



Council Minutes

UNCONFIRMED MINUTES

ORDINARY COUNCIL MEETING

7.00pm, 15 OCTOBER, 2019

Council Chambers, Civic Centre, Dundebur Road, Wanneroo

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

- To ensure there is a process in place to outline the access to recorded Council Meetings.
- To emphasise that the reason for recording of Council Meetings is to ensure the accuracy of Council Meeting Minutes and that any reproduction of these Minutes are for the sole purpose of Council business.

Implications

City of Wanneroo Strategic Community Plan 2017/2018 to 2026/2027:

“4 Civic Leadership

4.2 Good Governance

4.2.1 Provide transparent and accountable governance and leadership”

Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the *State Records Act 2000*.

Implementation

This Policy shall be printed within the Agenda of all Council Meetings which include:

- Ordinary Council Meeting;
- Special Council Meeting;
- Annual General Meeting of Electors; and
- Special Electors Meeting.

To advise the public that the proceedings of the meeting are recorded.

Evaluation and Review Provisions

Recording of Proceedings

1. Proceedings for Council Meetings; as well as Deputations and Public Question Time during these meetings shall be recorded by the City on sound recording equipment, except in the case of a meeting where Council closes the meeting to the public.
2. Notwithstanding subclause 1, proceedings of a Council Meeting, which is closed to the public, shall be recorded where the Council resolves to do so.
3. No member of the public is to use any audio visual technology or devices to record the proceedings of a Council or Committee Meeting, without the written permission of the Mayor or the Mayors Delegate.

Access to Recordings

4. Members of the public may purchase a copy of the recorded proceedings or alternatively, listen to the recorded proceedings at the Civic Centre. Costs of providing a copy of the recorded proceedings to members of the public will include staff time to make the copy of the proceedings; as well as the cost of the digital copy for the recording to be placed on. The cost of staff time will be set in the City's Schedule of Fees and Charges each financial year.
5. Elected Members may request a copy of the recording of the Council proceedings at no charge.
6. All Elected Members are to be notified when recordings are requested by members of the public, and of Council.
7. Transcripts can be produced on the request of the Chief Executive Officer and will include staff time set by the City's Schedule of Fees and Charges.



UNCONFIRMED MINUTES OF ORDINARY COUNCIL MEETING

HELD ON TUESDAY 15 OCTOBER, 2019

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MINUTES

Please refer to agenda for details of full reports and attachments.

Mayor Roberts declared the meeting open at 7:00pm and read the prayer.

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

TRACEY ROBERTS, JP

Mayor

Councillors:

NATALIE SANGALLI	North Coast Ward
LINDA AITKEN, JP	North Coast Ward
SONET COETZEE	North Coast Ward
RUSSELL DRIVER	North Coast Ward
LEWIS FLOOD	North Coast Ward
FRANK CVITAN, JP	Central Ward
SAMANTHA FENN	Central Ward
PAUL MILES	Central Ward
DOT NEWTON, JP	Central Ward
HUGH NGUYEN	South Ward
BRETT TREBY	South Ward
DOMENIC ZAPPA	South Ward

Officers:

DANIEL SIMMS	Chief Executive Officer
MARK DICKSON	Director, Planning and Sustainability
HARMINDER SINGH	Director, Assets
DEBBIE TERELINCK	Director, Community & Place
NOELENE JENNINGS	Director, Corporate Strategy & Performance
MUSTAFA YILDIZ	Executive Manager Governance and Legal
LIONEL NICHOLSON	Manager Infrastructure Capital Works
STEVE MARMION	Manager Advocacy & Economic Development
GREG BOWERING	Manager Approval Services
JACKIE KALLEN	A/ Manager Communications, Marketing & Events
RACHAEL WRIGHT	A/ Manager Council & Corporate Support
YVETTE HEATH	Minute Officer

Item 2 Apologies and Leave of Absence

Nil

There were 14 members of the public and two members of the press in attendance.

Item 3 Public Question Time**PQ01-10/19 Mr A Campbell, Dirleton Loop, Butler**

Climate change

1. *In recent months, there has been a rising concern about the consequences of the climate crisis amongst people, especially the youth in the City of Wanneroo.*

What I would like to know is, will the council declare a climate emergency in the City of Wanneroo?

Response by Mayor Roberts

Thank you for your question and copy of the petition which will be presented under Item 7. When petitions are accepted by the Council they are forwarded through to Administration who then prepare a report based on climate emergency. This report then comes back to Council and Council will read the contents of the report and will make an informed decision on the matter.

Response by Director Planning & Sustainability:

(Response provided in writing)

The City is actively responding to the issue of climate change on many fronts, within its bounds of responsibility.

In line with the City's *Strategic Community Plan*, which has the minimisation of climate change impacts as one of its objectives, Council on 24 September 2019 adopted its *Environment Policy*.

The Policy is the City's 'declaration' or commitment to protecting and enhancing its natural environment and implementing the principles of ecologically sustainable development throughout its operations. In particular, the Policy reflects Council's commitment to adapt to changing climate and to minimise its contributions towards climate change.

As part of the City's integrated and holistic approach to the environment, including addressing the issue of climate change, the City is currently implementing a range of strategies and plans.

The City's strategies and plans addressing climate change include the Local Environment Strategy, Climate Change Adaptation & Mitigation Strategy, Energy Reduction Plan, Waterwise Council Action Plan, Coastal Hazard Risk Management & Adaptation Plan, Strategic Waste Management Plan, Bushfire Risk Management Plan, Environmental Management System, Transport Strategy and Cycle Plan.

The City has received a petition entitled '*City of Wanneroo - Declare a Climate Change*'. In response to the petition, the City's Administration will prepare a report to Council for its consideration.

2. *Meaning the council will renew and strengthen the commitment to climate action in reference with the 'Climate Change Adaptation and Mitigation Strategy 2016-2020' report, support climate events such as the 'School Strike 4 Climate', educate children in schools about the climate emergency and join into both a national and global declaration?*

Response by Director Planning & Sustainability:

(Response provided in writing)

As outlined in the City's Environment Policy, the City is committed to mitigating the factors contributing to climate change and its impacts on the City.

Whilst the City is continuing with the implementation of its Climate Change Adaptation and Mitigation Strategy 2016-2020, the Strategy will be reviewed in 2020. The Strategy will be updated to reflect updated research in relation to climate change.

The City's Administration is currently in the process of applying to be a member of the State Government's Sustainable Schools Alliance. This will help consolidate efforts across the City reaching a wider spectrum of youth and creating, strengthening sustainable networks. The City is also revamping its website in relation to the environment and sustainability, to assist with community education and outlining the good work undertaken by the City in this area.

Joining or signing up to national or international declarations has not been considered by Council.

PQ02-10/19 Mrs S Eade, Lakelands Drive, Gnangara

East Wannon District Structure Plan (EWDSP) – dual carriageway of Badgerup Road

My family emigrated to Australia in 1999 and three years later became citizens. 16 years later I find myself pleading for our home. In September, three years after moving into our home, we find we are going to lose a large portion of our property to the dual carriageway of Badgerup Road due to the EWDSP to be carried out with the urbanisation of Gnangara. I have a family, plans for our family home, plans for our grandchildren to enjoy the 'Eade family farm'. Prior to our purchase the Council said there were no covenants or caveats or anything major in the area that I needed to be aware of but now been told this has all been in the pipeline for more than 10 years. What is my Council going to do to protect me and other residents who reside in Gnangara and are in the same predicament, along Badgerup, Franklin, Lenore, Sydney, to name a few of the roads? What is going to be done to protect future purchasers to the area who have no knowledge of the EWDSP – do they need to have the same heartache and despair fall upon them?

Response by Director, Planning & Sustainability

The EWDSP is being prepared by the WAPC and is currently out for public consultation until 20 December. Council is still to consider the EWDSP and its response to the document. A report is intended to be presented to the December Council meeting which will form the basis of Council's response to the document. At this stage, Council has not had an opportunity to consider the content of that formally through the report to be prepared for Council's consideration. Until such time, it is premature to provide any further comment. I appreciate your observation that this has been a long time in the making, but this is not a document that is being prepared by the City, it is a document prepared by the Commission of which the City will be a major consultee, along with the residents within the area affected by it.

Response by Mayor Roberts

I have written to the Minister for Planning requesting they have significant community consultation with the local community to explain the actual Structure Plan and the impact that it will have and as Mr Dickson has indicated the City itself will be providing a submission.

PQ03-10/19 Mrs R Casey, Winsport Court, Merriwa

Active Reserves Masterplan 2016 – community consultation

1. *Was Council aware when it endorsed the Active Reserves Masterplan report of 2016, that it contained false and misleading information? On page 11 of the Report, under the heading “1.6 Consultation Phase 1” it states the “City sent an information letter inviting interested users of active reserves and residents within the catchment areas, the opportunity to participate in an online survey.”*

The report makes it clear that the study was designed to include the views of local residents. On pages 13 and 14 under the heading “Phase 5”, the report states “the consultation strategy for the study was based upon consultation with the following stakeholder groups” and includes local residents in the list of external stakeholders.

In an email to me dated 10 October 2019, the Executive Manager, Governance & Legal advised that a direct mailout to residents was not deemed to be a practical approach. The significant change to the ARMP methodology calls into question the integrity of the study’s findings and recommendations. It fails the key principle of community engagement of encouraging broad representation from stakeholders within the City of Wannon to ensure that a diverse range of views are expressed and considered.

Local residents were best placed to have knowledge of individual park’s usage and amenities, observing it day to day, season to season and would best understand the potential impact of any changes. Although recognised as stakeholders, local residents received no direct encouragement to participate. Sporting clubs were encouraged and the weight of their involvement is most evident in the North Coast Ward responses to Phase 1, recording a total of 214 responses, 177 of which were from sporting club members.

It is not acceptable for Administration to excuse itself by saying it intended to consult with local residents following completion of the study. The strategy to involve residents in the development stages would be to avoid costly and time consuming delays if objections were to be raised following the production of detailed project plans, as would certainly have been the case with Addison Park. Had the original ARMP consultation strategy been followed, I would not be here this evening and there would not have been the need for the internal audit review.

Response by Executive Manager, Governance & Legal

Question taken on notice.

Further Response by Director, Community & Place

It is acknowledged that the final version of the City’s Active Reserve Master Plan states the following under Section 1.6 Consultation – Phase 1 (page 4):

“The City sent an information letter inviting interested users of Active Reserves and residents within the catchment areas the opportunity to participate in an on-line survey”.

Further, it is acknowledged that the report lists “*local residents*” as an external stakeholder group in Section 1.6 Consultation – Phase 5 (page 13).

The community engagement process undertaken in respect to the Active Reserve Master Plan process was as per the following:

Phase 1:

- Provision of an on-line survey;
- Advertise the survey link to residents via a media release to the local newspapers;
- Promotion of this survey on the City’s web site (Your Say) and the City’s Facebook page;
- Advertise the survey on the City’s intranet page to reach staff who are involved in sporting clubs or who are residents of the City of Wanneroo;
- Survey to be emailed out to current user groups on the City’s booking data base and on the City’s SmartClub database.

The City can confirm that a media release was sent to the local papers, the details of which were published in the North Coast Times on 15 July 2014 and on the Joondalup-Wanneroo Times Facebook page on 16 July 2014. The item was also promoted on the City’s Facebook page on 10 July 2014.

Final Consultation Phase (Phase 5):

In respect to the final phase of consultation process, the City can confirm that the draft plan was made available for public comment on the City’s web site from 5 July to 16 August 2016. Notice of this consultation period was placed on the City’s Facebook Page on 5 July 2016. The North Coast Times did an article on the public comment period on 28 July 2016 and also did a Facebook post on the same date. The web link to the draft plan was also sent to those stakeholders who were involved in the Phase 1 consultation process.

Hard copies of the report were also made available at the City of Wanneroo Civic Centre and the City’s branch libraries.

The above consultation approach is consistent with that which was reported to Council at its meeting held on 28 June 2016, via report CP03-06/16, which advised the following:

“Consultation

The consultation process undertaken to date as a part of the ARMP process is as follows:

Phase	Consultation	When
<i>Phase 1</i>	<i>City wide on-line survey of existing users of the City’s Active Reserves (28 days);</i>	<i>Open: 8 July 2014 Close: 4 August 2014</i>
<i>Phase 2</i>	<i>Workshop 1: Facility Concept Development</i>	<i>Central - 15 September 2014 Coastal - 22 September 2014</i>
<i>Phase 2</i>	<i>Workshop 2: Concept Design Presentation for consultation</i>	<i>Coastal - 22 April 2015 Central - 28 May 2015</i>
<i>Phase 3</i>	<i>Ward Active Reserves Master Plan Interim Reports to Council.</i>	<i>South - 28 April 2015, CD01-04/15 Central - 10 Nov 2015, CD04-11/15 North Coastal Interim Report was not presented to Council</i>

The remaining consultation activities to be concluded are as follows:

Phase	Consultation	When
Phase 4	<i>Draft City of Wanneroo Active Reserve Master Plan Report to Council, seeking approval for release for public comment.</i>	June 2016
Phase 5	<i>Public comment process (as outlined below)</i>	July 2016
Phase 6	<i>Draft City of Wanneroo Active Reserve Master Plan Report to Council, seeking final adoption as a working document.</i>	September 2016

Subject to Council approval, it is Administration's intention to release the draft City of Wanneroo Active Reserve Master Plan Report for a period of 4 weeks commencing Monday, 5 July 2016. Copies of the report will be available on line through the City's website and in hard copy at the Civic Centre and branch libraries. Notification will also be sent to all stakeholders involved in the process to date. The feedback received will be considered and a final version of the report, which is planned to be submitted to Council for consideration at the Ordinary Meeting of Council on 13 September 2016.

As discussed with Elected Members at the Council Forum held on 31 May 2016, Administration will give consideration to providing the Master Plan Report in a format which will be able to be easily accessed and read by the community.

It should be noted that each individual Active Reserve Master Plan and related infrastructure upgrade project will become a separate project within the City's 20 Year Capital Works Program and as such will be subject to further consultation with user groups and residents as per the City's Community Engagement Policy."

Specific correspondence was not distributed to individual residents (either in the Phase 1 or Phase 5 consultation process) as this was not deemed to be a practical approach, given the report captures 40 individual active reserves. Unfortunately this change was not captured in the draft Active Reserve Master Plan report as a part of the editing process prior to the report's finalisation, however the community consultation process was undertaken in accordance with the information provided to Council in June and again in October 2016 when the outcomes of the community consultation were reported.

2. *Why was the ARMP report not amended to document the change in strategy?*

Response by Executive Manager, Governance & Legal

Question taken on notice.

Further Response by Director, Community & Place

As the Active Reserve Master Plan (ARMP) included on the City's website does not fully reflect the consultation process reported to Council in June and October 2016, it is proposed that the ARMP amended to reflect the community consultation that was undertaken.

3. *Does Council maintain confidence in the integrity of Administration's community engagement practices in light of further evidence of breaches of City's policies, procedures and key principles, particularly when combined with the adverse findings in the Addison Park Audit Review? As my request for the findings of the Addison Park Audit Review to be made public was refused, I have attached below for the public record a copy of the letter received from the Executive Manager, Governance & Legal detailing the Audit Scope and Outcomes.*

Response by Executive Manager, Governance & Legal

In respect of the Council's confidence, whilst I cannot speak on behalf of Councillors, as advised to you the CEO will be looking to include an audit in respect of community consultation processes in the 3 year Strategic Audit Plan going forward and depending on the outcomes of that will seek to provide some assurance in respect of those particular processes.

Item 4 Confirmation of Minutes**OC01-10/19 Minutes of Ordinary Council Meeting held on 24 September 2019**

Moved Cr Cvitan, Seconded Cr Treby

That the minutes of the Ordinary Council Meeting held on 24 September 2019 be confirmed.

CARRIED UNANIMOUSLY

Item 5 Announcements by the Mayor without Discussion**OA01-10/19 Yanchep Lagoon Masterplan – International Recognition for Community Engagement**

I am very pleased to advise that the City of Wanneroo has been recognised internationally for its high standard of community engagement during the development of the Yanchep Lagoon Area Masterplan. At a recent meeting, the Deputy Mayor amended one of the recommendations to increase the number of local residents on the Yanchep Lagoon Community Working Group so that additional community members will have opportunity to be involved.

Item 6 Questions from Elected Members**CQ01-10/19 Cr Aitken – Safety of Two Rocks Roundabout and Definition of Storage Yard**

1. *Another accident has occurred at the Two Rocks Road roundabout since rumble strips have been put in, the increased signage and lighting – are there any further works to be done to make this roundabout safer and what time frame to have those works completed by?*

Response by Director Assets

At the moment administration is working with the developers' consulting engineers who originally designed the roundabout. They have proposed an amended design for the approach for the roundabout and working with them to finalise a cost. Also working with Western Power to relocate a light that is in the median island to the north of the roundabout. It is expected these works will be completed by the end of November.

2. *PS02-10/19 one of the key indications is storage yard and how the definition is interpreted. Could the Director of Planning & Sustainability explain the definition in this situation?*

Response by Director, Planning & Sustainability

The definition of storage yard is as contained within the Scheme. There was some confusion as to whether the appropriate definition should be storage yard or car park within the Scheme. There is some overlap between those two definitions. What is being stored at this site in Jandabup is caravans, boats, trailers and other materials including scaffolding and sea containers. Given the broad range of things being stored on the site, this is covered by the definition of storage yard. This is taken in the context of a previous SAT decision which was *Castle v City of Rockingham* in which the definition of goods in the Macquarie Dictionary was referenced as being very broad and in that case, things such as prime movers, heavy haulage vehicles, loaders, trailers, machinery and equipment can be considered as goods which is covered by the storage yard definition and on that basis I am satisfied it most closely aligns with storage yard definition within the Scheme. If the amendment is supported by Council, and then presented to the Commission and Minister for final approval, it would still need to go through that process and if it gets through that process it would then require a Development Application to be submitted and the City would have to consider the detail of what is proposed at that time.

CQ02-10/19 Cr Newton – Vacant blocks behind Hungry Jacks

1. *My question refers to Hastings quarter, better known as the overgrown lots behind Hungry Jacks facing the primary school and childcare centre in Keane Street and the residents in Hastings Street. I put through a complaint about the owners putting shade cloth on the outside of the fencing with their advert and blocking the footpath, and have also included three strands of barbed wire around it which is against the City's local law, which apparently they don't have to abide by. Have we contacted them and what was the response from the government department concerned?*

Response by Director, Planning & Sustainability

The owners of the land (Department of Communities) were contacted and Administration will provide the detail of the response to Elected Members.

2. *Was the response to agree to remove it?*

Response by Director, Planning & Sustainability

The response was they were not prepared to remove it.

Further Response by Director, Planning & Sustainability

The City's Fencing Local Law prohibits the use of barbed wire on residential zoned lots, unless otherwise approved by the local government.

Administration has investigated the issue and determined that the lot is owned by the Housing Authority and managed by the Department of Communities. As the lot is owned by the State Government they are not bound by the City's Local Laws.

Although the Housing Authority is not required to comply with the City's Fencing Local Law Administration has contacted Jeff Pitts, Area Manager for the Department of Communities to express the City's concerns about the type of fencing that has been used on the lot and requested that they consider removing the barbed wire.

The City received a response advising that the fencing would not be reconfigured and that the intent of the fencing is to ensure security as the lot develops, particularly given that the area has previously been subject to anti-social behaviour.

As a result of a recent enquiry from Councillor Newton a site inspection was undertaken by Administration when it was noted that part of the wind mesh was detached from the fence. The Department of Communities has been contacted in regards to this and Administration will continue to liaise with the Department to ensure that the matter is addressed.

Given that the City has no jurisdiction to enforce the Fencing Local Law in this instance, it is unable to take any further action on the matter.

CQ03-10/19 Cr Nguyen – Hardcastle Park, Landsdale

1. *Could the City provide an update on where the project is at for Hardcastle Park, Landsdale?*

Response by Director, Assets

This is currently out for tender.

2. *I understand the commencement date of the project is in January 2020. Given that the appeal against the clearing of the vegetation on site was dismissed some time ago, what is the reason as to why the project cannot be started earlier?*

Response by Director, Assets

Question taken on notice.

Further Response by Director, Assets

The outcome of appeal against the clearing permit was finalised in June 2019 and tender documents were finalised in July 2019. Tenders for the construction of Hardcastle Park were advertised on 3 August 2019 and closed on 3 September 2019. Tender evaluation is now complete and a report on tender award will be considered by the Chief Executive Officer under delegation.

Major construction works under the contract are scheduled to be undertaken from January to March 2020. Some preliminary works including site clearing and earthworks, sinking of a bore and site signage are being undertaken during November and December 2019, ahead of the main contract works.

Item 7 Petitions**New Petitions Received**

PT01-10/19 Request the City of Wanneroo to declare a Climate Emergency

Mayor Roberts presented a petition of 6 signatories requesting the City of Wanneroo to declare a climate emergency.

Moved Cr Zappa, Seconded Cr Fenn

That Petition PT01-10/19 be received and forwarded to the relevant Directorate for reporting back to Council.

CARRIED UNANIMOUSLY

Update on Petitions

UP01-10/19 Review the scale of the Child Care Centre at Lot 400 Harbour Elbow/ 103 Greenvale Place, Mariginiup (Cr Frank Cvitan)

Responsible Officer: Mark Dickson

Cr Cvitan presented a Petition of 203 signatories requesting the City review the scale of the Child Care Centre at Lot 400 Harbour Elbow/ 103 Greenvale Place, Mariginiup.

Update:

A report on this matter will be presented to the November Ordinary Council Meeting.

Item 8 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.

Cr Newton declared an impartiality interest in Item AS03-10/19 due to being a financial member of the Wanneroo Agricultural Society and also Patron and financial member of the Wanneroo Sports & Social Club.

Mayor Roberts declared an impartiality interest in Item AS03-10/19 due to being Patron and member of the Wanneroo Agricultural Society.

Planning and Sustainability

Approval Services

PS01-10/19 Proposed Amendment No. 177 to District Planning Scheme No. 2 to rezone Lot 9193 Joseph Banks Boulevard, Banksia Grove from Special Residential to Urban Development

File Ref: 37441 – 19/347623

Responsible Officer: A/Director Planning & Sustainability

Disclosure of Interest: Nil

Attachments: 9

Moved Cr Cvitan, Seconded Cr Fenn

That Council:-

1. Pursuant to Section 75 of the *Planning and Development Act 2005* **ADOPTS Amendment No. 177 to District Planning Scheme No. 2 to:**
 - a) **Rezone Lot 9193 Joseph Banks Boulevard, Banksia Grove from Special Residential to Urban Development and amend the scheme map accordingly as shown on Attachment 4 to this report; and**
 - b) **Modify Schedule 11 - Special Residential Provisions relating to Special Residential Zone No.2 by deleting 'Portion of Lot 9189 Flynn Drive, Banksia Grove' currently described as Lot 9193 Joseph Banks Boulevard, Banksia Grove.**

2. **RESOLVES**, pursuant to the Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, that Amendment No. 177 of the District Planning Scheme No. 2 is a standard amendment pursuant to Regulation 34(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it proposes to rezone the amendment area to Urban Development to be consistent with the Metropolitan Region Scheme wherein the amendment area is zoned Urban;
3. Pursuant to Section 81 of the Planning and Development Act 2005, **REFERS** Amendment No. 177 of the District Planning Scheme No. 2 to the Environmental Protection Authority; and
4. Subject to Environmental Protection Authority approval **ADVERTISES** Amendment No. 177 of the District Planning Scheme No. 2, pursuant to Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for a period of 42 days.

CARRIED UNANIMOUSLY



**DISTRICT
PLANNING
SCHEME No. 2**
Amendment No. 177

*Planning and Development Act 2005***RESOLUTION TO ADOPT AMENDMENT TO
LOCAL PLANNING SCHEME****CITY OF WANNEROO****DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 177**

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above local planning scheme to:

- a) Rezone Lot 9193 Joseph Banks Boulevard, Banksia Grove from Special Residential to Urban Development and amend the scheme map accordingly;
- b) Modify Schedule 11 – Special Residential provisions relating to Special Residential Zone No. 2 by deleting 'Portion of Lot 9189 Flynn Drive, Banksia Grove', currently described as Lot 9193 Joseph Banks Boulevard, Banksia Grove.

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- 1. It proposes to rezone the amendment area to Urban Development to be consistent with the Metropolitan Region Scheme wherein the amendment area is zoned Urban.

Date of Council Resolution

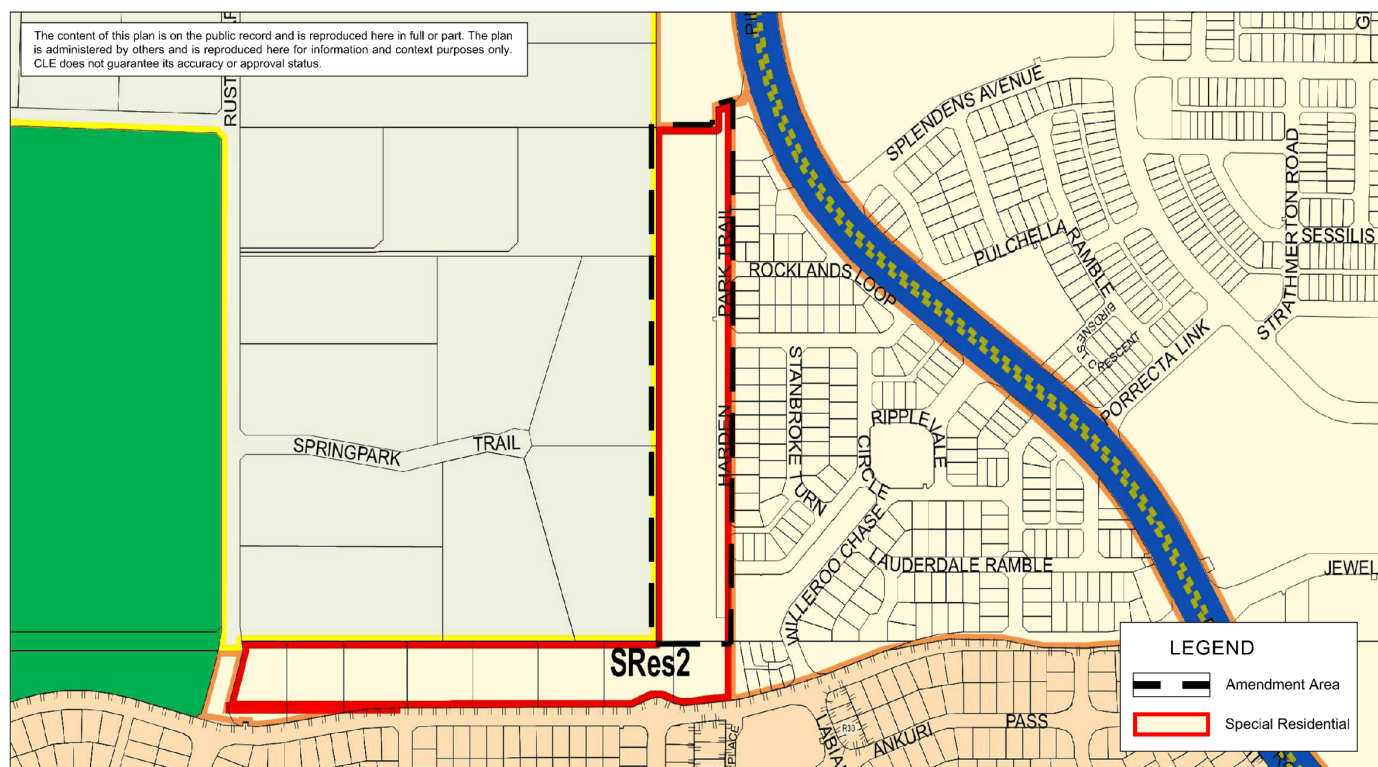
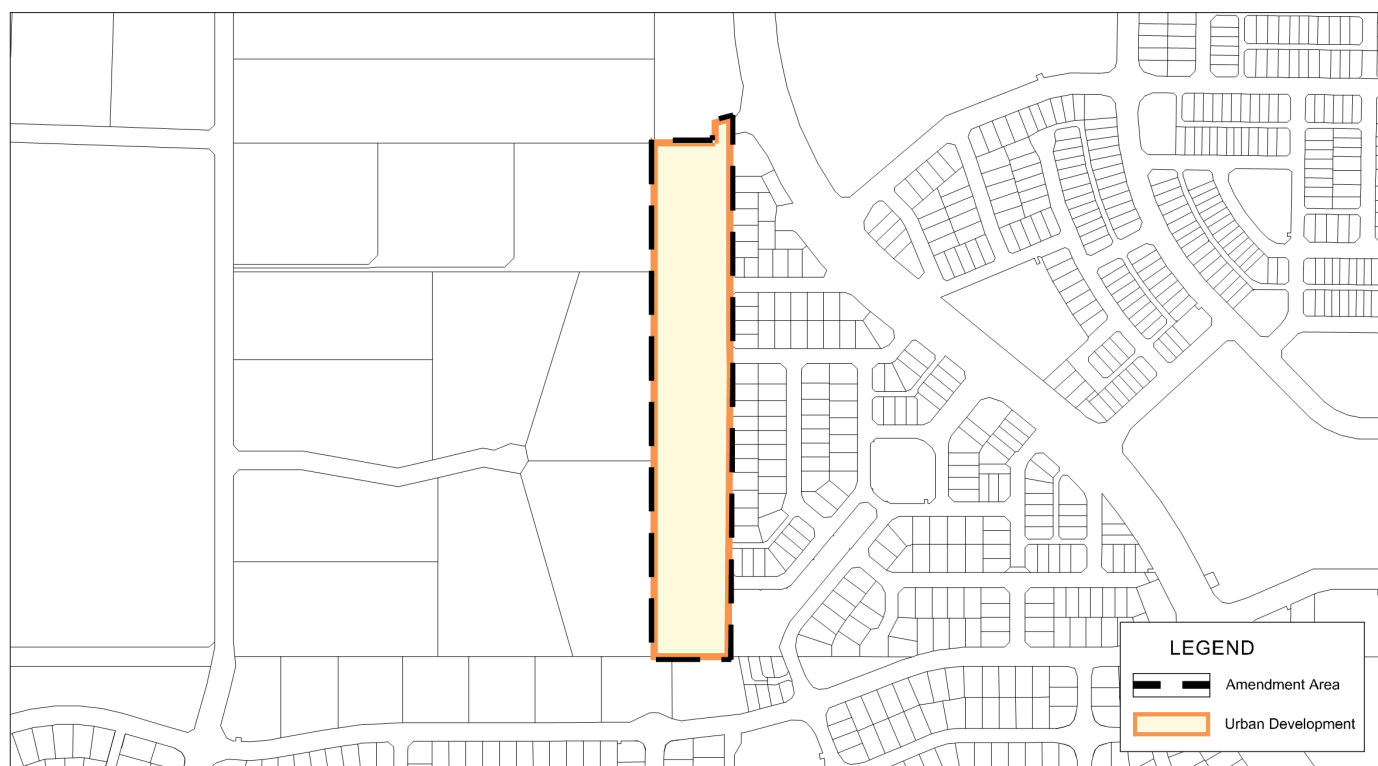
.....
(Chief Executive Officer)

Dated this day of20.....

PLANNING AND DEVELOPMENT ACT 2005**CITY OF WANNEROO****DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 177**

The City of Wanneroo under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme to:

- a) Rezone Lot 9193 Joseph Banks Boulevard, Banksia Grove from Special Residential to Urban Development and amending the scheme map accordingly;
- b) Modify Schedule 11 – Special Residential provisions relating to Special Residential Zone No. 2 by deleting 'Portion of Lot 9189 Flynn Drive, Banksia Grove' currently described as Lot 9193 Joseph Banks Boulevard.

**EXISTING****PROPOSED**

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the XX day of XXXX, 20XX

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the XX day of XXXX, 20XX, proceed to advertise this amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for support without modification by resolution of the City of Wanneroo at the Ordinary Meeting of the Council held on the XX day of XXXX, 20XX , and the Common Seal of the City of Wanneroo was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

.....
DELEGATED UNDER S.16 OF
PD ACT 2005

DATE

Approval Granted

.....
MINISTER FOR PLANNING, LANDS AND HERITAGE

DATE

PS02-10/19 Consideration of Amendment No. 170 to District Planning Scheme No. 2 - Lot 31 (90) Rousset Road, Jandabup

File Ref: 36216 – 19/249823
 Responsible Officer: A/Director Planning & Sustainability
 Disclosure of Interest: Nil
 Attachments: 3

Recommendation

That Council:-

1. Pursuant to Regulation 41(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, CONSIDERS the submissions received in respect of Amendment No. 170 to District Planning Scheme No. 2, a summary of which is included in Attachment 3;
2. Pursuant to Regulation 41(3)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DOES NOT SUPPORT Amendment No.170 to District Planning Scheme No. 2 to amend Schedule 2 – Section 1 (Clause 3.20) Additional Use to allow the land use Storage Yard at Lot 31 (90) Rousset Road, Jandabup as an Additional Use for the following reasons:
 - a) The area is characterised by a mix of rural residential, equestrian and agriculture uses. The Storage Yard land use will detract from the established rural character and amenity of the area and is inconsistent with the objectives of the General Rural Zone provided in Clause 3.16.1 of District Planning Scheme No. 2; and
 - b) The proposed additional use Storage Yard will be contrary to the principles of orderly and proper planning for the area.
3. Pursuant to Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and subject to Item 2. above, PROVIDES Amendment No. 170 to District Planning Scheme No. 2 to the Western Australian Planning Commission; and
4. ADVISES the submitters of its decision.

MOTION LAPSED FOR WANT OF A MOVER

Alternative Motion

Moved Mayor Roberts, Seconded Cr Cvitan

That Council:-

1. Pursuant to Regulation 41(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* CONSIDERS the submissions received in respect to Amendment No.170 to District Planning Scheme No.2 a summary of which is included in Attachment 3 to this report;
2. Pursuant to Regulation 41(3)(a) SUPPORTS Amendment No.170 to District Planning Scheme No.2 WITHOUT MODIFICATION to allow the land use Storage Yard as an additional use at Lot 31 (90) Rousset Road, Jandabup and AMENDS Schedule 2 – Additional Use as follows:

NO		STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE AND CONDITION(S) (WHERE APPLICABLE)
A40	1-40	90 Rousset Road, Jandabup	Lot 31	Storage Yard Condition: To expire within 3 years of the date the subject land is gazetted 'Urban' under the Metropolitan Region Scheme.

3. Pursuant to Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and subject to Item 2. above, PROVIDES Amendment No. 170 to District Planning Scheme No. 2 to the Western Australian Planning Commission; and
4. ADVISES the submitters of its decision.

CARRIED UNANIMOUSLY

Reason for Alternative Motion

- *The proposed additional land use will not prejudice the future planning of the area, noting a time limited Development Approval could be granted.*
- *The WAPC's draft East Wannon District Structure Plan (currently being advertised by the WAPC for public comment) is likely to indicate that the land will not be developed for an extended period – greater than 5 years.*
- *The land owners wish to continue their business until such time as the land can be sold for urban development purposes.*
- *The amenity of the area will not be impacted as the existing trees in the road verge partially screen the storage yard from the road and the land to the north and reduce visual and noise impacts.*
- *The proposed additional land use would provide a sought after service to Wannon residents who are unable to find alternative facilities.*

Amendment No. 170 to District Planning Scheme No. 2 – Lot 31 (90) Rousset Road, Jandabup –
Proposed Additional Use Storage Yard
Schedule of Submissions and Administration's response

No.	Details of the submitter	Submitter's Issue	Administration's response and recommendation
1.0	Details not provided		
1.1		The site surrounds a highly sensitive area.	The land surrounding the subject site is characterised by rural residential, equestrian and agricultural uses. The adjoining properties to the east and south are used for rural residential purposes. To the north there are a variety of rural uses including a mushroom farm, equestrian facilities and intensive agriculture. The use of the land as a Storage Yard results in the parking of numerous vehicles and equipment on the land which detracts from the rural character and amenity of the area.
1.2		The open-air storage of vehicles, trucks, caravans, etc pose both air and environmental pollution issues. Has the EPA been informed and what are their views	The amendment proposal was referred to the EPA who advised that the amendment proposal did not warrant an environmental assessment.
1.3		The Storage Yard is totally incompatible with the Rural Zoning.	Council at its meeting of 5 February 2019, while considering the amendment proposal noted as follows: <i>The objectives of the General Rural zone are:</i> a) <i>To accommodate agriculture, horticulture and equestrian activities; and</i> b) <i>To maintain and enhance the rural character and amenity of the areas designated for rural use and to protect their ground water and environmental values.</i> <i>Administration considers the Storage Yard neither maintains nor enhances the rural character and amenity of the area and</i>

			<i>therefore does not support the proposal. Additionally, Administration is concerned that support of the proposal is likely to set an undesirable precedent to support uses which detract from the established character of an area which is contrary to orderly and proper planning.</i>
1.4		The magnitude of the vehicles on the property seems to be increasing. By all account, it seems to be operating a business and yet there is no visible registered business name.	During a site visit, Administration counted about 120 vehicles on the site. The proposal is to accommodate up to 400 vehicles. If the amendment is approved by the Minister for Planning and gazetted then the applicant will need to register the business.
1.5		If the amendment is approved then it could set a precedent.	Council at its meeting of 5 February 2019 while considering the amendment proposal noted that <i>Administration is concerned that support of the proposal is likely to set an undesirable precedent to support uses which detract from the established character of an area which is contrary to orderly and proper planning</i>
1.6		Is there a proposal to change the Rural zoning to Industrial?	In the WAPC's Metropolitan Region Scheme, the site is zoned Urban Deferred. Currently the WAPC has released the draft East Wanneroo District Structure Plan for public comment. In the draft DSP the site is indicated for future residential development.
2.0	Mistybay Enterprises Pty Ltd 12 Supreme Loop Gnangara WA 6077		
2.1		Supports unreservedly the recommendation put forward by the City's Planning Officers to not support the amendment proposal.	Noted.
2.2		Invested substantially to operate a self-storage facility at 12 Supreme Loop, Gnangara under a planning framework. Would be most unjustly impacted by the unlawful operation	Noted.

		on the amendment site.	
2.3		Allowing the Storage Yard in Rural zone could increase the land values in Rural Zones	Land values are not a valid issue for planning considerations.
2.4		What impact does this use have on the surrounding rural land uses?	See response to Item 1.1 above.
2.5		Due to lower storage fees at the existing and unauthorised Storage Yard no one will be able to compete with this storage facility and therefore no new facilities will be developed. It is	Commercial competition is not an issue for planning consideration.

Assets**Infrastructure Capital Works****AS01-10/19 Tender No 19097 - Connolly Drive Duplication between Lukin Drive and Benenden Avenue**

File Ref: 34171 – 19/333082
 Responsible Officer: Director Assets
 Disclosure of Interest: Nil
 Attachments: 2

Moved Cr Driver, Seconded Cr Sangalli

That Council **ACCEPTS** Tender No 19097, submitted by Ralmana Pty Ltd t/as RJ Vincent, for the Construction of Connolly Road Duplication (Lukin Drive to Benenden Avenue), Butler for the fixed lump sum price of \$2,233,255.08 in accordance with the terms and conditions specified in the tender document.

CARRIED UNANIMOUSLY**AS02-10/19 Casserley Park Upgrade Passive Park - Budget Variation**

File Ref: 32968 – 19/373796
 Responsible Officer: Director Assets
 Disclosure of Interest: Nil
 Attachments: Nil

Moved Cr Treby, Seconded Cr Zappa

That Council **APPROVES BY ABSOLUTE MAJORITY** the following budget amendment, pursuant to Section 6.8(1)(b) of the *Local Government Act 1995* to fully undertake PR-2682 – Casserley Park Upgrade – Passive Park:

Project No	From	To	Description
N/A	\$79,250		Section 152 Reserve
PR-2682		\$79,250	Casserley Park Girrawheen Upgrade Passive Park

CARRIED BY ABSOLUTE MAJORITY**13/0**

Cr Newton declared an impartiality interest in Item AS03-10/19 due to being a financial member of the Wanneroo Agricultural Society and also Patron and financial member of the Wanneroo Sports & Social Club.

Wanneroo Agricultural Society.

AS03-10/19 Wanneroo Showgrounds Boundary Fencing Upgrade

File Ref: 31857 – 19/371930
 Responsible Officer: Director Assets
 Disclosure of Interest: Nil
 Attachments: 2

Moved Cr Newton, Seconded Cr Cvitan

That Council:-

1. **ACCEPTS \$90,000 funding offer made by Wanneroo Agricultural Society to assist the City with the completion of the Wanneroo Showgrounds fencing renewal and upgrade along Ariti Avenue section;**
2. **THANKS Wanneroo Agricultural Society for this generous funding offer;**
3. **NOTES that the proposed schedule the Wanneroo Showgrounds fencing renewal and upgrade will ensure the fencing works to be completed before 29 November 2019 Wanneroo Show (Ariti Avenue Section) and 26 January 2020 Wanneroo Festival (Fredrick Street and 22 Crisafulli Avenue Section); and**
4. **APPROVES BY ABSOLUTE MAJORITY the following budget amendment, pursuant to Section 6.8(1)(b) of the *Local Government Act 1995* to fully undertake Wanneroo Showgrounds, Wanneroo – Upgrade Existing Fencing works for all remaining stages:**

Income:

Project No	From	To	Description
N/A	\$90,000		Wanneroo Agricultural Society (Inc) Contribution
PR-1087	\$159,000		Recurring Program, Renew Transport Infrastructure Assets
PR- 4124		\$249,000	Wanneroo Showgrounds, Wanneroo – Upgrade Existing Fencing Along Boundary

CARRIED BY ABSOLUTE MAJORITY
13/0

Community & Place

Community Development

CP01-10/19 Community Gardens Policy Review

File Ref:	10667 – 19/354207
Responsible Officer:	Director Community and Place
Disclosure of Interest:	Nil
Attachments:	3
Previous Items:	CD01-05/14 - Community Gardens Policy - Ordinary Council - 27 May 2014 CE01-11/16 - Administrative Amendments to Council Policies - Ordinary Council - 07 Nov 2016

Moved Cr Newton, Seconded Cr Fenn

That Council ENDORSES the revised Community Gardens Policy, as per Attachment 1.

CARRIED UNANIMOUSLY



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Community Gardens Policy

Policy Owner: Community Planning & Development
Contact Person: Manager Community Development
Date of Approval:

POLICY STATEMENT

The City of Wanneroo (**the City**) is committed to providing a framework to support the development of **community gardens** within the City's boundaries and which provides a clear and consistent approach to assessing and responding to requests to establish community gardens on **City owned or managed land (City land)**.

The City acknowledges that community gardens are a valuable resource that foster community relationships, contribute to sustainable living and improve the wellbeing of individuals and the communities in which they reside.

POLICY OBJECTIVE

The objective of this policy is to articulate the support that the City aims to provide to encourage the development of community gardens.

Where there are requests to establish community gardens on existing and future City land this Policy aims to:

- Ensure consistency in the assessment and management of requests to establish community gardens on City land.
- Clarify considerations relevant to the identification and availability of suitable sites for the development of sustainable, community-managed community gardens.
- Broadly clarify the roles and responsibilities of all stakeholders involved.

SCOPE

This Policy applies to requests to establish a community garden on City land. This includes requests from community members, groups, organisations or developers. This Policy does not apply to requests to establish community gardens on land other than City land.

IMPLICATIONS (Financial, Human Resources)

The *Community Gardens Policy* (**Policy**) and related processes can be supported with existing resources and staffing.

Community gardens have been shown to deliver a range of individual and community benefits including improved community and individual health and wellbeing by providing opportunities for physical activity, improved diet, social connection, stress reduction,



Policy Manual

creativity, and connection with nature. The Policy aligns with the following objectives of 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*
 - 1.4 *Connected Communities*
 - 1.4.1 *Connect communities through engagement and involvement”*
- “4 *Civic Leadership*
 - 4.1 *Working with Others*
 - 4.1.2 *Engage, include and involve community.”*

IMPLEMENTATION

The City is to ensure that enquiries related to the establishment of community gardens on City land are responded to equitably using fair and transparent processes for:

- Identifying and assessing potential sites;
- Management and assessment of formal community garden applications; and
- Implementation of associated requirements including lease arrangements and development applications.

Accordingly, implementation of the Policy is to be guided internally by appropriate operational processes to be developed to guide enquiry response and all related processes including those described above.

The use of City land for community gardens is to be subject to tenure arrangements determined in accordance with the City's Leasing Policy. Community gardens being developed on City land are also subject to any standard development laws and required planning or building approvals.

Persons and organisations wishing to seek further information on the implementation of this Policy should refer to *A Guide to Community Gardening in the City of Wanneroo* (available on the City's website). This document provides guidance on key principles and the application process for requests to establish community gardens on City land including all requirements, site identification and assessment considerations, design principles, the application process and other associated processes including lease arrangements and development applications.

The City will attempt to identify suitable site options for broad community use purposes, including community gardens, however, identification and assessment of potential sites may be limited by site availability and competing priorities for land use and development. Co-location with other users of City land may be one alternative where a stand-alone site cannot be identified.

Interested individuals and groups may also want to consider privately owned or managed land within the City boundaries which may be available for community purposes as this may



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offer more suitable sites for community gardens where availability of suitable City land is limited for any reason.

Any arrangements for the use of land other than City land are a matter for the relevant landowner and beyond the scope of this Policy. However, general information on community gardens and establishing gardens on privately owned or managed land may be available in *A Guide to Community Gardening in the City of Wanneroo*. Developments on land other than City land will be subject to any standard development laws and any required planning or building approvals.

ROLES AND RESPONSIBILITIES

The City's Community and Place Directorate is responsible for the administration, enforcement, publication and compliance of this Policy and the associated Management Procedure, together with additional operational documents required including application forms and *A Guide to Community Gardening in the City of Wanneroo*.

The role of the City of Wanneroo is to facilitate and promote community gardens that are sustainably managed and led by the community on City land. Accordingly the City is required to keep this Policy up-to-date through regular review, provide publicly available, relevant information in a suitable format in the form of a guide to community gardening in the City, and to communicate information about community gardens through appropriate channels such as social media, newsletters and events.

Community garden groups are to be responsible for managing and maintaining the community garden so that the health and safety of the surrounding community is not adversely impacted.

Community garden groups are required to:

- Become an **incorporated association** to provide a suitable legal entity in order to manage their own insurance, funds and grant applications and to enter required tenure arrangements with the City;
- Develop and maintain their own Community Garden Management Plan including, but not limited to, consideration of management of risk, insurance coverage, membership and financial sustainability; and
- Abide by all relevant City and State legislation, with particular consideration given to those mentioned in the *References* section of this Policy.

DISPUTE RESOLUTION

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

EVALUATION AND REVIEW PROVISIONS

This Policy shall be subject to review every two (2) years.



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DEFINITIONS

<i>DEFINITIONS: Any definitions listed in the following table apply to this document only.</i>	
Community gardens	<p>A Community garden is a piece of land operated collectively by a group of people for the primary purposes of community food production and recreational gardening.</p> <p>There are a number of different structures of community gardens. The most common types are:</p> <ul style="list-style-type: none"> • Community gardens with individual allotments allocated to individual members; • Community gardens where the entire garden is run collectively as a shared enterprise; and/or • Community gardens that integrate both allotment and shared gardens.
City owned or managed land (City land) (City land)	Includes present and future City freehold land (land owned by the City of Wanneroo) and Crown land (land owned by the State, under the care and control of the City of Wanneroo, usually by way of a management order). It excludes privately owned or controlled land, and land owned or controlled by State Departments.
Incorporated association	An association incorporated under the Western Australian <i>Associations Incorporation Act 2015</i> .

RELEVANT POLICIES/MANAGEMENT PROCEDURES/DOCUMENTS OR DELEGATIONS

Community Gardens Management Procedure
 Community Garden Application Form
 A Guide to Community Gardening in the City of Wanneroo
 City of Wanneroo Leasing Policy
 Local Planning Policy 4.3 – Public Open Space
 City of Wanneroo Tree Preservation Policy

REFERENCES

City of Wanneroo Strategic Community Plan 2017/18-2026/27
 City of Wanneroo Public Health Plan
 City of Wanneroo Community Engagement Framework
 City of Wanneroo Public Places and Local Government Property Local Law 2015
 Public Works Act 1902
 Planning Bulletin 94 - Approval Requirements for Public Works and Development by Public Authorities
 Liveable Neighbourhoods: a Western Australian Government sustainable cities initiative
 Equal Opportunity Act 1984
 Occupational Safety and Health Act 1984



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RESPONSIBILITY FOR IMPLEMENTATION

Manager Community Development

Version	Next Review	Record No:
27 May 2014 – CD01-05/14	April 2016	13/139704
Administrative changes only. Adopted by Council 7 November 2016 CE01-11/16	June 2018	13/139704

Corporate Strategy & Performance**People & Culture****CS01-10/19 Occupational Safety and Health Policy Review**

File Ref: 14553V06 – 19/360569
Responsible Officer: Director Corporate Strategy & Performance
Disclosure of Interest: Nil
Attachments: 3

Moved Cr Zappa, Seconded Cr Fenn

That Council endorses the revised Occupational Safety and Health Policy, as per Attachment 1.

CARRIED UNANIMOUSLY



Policy Manual

Occupational Safety and Health Policy

Policy Owner:	People and Culture
Contact Person:	Manager People and Culture
Date of Approval:	TBC

POLICY STATEMENT

The purpose of this policy is to demonstrate the City of Wanneroo's commitment to providing a safe and healthy workplace.

POLICY OBJECTIVE

The City of Wanneroo (the City), in partnership with employees, volunteers and contractors will collectively contribute towards ensuring a safe workplace by:

- Fostering an organisational culture where all City employees, volunteers, and contractors positively accept responsibility for safety, health and wellbeing by integrating safety in day to day activities and ensuring continual improvement;
- Ensuring all Leaders display behaviours consistent with a safety culture, remain directly accountable for safety performance, and providing adequate resources for ensuring safety, health and wellbeing within the workplace;
- Ensuring all employees, volunteers and contractors understand their obligation to report for duty being fit for work;
- Encouraging active participation, consultation, cooperation and communication between employees, volunteers and contractors in promoting and developing measures to improve safety, health and wellbeing in the workplace;
- Recognising that all persons, including visitors, within the workplace are valued and that there will be no compromise in ensuring their safety, health and wellbeing;
- Implementing risk management systems and work practices which eliminate or control risks to individuals and the organisation, as well as encouraging a safety culture;
- Meeting at the very least, or exceeding obligations applicable under all relevant legislation, standards and other requirements to which the City is subject;
- Providing and maintaining relevant safety policies, procedures, systems, information, training, health and wellbeing programs, organisational structures and communication processes;
- Establishing clear targets and objectives to improve safety, health and wellbeing in the workplace, and reviewing these regularly;
- Ensuring that all contractors are engaged by the City based on their demonstrated ability to comply with all legislative and regulatory safety requirements, as well as any safety requirements the City prescribes; and
- Conducting investigations into incidents ensuring that any systemic issues are identified and pursued

16/331234v3



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SCOPE

This Policy covers all occupational aspects of the City's activities, business and operations.

IMPLICATIONS (Strategic, Financial, Human Resources)

This Policy aligns with the City's Strategic Community Plan as it aims to achieve strong Civic Leadership through providing transparent and accountable governance and leadership; providing responsible resource and planning management which recognises the City's significant future growth. Decision making and policy positions are developed considering all relevant and pertaining information including the risks to achieving outcomes.

IMPLEMENTATION

The Safety team will manage and monitor the implementation of the Occupational Safety and Health Policy. Administration will progress the work required to ensure that safety management processes are appropriately embedded into operational activities.

ROLES AND RESPONSIBILITIES

All Leaders

- Make available adequate resources, access to systems, training and expertise to enable the successful implementation of the OSH Policy;
- Ensure that all employees are inducted, trained and competent to carry out work in a safe manner;
- Be visible and committed, actively participate in OSH matters including investigations and training;
- Encourage and openly engage with employees to acknowledge and promote a positive safety attitude, respond to constructive feedback, and provide clarity on required and expected employee behavior.
- Regularly identify, assess, control and review OSH risks within your area of responsibility.
- Ensure the City's OSH system is reviewed and maintained on a regular basis ensuring adherence with relevant legislation and industry best practice; and
- Actively ensure engaged contractors and volunteers are adhering to the City's OSH expectations

Employees

- Actively participate and cooperate in OSH matters;
- Take responsibility for your own safety and the safety of others;
- Report fit to work
- Follow your Leader's safety and health instructions and any relevant operational or task procedures;
- Report any workplace hazards and incidents; and
- Use and look after any personal protective equipment.

16/331234v3



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OSH Team

- Ensure that awareness, knowledge and skills are developed with regards to OSH related matters through coordination, facilitation, and training of City employees and volunteers,
- Support employees by facilitating access to injury management , and health and wellbeing programs
- Support Leaders in investigations of incident and hazard reports
- Analysis and review of OSH Audits, incident and hazard reports etc. to identify systemic OSH issues for prioritisation, and monitor effectiveness of implementation of actions arising from such reports

EVALUATION AND REVIEW PROVISIONS

Targets and Objectives to evaluate the effectiveness of this Policy can be found in the OSH Management Plan. These measures will be reviewed annually.

DEFINITIONS

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

City	City of Wanneroo
OSH	Occupational Safety and Health

RELEVANT POLICIES/MANAGEMENT PROCEDURES/DOCUMENTS OR DELEGATIONS

- Code of Conduct – 2018
- Occupational Safety and Health Management Plan
- Asbestos Containing Materials (ACM) Management Procedure
- Blood Borne Viruses (BBV) Management Procedure
- Drug and Alcohol Policy
- Drug and Alcohol Procedure
- First Aid Application, Provision and Supplies Management Procedure
- Hazardous Substances Management Procedure
- Hot Works Management Procedure
- Internal Emergency Management Plan
- Journey Insurance Management Procedure
- OSH Communication and Consultation Management Procedure
- OSH Contract Management for City Contract Superintendents
- OSH Incident Investigation Management Procedure
- OSH Policy
- OSH Risk, Hazard and Incident Management Procedure
- OSH Volunteers Management Procedure
- Personal Protective Equipment (PPE) Management Procedure
- Pre-Employment Medical (PEM) Management Procedure



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- Prevention and Management of Aggression in the Workplace Management Procedure
- Restricted & Confined Space Entry Management Procedure
- Tagging and Equipment Isolation Management Procedure
- Ultraviolet Radiation and Heat Safety Management Procedure
- Working Alone Management Procedure
- Working from Heights Management Procedure
- Work Health and Safety Guidelines for Contractors

REFERENCES

Occupational Safety and Health Act 1984
 Occupational Safety and Health Regulations 1996
 ISO 45001 - Occupational Health and Safety

RESPONSIBILITY FOR IMPLEMENTATION

People and Culture

Version	Next Review	Record No:
1	July 2019	16/331234v2
2	August 2021	16/331234v3

16/331234v3

Transactional Finance

CS02-10/19 Change of Valuation of Land Method - 70 Carmignani Road, Gnangara

File Ref: 2093V03 – 19/376273
 Responsible Officer: Operations Manager Business and Finance
 Disclosure of Interest: Nil
 Attachments: 1

Moved Cr Treby, Seconded Cr Zappa

That Council:-

1. **NOTES** the predominant use of Lot 281 D88364, 70 Carmignani Road, Gnangara is residential;
2. **RECOMMENDS** to 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*.

CARRIED UNANIMOUSLY

Property Services

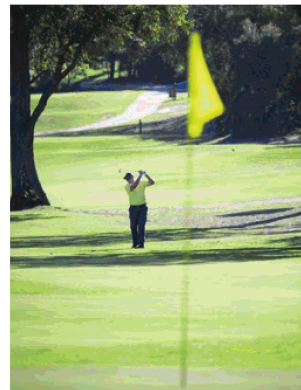
CS03-10/19 Golf Courses Strategic Plan

File Ref: 31868 – 19/361210
 Responsible Officer: Director Corporate Strategy & Performance
 Disclosure of Interest: Nil
 Attachments: 3
 Previous Items: CS03-06/17 - Tender 17007 - Provision of Golf Course Management Services for Carramar and Marangaroo Golf Courses for a Period of Five Years. - Ordinary Council - 27 Jun 2017 6.00pm

Moved Mayor Roberts, Seconded Cr Sangalli

That Council ENDORSES the Golf Courses Strategic Plan, as shown in Attachment 3.

CARRIED UNANIMOUSLY



GOLF COURSES STRATEGIC PLAN

Carramar Golf Course and Marangaroo Golf Course
2019-2034



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Our overall goal

The City’s goal within this Strategic Plan is to describe activities and opportunities to revitalise the civic golf courses in the City of Wanneroo over the next 15 years. This Plan describes how the golf courses will become more appealing to a wider range of users by introducing new services and facilities, and ensuring that they are relevant to changing community expectations and remain profitable.

<p>This Plan has been developed to support the City’s overall vision which describes Wanneroo as vibrant, progressive and prosperous. It also supports the City’s overall Strategic Community Plan 2017/18-2026, particularly the Society and Economy themes.</p>	<p>This Plan describes the City’s initiatives to introduce exciting new facilities including restaurants, spaces for celebratory and community events, and family friendly activities which build upon the golfing theme and make the most of the natural environment.</p>	<p>These complementary facilities and services will diversify users of the golf course sites by attracting a more broad demographic. The Golf Courses Strategic Plan is recognised as a ‘transformational project’ in the City’s Tourism Plan 2019-2024, which describes the following objective:</p>
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The City of Wanneroo will be recognised as a vibrant destination with a lifestyle worth experiencing, activated by exciting events, connected communities and nature at its best.

<p>In preparing the Golf Courses Strategic Plan, it is recognised that a large cohort of the golfing community enjoys the traditional golfing</p>	<p>experience available within the City, and it is important to keep providing this type of facility whilst identifying areas for improvement and creating</p>	<p>new facilities to provide for a more inclusive community hub.</p>
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Introduction to this Plan

The City is responsible for two civic golf courses:

- Marangaroo Golf Course was developed in 1988 and is located on 60 hectares of land within the suburb of Marangaroo; and
- Carramar Golf Course was developed in 1994 and is located on 67 hectares of land within the suburb of Carramar.

The golf courses currently return revenue to the City in rent, green fees, cart hire and driving range fee income, directed into Golf Course Reserves.

The Reserves fund improvements to tees, greens and fairways in a recurring capital program in accordance with the Masterplan for each course.

It is recognised that the current built facilities at both golf courses (eg pro shop, kiosk and ancillary buildings) are outdated, no longer support the requirements of a

successful golfing experience, and constrain the potential to provide additional or improved services from the sites.

Whilst the City wishes to improve and introduce new facilities at both golf courses, it is recognised that their proximity to each other means that changes should complement rather than compete.

Additionally, it is recognised that the demographics in the Carramar area differ to those in Marangaroo, and this will be considered when planning facilities and activities which would attract local residents as well as those inclined to travel to an iconic destination.

In order to obtain a balance of traditional and contemporary experiences, and to attract a wider audience whilst maintaining and improving on the standards golfing patrons expect, the following six key focus areas have been identified in this Plan:

- Presentation of the tees, greens and fairways;
- Clubhouse and amenities;
- Course improvements;
- Preservation of natural environment;
- Attraction and retention of patrons; and
- Financial resourcing.

These key areas have been identified as a result of community consultation, staff workshops, industry submissions and engagement with the existing golf course operators.

In finalising this Plan, the City considered inputs and feedback from many sources, including:

- Community comments and suggestions;
- Survey responses;
- Industry proposals;
- Specialist golf course consultants; and
- Other golf developments with expanded golf and hospitality offerings.

What has been achieved in the last 5 years

Since 2014, over \$6 million has been spent on capital works at the golf courses including the connection of both courses to mainline sewers and replacing reticulation lines, and renewing the perimeter fencing at Marangaroo.

The majority of capital expenditure has been dedicated to upgrading the golf course playing areas in line with a Masterplan prepared by a specialist golf course designer in 2015, and replacement of key items such as the irrigation systems, which

had reached the end of their useful life. This work has been entirely funded by golf course income.

In 2015 the City recognised it was timely to strategically review the future of the civic golf courses to ensure that they remain attractive and viable.

A specialist golf consultant was engaged to undertake a situational analysis and to develop a report that summarised the current status of the golf courses, providing observations and recommendations

and identifying key challenges and opportunities for contemporary golfing facilities in the medium term.

The current golf course Management Services contract and lease of both courses commenced on 19 September 2017, and in the same month the City commenced a project to consider the strategic evolution of the golf courses in line with the specialist golf consultant's recommendations.

Presentation of the course

The aim is to present the civic golf courses at consistently high standards.

Following a period of significant upgrading and maintenance activity, there will be no significant capital

works undertaken in the 2019/20 and 2020/21 financial years, so that patrons can enjoy the golf courses whilst the City plans for their evolution.

Necessary maintenance and course management will always take place to ensure the courses are presented in the best possible condition.

Clubhouse and amenities

The clubhouses were built more than 25 years ago, and since that time a number of upgrades to amenities have been completed. However, they are now due for major renovation to meet expectations and to expand the range of uses.

A target for this Plan is to consider opportunities for improvement or major development to each clubhouse and amenities, to commence in the 2022/23 financial year.

Future facilities will be commensurate with the vision for each golf course, which is yet to be determined, and its natural character, and may include:

- Bars and restaurants for casual and formal dining;
- Function centres to provide spaces / venues for celebration; and

- Improved pro-shop and building infrastructure.

Additional facilities and service provision to be considered are:

- Family activities (e.g. playground, mini golf, space for community events);
- Short format 6 and 9 hole games to cater for time poor participants;
- Multiple price points and memberships with flexible payment systems;
- Smart technology - on course data;
- Sports courts and fitness areas;
- Walking and cycle nature trails; and
- Accommodation for tourism and business.

Depending on the nature and type of improvements, there may be a requirement to revise the zoning and permitted uses of the golf courses sites and this will be addressed as part of planning for development and improvements.

State approval will be required to change a portion of Marangaroo Golf Course, which is Crown land, from a Class 'A' Reserve to a classification model which enables appropriate development.

To support new infrastructure and a wider range of service provision, improvements to the utilities supplying the golf courses will be required.

This will include upgrading water and electricity supplies, and introducing gas and the NBN.

Course and driving range improvements

The Golf Course Masterplans prepared in 2015 will be reviewed to consider the potential to revise the layout, flow and difficulty of 18-hole golf, and to provide for shorter games.

The Masterplan review will coincide with considering optimum usage of the entire space within the golf course area boundaries for inclusion in comprehensive Concept Plans for each course.

Whilst it is the City's intention to retain the facility to play 18-holes of golf at both courses, improvements are likely to include:

- Floodlit and improved driving range and practice areas, including the potential to reconfigure these;
- Introduction of appropriate technologies (e.g. Top Tracer, automated ball dispensers);

- Revision of course lay-out to create opportunities for shorter games and for contemporary golf variations at one course;
- Enhanced landscaping, pathways and course hardware sympathetic to the natural environment; and
- Further infrastructure upgrades to utilities and NBN connections.



Preservation of natural environment

Whilst the City is considering development outside of the footprint occupied by existing buildings, the beauty of the natural surroundings is recognised as an appealing aspect of both golf courses.	The City has identified that the natural flora and fauna presents an opportunity to attract non-golfers whilst still preserving the environment, perhaps with the introduction of walking trails and fauna tours.	A flora and fauna survey was undertaken at both golf courses in the spring of 2018 to identify areas of protected vegetation and habitat to support development planning.
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Attraction and retention of users

<p>Player and driving range attendances have been trending slightly down since 2015/16 although the last three years have included significant capital works which affected user numbers.</p> <p>A recent Customer Insights survey at Carramar Golf Course highlighted that 71% of participants are aged over 50 (56% being aged 60+), and the overwhelming majority of players are male (73%). Patronage of Marangaroo Golf Course follows the same trend, albeit with a slightly higher percentage of players aged over 60 years.</p>	<p>The City recognises the loyalty and contribution of regular golfers, and intends to retain the facility to play a traditional 18-hole game. However, the City accepts that longevity of the golf courses can only be achieved by providing additional facilities and services that attract a wider range of users and diversify income streams.</p> <p>With this in mind, the potential to introduce more contemporary facilities, activities and events, albeit around the golfing theme, aimed at attracting families, women, young people and non-golfers to golf courses is to be explored.</p>	<p>This could include one or both golf courses acting as a community hub, accessible to all groups and individuals for a variety of purposes.</p> <p>The City and golf course managers will strive to increase regular attendance by local golfing clubs and teams, and school groups as well as providing an environment which attracts new players and those who are time limited and may prefer a shorter game.</p> <p>This will include investigating opportunities to attract event and tournament bookings at the golf courses.</p>
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Fee structure

The fee structure for the golf courses is reviewed annually as part of Council's consideration of the overall Schedule of Fees and Charges, which includes benchmarking to ensure alignment with other local Councils and golf courses, and to reflect player demographics and encourage course usage.	The City will continue to benchmark pricing strategies every year and, whilst planning the redevelopment of the golf courses, will investigate the feasibility of introducing new membership and loyalty plans and other methods to add value to residents.	This might include opportunities for partnering arrangements with other City sporting facilities (e.g. Wanneroo Aquamotion), or reciprocal arrangements with golf courses in neighbouring Council areas.
--	---	--

Financial resourcing

<p>Whilst the City's civic golf courses are financially self-sustaining, the type of developments anticipated will require significantly more in terms of capital investment.</p> <p>A key objective of any plan for development of the golf courses is that it must be delivered on a cost neutral basis, referring to the need for any Council funding contributed to the development to be recovered in a very short time.</p> <p>The City will consider a variety of business models to fund</p>	<p>development and to manage the ongoing operations of the new golf course facilities.</p> <p>These are likely to include investigating sources of external investment, development funding, grants, loans, sponsorship and the potential for new governance arrangements and profit sharing.</p> <p>This may also include considering out-sourcing the development and ongoing management of the civic golf courses to industry professionals.</p>	<p>In parallel, the City will consider shorter term measures to increase revenue, recognising that financial performance at both golf courses is satisfactory in the current market.</p> <p>This might include a range of measures such as short-term leasing of unused buildings or introducing new activities which would not negatively impact on the playing of golf or on the tees, greens and fairways.</p>
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Time frames for this Plan

July 2019 to June 2021

Planning Stage

- Specialists in this type of facility design will commence preparation of detailed Concepts.
- Draft Concept Plans will be available for community consultation prior to being finalised.
- External consultants and/or development partners will be appointed to support the successful delivery of this Plan.
- Applications for any changes to zoning or permitted use of the golf courses will be lodged, to facilitate implementation of the approved Concept Plans, including changing a portion of Marangaroo Golf Course from a Class A Reserve to a Class C Reserve in line with other similar reserves.

July 2021 to June 2022

Preparation Stage

- The City will commence improvements to servicing and utilities infrastructure to support future developments.
- A detailed project timetable will be prepared to govern the phased development and improvements, with a focus on minimising disruption.

July 2022 to June 2029

Implementation Stage

- Phased development work is undertaken to revitalise the golf courses, making them more appealing and accessible to a wider range of users.

July 2029 and beyond

Review and Future Development Stage

- An updated Golf Courses Strategic Plan is developed, which builds upon the achievements of the last ten years and describes an updated vision and goals for the civic golf courses. This includes the opportunity to introduce short-term accommodation at one or both golf courses.





City of Wanneroo

23 Dundobar Road, Wanneroo, WA 6065

Locked Bag 1, Wanneroo, WA 6946

T (08) 9405 5000

After Hours 1300 13 83 93

E enquiries@wanneroo.wa.gov.au

wanneroo.wa.gov.au



Council & Corporate Support

CS04-10/19 Donations to be Considered by Council - October 2019

File Ref: 2856V010 – 19/378361
Responsible Officer: Director Corporate Strategy & Performance
Disclosure of Interest: Nil
Attachments: Nil

Moved Cr Cvitan, Seconded Cr Sangalli

That Council:-

- 1. APPROVES a request for sponsorship in the sum of \$600.00 to Greenwood College for the participation of Kianna Arnold, Rebecca Redmond and Helen Yu at the Australian Volleyball Schools Cup to be held in the Gold Coast, QLD from 7-13 December 2019;**
- 2. APPROVES a request for sponsorship in the sum of \$1,000.00 to Wanderers Australia for the participation of Montanna McGlinn and Chloe McGlinn at the Sporting Tour to provide advanced netball and soccer coaching and life skills programmes to be held in London and Paris from 1-19 January 2020;**
- 3. APPROVES a request for sponsorship in the sum of \$1,000.00 to Warwick Senators for the participation of Manaia Te Tana, Trey Sandon, Marques Latu and Steven Merenda (Under 14s Boys' Basketball Team) and Keira Thorup and Susan Fahnbulleh (Under 14s Girls' Basketball Team) at the National U14 Basketball Club Championships to be held in Wendouree, VIC from 30 September – 6 October 2019;**
- 4. APPROVES a request for sponsorship in the sum of \$600.00 to Wanneroo Districts Rugby Union Club for the participation of Justin Talemaira, Rueben Baker, Nathan Tahu and Kian Saus at the National Gold Cup Tournament (under 15s) to be held in Brisbane, QLD from 28 September – 5 October 2019; and**
- 5. APPROVES a request for sponsorship in the sum of \$600.00 to Indoor Sports WA for the participation of Hunter Jade Lawrence Beattie, Mya Walker and Lauren Reindl (14 and under team) at the National Indoor Netball Championships to be held in Toowoomba, QLD from 30 November – 7 December 2019.**

CARRIED UNANIMOUSLY

Chief Executive Office**Advocacy & Economic Development****CE01-10/19 2019 Federal Election Commitments and Funding Agreements**

File Ref: 36423 – 19/372299
 Responsible Officer: Chief Executive Officer
 Disclosure of Interest: Nil
 Attachments: Nil

Moved Mayor Roberts, Seconded Cr Sangalli**That Council:-**

1. **ACCEPTS** the external funding as outlined above subject to the Chief Executive Officer considering and negotiating the required funding agreements with the respective Federal Agencies for the following projects:
 - a) **Halesworth Park (Butler Open Space) - \$5 million funding;**
 - b) **Regional Northern Coastal Suburbs Swimming Pool - \$5 million funding;**
 - c) **CCTV Infrastructure - \$850,000 funding;**
 - d) **Wanneroo City Soccer Clubrooms Upgrade - \$400,000;**
 - e) **Kingsway Aquatic Playground - \$300,000 funding; and**
 - f) **Ridgewood Park Lighting Upgrade - \$190,000 funding.**
2. **AUTHORISES** the Chief Executive Officer to negotiate terms of the respective Deeds of Agreement on terms that are acceptable to the City;
3. **AUTHORISES** the Mayor and Chief Executive Officer to execute the respective Deeds of Agreement in accordance with the City's Execution of Documents Policy; and
4. **NOTES** that budget variations will be necessary upon completion of recommendations 1, 2 and 3 above and will be presented to Council as necessary.

CARRIED UNANIMOUSLY**Governance & Legal****CE02-10/19 Tamala Park Regional Council - Power of Attorney**

File Ref: 11575 – 19/379343
 Responsible Officer: Executive Manager Governance and Legal
 Disclosure of Interest: Nil
 Attachments: 3

Moved Cr Treby, Seconded Cr Cvitan**That Council:-**

1. **REVOKES** the Powers of Attorneys dated:
 - a) **12 July 2012 registration number M35069; and**

- b) 9 September 2013 registration number M402570;
2. GRANTS the Power of Attorney as set out in Attachment 3;
3. AUTHORISES affixing the City's Common Seal and the execution by the Mayor and CEO in accordance with the City's Execution of Documents Policy of the:
- a) Revocation of the Power of Attorneys set out in Attachments 1 and 2; and
 - b) Power of Attorney set out in Attachment 3.

CARRIED UNANIMOUSLY

FORM B 2

FORM APPROVED
NO. B2891WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED**BLANK INSTRUMENT FORM****REVOCATION OF POWER OF
ATTORNEY**

(Note 1)

THIS DEED OF REVOCATION made on _____ day of _____ 2019 by
CITY OF WANNEROO of 23 Dundobar Road, Wanneroo, Western Australia.

1. The City of Wanneroo (**City**) is the donor of a Power of Attorney dated 12 July 2012 and registered at Landgate Registration Number M35069 (**Registered Power of Attorney**) wherein it appointed JOHN ANTHONY ARIAS, Chief Executive Officer, Tamala Park Regional Council as its attorney and in the City's name to exercise the powers granted by the Registered Power of Attorney.
2. The City, by this Deed, hereby revokes the powers described above and appointed in the Registered Power of Attorney.

THE COMMON SEAL of the CITY OF)
WANNEROO was hereunto affixed by)
authority of a resolution of the Council)
in the presence of:)

MAYOR_____
(Print Full Name)_____
CHIEF EXECUTIVE OFFICER_____
(Print Full Name)

INSTRUCTIONS

1. This form may be used only when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet Form B1 should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

1. Insert document type.
2. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated.

OFFICE USE ONLY

LODGED BY McLeods Barristers & Solicitors

ADDRESS 220 Stirling Highway
CLAREMONT WA 6010

PHONE No. 9383 3133

FAX No 9383 4935

REFERENCE No. FG:MF:44644 (Wanneroo)

ISSUING BOX No. 346K

PREPARED BY McLeods Barristers & Solicitors

ADDRESS 220 Stirling Highway
CLAREMONT WA 6010

PHONE No. 9383 3133 FAX No. 9383 4935

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY.

TITLES, LEASES, DECLARATIONS ETC. LODGED HERewith

1. _____	Received Items
2. _____	
3. _____	Nos.
4. _____	
5. _____	
6. _____	Receiving Clerk

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

EXAMINED

FORM B 2

FORM APPROVED
NO. B2891WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED**BLANK INSTRUMENT FORM****REVOCATION OF POWER OF
ATTORNEY**

(Note 1)

THIS DEED OF REVOCATION made on _____ day of _____ 2019 by
CITY OF WANNEROO of 23 Dundobar Road, Wanneroo, Western Australia.

1. The City of Wanneroo (**City**) is the donor of a Power of Attorney dated 9 September 2013 and registered at Landgate Registration Number M402570 (**Registered Power of Attorney**) wherein it appointed the following persons, jointly and severally, as its attorney:

- (a) JOHN ANTHONY ARIAS, Chief Executive Officer, Tamala Park Regional Council;
- (b) WAYNE PATRICK BURNS, Senior Project Officer, Tamala Park Regional Council;
- (c) JASON RICHARD BUCKLEY, Chief Executive Officer, Town of Cambridge;
- (d) GARRY GEORGE HUNT, Chief Executive Officer, City of Joondalup;
- (e) GARY JOHN STEVENSON, Chief Executive Officer, City of Perth;
- (f) STUART JARDINE, Chief Executive Officer, City of Stirling;
- (g) ATHANASIOS KYRON, Chief Executive Officer, Town of Victoria Park;
- (h) JOHN GIORGI, Chief Executive Officer, City of Vincent; and
- (i) DANIEL JOHN SIMMS, Chief Executive Officer, City of Wanneroo,

and in the City's name to exercise the powers granted by the Registered Power of Attorney.

2. The City, by this Deed, hereby revokes the powers described above and appointed in the Registered Power of Attorney.

THE COMMON SEAL of the CITY OF)
WANNEROO was hereunto affixed by)
authority of a resolution of the Council)
in the presence of:)

MAYOR_____
(Print Full Name)_____
CHIEF EXECUTIVE OFFICER_____
(Print Full Name)

INSTRUCTIONS

1. This form may be used only when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
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NOTES

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2. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated.

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TITLES, LEASES, DECLARATIONS ETC. LODGED HERewith

1. _____	Received Items
2. _____	
3. _____	Nos.
4. _____	
5. _____	
6. _____	Receiving Clerk

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

EXAMINED

FORM B 2

FORM APPROVED
NO. B2891WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED**BLANK INSTRUMENT FORM****POWER OF ATTORNEY**

(Note 1)

BY THIS POWER OF ATTORNEY created this day of 2019
CITY OF WANNEROO of 23 Dundobar Road, Wanneroo, Western Australia.

RECITALS:

- A. The City of Wanneroo (**City**) is registered as the proprietor of an estate in fee simple as to 2/12 undivided shares in land being:

- (a) Lot 9001 on Deposited Plan 73462 and being the whole of the land comprised in Certificate of Title Volume 2790 Folio 174;
- (b) Lot 9510 on Deposited Plan 73462 and being the whole of the land comprised in Certificate of Title Volume 2790 Folio 175; and
- (c) Lot 9511 on Deposited Plan 73462 and being the whole of the land comprised in Certificate of Title Volume 2790 Folio 176,

and, where the context so requires, includes any part or parts of the above described land.

(**Lots**)

- B. The Lots previously formed part of Lot 9504 being the whole of the land comprised in certificate of title Volume 2230 Folio 333 (**Lot 9504**).
- C. The City together with the Town of Cambridge, City of Joondalup, City of Vincent, City of Stirling, Town of Victoria Park and the City of Perth (**local government participants**) agreed subject to the approval of the Minister for Local Government to establish a regional local government known as the Tamala Park Regional Council (**TPRC**) pursuant to section 3.61 of the *Local Government Act 1995* for the purpose of effecting the rezoning, subdivision, development, marketing and sale of that portion of Lot 9504 as is shown on the sketch annexed hereto as **Annexure "A" (Land)**.
- C. In accordance with section 3.61(2) of the *Local Government Act 1995* the City and the local government participants entered into an agreement to establish the TPRC and to set out the various matters as prescribed by section 3.64 of the *Local Government Act 1995* (**Establishment Agreement**), which agreement was signed by all of the parties to that document and approved by the Minister for Local Government on 24 January 2006.
- D. Pursuant to clause 4 of the Establishment Agreement the TPRC is permitted to undertake the rezoning, subdivision, development, marketing and sale of the Land in accordance with the objectives set out under the Establishment Agreement.

- E. The City wishes to enter into this power of attorney for the purpose of enabling the TPRC to carry out the marketing and sale of the Land on behalf of the City and to enable the TPRC to carry out and satisfy the obligations of the City in disposing of the Land or any part thereof under section 3.58(3) of the *Local Government Act 1995* and to do all such things and matters as are more particularly set out in the Schedule to this Power of Attorney to effect the transfer of any lots created from the subdivision of the Land.

Appointment of Attorney

1. *Appointment of Attorney*

- (a) By this deed the City APPOINTS the persons specified in Schedule 1 (**Attorney**) to be its attorney and in its name to exercise the powers granted by this Power of Attorney.
- (b) The City empowers the Attorney acting jointly and severally to do the things specified in Schedule 2.

2. *Powers of Attorney*

The City grants to the Attorney the power to sell and deal with any part or parts of the Land which comprises or will comprise a lot or a strata lot under or by virtue of the *Transfer of Land Act 1893* and the *Strata Titles Act 1985* (**Acts**) of which the City is the proprietor under the Acts and for that purpose:

- (a) to undertake the matters specified in the Schedule 2 to this Power of Attorney;
- (b) to execute a document specified in the Schedule 2 to this Power of Attorney (**Document**); and
- (c) do all things necessary or expedient to give effect to a Document including, but not limited to, completing any blanks and making any amendments, alterations and additions which may be considered necessary by the Attorney.

3. *Extent of Powers*

Each power granted under this Power of Attorney includes the powers:

- (a) to execute that power:
 - (i) wholly or in part;
 - (ii) in any manner; and
 - (iii) on terms and subject to conditions approved by the Attorney;
- (b) to do, execute and perform all things necessary or desirable in connection with that power;
- (c) to exercise that power and to do, execute and perform anything in connection with that power; and
- (d) to vary, alter or annul anything done by the Attorney in connection with that power.

4. ***To market and sell the Land or any part thereof***

The City grants the Attorney the right to do all such acts matters and things and to sign and execute all documents necessary to effect the marketing and sale of the Land or any part thereof and furthermore to accept and sign any contracts of sale for the Land or any part thereof subject to compliance with the provisions of section 3.58(3) of the *Local Government Act 1995*.

5. ***To carry out all actions necessary to satisfy section 3.58(3) of the Local Government Act 1995***

The City grants the Attorney the power to do all such acts matters and things and to carry out the obligations of the City under section 3.58(3) of the *Local Government Act 1995* to enable the disposal of the Land or any part thereof from the City to a buyer(s) and for that purpose its attorney shall be permitted to:

- (a) advertise any proposed disposition of the Land or any part thereof in accordance with section 3.58(3) of the *Local Government Act 1995*;
- (b) consider any submissions made in response to the advertising of the proposed disposition and following consideration of those submissions make a decision as to whether to proceed with that disposal in accordance with the requirements of section 3.58(3)(b) of the *Local Government Act 1995*; and
- (c) following a decision being made by its attorney to dispose of the Land or any part thereof in accordance with section 3.58(3) of the *Local Government Act 1995*, sign any contract for the sale of the Land or any part thereof on behalf of the City and provide a copy of any signed contract to any buyer(s) and/or agent of any buyer(s).

6. ***To do other necessary acts***

The Attorney agrees to do every other thing which may be deemed necessary, proper or expedient for fully and effectually marketing and selling the Land or any part thereof and to ensure that the City satisfies its obligations under section 3.58(3) of the *Local Government Act 1995* prior to disposing of the Land or any part thereof.

7. ***Reliance on Appointment***

Any person, including the Registrar of Titles of Western Australia, dealing with the Attorney under this Power of Attorney is:

- (a) entitled to rely on execution of any document by that person as conclusive evidence that:
 - (i) this Power of Attorney has come into effect;
 - (ii) this Power of Attorney has not been revoked; and
 - (iii) that the power being exercised or being purported to be exercised is properly exercised and that the circumstances have arisen to authorise the exercise of that power; and
- (b) not required to make any inquiries in respect of any of the above matters.

8. ***Declaration of validity***

The City declares that all and each of the assurances and acts, contracts, matters and things which shall be given, made, executed or done by its attorney for the above-mentioned purposes shall be as good, valid and effectual to all intents and purposes as if the same had been signed, sealed, delivered, given or made or done by the City.

9. ***Ratification***

The City undertakes to ratify all that the Attorney lawfully does or causes to be done under this Power of Attorney.

10. ***Indemnity***

The City indemnifies the Attorney in respect of any loss arising from any act done under this Power of Attorney.

11. ***Revocation***

This Power of Attorney will remain in full force until the earlier of:

- (a) the date on which the whole of the Land is subdivided and all subdivided lots created from the subdivision of the Land have been transferred to a third party; or
- (b) the date on which notice of revocation of this Power of Attorney is received by the Attorney.

12. ***Interpretation***

In this Power of Attorney, unless the context otherwise requires:

- (a) headings, underlines and numbering do not affect the interpretation or construction of this Power of Attorney;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, joint venture, association, corporation or other body corporate;
- (e) a reference to any statute, regulation, proclamation or local law includes all statutes, regulations, proclamations or local law varying, consolidating or replacing them, and a reference to a statute includes all regulations, proclamations and local laws issued under that statute; and
- (f) the Schedule and Annexures (if any) form part of this Power of Attorney.

Schedule 1 - Attorney

The employees of the:

- (a) Tamala Park Regional Council;
- (b) Town of Cambridge;
- (c) City of Joondalup;
- (d) City of Perth;
- (e) City of Stirling;
- (f) Town of Victoria Park;
- (g) City of Wanneroo; and
- (h) City of Vincent,

who from time to time occupy a position which includes the words “chief executive officer” or “acting chief executive officer” within the titled position.

Schedule 2 - Relevant Matters and Documents

(1) Any:

- (a) contract of sale (which includes without limitation the decision to sell, the selling price and the terms and conditions of sale);
- (b) transfer of land;
- (c) easement;
- (d) deed of surrender of easement;
- (e) application for surrender or extinguishment of easement;
- (f) caveat;
- (g) withdrawal of caveat;
- (h) application for new Certificates of Title for any subdivision of land;
- (i) application for subdivision;
- (j) deed of restrictive covenant;
- (k) surrender of restrictive covenant;
- (l) section 70A Notification;
- (m) section 165 Notification; and
- (n) deed of novation, deed of covenant or other deed

in respect of the Land or lots which are comprised of the Land.

(2) Any other document:

- (a) dealing with the development or subdivision of the Land, including documents required by all relevant authorities, including without limitation the local government, Western Power, Telstra, AlintaGas and Water Corporation; and
- (b) in connection with the sale, transfer, subdivision or development, of the Land or any part of the Land or lots which are comprised of the Land.

(3) Any other document dealing with the management and allocation of proceeds of sale of the Land or lots which are comprised of the Land in accordance with the terms and conditions of the Establishment Agreement of the Tamala Park Regional Council, including without limitation the opening of accounts and depositing of monies in such accounts, and the withdrawal of such monies and the signing, acceptance or endorsement of all cheques in connection with the sale, transfer, subdivision or development of the Land or lots which are comprised of the Land.

THE COMMON SEAL of the CITY OF)
WANNEROO was hereunto affixed by)
authority of a resolution of the Council)
in the presence of:)

MAYOR

(Print Full Name)

CHIEF EXECUTIVE OFFICER

(Print Full Name)

9504
DP 52070
38,3023 Pa
(169.419 ha)

9504
DP 52070
88,5635 Pa
(169.419 ha)

9504
DP 52070
32,5532 Pa
(169.419 ha)

NEWMARUP ROAD

CONNOLLY DRIVE

MAPSON AVENUE

LOT BOUNDARY

LOCAL STRUCTURE PLAN BOUNDARY

NOTE: Area shown is Northern portion of Lot 9504 to Local Structure Boundary

LOCATION PLAN

McMULLENOLAN GROUP
Surveying & Engineering

CATALINA LOCAL STRUCTURE PLAN BOUNDARY
Tamala Park

96641-047-8

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1. This form may be used only when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet Form B1 should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

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3. _____	Nos.
4. _____	
5. _____	
6. _____	Receiving Clerk

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

EXAMINED

Item 9 Motions on Notice

Nil

Item 10 Urgent Business

Nil

Item 11 Confidential

Moved Cr Treby, Seconded Cr Zappa.

That Council move into a Confidential Session to discuss item CR01-10/19 under the terms of the Local Government Act 1995, Section 5.23(2).

The meeting was closed to the public and all recording ceased at 8:01pm.

CR01-10/19 Staffing Matters

File Ref:	14553V06 – 19/383880
Responsible Officer:	Director Corporate Strategy & Performance
Disclosure of Interest:	Nil
Attachments:	Nil

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:

(a) a matter affecting an employee or employees

Moved Cr Treby, Seconded Cr Zappa

That Council APPROVES for the Chief Executive Officer to finalise negotiations and progress the Enterprise Agreement to voting, in accordance with the financial parameters of the Long Term Financial Plan and the Annual Budget.

CARRIED UNANIMOUSLY

Moved Cr Cvitan, Seconded Cr Sangalli

That the meeting be reopened to the public.

The meeting was reopened to the public and all recording recommenced at 8:04pm

Mayor Roberts read aloud the resolution made in item CR01-10/19 and then thanked her fellow Elected Members for their support and dedication to the community and wished everyone well in the upcoming Election.

Item 12 Date of Next Meeting

The next Special Council Meeting has been scheduled for 6:00pm on Tuesday, 29 October 2019, to be held in the Council Chambers (Level 1), 23 Dundobar Road, Wanneroo.

Item 13 Closure

There being no further business, Mayor Roberts closed the meeting at 8:05pm.