the Act that can be open to interpretation. It should clearly state who can receive a rate exemption and not use the word 'Charitable'. <p>It should be noted that the properties that receive a rate exemption are usually high end users of the works and services provided by a local government at the expense of other ratepayers. The rate burden should be distributed evenly across all property owners. There should be equity and fairness in rating or exemption of these types of facilities in the same way that there is a whole of state approach to the provision of rebates and deferrals for pensioners</p> <p>Council supports this proposal.</p>
<p>Basis of Rates: Section 6.28</p> <p>1. That Section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives.</p> <p>The method of valuation of land to be used as the basis of rating in Western Australia is either: Gross Rental Value for predominantly non-rural purpose; or unimproved value of land for rural purposes. These are the only two methods available under the Section 6.28 of the Local Government Act in Western Australia.</p> <p>Eastern State Local Governments can elect to rate on one of the following options:</p> <ul style="list-style-type: none"> Site Value - levy on the unimproved value of land only and disregards the value of buildings, personal property and other improvements; Capital Value - value of the land including improvements; Annual Value - rental value of a property (same as GRV). <p>Alternative land valuation methods came under the scope of the WALGA Systemic Sustainability Study, particularly Capital Improved Valuations which is in operation in Victoria and South Australia.</p> <p>2. Advocate for amendment to Section 6.28 to enable Differential Rating based on the time land remains undeveloped.</p> <p>Concern at the amount of vacant land remaining in an undeveloped state for an extensive period of time and holding up development opportunities.</p> <p>North Metropolitan Zone advocates an amendment to the current legislative provisions in relation to differential rating to enable a differential rate to be applied on the basis of the length of time a property has remained in an undeveloped state.</p>	<p>It is considered appropriate that there are more than one method to value land considering the type of land and its use. The model applied by the Eastern States local governments seems to have merit but requires further investigation</p> <p>The Act should allow for differential rating to enable a differential rate to be applied on the basis of the length of time a property has remained in an undeveloped state.</p> <p>Council supports this proposal.</p>
<p>Differential General Rates: Section 6.33</p> <p>This section outlines the characteristics that Local Governments may take into account when imposing differential general rates. It is recommended the issue of time-based differential rating should be examined, to address some Local Governments view that vacant land should be developed in a timely manner.</p>	<p>Council supports this proposal.</p>
<p>Service of Rates Notice: Section 6.41</p> <p>That Section 6.41 be amended to:</p> <p>(a) permit the rates notice to be issued to electronically; and</p>	<p>Council supports this proposal.</p>

Amendment Proposals/Position Statements by WALGA	City of Wanneroo Council's Submission
(b) introduce flexibility to offer regular rate payments (i.e. fortnightly, monthly etc) without requirement to issue individual instalment notice.	
<p>Rates or Service Charges Recoverable in Court: Section 6.56</p> <p>That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.</p>	<p>Significant costs can be incurred in recovering debts beyond the costs of proceedings. These include but are not limited to internal resourcing, legal advice and engagement of debt collections. These costs should be able to be recovered from the debtor as part of the process.</p> <p>Council supports this proposal.</p>
<p>Rating Exemptions – Rate Equivalency Payments</p> <p>Background</p> <p>A particular example is the exemption granted to LandCorp by the <i>Land Authority Act 1992</i>. In 1998, the Act was amended to include provisions for LandCorp to pay the Treasurer an amount equal to that which would have otherwise been payable in Local Government rates, based on the principle of 'competitive neutrality'.</p> <p>This matter is of concern to Local Governments with significant LandCorp holdings in their district. The shortfall in rates is effectively paid by other ratepayers, which means ratepayers have to pay increased rates because LandCorp has a presence in the district.</p> <p>Proposal</p> <p>Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.</p>	<p>Council supports this proposal.</p>
<p>Rating Restrictions – State Agreement Acts</p> <p>Background</p> <p>In 2011, the State Government introduced a new policy on 'the application of Gross Rental Valuation to mining, petroleum and resource interests' (the GRV mining policy). The Policy was extended in 2015 and remains in place. The primary objectives of the policy were to clarify the circumstances where Local Governments could apply GRV rating to mining land and enable the use of GRV rating on new (i.e., initiated after June 2012) mining, petroleum and resource interests. This included the application of GRV rating to new State Agreement Acts.</p> <p>However, existing State Agreement Acts continue to restrict Local Government rating. Rating exemptions on State Agreement Acts mean that Local Governments are denied an efficient source of revenue. There are also equity issues associated with the existing exemptions since they only apply to a select group of mining companies whose projects are subject to older State Agreement Acts. Removing the rates exemption clauses from the pre-July 2012 State Agreement Acts would provide a fairer outcome for all other ratepayers, including the proponents of new resources projects.</p> <p>Proposal</p> <p>Resource projects covered by State Agreement Acts should be liable for Local Government rates.</p>	<p>Council supports this proposal.</p>
Local Government (Financial Management) Regulations 1996	
<p>Exemption from AASB 124: Regulation 4</p> <p>Regulation 4 of the Financial Management Regulations provides a mechanism for an exemption from the Australian Accounting Standards (AAS). Regulation 16 is an example of the use of this mechanism, relieving Local Governments from the requirement to value land under roads.</p> <p>A Zone has requested that an exemption be allowed from the implementation of AASB 124 'Related Party Transactions' due to the current provisions in the Act on declarations of interest at meetings and in Primary and Annual returns. This is regarded as providing appropriate material declaration and disclosure of interests associated with function of Local Government.</p>	<p>Considering that Elected Members and relevant persons (including designated employees) are required to disclose particular information in Primary and Annual Returns, it would be appropriate to expand that requirement to cover related party transactions disclosures and therefore simplifying disclosure requirements</p> <p>Auditors can be provided copies of the Primary and Annual Returns for review and can also be provided on request to members of the public.</p> <p>Council supports this proposal.</p>

Amendment Proposals/Position Statements by WALGA	City of Wanneroo Council's Submission
Part 7 – Audit	
The Local Government Amendment (Auditing) Bill 2017, before Parliament at the time of writing, will substantially replace much of Part 7 to provide for the auditing of Local Governments by the Auditor General. New legislation will allow the Auditor General to contract out some or all of the financial audits but all audits will be done under the supervision of the Auditor General and Office of the Auditor General. State Government will pay the cost for the conduct of performance audits.	Council supports the introduction and requirements of the Local Government Amendment (Auditing) Act 2017 and amendments to the Act.
Part 8 – Scrutiny of the Affairs of Local Government	
<p>Stand Down Provision: New Proposal</p> <p>Background</p> <p>In 2008 a Discussion Paper was circulated seeking feedback regarding legislative amendments to suspend an individual Elected Member, as follows:</p> <ul style="list-style-type: none"> An elected member to have the ability to stand down where they are being investigated or have been charged; An elected member to be forcibly stood down where they are being investigated or have been charged and whose continued presence prevents Council from properly discharging its functions and affects its reputation and integrity or where it is in the public interest; <p>The Standards Panel to make the stand down decision;</p> <p>Such matters to be referred to the Standards Panel only by a Council (absolute majority), a statutory agency or the Department;</p> <ul style="list-style-type: none"> Three to six months stand down periods with six month extensions; The elected member to remain entitled to meeting fees and allowances; and Inclusion of an offence for providing false information leading to a stand down. <p>Proposal</p> <p>WALGA supports, in principle, a proposal for an individual elected member to be 'stood down' from their role when they are under investigation; have been charged; or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken.</p> <p>Further policy development of the Stand Down Provisions must involve specific consideration of the following issues of concern to the Sector:</p> <ol style="list-style-type: none"> That ... the established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and That activities associated with the term 'disruptive behaviour', presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance. 	<p>In the other States, particularly Queensland and Victoria, legislation provides stand-down provisions which allow the Minister, once they are satisfied there has been a level of serious breach and/or conduct and/or action that might have been influenced either by an inquiry or a CCC report, that could trigger the Minister to stand that individual Elected Member.</p> <p>The intent of the proposal is to place the emphasis on a Council's continued ability to function in circumstances where the continued presence of an Elected Member who is under investigation or being charged by a statutory authority may be a disruption to the Council.</p> <p>Elected Members should be given the opportunity to voluntarily stand down.</p> <p>It is considered appropriate that the Standards Panel, rather than Council make the decision as it would remove any potential conflict. The Stand Down period to also be determined by the Standards Panel.</p> <p>The Elected Member to remain entitled to meeting fees and allowances until such time as the appeal process is exhausted and the Elected Member is officially removed from office.</p> <p>Council supports this proposal noting that the Standards Panel, as an independent body, should be the determining body in relation to standing down an Elected Member from office.</p>
Part 9 – Miscellaneous Provisions	
<p>Onus of Proof in Vehicle Offences may be Shifted: Section 9.13(6)</p> <p>Background</p> <p>This proposal from the North Metropolitan Zone emerged due to an increase in cases when progressing the prosecution of vehicle related offences in court (at the request of the vehicle owner) resulted in dismissal of charges by the Magistrate when the owner of the vehicle states that he does not recall who was driving his vehicle at the time of the offence.</p> <p>The <i>Litter Act 1979</i> was amended in 2012 to introduce the definition of 'responsible person' (as defined in <i>Road Traffic Act 1974</i>) so that a 'responsible person' is taken to have committed an offence where it cannot be established who the driver of the vehicle was at the time of the alleged offence. This also removes the ability for the responsible person to be absolved of any</p>	Council supports this proposal.

Amendment Proposals/Position Statements by WALGA	City of Wanneroo Council's Submission
<p>responsibility for the offence if they fail to identify the driver. It is suggested that a similar amendment be made to Section 9.13 of the Act in order to ensure that there is consistent enforcement in regards to vehicle related offences.</p> <p>Proposal</p> <p>Amend Section 9.13 by introducing the definition of 'responsible person' and enable Local Governments to administer and apply effective provisions associated with vehicle related offences</p>	
Schedule 2.1 – Creating, Changing Boundaries and Abolishing Districts	
<p>Poll Provisions: New Proposal</p> <p>Schedule 2.1 of the <i>Local Government Act 1995</i> should be amended so that the electors of a Local Government affected by any boundary change or amalgamation proposal are entitled to petition the Minister for a binding poll.</p>	Council supports this proposal.
<p>Number of Electors: Clause 2.1(1)(d)</p> <p>That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 5% of electors) to 500 (or 5% of electors) whichever is fewer.</p>	Council supports this proposal.
Schedule 2.2 – Provisions about Names, Wards and Representation	
<p>Who may make Submission: Clause 3(1)</p> <p>That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 5% of electors) to 500 (or 5% of electors) whichever is fewer.</p>	Council supports this proposal.
Schedule 4.1 – How to Count Votes and Ascertain Result of Election	
<p>Method of Voting</p> <p>Background</p> <p>The FPTP method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.</p> <p>This State Council resolution influenced amendment to Schedule 4.1 in 2009 that returned Local Government elections to a first past the post system from the preferential proportional Representation. The resolution is reiterated here as an indication of the sector's ongoing preference for this vote counting system.</p> <p>Proposal</p> <p>Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.</p>	Council supports this proposal.

Further comments from City of Wanneroo:-

1. The role of the spokesperson for a Local Government to be amended. Currently section 2.8 of the Act requires that the Mayor or President speaks on behalf of local government. The Act should be amended to require that the Mayor or President speak on behalf of the Local Government on strategic and Council matters and the CEO on operational matters considering the different roles and responsibilities of the Mayor and CEO and to align with the functions of the CEO as set out in section 5.41 of the Act.
2. The Act should include specific protections for Local Governments to ensure that they are adequately compensated for loss as a result of decisions of the State Government. The Green Growth Plan (and Bush forever) protections over freehold Local Government land is unreasonable and unwarranted in respect of the objectives of the State Government. The State Government, like any other party acquiring land, should be required to pay due compensation for such acquisition (or restrictions) whether that be in the form of a monetary payment or a land swap. Local Governments should not be penalised or disadvantaged at the behest of the State Government.

3.22 Amendments and Changes to Delegated Authority Register

File Ref: 9167 – 17/308649
 Responsible Officer: Executive Manager Governance and Legal
 Disclosure of Interest: Nil
 Attachments: 8

Issue

To consider proposed amendments to:-

- a) Delegation 3.5 – Agreement as to Payment of Rates and Service Charges;
- b) Delegation 8.1 – Structure Planning; and

the repeal of:-

- c) Delegation 1.1(A) Notices Pursuant to Leases, Licences and Land Contracts;
- d) Delegation 1.1(B) Leases and Licences;
- e) Delegation 1.1(C) Extension of leases and Licences;
- f) Delegation 7.28(A) - Criminal Procedures Act 2004 – Appointment of Authorised and Approved Officers – Health (Asbestos) Regulations 1992;
- g) Delegation 10.5 – Receipt of Inwards Sponsorship; and

and the adoption of proposed new:-

- h) Delegation 1.13A – Disposal of Property by Lease or Licence
- i) Delegation 7.31 - Health (Asbestos) Regulations 1992 – Appointment of Authorised and Approved Officers; and
- j) Delegation 7.9A – Bush Fires Act 1954 – Powers, Duties and Functions of a Local Government.

Background

All delegations were reviewed as part of the Annual Review of delegated authority that was adopted by Council on 30 May 2017. The City also undertakes reviews on a quarterly basis with delegates to ensure that there are documented processes in place for the recording of decisions made that the delegation continues to meet operational needs and provides clarity of intent and execution.

Detail

- a) **Repeal of Delegations 1.1(A) Notices Pursuant to Leases, Licences and Land Contracts, 1.1(B) Leases and Licences and 1.1(C) Extension of Leases and Licences and Adoption of new Delegation 1.13A – Disposal of Property by Lease or Licence**

It is proposed to repeal Delegations 1.1(A) Notices Pursuant to Leases, Licences and Land Contracts, 1.1(B) Leases and Licences and 1.1(C) Extension of Leases and Licences (**Attachment 1**) for the following reasons:-

- i) The grant of a lease is a disposal of property in accordance with section 3.58(1) of the Local Government Act which defines dispose as:

“dispose includes to sell, lease or otherwise dispose of, whether absolutely or not.”

- ii) there is no express power or duty within section 3.18 of the *Local Government Act 1995* (**Local Government Act**) for these delegations.
- iii) It is deemed appropriate to present the delegated function of granting leases and licences as well as the variation of terms including but not limited to terminations, renewal options, assignments, subletting, sublicensing, special conditions or payment schedules as part of the City's proposed new Delegation 1.13A - Disposal of Property by Lease or Licence subject to the conditions included in Delegations 1.1(A), 1.1(B) and 1.1(C) as set out in **Attachment 2**.

In addition Council is requested to consider an increase to the limits within the proposed new delegation as set out below:

- The term of the lease or licence being no greater than 5 years (previously 2 years);
- The rental fee payable being no greater than \$50,000 (plus GST) per annum during the initial year of the lease or \$10,000- (plus GST) per annum during the initial year of the licence term (previously \$5,000); and
- The area being leased or licenced being no greater than 1000m² (previously 250m²).

Administration is currently reviewing the Leasing Policy and the increased limits will be incorporated within the amended policy. The proposed amended delegation will significantly reduce the number of leasing reports currently being determined by Council and contribute to efficient delivery of the Strategic Community Plan strategy 4.3.2: Ensure excellence in our customer service by improving satisfaction with the City's responsiveness to resolving problems and enquiries.

b) Amendment of Delegation 3.5 – Agreement as to Payment of Rates and Service Charges

It is proposed to amend Council's conditions on this delegation to allow for the agreement with a person to make arrangements for repayment of rates or service charges to be for a 12 month period from the date of the arrangement.

There have been numerous complaints regarding the current condition 'that the total debt outstanding be extinguished by 30 June next following' for arrangements entered into as the financial year progresses towards its close as being too restrictive. The proposed change (as set out in mark-up in **Attachment 3**) is aligned with the adopted Customer First Strategies 2016-2020 of 'Simplicity – we will deliver an uncomplicated, personalised customer experience' and 'Performance – We will engage our customers and continually assess our performance against their expectations'.

c) Amendment of Delegation 8.1 Structure Planning

A review of this delegation identified a lack of guidance on the criteria surrounding the waiver of the requirement to advertise an amendment. The proposed changes to this delegation wording (shown as a new condition (c)) is intended to make explicit circumstances in which advertising of an amendment to a structure plan or activity centre plan may be waived providing that certain criteria are satisfied.

The proposed change replicates the definition and criteria of a minor amendment as set out in Section 17 of the Western Australian Planning Commission's (**WAPC**) Structure Plan Framework:

"Advertising of an amendment to a structure plan or an activity centre plan may be waived under Clause 29 (3) or 45 (3), respectively, of DPS 2 where, in the opinion of the Delegate, it is of a minor nature in which the change or departure:

- *Does not materially alter the purpose and intent of the structure plan;*
- *Does not change the intended lot/ dwelling yield by more than 10 per cent or adversely impact upon the amenity of adjoining landowners and occupiers;*
- *Does not restrict the use and development of adjoining land; or*
- *Does not significantly impact on infrastructure provision or impact upon the environment.”*

In addition a note has been included following this condition in the delegation to make reference to the requirement for the WAPC to also have formed the view that the structure plan/activity centre plan amendment is of a minor nature prior to advertising being waived under Clause 29 (3) and Clause 45 (3) of District Planning Scheme No. 2 (**DPS 2**).

Although a delegation is not required for Administration to liaise with the WAPC to fulfil this requirement and therefore does not need to form part of the actual delegation wording, the note will avoid a scenario whereby this delegation is read in isolation (and not in conjunction with DPS 2). The details of the note are set out below:

“NOTE: Under Clauses 29 (3) and 45 (3) of the deemed provisions, the WAPC is also required to be of an opinion that an amendment to a structure plan/ activity centre plan is of a minor nature prior to advertising being waived.”

The existing condition d) only makes reference to endorsement of a recommendation for a structure plan amendment under Clause 20(2) of the deemed provisions by the delegate after it has been advertised. This condition should be modified for accuracy to also include reference to Clause 36(2) that relates to an activity centre plan. Similarly, the delegation is silent in relation to endorsing a recommendation for an activity centre plan amendment after it has been advertised. To address these matters, the proposed amended clause which has been renumbered e) is set out below:

- “e) Endorsement of a recommendation for an amendment to a structure plan or an activity centre plan under Clause 20(2) or 36(2) respectively of the deemed provisions by the delegate after being advertised for public comment provided that:-*
- *Any objection received does not, in the opinion of the delegate, raise relevant planning considerations that cannot be specifically overcome by modification to that plan;*
 - *Elected Members are notified in writing of the delegate’s intention to do so and provided with a summary of submissions and Administration’s recommendations in respect of those submissions; and*
 - *Elected Members are provided with at least five working days in which to request that the proposal be referred to Council for consideration and recommendation.”*

In line with the changes proposed above, a new clause is to be inserted for the endorsement of a recommendation for an amendment of a structure plan or an activity centre plan where advertising has been waived as set out below:

- “f) Endorsement of a recommendation for an amendment to a structure plan or an activity centre plan under Clause 20(2) or 36(2), respectively, of the deemed provisions by the delegate where advertising has been waived.”*

The proposed changes have been marked up as set out in **Attachment 4**.

d) **Repeal of Delegation 7.28A Criminal Procedures Act 2004 – Appointment of Authorised and Approved Officers – Health (Asbestos) Regulations 1992 and adoption of new Delegation 7.31 Health (Asbestos) Regulations 1992 – Appointment of Authorised and Approved Officers**

The *Health (Asbestos) Regulations 1992* was amended on 20 September 2017 to allow for an express power to delegate a power or duty by a local government to the Chief Executive Officer (CEO) which previously did not exist.

This amendment requires that the current Delegation 7.28A - Criminal Procedures Act 2004 - Appointment of Authorised and Approved Officers – Health (Asbestos) Regulations 1992 in which Council directly appointed officers to either issue or extend or cancel an infringement notice (as set out in **Attachment 5**) be repealed and a new delegation under the Health (Asbestos) Regulations 1992 be adopted as shown in **Attachment 6**. The proposed new Delegation 7.31 Health (Asbestos) Regulations 1992 – Appointment of Authorised and Approved Officers is to the CEO for the appointment of an authorised officer to issue of infringements and approved officers for the extension or cancelation of an infringement notice.

e) **Repeal of Delegation 10.5 - Receipt of Inwards Sponsorship**

The review of this delegation (**Attachment 7**) was as a result of a review of the Incoming Sponsorship Policy.

Section 6.15 of the Local Government Act 1995 allows local government to receive revenue and income. There is a requirement that this income be identified during the budget process and in the case of incoming sponsorship, supported by a Council policy. The policy should provide guidance (limits / conditions) for when incoming sponsorship is / is not appropriate to ensure decision made by Administrative staff are consistent with Council's direction. A review of the Incoming Sponsorship Policy is currently in progress. As a result the delegation is recommended for repeal.

f) **Adoption of proposed new Delegation 7.9A – Bush Fires Act 1954 - Powers, Duties and Functions of a Local Government**

A review was undertaken of the current delegations in place under the *Bush Fires Act 1954* (**Bush Fires Act**) to ensure that the local government's powers and duties under this legislation were appropriately delegated.

There are three current delegations in place for specific functions under the **Bush Fires Act** however it is proposed that an overarching delegation for the residual powers, duties and functions of the local government as set out in **Attachment 8** be considered.

Consultation

Nil

Comment

As a result of a review of the delegations listed above, it is recommended that Council consider the adoption of amendments as shown in mark-up or the repeal of delegations that are considered no longer relevant in meeting the City's current functions.

It is important for Council to note that delegating a power does not transfer that power to the delegate, it merely replicates it and Council retains the ability to exercise any power or duty delegated to the CEO (s.59 *Interpretation Act 1984*).

The essential elements of a Council delegation are the correct and accurate identification of the:

- power or duty to be delegated;
- office to whom or which the power or duty is to be delegated;
- circumstances in which the power or duty can be exercised or discharged; and
- conditions on the exercise of the power or duty.

Statutory Compliance

Local Government Act 1995

Part 5 Administration

Division 4 Local government employees

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
 - (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

“4 Civic Leadership

4.2 Good Governance

4.2.1 Provide transparent and accountable governance and leadership”

Risk Management Considerations

There are no existing Strategic or Corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements









Absolute Majority

Recommendation

That Council BY ABSOLUTE MAJORITY:-

1. **ADOPT amendments to Delegation 1.13 – Disposal of Property to include provisions for the disposal of property under leases and licenses and the proposed increase to the limits applicable as set out in Attachment 1;**
2. **REPEALS Delegation 1.1(A) Notices Pursuant to Leases, Licences and Land Contracts, Delegation 1.1(B) Leases and Licences and Delegation 1.1(C) Extension of Leases and Licences as set out in Attachment 2;**
3. **ADOPT amendments to Delegation 3.5 - Agreement as to Payment of Rates and Service Charges to allow the arrangement to consider repayment of rates or service charges to be for a period of 12 months from the date of the arrangement as set out in Attachment 3;**
4. **ADOPTS the proposed amendments to Delegation 8.1 – Structure Planning to include conditions for the waiver of advertising as set out in Attachment 4;**
5. **REPEALS Delegation 7.28(A) – Criminal Procedures Act 2004 – Appointment of Authorised and Approved Officers – Health (Asbestos) Regulations 1992 as shown at Attachment 5;**
6. **ADOPTS proposed new Delegation 7.31 - Health (Asbestos) Regulations 1992 – Appointment of Authorised and Approved Officers as set out in Attachment 6;**
7. **REPEALS Delegation 10.5 – Receipt of Inwards Sponsorship as shown at Attachment 7; and**
8. **ADOPTS proposed new Delegation 7.8A – Bush Fires Act 1954 - Powers, Duties and Functions of a Local Government as set out in Attachment 8.**

Attachments:

1	 Delegated Authority Register extract - Delegations 1.1(A), 1.1(B) and 1.1(C) - For Repeal	17/312455	
2	 Proposed New Delegation 1.13A Disposal of Property By Lease or Licence	17/206530	Minuted
3	 Proposed Amendment to Delegation 3.5 - Agreement as to payment of Rates and Service Charges	17/315295	
4	 Proposed Amendments to Delegation 8.1 Structure Planning	17/308654	Minuted
5	 Delegation 7.28A - CRIMINAL PROCEDURE ACT 2004 - APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS - HEALTH (ASBESTOS) REGULATIONS 1992	17/313613	
6	 Proposed Delegation 7.31 - Health (Asbestos) Regulations 1992 - Appointment of Authorised and Approved Officers	17/313655	Minuted
7	 Delegation 10.5 - Receipt of Inwards Sponsorship	17/312474	
8	 Proposed New Bush Fires Act Delegation - Powers, Duties and Functions	17/323730	Minuted

1.1 EXTENSION OF CONTRACTS (NOW DELEGATION 6.10)

The legislative power for this Delegation are now through the Local Government (Function & General) Regulations 1996. This delegation has been relocated to Section 6 and renumbered 6.10

1.1(A) NOTICES PURSUANT TO LEASES, LICENCES AND LAND CONTRACTS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	The exercise and enforcement of rights under, and to issue notices pursuant to, the following documents: 1. Lease or licence of: (a) Freehold land owned by the local government; or (b) Crown land managed by the local government; and 2. Contract for the sale or purchase of land by the local government.
Statutory Power being Delegated:	Section 3.18 of the Local Government Act 1995
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Section 5.42 of the Local Government Act 1995
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil

1.1(B) LEASES AND LICENCES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Granting a lease or licence of: 1. Freehold land owned by the local government; or 2. Crown land managed or leased by the local government.
Statutory Power being Delegated:	Section 3.18 of the Local Government Act 1995
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Section 5.42 of the Local Government Act 1995
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<p>The grant of the lease or licence must be exempt under regulation 30(2)(a) or 30(2)(b) of the <i>Local Government (Functions and General) Regulations 1996</i> (as amended from time to time), and the exercise of the delegation is subject to:</p> <ul style="list-style-type: none"> • The lease or licence being in accordance with the City's Leasing Policy (as then applicable); • The term of the lease or licence being no greater than two (2) years); • The rental or licence fee payable being no greater than \$5,000 (plus GST) per annum during the initial year of the lease or licence term; and • The area leased or licensed being no greater than 250m².

1.1(C) EXTENSION OF LEASES AND LICENCES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Subject to the terms of an existing lease or licence, approve an extension to that lease or licence.
Statutory Power being Delegated:	Section 3.18 of the Local Government Act 1995
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Section 5.42 of the Local Government Act 1995
Power Delegated to:	Chief Executive Officer.
Council's Conditions on Delegation:	<p>Subject to -</p> <ul style="list-style-type: none"> • the lease or licence providing for an option for extension and specifying the applicable terms of that option term; • the exercise of the lease or licence being in accordance with the terms of the option provisions of the original lease or licence, and in particular that the lessee or licensee is not in a material and unremedied breach of that lease or licence; and • the extension being in accordance with the option provisions of the original lease or licence and incorporating only such variations as are necessary to give effect to the extension.

1.13A DISPOSING OF PROPERTY BY LEASE OR LICENCE

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<p>Authority for the disposal of property in accordance with section 3.58 of the Local Government Act 1995 by lease or licence.</p> <p><i>NOTE: Section 3.58(1) defines:</i> <i>'dispose' as includes to sell, lease, or otherwise dispose of, whether absolutely or not; and</i> <i>'property' as includes the whole or any part of the interest of a local government in property, but does not include money.</i></p>
Statutory Power being Delegated:	Section 3.58 Local Government Act 1995
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Section 5.42 Local Government Act 1995
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<p>Subject to the disposal;</p> <ol style="list-style-type: none"> 1. complying with the requirements of: <ol style="list-style-type: none"> i. Section 3.58 of the Local Government Act 1995; ii. The exclusions set out in Regulation 30 of the Local Government (Functions and General) Regulations 1996; iii. Council Policies or Management Procedures; 2. of land being identified in the City's Annual Budget; and <p>The grant of a lease or license in relation to:</p> <ol style="list-style-type: none"> 1. freehold land owned by the City; or 2. crown land managed/leased by the City <p>is further subject to:</p> <ol style="list-style-type: none"> 1. Disposal by Lease <ol style="list-style-type: none"> a) The disposal of property by lease being subject to: <ol style="list-style-type: none"> i. The lease being in accordance with the City's Leasing Policy (as then applicable); ii. The term of the lease being no greater than five (5) years; iii. The rental fee payable being no greater than \$50,000 (plus GST) per annum during the initial year of the lease term; and iv. The area leased being no greater than 1000m². b) The agreement for the varying the terms of a lease including but not limited to terminations, renewal options, assignments, subletting, special conditions or payment schedules of a lease subject to: <ol style="list-style-type: none"> i. the variation being minor in nature in accordance with the City's Leasing Policy (as then applicable); ii. the lease providing for an option for extension and specifying the applicable terms of that option term; iii. the exercise of the lease being in accordance with the terms of the option provisions of the original lease, and in particular that the lessee is not in a material and unremedied breach of that lease; and iv. the extension being in accordance with the option

	<p>provisions of the original lease.</p> <p>2. Disposal by License</p> <p>a) The disposal of property by license being subject to:</p> <ul style="list-style-type: none"> i. The license being in accordance with the City's Leasing Policy (as then applicable); ii. The granting of a license being permitted under the City's management order or lease; iii. The term of the license being no greater than five (5) years); iv. The fee payable being no greater than \$10,000 (plus GST) per annum during the initial year of the license term; and v. The area licensed being no greater than 1000m2. <p>b) The agreement for the varying the terms of a license including but not limited to terminations, renewal options, assignments, sublicensing, special conditions or payment schedules of a license subject to:</p> <ul style="list-style-type: none"> i. the variation being minor in nature in accordance with the City's Leasing Policy (as then applicable); ii. the license providing for an option for extension and specifying the applicable terms of that option term; iii. the exercise of the license being in accordance with the terms of the option provisions of the original license, and in particular that the licensee is not in a material and unremedied breach of that license; and iv. the extension being in accordance with the option provisions of the original license.
Statutory Power to Sub-Delegate:	Section 5.44 Local Government Act 1995

3.5 AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to m Make an agreement with a person for the to accept payment of a-rates or service charges s. -due and payable by a person
Statutory Power being Delegated:	Section 6.49 Local Government Act 1995 Section 6.49 - Agreement as to payment of rates and service charges
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Section 5.42 Local Government Act 1995
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Subject to the arrangements agreed to being on the basis that the total debt outstanding will be extinguished <u>12 months from the date of the arrangement</u> by 30 June next following.

8.1 STRUCTURE PLANNING

<p>Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>	<p>The Council may require the preparation and presentation to it of a Structure Plan as a prerequisite to:</p> <ul style="list-style-type: none"> the Council's support for a proposal to rezone or reclassify land in the District; the Council's support for an application to subdivide or amalgamate lots; or the Council's consideration of an application for Planning Approval. <p>All decisions under Clauses 17, 18, 19, 20, 29(3), 33, 34, 35, 36, 45(3), 49, 50 and 52 relating to Structure Plans and Local Development Plans pursuant to Parts 4, 5 and 6 of the deemed provisions:</p>
<p>Statutory Power being Delegated:</p>	<p>Decisions relating to Structure Plans and Local Development Plans under Parts 4, 5 and 6 of Schedule 2 of <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions)</p>
<p>Power is originally assigned to:</p>	<p>Local Government</p>
<p>Statutory Power of Delegation</p>	<p>Clause 82 of the <i>Planning & Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions)</p>
<p>Power Delegated to:</p>	<p>Chief Executive Officer</p>
<p>Council's Conditions on Delegation:</p>	<p>Council and Business Practice Condition</p> <p>The exercise of this delegated authority is conditional on the following:</p> <ol style="list-style-type: none"> Compliance with all applicable Local Planning Policies adopted by Council; Prior to commencement of advertising of any new structure plan or local development plan, or amendment thereto, Elected Members must be notified of the proposal in writing advising the dates when the public comment period will start and finish; the means by which the proposal will be advertised, and each Elected Member provided with copies of relevant plans and information relating to the proposal.; <u>Advertising of an amendment to a structure plan or an activity centre plan may be waived under Clause 29(3) or 45(3), respectively, of the deemed provisions where, in the opinion of the delegate, it is of a minor nature in which the change or departure does not:</u> <ul style="list-style-type: none"> <u>materially alter the purpose and intent of the structure plan;</u> <u>change the intended lot/ dwelling yield by more than 10 per cent or adversely impact upon the amenity of adjoining landowners and occupiers;</u>

- restrict the use and development of adjoining land; or
- significantly impact on infrastructure provision or impact upon the environment.

NOTE: Under Clauses 29(3) and 45(3) of the deemed provisions, the WAPC is also required to be of an opinion that an amendment to a structure plan / activity centre plan is of a minor nature prior to advertising being waived.

d) All new structure plans shall be referred to Council for consideration after being advertised for public comment;

de) ~~This delegation allows for the~~Endorsement of a recommendation for an amendment of to a structure plan or an activity centre plan Amendment under Clause 20-(2) or 36(2) respectively of the deemed provisions by the ~~Chief Executive Officer~~delegate after being advertised for public comment provided that:-

- Any objection received does not, in the opinion of the ~~Chief Executive Officer~~delegate, raise relevant planning considerations that cannot be specifically overcome by modification to that plan;
- Elected Members are notified in writing of the ~~Chief Executive Officer~~delegate's intention to do so and provided with a summary of submissions and Administration's recommendations in respect of those submissions; and
- Elected Members are provided with at least five working days in which to request that the proposal be referred to Council for consideration and recommendation.

ef) Endorsement of a recommendation for an amendment to a structure plan or an activity centre plan under Clause 20(2) or 36(2), respectively, of the deemed provisions by the delegate where advertising has been waived.

g) This delegation allows the determination of a Local Development Plan or amendment thereto under Part 6 of the deemed provisions, by the ~~Chief Executive Officer~~delegate after being advertised for public comment provided that:

- Any objection received does not, in the opinion of the ~~Chief Executive Officer~~delegate raise relevant planning considerations that cannot be specifically overcome by modification to that plan;
- Elected Members have been notified in writing of the ~~Chief Executive Officer~~delegate's intention to do so and provided with a summary of the submissions and Administration's recommendations in respect of those submissions; and

	<ul style="list-style-type: none"> Elected Members are provided with at least five working days in which to request that the proposal be referred to Council for determination. <p>fh) A Structure Plan, Detailed Area Plan or Amendment to either such plan shall be referred to Council for consideration and recommendation or determination (whichever appropriate), where requested by the applicant in writing.</p>
Statutory Power to Sub-Delegate:	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions) Clause 83</p>

7.28A CRIMINAL PROCEDURE ACT 2004 - APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS - HEALTH (ASBESTOS) REGULATIONS 1992

Appointment: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	a) An authorised officer who has reason to believe that a person has committed a prescribed offence may issue an infringement notice that complies with section 9 for the alleged offence. b) An approved officer may, in a particular case, extend the period to pay without prosecution for the alleged offence. An extension may be allowed even if the period has elapsed. c) An approved officer may withdraw an infringement notice.
Statutory Power being Appointed:	Criminal Procedure Act 2004 8. Issuing Infringement Notices 14. Extensions of time 15 Withdrawal of infringement notices
Power is originally assigned to:	Local Government
Statutory Power of Appointment	Health (Asbestos) Regulations 1992 r15D(5) Appointment of authorised and approved officers for the purposes of the <i>Criminal Procedures Act 2004</i> Part 2.
Positions Appointed:	Director Planning & Sustainability – Approved Officer Manager Health & Compliance – Approved Officer Coordinator Health Services – Approved Officer Environmental Health Officers – Authorised Officer
Council's Conditions on Appointment:	Environmental Health Officers are appointed as authorised officers for the purposes of a) only. The Director Planning & Sustainability, Manager Health & Compliance and Coordinator Health Services are appointed as approved officers for the purposes of b) and c).

7.31 HEALTH (ASBESTOS) REGULATIONS 1992 - APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	The appointment in writing of persons or classes of persons to be authorised officers or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2 in relation to infringement notices under the Health (Asbestos) Regulations 1992.
Statutory Power being Delegated:	Health (Asbestos) Regulations 1992 Regulation 15D(5) Appointment of authorised and approved officers for the purposes of the <i>Criminal Procedures Act 2004</i> Part 2.
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Health (Asbestos) Regulations 1992 15D. Infringement notices (7) A local government may delegate a power or duty conferred or imposed on it by this regulation to the chief executive officer of the local government.
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil

10.5 RECEIPT OF INWARDS SPONSORSHIP

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Approval of receipt of inwards sponsorships
Statutory Power being Delegated:	Section 6.15 (Local Government Act 1995)
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Section 5.42 of the Local Government Act 1995
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<ul style="list-style-type: none"> a) Subject to Sponsorship Policy; and b) Proposed sponsorships must be presented to Council for decision if so requested an Elected Member.

7.8A BUSH FIRES ACT 1954 – POWERS, DUTIES AND FUNCTIONS OF A LOCAL GOVERNMENT

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to perform all of the powers, duties and functions of the local government under the Bush Fires Act 1954 and Bush Fires Regulations 1954
Statutory Power being Delegated:	<i>Bush Fires Act 1954: Bush Fire Regulations 1954:</i>
Power is originally assigned to:	Local Government
Statutory Power of Delegation	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Excludes powers and duties that; <ul style="list-style-type: none"> • are subject to separate delegated authority within this Register as set out below; <ul style="list-style-type: none"> ○ Delegation 7.8B – Appointment of Bush Fire Control Officers; ○ Delegation 7.9 – Variation of Prohibited Burning Times; and ○ Delegation 7.10 Prosecutions; • are prescribed in the Act with a requirement for a resolution of the local government; and • are prescribed by the Act for performance by appointed officers
Statutory Power to Sub-Delegate:	Nil

Item 4 Motions on Notice**Item 5 Late Reports (to be circulated under separate cover)****5.1 Financial Activity Statement for the Period Ended 31 August 2017**

5.2 Warrant of Payments for the Period to 30 September 2017

Item 6 Public Question Time**Item 7 Confidential****7.1 Proposed lease of portion of 2 Bracknell Street, Yanchep**

File Ref: 29818 – 17/319404

Responsible Officer: Director Corporate Strategy and Performance

This report is to be dealt with in confidential session, under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

Item 8 Date of Next Meeting

The next Ordinary Council Meeting has been scheduled for 7:00pm on Tuesday 10 October 2017, to be held at Council Chambers, 23 Dundobar Road, Wanneroo.

Item 9 Closure



City of
Wanneroo

Council Chamber Seating Diagram

