



Council Agenda

ORDINARY COUNCIL MEETING

7:00pm, 30 June 2020

**Council Chambers (Level 1), Civic Centre,
23 Dundobar Road, Wanneroo**

COVID-19 Pandemic Situation

The City of Wanneroo is committed to ensuring the safety of all attendees at public meetings. Therefore, social distancing will be applied in the Council Chambers in accordance with State Government Regulations.

The capacity of the Council Chambers is restricted under these conditions and should the maximum capacity of the Chambers be exceeded, additional seating will be available in an alternative room to enable all public attendees to listen live to the audio (only) of the meeting (no video is available). Should the maximum capacity be exceeded, you may be asked to attend the alternative room and may not be able to enter the Chambers as required by current State Government Regulations.

Thank you for your understanding of these circumstances.

PUBLIC QUESTION & STATEMENT TIME

1. Time Permitted

A minimum of 15 minutes is permitted for Public Question Time at Council Meetings. If there are not sufficient questions to fill the allocated time, the Presiding Member will move to the next item. If there are more questions to be considered within 15 minutes, the Presiding Member will determine whether to extend Public Question Time. Each person seeking to ask questions during Public Question Time may address the Council for a maximum of three minutes each.

2. Protocols

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public wishing to participate in Public Question Time at the Council Meeting are to register on the night at the main reception desk located outside of Council Chambers. Members of the public wishing to submit written questions are requested to lodge them with the Chief Executive Officer at least 30 hours prior to the start of the meeting (that is, by 12noon on the day before the meeting).

The Presiding Member will control Public Question Time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public wishing to ask a question must state his or her name and address before asking a question. If the question relates to an item on the Agenda, the item number and title should be stated.

3. General Rules

The following general rules apply to Public Question and Statement Time:

- Public Questions and Statements should only relate to the business of the local government and should not be a personal statement or opinion;
- Only questions relating to matters affecting the local government will be considered at a Council Meeting, and only questions that relate to the purpose of the meeting will be considered at a Special Council Meeting;
- Questions may be taken on notice and responded to after the meeting;
- Questions may not be directed at specific Elected Members or City Employee;
- Questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or City Employee;
- First priority will be given to persons who are asking questions relating to items on the current Council Meeting Agenda; and
- Second priority will be given to Public Statements. Only Public Statements regarding items on the Council Agenda under consideration will be heard.

D E P U T A T I O N S

An informal session will be held on the same day as the Council meeting at the Civic Centre, Wanneroo, commencing at 6.00pm. Members of the public may, by appointment, present Deputations relating to items on the current Council Agenda. A request for a Deputation must be received by Council Support by 12 noon on the Friday before the Council Meeting.

- Deputation requests must relate to items on the current Council Meeting Agenda;
- A Deputation is not to exceed three persons in number and only those persons may address the meeting; and
- Members of a deputation are collectively to have a maximum of 10 minutes to address the meeting, unless an extension of time is granted by the Council.

Please ensure mobile phones are switched off before entering the Council Chamber.

For further information please contact Council Support on 9405 5027.

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.



Notice is given that the next Ordinary Council Meeting will be held in the Council Chambers
(Level 1), Civic Centre,
23 Dundebur Road, Wanneroo on **Tuesday 30 June, 2020** commencing at **7:00pm**.

D Simms
Chief Executive Officer
25 June, 2020

CONTENTS

ITEM 1	ATTENDANCES	1
ITEM 2	APOLOGIES AND LEAVE OF ABSENCE	1
ITEM 3	PUBLIC QUESTION TIME	1
ITEM 4	CONFIRMATION OF MINUTES	1
OC01-06/20	MINUTES OF ORDINARY COUNCIL MEETING HELD ON 2 JUNE 2020	1
SOC02-06/20	MINUTES OF SPECIAL COUNCIL MEETING HELD ON 16 JUNE 2020	1
ITEM 5	ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION	1
ITEM 6	QUESTIONS FROM COUNCIL MEMBERS	1
ITEM 7	PETITIONS	1
	NEW PETITIONS RECEIVED	1
	UPDATE ON PETITIONS	1
ITEM 8	REPORTS	2
	PLANNING AND SUSTAINABILITY	2
	STRATEGIC LAND USE PLANNING & ENVIRONMENT	2
PS01-06/20	ADMINISTRATION OF DEVELOPER CONTRIBUTION ARRANGEMENTS - PROPOSED OMNIBUS AMENDMENT 185 TO DISTRICT PLANNING SCHEME NO. 2	2
PS02-06/20	CLOSE OF ADVERTISING - ANNUAL REVIEW OF CELL COSTS FOR THE EAST WANNEROO CELL 1 PLANNING AND DEVELOPER CONTRIBUTION ARRANGEMENTS	12
PS03-06/20	CONSIDERATION OF AMENDMENT NO. 183 TO DISTRICT PLANNING SCHEME NO. 2: LOTS 10 AND 11 DUNDEBAR ROAD AND LOTS 28 AND 29 BELGRADE ROAD, WANNEROO.	32
	APPROVAL SERVICES	41
PS04-06/20	CONSIDERATION OF AMENDMENT NO. 182 TO THE DISTRICT PLANNING SCHEME NO.2 TO ALLOW AGED PERSONS DWELLING AS ADDITIONAL USE	41
PS05-06/20	CONSIDERATION OF AMENDMENT NO. 38 TO THE EAST WANNEROO CELL 4 APPROVED STRUCTURE PLAN NO. 6 - LOT 594 RANWORTH ROAD, HOCKING	61
PS06-06/20	CONSIDERATION OF DEVELOPMENT APPLICATION - ADDITIONS TO SUPERMARKET AND SIX SPECIALTY STORES (TWO DIGITAL WALL SIGNS) - 131 PINJAR ROAD, ASHBY	100

PS07-06/20	CONSIDERATION OF DEVELOPMENT APPLICATION FOR A PLACE OF WORSHIP AND CARPARK MODIFICATIONS AT LOT 217 (6) KURRAJONG BOULEVARD, BANKSIA GROVE (DA2019/1462)	115
PS08-06/20	PROPOSED AMENDMENT NO. 179 TO DISTRICT PLANNING SCHEME NO. 2 - LOTS 1, 2, 7, 12, 13, 36 TO 38 CAPORN STREET, WANNEROO	141
ASSETS		153
STRATEGIC ASSET MANAGEMENT		153
AS01-06/20	DEPARTMENT OF TRANSPORT LONG TERM CYCLE NETWORK FOR THE CITY OF WANNEROO	153
AS02-06/20	METROPOLITAN REGIONAL ROADS PROGRAM - 2021/2022	162
INFRASTRUCTURE CAPITAL WORKS		168
AS03-06/20	TENDER 20100 SUPPLY AND INSTALLATION OF PARK FURNITURE AND ASSOCIATED AMENITIES	168
WASTE SERVICES		176
AS04-06/20	REVIEW OF THE WASTE LEVY	176
AS05-06/20	CLOSING THE LOOP - WASTE REFORMS FOR A CIRCULAR ECONOMY	210
CORPORATE STRATEGY & PERFORMANCE		313
BUSINESS & FINANCE		313
CS01-06/20	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MAY 2020	313
TRANSACTIONAL FINANCE		342
CS02-06/20	WARRANT OF PAYMENTS FOR THE PERIOD TO 31 MAY 2020	342
PROPERTY SERVICES		392
CS03-06/20	PROPOSED NEW LEASE TO THE PATRICIA GILES CENTRE INC. AT THE MERRIWA HUB	392
CS04-06/20	PROPOSED NEW LEASE TO WANNEROO DISTRICTS RUGBY UNION FOOTBALL CLUB (INC.) OVER A PORTION OF KINGSWAY REGIONAL SPORTING COMPLEX (LOT 555, KINGSWAY, MADELEY)	400
CHIEF EXECUTIVE OFFICE		407
GOVERNANCE & LEGAL		407
CE01-06/20	ANNUAL DELEGATED AUTHORITY REVIEW 2019/2020	407
ITEM 9	MOTIONS ON NOTICE	559
ITEM 10	URGENT BUSINESS	559
ITEM 11	CONFIDENTIAL	559
CR01-06/20	SENIOR OFFICER APPOINTMENT	559
ITEM 12	DATE OF NEXT MEETING	559
ITEM 13	CLOSURE	559

A G E N D A

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

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

Item 1 Attendances

Item 2 Apologies and Leave of Absence

Item 3 Public Question Time

Item 4 Confirmation of Minutes

OC01-06/20 Minutes of Ordinary Council Meeting held on 2 June 2020

That the minutes of Ordinary Council Meeting held on 2 June 2020 be confirmed.

SOC02-06/20 Minutes of Special Council Meeting held on 16 June 2020

That the minutes of Special Council Meeting held on 16 June 2020 be confirmed.

Item 5 Announcements by the Mayor without Discussion

Item 6 Questions from Council Members

Item 7 Petitions

New Petitions Received

Update on Petitions

Item 8 Reports

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

Planning and Sustainability

Strategic Land Use Planning & Environment

PS01-06/20 Administration of Developer Contribution Arrangements - Proposed Omnibus Amendment 185 to District Planning Scheme No. 2

File Ref:	5734V03 – 20/230162
Responsible Officer:	Director Planning and Sustainability
Disclosure of Interest:	Nil
Attachments:	2

Issue

To consider a range of proposed improvements to the City's administration of Developer Contribution Arrangements (**DCA's**) in relation to the East Wannon Cells 1-9 and a proposed Omnibus Amendment 185 to the City's District Planning Scheme No. 2 (**DPS 2**) to facilitate the improvements.

Background

Administration has recently completed the annual review for the developer contribution arrangements for East Wannon Cells 1-2 and 4-9 (Cell 3 is pending *gazettal* of Amendment 178 to DPS 2). The annual review highlighted a number of issues associated with the now outdated provisions in Part 9 of DPS 2, which require changes in order to improve the City's management of the developer contribution arrangements for the Cells to finalisation.

At the Ordinary Council Meeting on 4 June 2019 (PS03-06/19), the resolution noted that Administration intends preparing an amendment to DPS 2 to consider a range of recommended improvements to the East Wannon Cost Sharing Arrangements; including greater clarification on the methodology for return of excess funds.

The annual review process has highlighted a number of additional issues associated with the provisions of DPS 2 that need to be considered for a scheme amendment to improve the statutory provisions for the East Wannon Cells, including:

1. Closure of a Cell prior to full development;
2. Return of excess funds;
3. Charging of interest on deferred contributions; and
4. Delegation to Administration of a number of Part 9 – Developer Contribution Plan (**DCP**) operational requirements.

Detail

The proposed improvements to the administration of DCA's is recommended to apply to the East Wannon (Cells 1-9) Agreed Structure Plans, as shown in **Attachment 1**.

In order to make improvements, an Omnibus Amendment to DPS 2 is recommended to address the following:

1. Closure of a Cell Prior to Full Development

The provisions of DPS 2 do not include a procedure on the closure of the developer contribution arrangements of a Cell prior to the development of all the land in a particular Cell. This would mean that every area of land needs to be developed before the City could close the Cell, which could be decades. This is an unreasonable position, particularly where the vast majority of land in a Cell has been developed and the infrastructure has been delivered or is accurately costed and planned to be delivered. Administration is therefore recommending that an additional clause be inserted after clause 9.13.3 of DPS 2 to provide the ability for Council to close a Cell under particular circumstances. The following are the recommended criteria for considering the closure of a Cell:

- Where the developable land within a Cell is more than 90% developed;
- Where the remaining Cell works have been accurately estimated to the satisfaction of Council;
- Where all major infrastructure in the Cell has been completed or is substantially complete, and all major Public Open Space (**POS**) has been acquired, to the satisfaction of Council;
- Where adequate funds have been allocated to complete the Cell works (including administration costs); and
- All major land acquisition for Cell Works has been finalised.

Refer Point 1 of **Attachment 2** for the proposed amendment to DPS2.

2. Return of Excess Funds

Clause 9.13.3 of DPS 2 sets out the procedure for returning excess funds at full development of a Cell, excess funds are returned on the basis of the number of lots produced by an owner to the total number of lots produced in a Cell.

The above clause omits consideration for contributions that are required to be paid for group housing and commercial lots, which tend to be much larger in area and contributions are calculated based on the lots potential. These landowners have paid a significant amount of contributions towards the Cell infrastructure, however the current wording of clause 9.13.3 excludes these landowners from the return, which would otherwise result in a disproportionate return to those landowners who created freehold lots.

This issue was identified by Council in June 2019 as part of the Annual Review for the East Wanneroo Cell 1, where an alternative methodology was approved to address the issue of inequity by apportioning the excess returns on the 'value' of the Infrastructure contributions paid by a landowner to the total contributions received.

Paragraph three of the current wording of Clause 9.13.3 requires Council to give public notice where a landowner entitled to an interest in the Cell cannot be located. The public notice requires advertisements in the newspaper and writing to the last known address, and subject to the approval of the Minister for Planning, after six months Council may utilise the funds in the manner described in this clause. This clause has been amended to expand the public notification requirements to include an advertisement in a local, state or national newspaper, writing by registered mail to their last known address and placing information on the City's website.

It is recommended that the above be formalised by amending DPS 2 to clarify this approach to ensure a consistent and equitable return of excess funds for all Cells.

Refer Point 2 of **Attachment 2** for the proposed amendment to DPS 2.

3. Charging of Interest on Deferred Contributions

The City often receives requests from landowners to defer contributions under Clause 9.10.8 of DPS 2 and has, on numerous occasions, agreed to clear conditions of subdivision subject to:

- The payment of interest on deferred amounts in accordance with clause 9.10.9 of DPS 2, which refers to interest being paid (6%) as previously pursuant to Section 142 of the *Supreme Court Act 1935 (and associated Regulations)*;
- The landowner and the City entering into a Deed of Agreement and an Absolute Caveat being lodged over portion of the subdividers land to secure the liability; and
- Payment is made within 12 months of the execution of the Deed (plus interest).

Clause 9.10.9 allows Council to suspend or waive interest or any part thereof if satisfied that it would be fair and equitable to allow such as request. Administration has not previously supported such a request because the waiving or suspending of interest may be inequitable to other contributing landowners.

It has now been identified that Clause 9.10.9 of DPS 2 refers to the payment of interest on outstanding contributions being charged in accordance with *Section 142 of the Supreme Court Act*, which was repealed in 2004.

To maintain consistency with previous agreements and the original requirement of DPS2, Council is to determine whether it is appropriate to replace reference to *Section 142 of the Supreme Court Act 1935* with the *Civil Judgement Enforcement Act (2004)* to enable interest to be charged (6%) pursuant to this Act and the associated *Regulations (2005)*. In this regard, it is noted that both of these Acts relate to interest payable on a judgement debt rather than an interest charge on an outstanding contribution liability. The Regulations currently specifies the rate of interest for the purposes of the Act in Section 8(1)(a) to be 6.00% per annum, which is consistent with the previous agreements with landowners and the previous *Section 142 of the Supreme Court Act 1935*.

Refer Point 3 of **Attachment 2** for the proposed amendment to DPS 2.

4. Delegation to Administration of a Number of Part 9 - DCP Operational Requirements

Administration has identified that there are certain operational decisions in Part 9 of DPS 2 that are not able to be delegated as these are specifically defined as a Council decision. This may be an unintended consequence embedded in the drafting of DPS 2 but it cannot be interpreted differently until such time that DPS 2 is amended to replace, where appropriate, the term "Council" with "local government" to enable those discretionary operational matters to be capable of future delegation. This change is only being proposed for that section of the scheme (Part 9) that relates to the East Wanneroo Cells and will not affect the other sections of DPS 2.

Refer Point 4 of **Attachment 2** for the proposed amendment to DPS 2.

Consultation

Most scheme amendments are subject to public consultation. However, before advertising, a proposed amendment is required to be referred to the Environmental Protection Authority (**EPA**) to assess the environmental impacts of the proposal and to determine whether any formal environmental assessment is necessary.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the **Regulations**) set out the criteria for the various types of local planning scheme amendments. In terms of the Regulations, an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan, is considered to be a 'complex' amendment, which requires obtaining the Western Australian Planning Commissions (**WAPC's**) consent to advertise the amendment prior to advertising.

Subject to no objections being received from the EPA and advertising consent being granted by the WAPC, the amendment must be advertised for public comment for a period of 60 days. In line with the Regulations, the following advertising process is proposed:

- Advertisement in a local newspaper for one week;
- Placement of a sign on affected sites, giving notice of the proposal;
- Display notice of the proposal in Council offices;
- Display on the City's website; and
- Referral in writing to affected persons/ agencies.

Comment

A range of amendments to DPS 2 are being recommended to improve the City's management of DCP's and to address the issues identified in this report, as depicted below and in **Attachment 2**.

1. Closure of a Cell Prior to Full Development

The provisions of DPS 2 do not currently provide adequate clarity on how to close a Cell prior to the development of all land, should the need arise.

If Council agrees to close a Cell prior to full development, it may raise questions around fairness and equity because the landowners who have not yet developed in the Cell would not be required to make a developer contribution. The counter argument is that the closure of the Cell would also mean that any surplus Cell funds could be returned to contributing landowners. Administration is recommending this option to address the likelihood that some landowners may never develop and to enable the City to mitigate the ongoing liabilities of managing the Cells for an indefinite period. Further, the relevance of the infrastructure may diminish over time to the point where contributions charged on a landowner may not have a direct relationship or relevance (nexus) to the infrastructure due to asset dilapidation or replacement. It should be noted that draft SPP 3.6 indicates that a DCP should have a specified operation period to ensure the relevance of the infrastructure being funded by the contributing landowners. The East Wanneroo cost sharing arrangements do not specify an end date and therefore it is necessary to consider an appropriate mechanism to finalise and close the DCP.

On this basis, an amendment is recommended to clause 9.13.3 to allow Council to consider the closure of a Cell subject to certain criteria, including that the Cell is at least 90% developed, the major items of infrastructure have been completed or are substantially complete and adequate funds have been retained by the City to complete the remaining Cell works. In this regard, the closure of a cell would require a thorough review of the outstanding works estimates, consideration for financial impacts and risk levels to inform Council in making this decision.

In practice and applying these criteria, it would mean that Cells 1 and 4-5 could be closed sooner once the Scheme Amendment is gazetted, subject to there being adequate funds in the Cell accounts to complete the outstanding infrastructure and with consideration for the criteria included into the omnibus provisions.

Refer to Point 1 in **Attachment 2**.

2. Return of Excess Funds When a Cell is Closed

The methodology for returning excess funds in DPS 2 results in only some contributing landowners receiving a return of excess funds based on the number of lots created and excludes all landowners that contributed for either group housing sites or commercial centres. It is recommended that clause 9.13.3 be amended to apportion the excess return based on the total value of the contributions received. This is the same approach as Council adopted when funds were returned to the Cell 1 landowners as part of a Tranche 1 payment (refer to Point 2 in **Attachment 2**).

3. Charging of Interest on Deferred Contributions

To maintain consistency with existing deeds and the original intent of DPS 2, it is recommended that Clause 9.10.9 of the scheme be amended to refer to the *Civil Judgement Enforcement Act (2004)* and the associated Regulations (refer to Point 3 in **Attachment 2**).

4. Delegation to Administration of a Number of Part 9 - DCP Operational Requirements.

To enable delegation of certain operational aspects of DCP management to the Chief Executive Officer (**CEO**) or the CEO's delegate, references to "*Council*" in Part 9 of DPS 2 are recommended to be amended to "*Local Government*" (refer to Point 4 in **Attachment 2**) and that upon *gazettal* of the Scheme Amendment, Administration will pursue delegation (and sub-delegation) through a subsequent report to Council for consideration. Until this occurs, Council has no ability to delegate any such function and Administration will be required to refer a range of DCP operational decisions to Council in the form of a regular report to authorise various operational actions.

Statutory Compliance

The scheme amendment will follow the statutory process outlined in the *Town Planning Regulations 1967*.

Strategic Implications

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

“4 Civic Leadership

4.2 Good Governance

4.2.1 Provide transparent and accountable governance and leadership”

Risk Management Considerations

Risk Title	Risk Rating
ST-G09 Long Term Financial Plan	Moderate
Accountability	Action Planning Option
Director Corporate Strategy & Performance	Manage

Risk Title	Risk Rating
ST-S23 Stakeholder Relationships	Moderate
Accountability	Action Planning Option
CEO	Manage

Risk Title	Risk Rating
CO - O17 Financial Management	Moderate
Accountability	Action Planning Option
Director Corporate Strategy & Performance	Manage

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic and Corporate Risk Registers. The annual review of the DCP assists in addressing the impacts of the strategic risk relating to Long Term Financial Planning (**LTFP**) as it ensures that appropriate budget monitoring, timing and provisions are considered. The strategic risk relating to Stakeholder Relationships applies as a key element in the DCP review process to maintain effective engagement with relevant stakeholders. In addition, the Corporate Risk relating to Financial Management would apply as awareness of financial policies and financial management at unit level will be maintained to promote accountability by business owners and an integrated approach to risk assurance.

Policy Implications

Nil

Financial Implications

The DCP is subject to an annual review process to ensure that the cost contribution amount is correctly set to ensure the collection of sufficient funds to cover the cost of approved infrastructure items over the life of the DCP.

Whilst DCP costs will vary from time to time, significant excesses in funds should not normally occur.

DPS 2 provides the head of power in relation to the East Wanneroo Cells and does not require excess funds to be returned until full development. However, draft SPP3.6 recommends that in these situations, the contributions should be reconciled and excess funds returned to owners that paid over the adjusted amount, as soon as circumstances permit. However, it is recognised that fluctuations in cell costs and contribution rates are considered a natural consequence of the annual review process. If the annual reviews are up to date, then this will go some way to mitigate the potential for significant fluctuations. In order to minimise any financial risk to the City in relation to a potential closure of a Cell, Administration will ensure that a thorough review of the outstanding works estimates, consideration for financial impacts and risk levels will be undertaken to inform Council in making a decision in this regard.

Voting Requirements

Simple Majority

Recommendation

That Council:-

1. **PREPARES Amendment No. 185 to the City of Wanneroo's District Planning Scheme No. 2 pursuant to Section 75 of the *Planning and Development Act 2005*, to amend the District Planning Scheme No. 2 by.**

- a) **Replacing Clause 9.13.3 with the following:**

"9.13.3 In the event that upon the subdivision, development or strata subdivision of all the land in the Cell, or closure of a Cell in accordance with clause 9.13.4 and the Infrastructure Contributions received by the Council exceeds the amount necessary to complete the Cell Works and

meet all of the Cell Costs, the amount of such excess will be distributed amongst the owners who made Infrastructure Cost payments to the Cell Account in accordance with subclause 9.6.3.

The amount of any excess that an owner may be entitled to receive shall be in the same proportion to the total value of contributions paid by the landowner to the total value of the contributions received in a Cell. The amount payable to an owner under this clause shall be reduced by the amount of any shortfall in the payments made by that owner to their assessed Infrastructure Costs.

If an owner or other person or persons, corporation or other legal entity entitled to an interest in a Cell cannot be located by the Council after the giving of public notice by way of an advertisement in a local, state or national newspaper circulating in the area on at least two occasions, writing by registered mail to their last known address as shown in the Council records and on the City's website and no request for a claim is received by the Council within a period of six months from a decision being made by the Council to distribute excess funds, that owner's proportion of the surplus funds may be expended, subject to the approval of the Minister of Planning, either towards further improvements and facilities within the Cell or transferred to the Cell Account of an abutting Cell where insufficient funds will be received to complete Cell Works that are common to both Cells and thereafter such an owner shall have no claim in respect to such money."

- b) Adding a new Clause 9.13.4, as per the following:

"9.13.4 - Council may, subject to the approval of the Western Australian Planning Commission, close a cell prior to the development of all the land in the Cell as defined in clause 9.13.3, providing.

- ***The developable land within a Cell is more than 90% developed;***
- ***The remaining Cell Works have been accurately estimated to the satisfaction of Council;***
- ***Where all major infrastructure in the Cell has been completed or is substantially complete, and all major POS has been acquired, to the satisfaction of Council;***
- ***Adequate funds have been allocated to complete the Cell works (including administration costs); and***
- ***All major land acquisition for Cell Works has been finalised."***

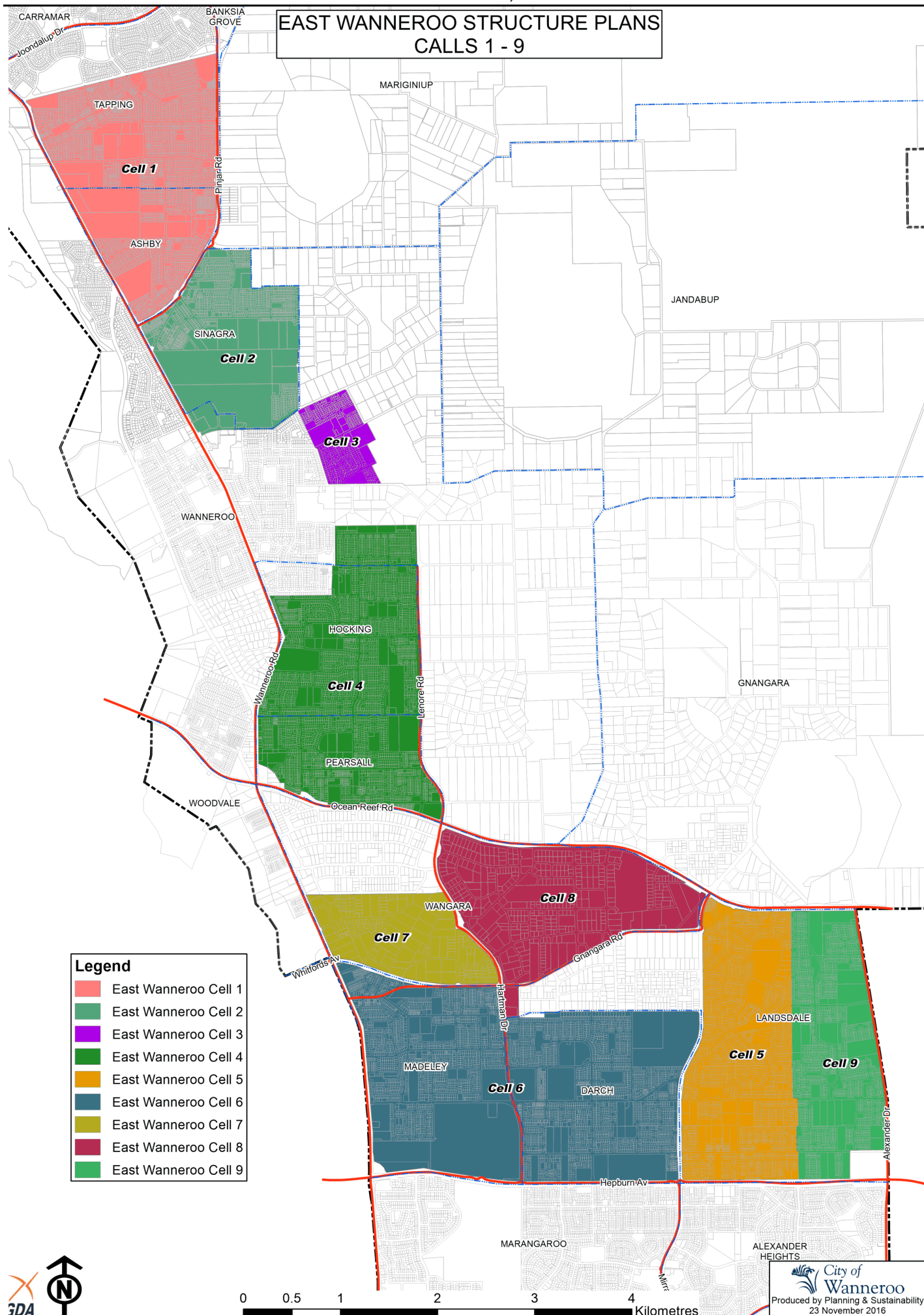
- c) Amending Clause 9.10.9 of District Planning Scheme No. 2 to replace reference to *Section 142 of the Supreme Court Act* and insert the *Civil Judgement Enforcement Act 2004* and the associated Regulations.
- d) Amend all sections of Part 9 of District Planning Scheme No. 2 by replacing reference to 'Council' with 'Local Government'.

2. Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that Amendment No. 185 to District Planning Scheme No. 2 is a complex amendment because it is amending a development contribution area provisions;

3. Pursuant to Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUBMITS two copies of the Amendment No. 185 to District Planning Scheme No. 2 documentation to the Western Australian Planning Commission for its consideration;
4. Pursuant to Section 81 of the *Planning and Development Act 2005* REFERS Amendment No. 185 to District Planning Scheme No. 2 to the Environmental Protection Authority; and
5. Subject to approval from the Environmental Protection Authority and the Western Australian Planning Commission, ADVERTISES Amendment No. 185 to District Planning Scheme No. 2 for a period of not less than 60 days pursuant to Regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Attachments:

1. [Attachment 1 - Cells 1-9 Consolidated Location Plan](#) 19/162679
2. [Attachment 2 - Final Omnibus Amendment - DCP](#) 20/264233



DRAFT DPS 2 OMNIBUS AMENDMENT 185 TO PART 9 of DPS2 (EAST WANNEROO)

1. Cell Closure Prior to Full Development - It is recommended that an additional Clause be added after Clause 9.13.3 of DPS 2 as per the following:

9.13.4 Council may, subject to the approval of the Western Australian Planning Commission, close a cell prior to the development of all the land in the Cell as defined in clause 9.13.3, providing.

- *The developable land within a Cell is more than 90% developed;*
- *The remaining Cell Works have been accurately estimated to the satisfaction of Council;*
- *Where all major infrastructure in the Cell has been completed or is substantially complete, and all major POS has been acquired, to the satisfaction of Council;*
- *Adequate funds have been allocated to complete the Cell works (including administration costs); and*
- *All land acquisition for Cell Works has been finalised.*

2. Return of Excess Funds When a Cell is Closed

"9.13.3 In the event that upon the subdivision, development or strata subdivision of all the land in the Cell, or closure of a Cell in accordance with clause 9.13.4 and the Infrastructure Contributions received by the Council exceeds the amount necessary to complete the Cell Works and meet all of the Cell Costs, the amount of such excess will be distributed amongst the owners who made Infrastructure Cost payments to the Cell Account in accordance with subclause 9.6.3.

The amount of any excess that an owner may be entitled to receive shall be in the same proportion to the total value of contributions paid by the landowner to the total value of the contributions received in a Cell. The amount payable to an owner under this clause shall be reduced by the amount of any shortfall in the payments made by that owner to their assessed Infrastructure Costs.

If an owner or other person or persons, corporation or other legal entity entitled to an interest in a Cell cannot be located by the Council after the giving of public notice by way of an advertisement in a local, state or national newspaper circulating in the area on at least two occasions, writing by registered mail to their last known address as shown in the Council records and on the City's website and no request for a claim is received by the Council within a period of six months from a decision being made by the Council to distribute excess funds, that owner's proportion of the surplus funds may be expended, subject to the approval of the Minister of Planning, either towards further improvements and facilities within the Cell or transferred to the Cell Account of an abutting Cell where insufficient funds will be received to complete Cell Works that are common to both Cells and thereafter such an owner shall have no claim in respect to such money."

3. Deferral of Contributions - To maintain consistency with existing deeds deferring developer contributions and the original intent of DPS2, it is recommended that Clause 9.10.9 of DPS be amended to refer to the *Civil Judgement Enforcement Act (2004)* and the associated *Regulations*.
4. Delegation for Operational Requirements - To provide operational capability to delegated operational aspects of DCP/scheme contributions requirements to the Chief Executive Officer all reference to *Council* in Part 9 of DPS2 be amended to *Local Government* and that upon gazettal of the omnibus amendment, Administration will pursue delegation (and sub-delegation) through a subsequent report to Council for consideration.

PS02-06/20 Close of Advertising - Annual Review of Cell Costs for the East Wanneroo Cell 1 Planning and Developer Contribution Arrangements

File Ref:	23145V04 – 20/230974
Responsible Officer:	Director Planning and Sustainability
Disclosure of Interest:	Nil
Attachments:	5

Issue

To consider the public submission received in relation to the Annual Review of Cell Costs for the East Wanneroo Cell 1 Developer Contribution Arrangements (**DCA's**).

Background

The City's District Planning Scheme No. 2 (**DPS 2**) provides the statutory basis for the administration and management of developer contributions, including provisions that describe the nature and extent of Cell Works that are required to be charged to the Developer Contributions Plans (**DCP's**).

The East Wanneroo Cell 1 Agreed Structure Plan (**ASP**) covers the suburbs of Ashby and Tapping (**Attachment 1**). The ASP is predominately developed (96%), with the remaining landholdings consisting of several original market gardens and balance title lots.

The relevant provisions of DPS 2 require Council to review the Estimated Lot Yield (**ELY**) and the Infrastructure Cost Per Lot (**ICPL**) in respect of the Cell, having regard for the actual lots produced since the last review, the remaining Cell Works, any amendments to the Local Structure Plan and any other factors Council considers relevant.

In accordance with the DPS 2 provisions, the City is required to annually review the Cell Costs and Council is to determine whether to increase, decrease, or maintain the current ICPL rates as a result of the review.

In the previous Annual Review for Cell 1 in June 2019, Administration identified that a significant amount of excess funds of \$26,772,872 at full development had been collected and accumulated into the Cell account.

In this regard, Council on 4 June 2019 approved a partial return of excess of \$22,679,632 and the retention of 12% contingency, which equates to \$3,092,677.

At the Ordinary Council Meeting on 7 April 2020 (PS03-04/20), Council resolved to advertise the revised land valuation of \$1,887,500 (\$2,076,250 including 10% solatium) as recommended by the City's valuation panel and the revised ICPL of \$18,018.64 for East Wanneroo Cell 1, in accordance with the provisions of DPS 2.

Detail

The Annual Review has considered and was informed by the following considerations:

- Revised valuation prepared by a valuation panel for the purposes of estimating remaining expenditure and compensation for remaining landowners;
- Actual expenditure since the last Annual Review up to 31 December 2019;
- Revised cost estimates for remaining cell Works and Administration costs using latest information available;

- Updated income/ interest and remaining estimated income; and
- Revision of the ICPL rates.

Administration has prepared the Annual Review of costs (refer **Attachment 2**), which includes the following cost factors that formed the basis of the Annual Review:

Land Valuation:

The recommended change to land values is considered to be relatively minor, with a reduction in land value of \$25,000 (\$27,500 inclusive of solatium) (refer **Attachment 3**).

Remaining Cell Cost Estimates:

The remaining estimated expenses include capital works, Public Open Space (**POS**), historic public open space credits, administration charges and developer balances pre-2007/2008, resulting in total remaining estimated expenses of \$2,545,278.

Cell 1 Income:

The Cell 1 income considered by the Annual Review includes income already received as well as estimated income as follows:

- *Income Received:* The Cell has received \$59,925,278 in contributions and interest generated on the Cell 1 account up to 31 December 2019. No additional contribution payments have been received since the last Annual Review (4 June 2019) with the exception of interest income.
- *Remaining Lot Yield Estimates:* Remaining estimated lot yield has increased from 128 to 131 remaining lots, resulting in an increase in the total estimated income for the Cell of \$54,056 since the last Annual Review and equating to a total remaining estimated income of \$2,360,442.
- *Total Estimated Income for Cell 1:* This is a combination of income received and remaining estimated income and equates to \$62,285,720.

Infrastructure Cost Per Lot Rate

The additional excess funds identified in this Annual Review equates to \$397,683, which is mainly due to interest income and a reduction in the required infrastructure costs, which is in addition to the \$3,092,677 retention contingency.

Whilst the above may translate into a potential increase in the total estimated excess funds at full development (e.g. when all estimated income has been received), there remains uncertainty over the timing for closure of the Cell and remaining Cell Costs (which could potentially increase in the future). This is particularly relevant should Council determine that the Cell should be closed or should the Western Australian Planning Commission (**WAPC**) mandate a closure period for the Cells. As such, it was recommended that Council retain the current ICPL rate of \$18,018.64 and only note the potential increase in estimated excess funds to contributing landowners, pending greater certainty over remaining income and Cell costs through a future Annual Review and subsequent to the completion of the City's end of financial year auditing after 30 June 2020.

Auditing

The City's auditors William Buck audited the City's estimates and calculations to provide assurance to Council that the Annual Review is acceptable. The Annual Review was audited by William Buck in March 2020 and a copy of their Audit Report has been included in **Attachment 4**. The purpose of the audit is to validate the methodology used in calculating and estimating Cell Costs and to certify the Annual Review is consistent with DPS 2.

The Annual Review is required to utilise the latest income and expenditure information available and therefore, William Buck has reviewed the Cell expenditure for the period between 1 April 2019 to 31 December 2019. However, this information has not undergone financial auditing by the Office of the Auditor General (**OAG**), which is a mandatory requirement in the Financial Management Regulations and operates over the financial year period, ending 30 June 2020.

On this basis, the Annual Review has identified potential savings in the Pinjar Road Duplication Project. However, these savings cannot be used to reduce the Cell Costs until such time as the OAG has completed its auditing of the City's financials.

Consultation

The City advertised the proposed land value for a period of 28 days and the revision of Cell Costs for a period of 42 days. In accordance with the provisions of DPS 2, advertising was carried out by means of advertisements in the West Australian and Wanneroo Times, letters sent to affected landowners and on the City's website.

The consultation requirements for the Annual Review and land valuation differ under clauses 9.11.5 and 9.14.3 of DPS 2. The Annual Review was advertised from 16 April to the 28 May 2020 and the revised Cell valuation was advertised from 18 April to 16 May 2020.

Comment

At the close of the public consultation period on 28 May 2020, one submission was made by the major contributing landowners in Cell 1, consisting of Cedar Woods, Peet and Satterley (refer **Attachment 5**).

The salient issues raised have been summarised as per the following and includes a response by Administration.

1. Previous Landowner Submission (Tranche 1)

"Our submission on the City's 2019 Annual Review endorsed the results and recommendations of the City's 2019 review on the basis that the City expedites the payment of a Tranche 2 refund when the Pinjar Road duplication project is concluded. In addition that the only other notable expenditure being Public Open Space (POS) land acquisition where the value and timing of which are under the City's direct control, with ample funds retained in the Cell 1 account for this expenditure. The Pinjar Road duplication project has been concluded and all final costs associated with that project would be known."

Administration Response:

The Pinjar Road duplication project is predominately complete, however the City is required to finalise the expenditure and have the costs externally audited before they can be included into the Annual Review as an 'actual' cost. This will occur as part of the City's End of Financial Year auditing and will be released as part of the City's Financial Statement for 2019/2020.

The City has included only verified costs and cost estimates into the Annual Review process and was required to complete the annual review prior to the Pinjar Road duplication costs being finalised to meet the statutory review timeframes of DPS 2. Notwithstanding, the City intends to complete another Annual Review by December 2020, and will utilise the audited financials for actual costs and include these into the next review.

2. No Risk to the City in Returning Additional Excess Funds

“Council approved the refund of more than \$22 Million in excess contributions collected from past Cell 1 developers. The refund was recommended by Administration and approved by Council in recognition that:

- a) The funds were surplus to Cell 1 requirements, even after a generous contingency had been retained by the City;*
- b) The City had no claim over or right to those funds, as they were paid by and owed to past Cell 1 developers; and*
- c) There was no financial impost or risk whatsoever to the City, Council, community, or future development in Cell 1 excess funds to developers.*

These same facts still hold true in relation to the surplus funds currently available in the Cell 1 account.”

Administration Response:

The estimated excess funds include future income estimates for the Cell and are based on contributions being received from all landowners, with the contingency consisting primarily of future income, which cannot be guaranteed.

At the time of completing the Annual Review only minimal income has been received due to no subdivision or development occurring within the review period (e.g. Expenditure between 1st April 2019 and 31st December 2019). When the Cell further develops and after the financial year audit is completed by the OAG, there will be greater certainty on remaining income and expenditure through the use of audited actuals. Until this occurs, there remains a risk to the City that the future estimated income will not be received and that errors with project expenditure could be identified.

In addition, Administration has recently initiated a second Internal Transactional Review to review Cell and Municipal expenditure using the proper interpretation of Cell Works, including the rebuilding, replacement and repair of Cell-funded infrastructure to ensure these works have been correctly charged. Until the second Internal Transactional Review is completed, there is a risk that the estimated excess funds for this Cell may not be achieved and therefore the Tranche 2 payment is not recommended to be considered until the implications of this investigation are known.

3. Ongoing Discussion

“Since September 2019, there has been ongoing discussions with Administration to advance the Tranche 2 payment of surplus funds, for the benefit of all past Cell 1 developers and in a letter dated 2 April 2020, the three developers wrote to the Mayor and Councillors ahead of the 7 April 2020 Council Meeting with further justification for the Tranche 2 payment to be made, including:

- a) The severe economic impact that COVID-19 was having on the entire property development sector in Western Australia, including Cedar Woods, Peet and Satterley;*
- b) Requesting an amendment to the report recommendation to advertise the prospective return of surplus funds; and*
- c) Presented a comprehensive amending motion to give effect to our request, which was compatible with the motion adopted by Council on 5 March 2019 when it considered the 2019 Cell 1 Review for advertising.*

Despite these endeavours, we have been disheartened to not receive any meaningful responses from the City to our approaches, a response to our consultant’s letter of 2 April 2020

or in listening to the audio recording of Council's 7 April 2020 meeting – leading us to conclude that Council had no regard to our fair and reasonable request at that time.”

Administration Response:

The City is required to manage the cell funds in an accountable and economical manner in accordance with the Financial Management Regulations and DPS 2. In support of the City's initiatives to support the COVID-19 recovery phase, Administration is investigating which Cell works could be brought forward to stimulate development and aid the economic recovery.

To facilitate this, Administration has written to all relevant landowners to ask them to consider bringing forward their developments, and the City is liaising with some of these landowners to facilitate, where possible. The City has been liaising closely with the industry bodies including WALGA and the UDIA, the Department of Planning, Lands & Heritage (**DPLH**) and other local governments to identify funding opportunities for DCP works, where possible to do so and with consideration for the need and nexus of the infrastructure, community benefit and ongoing management, maintenance and replacement costs to best serve the needs of the community.

Administration has made significant efforts in facilitating landowner requests for information and advice in a meaningful and prompt manner. In relation to the letter dated 2 April 2020, this letter was sent to the Mayor and Council Members and was specifically considered by Council at the meeting on 7 April 2020. Council at the time resolved that it notes that landowners requested a Tranche 2 payment and that this would be considered as part of the submissions on the Annual Review.

4. COVID -19

“The operational and financial impacts of COVID-19 on all sectors of the economy are severe and widely publicised. In response, all tiers of Government have been encouraged to release and redistribute funds wherever possible to support an economic recovery in employment-generating sectors. These messages have been echoed by:

- a) The Western Australian Local Government Association's (WALGA's) recent promotion of economic rebound initiatives being implemented by local governments across WA, such as accelerated capital spending, business/community grants, rate relief and small business support services; and*
- b) The Urban Development Institute of Australia (WA)'s “Ready to Rebuild” advocacy report (released 15 May 2020), which sets out priorities for jobs and a stronger economy post COVID-19.*

Council approval of a Tranche 2 refund in Cell 1 will bolster the 3 developer's financial resilience and support the continued deliver of projects throughout the state, all at no cost or risk to the City.”

Administration Response:

The City is working proactively to support the COVID-19 recovery phase and is looking at which DCP infrastructure projects could be brought forward, and in this regard, has written to landowners in the East Wanneroo Cells to ask them to work with the City to bring forward their developments. The City is required to manage the Cell funds in accordance with the *Local Government (Financial Management) Regulations 1996*. The City is also considering an Economic Recovery Plan and fund to assist the economic recovery.

5. Request to Return of Tranche 2 Funds:

"The report to Council on 7 April 2020 identified that only developers who contributed to Cell 1 prior to 4 June 2019 have any claim to the excess funds described totalling \$1,280,091. We are therefore seeking return of these funds now as a Tranche 2 payment to all past contributors in Cell 1.

- a) *At 30 June 2019, \$882,408 of surplus funds were confirmed by audit as being available in the Cell 1 account;*
- b) *A further \$397,683 of excess funds has been accumulated in the Cell 1 account since 30 June 2019, which is primarily attributable to interest earnings and a reduction in Cell Works (namely deletion of the footpath between Bonanella Entrance and Caporn Street; and a drainage sump which is no longer required); and*
- c) *With the exception of interest earnings, no additional contributions have been received since the last annual review date of 4 June 2019.*

This means that only developers who contributed to Cell 1 prior to 4 June 2019 (including Cedar Woods, Peet and Satterley) have any claim to the excess funds described in a. and b. above, totalling \$1,280,091. We are therefore seeking return of these funds now as a Tranche 2 payment to all past contributors in Cell 1."

Administration Response:

In accordance with DPS 2, the City is not required to return excess funds prior to full development. Notwithstanding, the City acknowledging the significant amount retained in the Cell 1 account approved a return of excess funds of \$22,676,632 in June 2019. The amount referenced in the City's 2018/19 statutory financial statements for Cell 1 of \$882,408 is an estimate on how much excess funds are held in the Cell 1 account as of 30 June 2019. This amount could increase or decrease depending upon whether the Cell achieves full development, the cost estimates increase/ decrease, prior to full development. This figure is not a definitive amount payable to landowners and will change each year.

The amount requested (\$1,280,091) in the Tranche 2 payment by the landowners consists of:

- a) \$882,408 referenced in the City's 2018/19 statutory financial statement for Cell 1, as an estimate of excess funds in Cell 1 at 30 June 2019; and
- b) \$397,683 of estimated excess funds in the Annual Review covering the period 1st April to 31 December 2019 (from interest income and a reduction in infrastructure costs), which has not been audited by the OAG.

A potential increase in the estimated excess funds at full development was identified in this Annual Review of \$397,683, which includes interest income (not audited) and a reduction in the infrastructure costs since the last Annual Review in June 2019.

Whilst a Tranche 2 payment has been requested, the City has never agreed or provided any expectation that this would occur prior to closing the Cell for the following reasons:

- No entitlement or requirement to return excess funds is implied until full development of developable land in the Cell.
- The figures are primarily based on estimates used in the 2018/19 Financial Statement;
- Interest income (up to December 2019) is yet to be audited in accordance with the *Local Government (Financial Management) Regulations 1996*;
- The remaining expenditure for the Cell is based on current cost estimates that could change up until the costs are audited actual expenditure.
- Administration has continued the Internal Transactional Review to review Cell and Municipal expenditure using the proper interpretation of Cell Works. Until this is

completed, which is estimated to take about 3 months, there is a risk that the estimated excess funds for this Cell may not be achieved.

A further Annual Review for Cell 1 is scheduled in December 2020.

Council has already resolved to return excess funds in June 2019 of \$22,676,632 to the Cell 1 developers. It was made clear in making the decision that the contingency would be retained pending the remaining estimated contributions being received. At the time of making a Tranche 1 payment, no commitment was provided by the City to a further Tranche payment being made, prior to full development.

6. No Uncertainty Regarding Timing or Costs

"We fundamentally disagree with Administration's Report to Council on 7 April 2020 (Agenda Item PS02-04/20), which suggests "uncertainty" over future income and remaining Cell work costs. This is utterly wrong because the total remaining Cell work items are fixed, few in number, clearly defined, and their costs are easily and reliably quantified. The remaining Cell 1 works (totalling \$2,545,278) are limited; and it must be understood that the timing of these remaining costs is either under the City's direct control or will only be incurred at the time of future subdivision and development in Cell 1, which in itself will generate income from contributions of \$2,360,442 to offset future expenditure."

Administration Response:

Cell 1 still has outstanding DCP costs, including land acquisition for POS, credits for historic POS (which involves a credit to some landowners for POS vested prior to the approval of the Agreed Structure Plan), finalisation of the Pinjar Road duplication costs and several small items of infrastructure construction scheduled in the City's capital works programme for 2020/21. These cost estimates are annually reviewed to include any factors affecting Cell Costs and uses the best information available to inform the annual review process. Until these costs have been finalised and audited as actuals, a degree of risk will remain in relation to possible variations between estimated and actual costs, with the potential for costs to increase or reduce.

In addition, Administration cannot include future income into the return of estimated excess as there is no guarantee that these funds will be received (as required by the OAG), and until the Internal Transactional Review is completed, there is a risk that the estimated excess funds for this Cell may not be achieved and the Tranche 2 payment should not be considered until the Cell is closed.

7. No Objection to Annual Review Subject to Tranche 2 Payment:

"We have no objection to the recently advertised annual review of Cell 1 costs and recommended ICPL, provided that the excess funds described in our paragraph 5 of \$1,280,091, are returned to past contributing developers as a Tranche 2 payment by 31 July 2020 or such other time as agreed in writing with the City."

Administration Response:

Noted.

8. Return Current Excess Funds Held:

"Returning the requested excess funds of \$1,280,091 as a Tranche 2 payment will not only provide much-needed relief to past developers who have over-contributed tens of millions of dollars to Cell 1 since inception, but importantly will also satisfy the landowners request made in support of the June 2019 Annual Review to expedite a Tranche 2 refund, be consistent with

Council's original decision to make a Tranche 1 payment at its meeting on 4 June 2019, demonstrate Council's support for a post COVID-19 economic recovery of the property and development sector, be payable under the terms of the existing Deeds of Agreement previously entered into by all recipients of the Tranche 1 refunds and represent absolutely zero risk and zero cost to the City."

Administration Response:

Council previously resolved to make a return of estimated excess funds, notwithstanding the fact that, in accordance with DPS 2, the City is not required to return excess funds prior to full development. Administration is close to finalising the return of over \$22,679,632 in estimated excess funds to contributing landowners, which has occurred over the preceding 12 months. In addition over \$1,000,563 was utilised to reduce the ICPL rate for remaining subdividers from \$25,835 to \$18,809 per contribution.

The City is also considering a DPS 2 Amendment to include provisions to finalise a Cell prior to full development. Following gazettal of the Amendment any excess could be returned to the developers in accordance with the recommended criteria, including:

- The Cell is substantially developed but not less than 90% of the net residential area;
- The remaining Cell Works have been accurately estimated to the satisfaction of Council;
- All major infrastructure in the Cell has been completed or is substantially completed and all major POS has been acquired to the satisfaction of Council;
- The Cell account contains adequate funds to complete the remaining Cell Works (including Administration costs); and
- All major land acquisition for Cell Works has been finalised.

Statutory Compliance

The City is currently meeting its obligations under Clause 9.11.1 of DPS 2 to review Cell Costs on an annual basis. The completion of the Annual Review as outlined in this report further allows Cell 1 to meet its statutory obligations for the next financial year in accordance with DPS 2.

As the City has been undertaking external audits of City accounts, inclusive of the Cell 1 fund annually, the City has complied with the provisions of the *Local Government (Financial Management) Regulations 1996*.

In terms of the provisions of DPS 2, landowners have the option to request commercial arbitration of the Annual Review. If this occurs a different outcome could be reached which would affect the total value of Cell Costs, ICPL rates, budget estimates and financial expenditure associated with remaining Cell Works.

Strategic Implications

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

“4 Civic Leadership

4.2 Good Governance

4.2.1 Provide transparent and accountable governance and leadership”

Risk Management Considerations

Risk Title	Risk Rating
ST-G09 Long Term Financial Plan	Moderate
Accountability	Action Planning Option
Director Corporate Strategy & Performance	Manage

Risk Title	Risk Rating
ST-S23 Stakeholder Relationships	Moderate
Accountability	Action Planning Option
CEO	Manage

The above risks relating to the annual review of the East Wanneroo Cells has been identified and considered within the City's existing Strategic risk register.

Policy Implications

Nil

Financial Implications

The Cell 1 Annual Review Cost Table (**Attachment 2**) identifies a potential increase in the Cells estimated excess funds at full development of \$397,683. This proposed figure takes into account the estimated income, account expenditure (as at 31 December 2019), the remaining Tranche 1 landowner returns (\$22,679,632) and the contingency (\$3,092,677) retained by the City, pending future estimated Cell income and expenditure.

The annual review is not a formal set of financial statements and that the contingency amounts were established based on Council's previous approval, hence there is no accounting or compliance to DPS 2 requirements to transfer the additional excess amount of \$397,683 to the contingency amounts. In this regard, if Council were to consider a Tranche 2 payment it should only be on the basis of considering estimated excess funds that have been audited by the OAG (\$882,408) and not the \$397,683 which has been estimated but has not been audited by the OAG. For the reasons outlined in this report, Administration is recommending that a Tranche 2 payment should not be made.

It is also noted that under DPS 2 the Council has no obligation to return excess funds until the development of the land in the Cell.

The Audit undertaken by William Buck is appended as **Attachment 4**.

Voting Requirements






Simple Majority

Recommendation

That Council:-

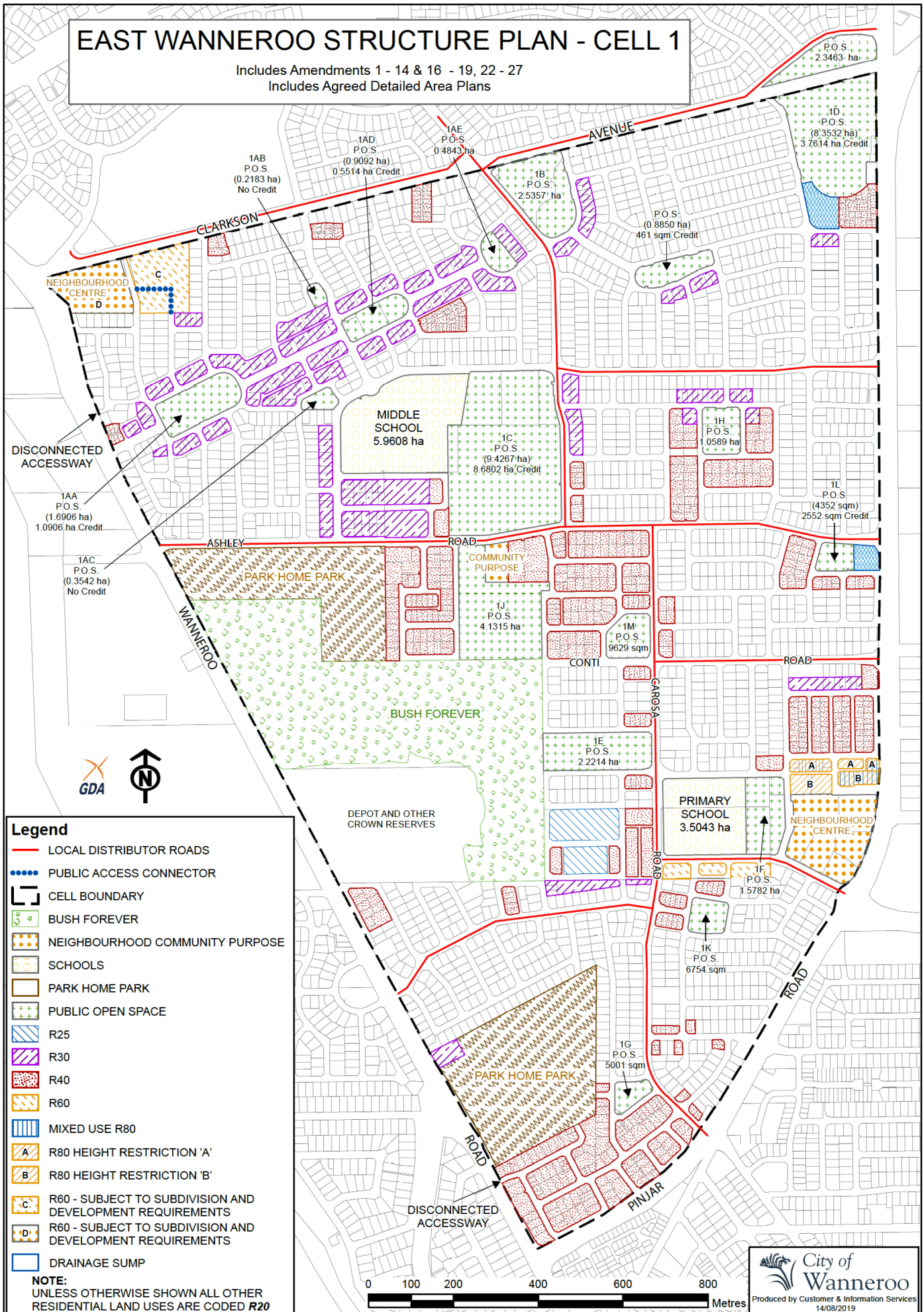
1. **NOTES** the public submission received during the public consultation period for the East Wannon Cell 1 annual review of costs, as depicted in the Comments section of this report;
2. **APPROVES** the Annual Review of Cell Costs for Cell 1 in accordance with Clause 9.14.3 and 9.11.5 of District Planning Scheme No. 2 and **ADOPTS** the advertised Infrastructure Cost Per Lot of \$18,018.64 and a Revised Assessed Value of \$1,887,500 (\$2,076,250 including 10% solatium) as depicted in Attachment 3 to this report; and
3. **APPROVES** the updating and revision of the City's capital Works Programme and Long Term Financial Plan to reflect the revised Estimated Costs as depicted in Attachment 2.

Attachments:

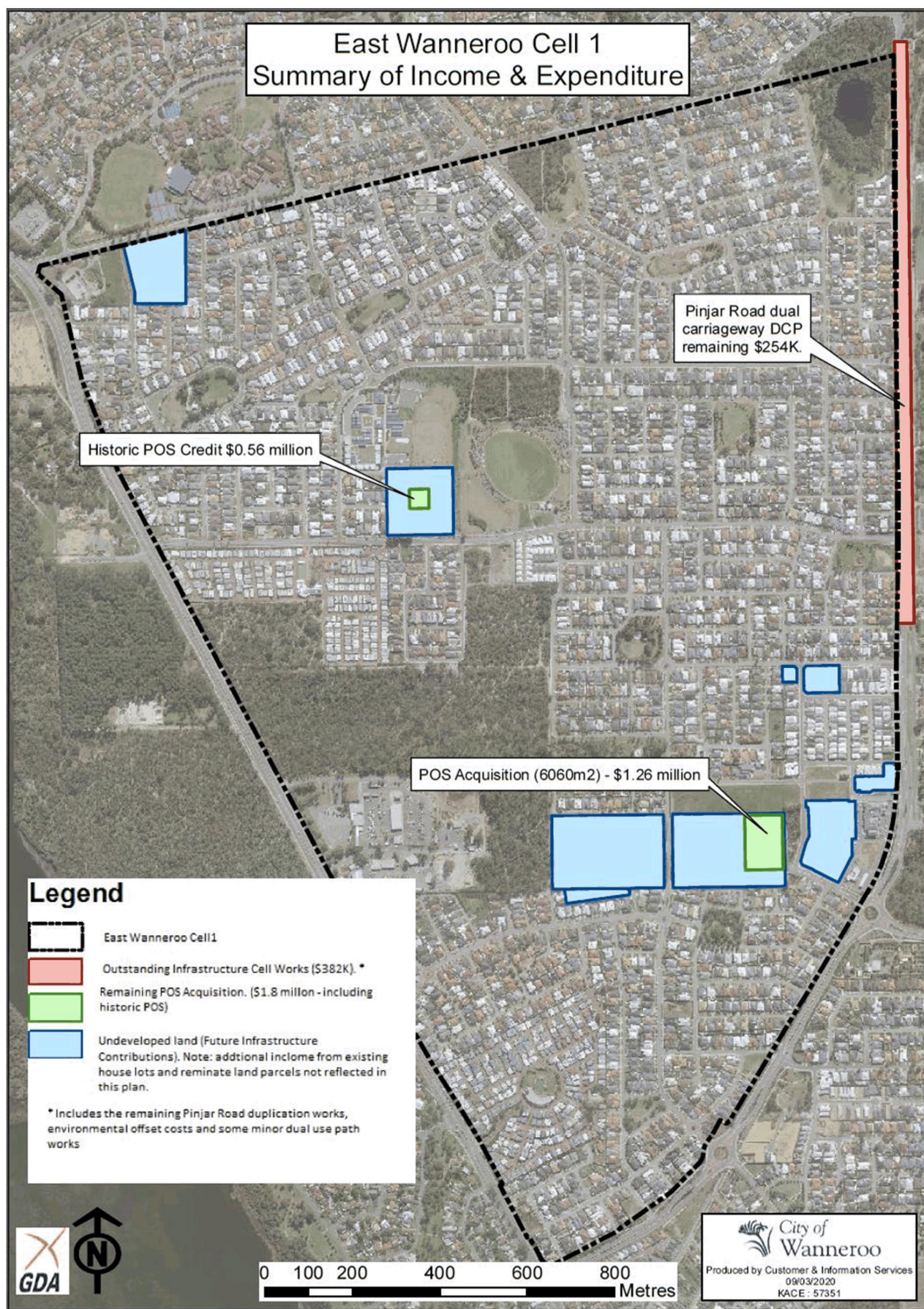
	Attachment 1 - Cell 1 Agreed Structure Plan	19/508532	
	Attachment 2 - Cell 1 Annual Review - Summary of Income and Expenditure 2020 (advertised)	20/91976	Minuted
	Attachment 3 - Cell 1 Consensus Valuation - 2020	19/508602	Minuted
	Attachment 4 - Cell 1 Annual Cost Review Audit Report (William Buck)	20/92693	
	Attachment 5 - Landowner Submission	20/223975	

EAST WANNEROO STRUCTURE PLAN - CELL 1

Includes Amendments 1 - 14 & 16 - 19, 22 - 27
Includes Agreed Detailed Area Plans



East Wanneroo Cell 1 – Summary of Income and Expenditure



East Wanneroo Cell 1 – Summary of Income and Expenditure

EAST WANNEROO CELL 1 - ANNUAL REVIEW 2020		Amounts (\$)	COMMENTS
Expenditure			
Expenditure to Date (Actuals)			
Public Open Space (10%)	\$	19,904,616	Land Acquisition and Historic POS Credits (where applicable)
District Distributor Roads	\$	12,820,806.55	Land Acquisition and Construction Costs
Administration Costs	\$	845,026	Salary Recoupment, Legal Fees, Consultants
Return of excess funds to Developers	\$	22,679,632	Return to existing Landowners only - remaining receive reduced ICPL rate
Total	\$	56,250,081	Current Cell 1 Balance is \$3,675,197 (Payment made to date less Expenditure to Date - 31/12/2019)
Remaining Expenditure (Estimated) - Annual Review			
Public Open Space (10%)	\$	1,821,060	Approx 0.9 ha
District Distributor Roads	\$	381,764	Remaining construction & acquisition costs (Roadworks and Drainage)
Administration Costs	\$	212,634	Estimated for three years remaining
Developers Balances pre 2007/2008	\$	129,820	Developers balances to be resolved by Dec 2020
Total	\$	2,545,278	
Total Expenditure/Costs (Gross Costs)	\$	58,795,359	Total Remaining Expenditure (Including Transactional Audit
Income			
Payments Made to Date			
Contributions and Interest	-\$	59,795,458	All Income (funds) Received (includes interest)
Developers Balances pre 2007/2008	-\$	129,820	Less historic unresolved credits to developers (unreconciled) - Pre 2006
Total	-\$	59,925,278	
Gross Estimated Remaining Income			
Estimated Contributions at Current ICPL of \$18,018 at ELY of 131	-\$	2,360,442	131 Lots at Estimated Lot Yield of 9 Per/Ha
Total Estimated Income	-\$	62,285,720	
Estimated Cell Balance at Full Development			
Total Combined Expenditure/Costs (Gross Costs)	\$	58,795,359	Contingency for estimated Excess for Contributing landowners up to 4th June 2019, as approved by Council on 4 June 2019 (3,297 ICPL payments)
Total Contingency Credit for Landowner (Already Paid - 3,297 ICPL payments)	\$	3,092,677	
Total Combined Estimated Income	-\$	62,285,720	
Net Excess/Shortfall at Current ICPL (\$18,018)	\$	397,683	Potential Additional Estimated Excess at Full Development (Excluding Contingency Approved by Council 4 June 2019)
Revised ICPL Rate			
Current Infrastructure Cost Per Lot	\$	18,018.64	
Proposed Revised ICPL to remain the same	\$	18,018.64	

Background Information

- Cell Area – 340 ha
- Infrastructure Contributions Per Lot (ICPL) received - 3297
- Infrastructure Contributions Per Lot (ICPL) remaining - 131
- Remaining Area to be Developed – 4%
- Public Open Space Acquired – 27.83 ha
- POS Remaining – 0.6060ha (approx. \$1.258 million)
- Historic POS Credit – 0.2982 (approx. \$0.562 million)
- DDR Road acquisition and construction (\$0.382 million estimated remaining)
- Current contingency held (based on Council resolution of 4 June 2019 - \$3,092,677) for contributing landowners prior to 4 June 2019 (3,297 ICPL contributions paid).
- Additional excess funds at full development estimated to be \$397,683.
- Increased in potential excess funds (at full development) not included into the annual review and is pending investigation into final costs. As such, the ICPL rate for this cell is recommended to remain the same.



Level 2
26 Clive Street
West Perth WA 6005
PO Box 1285
West Perth WA 6872
T 08 9476 2000
F 08 9321 9203
perth@mcgees.com.au
www.mcgees.com.au

Our Ref: V382-19

14 January 2020

City of Wanneroo
Locked Bag 1
WANNEROO WA 6945
Attention: Mr Phillip Bland
Land Acquisition Officer – Property Services

Dear Phillip

**Re: Provision of Valuation Services for
East Wanneroo Development Area – Cell 1**

As requested, Mr Brian Zucal and myself have conferred in relation to the above matter and confirm as being fair, the following Cell Value:

Cell	Valuation Panel Recommendations \$ per hectare	10% Additional Value (Solatium) \$ per hectare
1	\$1,887,500	\$2,076,250

Kind regards.

Wayne Srhoy AAPI, Masters (Property)
Certified Practising Valuer
Licensed Valuer No. 44175
Western Australia

B E Zucal AAPI
Certified Practising Valuer
Licensed Valuer No. 100
Western Australia

Directors Peter A Duffield, Damian Molony AAPI, Victor J Sankey AAPI
Liability limited by a scheme approved under Professional Standards Legislation

Sullivan Commercial Pty Ltd - Licensee
ACN 051 442 070 ABN 20 051 442 070
Licensed Real Estate Agents

Associated Offices: Adelaide • Brisbane • Darwin • Melbourne • Perth • Sydney • Victor Harbor

Independent Auditors' Report to the City of Wanneroo ("the City") on the Annual Cost Review for Cell 1

Scope

We have performed an audit of the Annual Review of cell costs for Cell 1 and reviewed the methodology used in calculating and estimating cell costs for the remaining cell works, to certify that the cell costs are incurred and estimated as per the District Planning Scheme No. 2 ("DPS 2"). Our agreed scope of work included the audit of actual costs incurred and contributions received for the period beginning 1 April 2019 to ascertain that the actual expenditure incurred and contributions received up to 31 December 2019 gives a true and fair view and ensure that the assumptions used in the estimations of cell costs are in accordance with the DPS 2.

The City's Responsibilities

The City is responsible for ensuring that the cell costs incurred, estimated and the Infrastructure Cost Per Lot ("ICPL") charged are in accordance with the DPS 2 and related regulations, policies and procedures. The City is responsible for ensuring that all cell cost records are free of misstatements and omissions, and establish adequate internal controls for cell cost incurring, estimating and the calculation of ICPL rates, and ensure that adequate financial records have been maintained. The City is responsible for providing all financial records and related data, other information, explanations and assistance necessary for the conduct of the audit of the cell cost reviews.

Compliance with Independence and Other Ethical Requirements

We have complied with the relevant independence and other ethical requirements relating to assurance engagements, which is founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality and professional behavior.

Auditor's Responsibilities

Our responsibility is to express an opinion on the reasonability of the methodology used, in calculating and estimating cell costs for the remaining cell works, and assess the documentation provided to certify that the cell costs are incurred and estimated as per the District Planning Scheme No. 2 ("DPS 2"). We conducted our audit in accordance with Auditing Standards. These Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the methodology used in forming the basis of cost incurring, ICPL rate calculation and estimation is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the methodology used in forming the basis on the relevance of cell costs incurred and estimations made for the remaining cell development works.

The procedures selected depend on the auditor's judgement including the assessment of the risks of material misstatement of the methodology used. In making those risk assessments, the auditor considers internal control relevant to the City's preparation of the methodology used in forming the basis of cost incurring and cell cost estimations in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control.

CHARTERED ACCOUNTANTS & ADVISORS

Level 3, 15 Labouchere Road
South Perth WA 6151

PO Box 748
South Perth WA 6951

Telephone: +61 8 6436 2888

williambuck.com



An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the City, as well as the City's alignment to DPS 2.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Limitation on the scope

- We have not audited the actual expenditure incurred and contributions received from Cell 1 from its inception to 31 March 2019. It is noted that Management commenced an internal transactional review for all Cells from their inception to 2017/2018. All findings regarding Cell 1 were previously reviewed and reported in the William Buck reports of factual findings issued in April 2017, February 2019 and May 2019.
- We have not performed any market valuation assessment of lands and relied on third party valuation reports of McGees Property signed by certified practicing valuers, for validating the reliability of land acquisition costs estimated.
- We have not applied any requirements of the State Planning Policy 3.6 ("SPP 3.6") for evaluating the cost review of Cell 1, as there is no such requirement stated in DPS 2 to consider SPP 3.6 for Cell 1.

Audit Opinion

In our opinion, other than stated under the Limitation of Scope Paragraph above, in all material respects, the cell costs incurred, estimated for remaining cell development works, and proposed ICPL rate remain the same as its current rate of \$18,018.64 were fairly stated and in compliance to DPS 2.

Basis of accounting and restriction of distribution

Without modifying our opinion, we draw your attention to Part 8 Finance and Administration section of the DPS 2, which describes the basis of accounting and the City's methodology and basis used in cell cost incurring, cost estimation of future cell development works and calculating the proposed ICPL rate, for the purpose of reporting to the City. As a result, the methodology used in forming the basis of this may not be suitable for another purpose. Our report is intended solely for the City and should not be distributed or used by other parties' other than the City. The Audit Report is not to be used by any other party for any purpose nor should any other party seek to rely on the opinions, advices or any information contained within this Audit Report.

William Buck Audit (WA) Pty Ltd disclaim all liability to any party other than the City who choose to rely in any way on the contents of this Audit Report does so at their own risk.

William Buck

William Buck Audit (WA) Pty Ltd
ABN 67 125 012 124

CN

Conley Manifis
Director

Dated this 10th day of March 2020



PEET



Your Ref: 23145 (20/138356)

28 May 2020

Mr Daniel Simms
Chief Executive Officer
City of Wanneroo
Locked Bag 1
WANNEROO WA 6946

Dear Mr Simms,

ANNUAL REVIEW OF THE EAST WANNEROO CELL 1 COST SHARING ARRANGEMENTS

We refer to Council's decision of 7 April 2020 regarding the Annual Review of East Wanneroo Cell 1 Cost Sharing Arrangements and provide the following comments as our joint submission on this matter:

1. By letter dated 2 May 2019, we made a submission on the City's 2019 Review of the Cell 1 Cost Sharing Arrangements. That submission endorsed the results and recommendations of the City's 2019 review on the proviso that the City prioritises the completion of Cell 1 works and expedites the payment of a Tranche 2 refund. This position was premised on the facts that:
 - a. Once the Pinjar Road duplication project is concluded (in late 2019/early 2020) capital expenditure in Cell 1 would be all but completed, with any remaining capital costs being both nominal and easily estimated by the City; and
 - b. The only other notable expenditure remaining in Cell 1 was confined to Public Open Space (POS) land acquisition and resolution of historic POS credits, the value and timing of which are under the City's direct control, with ample funds retained in the Cell 1 account for this expenditure.

The only difference now, in the context of the 2020 Cell 1 Review, is that item a. above is no longer relevant, as the Pinjar Road duplication project has been concluded and all final costs associated with that project would be known and certain, or easily calculable and reconcilable by the City.

2. In response to the 2019 Cell 1 Review, Council approved the refund of more than \$22 Million in excess contributions collected from Cedar Woods, Peet, Satterley and other past Cell 1 developers. The refund was recommended by Administration and approved by Council in recognition of the facts that:
 - a. The funds were surplus to Cell 1 requirements, even after a generous contingency had been retained by the City;
 - b. The City had no claim over or right to those funds, as they were paid by and owed to past Cell 1 developers; and
 - c. There was no financial impost or risk whatsoever to the City, Council, community, or future development in Cell 1, associated with the return of excess funds to developers.

These same facts still hold true in relation to the surplus funds available in the Cell 1 account, as described in Administration's Report to Council on 7 April 2020 (Agenda Item PS02-04/20).

3. Subsequent to our 2 May 2019 submission on the 2019 Cell 1 Review we have, since September 2019, engaged and corresponded with the City to advance the Tranche 2 payment of surplus funds, for the benefit of all past Cell 1 developers.

Most recently, by letter dated 2 April 2020, our consultant (LK Advisory) wrote to the Mayor and Councillors on our behalf, ahead of the 7 April 2020 Council Meeting. That letter respectfully:

- a. Explained the severe economic impact that COVID-19 was having on the entire property development sector in Western Australia, including Cedar Woods, Peet and Satterley;
- b. Urged Council to please amend the Officer Recommendation to advertise the prospective return of surplus funds; and
- c. Presented a comprehensive amending motion to give effect to our request, which was compatible with the motion adopted by Council on 5 March 2019 when it considered the 2019 Cell 1 Review for advertising (Item PS03-03/19, Recommendation 4).

Despite these endeavours, we have been disheartened to:

- Either not receive or not receive any meaningful responses from the City to our approaches;
 - Not receive any response to our consultant's letter of 2 April 2020; and
 - Listen to the audio recording of Council's 7 April 2020 meeting and note there was no recognition whatsoever of the letter submitted on our behalf – leading us to conclude that Council had no regard to our fair and reasonable request at that time.
4. The operational and financial impacts of COVID-19 on all sectors of the Western Australian economy are severe and widely publicised. In response, all tiers of Government have been encouraged to release and redistribute funds wherever possible to support an economic recovery in employment-generating sectors. These messages have been echoed by:
- a. The Western Australian Local Government Association's (WALGA's) recent promotion of economic rebound initiatives being implemented by local governments across WA, such as accelerated capital spending, business/community grants, rate relief and small business support services; and
 - b. The Urban Development Institute of Australia (WA)'s "*Ready to Rebuild*" advocacy report (released 15 May 2020), which sets out priorities for jobs and a stronger economy post COVID-19.

The UDIA(WA) Report emphasises the importance of government support for the property and development sector due to its ability to lead the State's economic recovery. Notably, the Report highlights that the development industry represents approximately 10% of WA's Gross State Product and contributes \$27.8 billion annually to the State economy. Using conservative estimates, jobs in the property and development industry represent 15% of all employment in Western Australia. As every job within the housing construction sector generates a further two in the broader economy, the sector is well placed to advance the State's economic recovery.

These economic and employment conditions are perhaps no more relevant than in the City of Wanneroo, as the City has long been synonymous with growth, development, building and construction, and the provision of diverse housing choices to accommodate the State's expanding population. Consistent with this, the City of Wanneroo's (2018/19 *economy.id*) economic and employment data identifies that Construction is the largest employer in the City:

- Generating 9,075 local jobs in 2018/19;
- Accounting for 16.8% of the workforce;
- Comprising almost one-third of all businesses registered in the City; and
- Generating more than \$2.1 billion in local sales, in addition to more than \$675 million in local sales generated by the Property Operators and Real Estate Services sector.

Cedar Woods, Peet and Satterley are significant contributors to the sustainability and growth of the Construction, Property and Real Estate Services sectors within and beyond the City of Wanneroo. Therefore, Council's approval of a Tranche 2 refund in Cell 1 will bolster our financial resilience and support the continued delivery of projects throughout the State. This, in turn, will boost the full spectrum of employment in the property, development, construction and real estate services sectors – and all at no cost or risk to the City.

5. Administration's Report to Council on 7 April 2020 (Agenda Item PS02-04/20) identified that:
 - a. At 30 June 2019, \$882,408 of surplus funds were confirmed by audit as being available in the Cell 1 account;
 - b. A further \$397,683 of excess funds has been accumulated in the Cell 1 account since 30 June 2019, which is primarily attributable to interest earnings and a reduction in Cell Works (namely deletion of the footpath between Bonanella Entrance and Caporn Street; and a drainage sump which is no longer required); and
 - c. With the exception of interest earnings, no additional contributions have been received since the last annual review date of 4 June 2019.

This means that only developers who contributed to Cell 1 prior to 4 June 2019 (including Cedar Woods, Peet and Satterley) have any claim to the excess funds described in a. and b. above, totalling \$1,280,091. We are therefore seeking return of these funds now as a Tranche 2 payment to all past contributors in Cell 1.

6. We fundamentally disagree with the following statement appearing on page 12 of Administration's Report to Council on 7 April 2020 (Agenda Item PS02-04/20):

"However, given there remains uncertainty over future income and remaining Cell work costs (which could potentially increase in the future), it is recommended that Council retain the current ICPL rate of \$18,018.64 and only note the potential increase in estimated excess funds to contributing landowners, pending greater certainty over remaining income and Cell costs through a future annual review."

According to this statement, there is "uncertainty" over future income and remaining Cell work costs. This is utterly wrong because the total remaining Cell work items are fixed, few in number, clearly defined, and their costs are easily and reliably quantified.

The remaining Cell 1 works (totalling \$2,545,278) are limited to:

- POS land acquisition (\$1.258M), which is subject to and has been confirmed by annual Land Valuation;
- Payment of historic POS credits (\$0.562M), which is subject to and has been confirmed by annual Land Valuation;
- Residual roadworks and drainage items (\$0.381M), the costs of which we understand are now fixed and have been confirmed by the City;
- Resolution of Developer Balances pre-2007/2008 (\$0.129M), the costs of which we understand are now fixed and have been confirmed by the City; and
- The City's own Administration costs (\$0.212M), which are entirely within the City's control.

It must be understood that the timing of these remaining costs is either under the City's direct control or will only be incurred at the time of future subdivision and development in Cell 1, which in itself will generate income from contributions of \$2,360,442 to offset future expenditure.

In other words, future income alone will offset approximately 93% of all future expenditure, resulting in a nominal "shortfall" of only \$184,836. Added to this though, is the substantial contingency of \$3,092,677 already retained by the City as cash-in-bank, pending the completion of all future Cell 1 income and expenditure. This means the City is already holding a contingency of more than 120% of the funds needed to complete all remaining Cell 1 works, with all of those funds derived from developers who contributed to Cell 1 up to 4 June 2019. Therefore, even if the City needed to draw down on this contingency to complete all remaining Cell works without any additional income (from contributions or interest), there would still remain a surplus of contingency funds of \$547,399.

Considering the above, it cannot reasonably be said that there is any "uncertainty" surrounding future Cell income and expenditure; nor that there is any realistic possibility of costs increasing so materially (if at all) as to affect the City's calculations; nor that the City is somehow exposed to any financial risk whatsoever if it were to pay our requested Tranche 2 refund.

7. We have no objection to the recently advertised annual review of Cell 1 costs and recommended Infrastructure Cost Per Lot (ICPL), provided that the excess funds described in our paragraph 5 of \$1,280,091, are returned to past contributing developers as a Tranche 2 payment by 31 July 2020 or such other time as agreed in writing with the City.
8. Returning the requested excess funds of \$1,280,091 as a Tranche 2 payment will not only provide much-needed relief to past developers who have over-contributed tens of millions of dollars to Cell 1 since inception, but importantly will also:
 - a. Satisfy the proviso attached to our support for the City's 2019 Cell 1 Costs Review (i.e. to expedite a Tranche 2 refund);
 - b. Be compatible with the approach taken by Council when it adopted the 2019 Cell 1 Costs Review and approved a partial return of excess funds (Tranche 1) at its meeting on 4 June 2019 (Item PS02-06/19);
 - c. Demonstrate Council's support for a post COVID-19 economic recovery of the property and development sector, which is a significant contributor to the local economy and employment in the City;
 - d. Be payable under the terms of the existing Deeds of Agreement previously entered into by all recipients of the Tranche 1 refunds, thus reducing the administrative burden on the City to implement the Tranche 2 repayments; and
 - e. Be at absolutely zero risk and zero cost to the City, Council, the Community, and future developers in Cell 1.

Cedar Woods, Peet and Satterley look forward to Administration and Council's consideration and support for the position expressed in this submission.

Yours sincerely,



Ben Rosser
State Manager
CEDARWOODS PROPERTIES



Paul Lakey
Regional General Manager (WA/SA/NT)
PEET LIMITED



Nigel Satterley AM
Chief Executive
SATTERLEY

PS03-06/20 Consideration of Amendment No. 183 to District Planning Scheme No. 2: Lots 10 and 11 Dundebur Road and Lots 28 and 29 Belgrade Road, Wanneroo.

File Ref: 40628 – 20/182829
 Responsible Officer: Director Planning and Sustainability
 Disclosure of Interest: Nil
 Attachments: 4

Issue

To consider proposed Amendment No. 183 to District Planning Scheme No. 2 (**DPS 2**) to rezone Lots 10 and 11 Dundebur Road and Lots 28 and 29 Belgrade Road, Wanneroo from Rural Resource to Urban Development.

Owners	Estate of Late Nikola Grubisin, Marija Grubisin, Estate of Late Pasko Vulin, Mrs Neda Vulin, David and Margaret Manners, Thomas and Kathleen Coughlan
Location	Lot 10 (170) Dundebur Road, Wanneroo Lot 11 (176) Dundebur Road, Wanneroo Lot 28 (111) Belgrade Road, Wanneroo Lot 29 (107) Belgrade Road, Wanneroo
Site Area	8.09ha
MRS Zoning	Urban
DPS 2 Zoning	Rural Resource

Background

In May 2016, the Western Australian Planning Commission (**WAPC**) amended the Metropolitan Region Scheme (**MRS**) to rezone the subject land from Rural to Urban Deferred. The subject land is located within the western part of the future East Wanneroo urban area, which is subject to the draft East Wanneroo District Structure Plan (**DSP**), wherein these lots are designated as Suburban Neighbourhood. The subject land is shown on **Attachments 1** and **2** and has an area of approximately 8ha.

In December 2017, the City received an application to amend DPS 2 to include the subject land in the Additional Use Schedule of DPS 2 to enable a number of additional uses (retirement village, nursing home and related uses) to be able to be permitted on this land.

The City's Local Planning Policy 5.3: East Wanneroo (**LPP 5.3**) provides that the City would not support amendments to DPS 2 in the future East Wanneroo urbanisation area to facilitate future urban development unless (amongst other things) arrangements were in place to facilitate developer contributions.

On 26 June 2018, Council resolved that subject to a satisfactory legal agreement for development contributions being in place, it would consider initiating Amendment 163. Negotiations proceeded resulting in the proponents making a formal proposal to the City for a development contribution to be made. On 13 November 2018, Council resolved to not support the proponent's proposed contribution and noted that a suitable agreement had therefore not been reached. In this regard, it refused to initiate Amendment 163.

On 6 September 2019, Element planning consultants requested the WAPC to lift the Urban Deferred zoning in the MRS of lot 10 Dundebur Road and lots 28 and 29 Belgrade Road. The application to the WAPC did not include lot 11 Dundebur Road as the applicant advised that

the parties involved in the proposal could not reach agreement with the owner to participate in the project. The application included a Concept Plan for the site (see **Attachment 3**). The WAPC sought preliminary comment from the City on the application and Administration advised that, having regard to Council's LPP 5.3, the application was not supported.

On 19 February 2020, the WAPC determined to lift deferment of all four lots (including lot 11 Dundobar Road), with a notice of this decision gazetted on 13 March 2020.

Detail

Under the provisions of the *Planning and Development Act 2005*, the City is required, within 90 days of the MRS amendment taking effect (e.g. by 11 June 2020), to resolve to prepare an amendment to DPS 2 to make the scheme consistent with the MRS Urban Zoning. DPS 2 currently zones the subject land Rural Resource and this needs to be changed to a zoning consistent with the MRS Urban zoning. It is noted that the provisions of the Act do allow concurrent lifting of urban deferment and an amendment to the local planning scheme at the same time in certain circumstances, however in this case this was not done as it was considered by the WAPC that the outstanding issues of environmental considerations (i.e. giving the Department of Biodiversity, Conservation and Attractions an opportunity to comment on the vegetation on site) and the issue of developer contributions should be done as part of a separate amendment to DPS 2.

Element, on behalf of the owners, has requested Administration to progress the required DPS 2 amendment. Element has been advised that the form the amendment should take may be affected by the means used to facilitate a development contribution in respect to the proposed development. The WAPC decision relating to the lifting of deferment makes it clear that the expectation is that the proposed development should make a development contribution towards future infrastructure that will be required to support development in the future East Wanneroo urbanisation. The development contributions plan has not been prepared at this stage and will be completed as part of the future planning for the area and is likely to include the need to contribute towards community facilities, major road infrastructure and public open space.

If a voluntary agreement can be entered into prior to initiation of a DPS 2 amendment, then a zoning which does not require the subsequent preparation of a Local Structure Plan (**LSP**) could be considered. This is the preferred approach by the proponent and Administration as the preparation of a LSP for this small site is a longer and more convoluted process. In this regard, a provisional ('without prejudice') development contribution amount has been estimated for discussion with the applicant, however an agreement in this regard could not be reached. Refer to confidential attachment included as **Attachment 4**.

Due to the fact that a voluntary agreement cannot be entered into prior to initiating the DPS 2 amendment, it is considered that an Urban Development zoning is the most appropriate zoning, as this will require a LSP to be prepared. The LSP can set out the requirements for making development contributions through subdivision or development conditions, thereby introducing a 'trigger' and requirement for the payment of developer contributions. This is the same approach that has been used for the Caporn Street development that was approved by Council on 10 February 2020.

Consultation

Council is required under the *Planning and Development Act 2005* to prepare an amendment to DPS 2. As a 'standard amendment', the proposal must be publicly advertised.

Comment

The City is required to prepare an amendment to DPS 2 to provide for a type of zoning of the subject land which is consistent with the MRS Urban zoning, with the current Rural Resource zoning to be amended.

An appropriate developer's contribution is essential to ensure that the proponent contributes in a similar way towards the necessary infrastructure for the area than what would be required from other landowners as part of future structure planning and developer contribution plans.

As a voluntary agreement could not be reached with the proponents, it is recommended that a zoning which requires the subsequent preparation of a LSP be used, which would include provisions that require developer contributions. To facilitate this, an Urban Development Zoning would be appropriate as this would require that a LSP be subsequently prepared (and approved by the WAPC). This is in line with the provisions of sub-clause 3.14.3 of DPS 2, that no subdivision or development should be commenced or carried out in the Urban Development zone until a structure plan has been prepared and approved by the WAPC. Given the fact that the subject lots are already zoned Urban under the MRS and the Act requires the DSP 2 to be amended to conform with the MRS, the issue of developer contributions will need to be addressed at the structure planning stage rather than through a formal developer contribution scheme being prepared for the East Wimmeroo Area.

As the subject land consist of four lots only, which normally would not require the preparation of a LSP, the intent of the LSP in this instance is not to be overly detailed or complex, but the contain sufficient detail only to facilitate the subsequent planning changes including a requirement for the payment of developer contributions. At the subdivision approval stage a condition will be imposed by the WAPC requiring payment of the contributions. A condition requiring a contribution will be applied on any subdivision approval given it will be embedded in the structure plan approved by the WAPC.

Statutory Compliance

Under Section 124(3) of the Act, the City is required to prepare an amendment to DPS 2 to make it consistent with the MRS. Under the Regulations, the amendment is considered to be a 'standard' amendment as the amendment is required to make the scheme consistent with a region planning scheme.

Strategic Implications

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

“4 Civic Leadership

4.2 Good Governance

4.2.2 Provide responsible resource and planning management which recognises our significant future growth”

Risk Management Considerations

Risk Title	Risk Rating
ST-G09 Long Term Financial Planning	Moderate
Accountability	Action Planning Option
Director Corporate Strategy & Performance	Manage

Risk Title	Risk Rating
ST-S04 Integrated Infrastructure & Utility Planning	Moderate
Accountability	Action Planning Option
Director Planning 7 Sustainability and Director Assets	Manage

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic risk register. Action plans have been developed to manage this risk.

In addition to the above risks, there is a risk relating to obtaining development contributions in the absence of a DCP, which could mean that the City could be liable to fund a shortfall in infrastructure funding. This risk is mitigated through requiring a rezoning of the subject land to Urban Development zone to require that a LSP be prepared, and provisions included in DPS 2 to enable development contributions to be required at time of development approval (should no subdivision or amalgamation be involved).

The City places a high priority on the importance of maintaining good governance and has no appetite for deliberate act or omission by any party that jeopardises this. The City provides appropriate systems and processes to realise its values and achieve good governance. Decisions are aligned to policy to ensure non-compliance impacts are reduced as low as reasonably practicable (**ALARP**) and reputational damage is restricted to low. Therefore, the City accepts low or ALARP of compliance and governance risk.

Policy Implications

Section 1.2 of LPP 5.3: East Wanneroo provides that an amendment of this type should not be supported unless the subject land has first been zoned Urban under the MRS, with a number of pre-requisites for Urban zoning specified in the LPP having been satisfied. While the subject land has been zoned Urban under the MRS, the following pre-requisites have not been satisfied:

1. A District Structure Plan (**DSP**) and associated supporting studies have not been approved by relevant approval agencies;
2. A DCP is not in place to facilitate development contributions.

However, the policy does not account for the effect of Section 124(s) of the Act, which obliges the City to prepare this amendment to make DPS 2 consistent with the MRS.

Financial Implications

The *Planning and Development Regulations 2009* provides that no fee can be imposed in respect to a request for a local scheme amendment which is requested to make the local scheme consistent with the MRS. The costs associated with undertaking this amendment will therefore need to be met by the City through normal operational budget provision.

If Council supports the rezoning of the land, a local structure plan will be prepared and developer contribution arrangements finalised. Depending on the developer contributions being received, there may be long-term financial implications for the City, in particular in the event that there is an underpayment of contributions, any shortfall may have to be funded by the City (if other landowners in the area do not contribute).

Voting Requirements

Simple Majority

Recommendation




That Council:-

1. Pursuant to Section 75 of the *Planning and Development Act 2005* PREPARES Amendment No. 183 to City of Wanneroo District Planning Scheme No. 2 to:
 - a) Rezone lots 10 and 11 Dundobar Road and lots 28 and 29 Belgrade Road, Wanneroo from Rural Resource to Urban Development, and to amend the Scheme Map accordingly;
 - b) Insert the following in the appropriate location in Schedule A – Supplemental Provisions to the Deemed Provisions:

“Clause 69

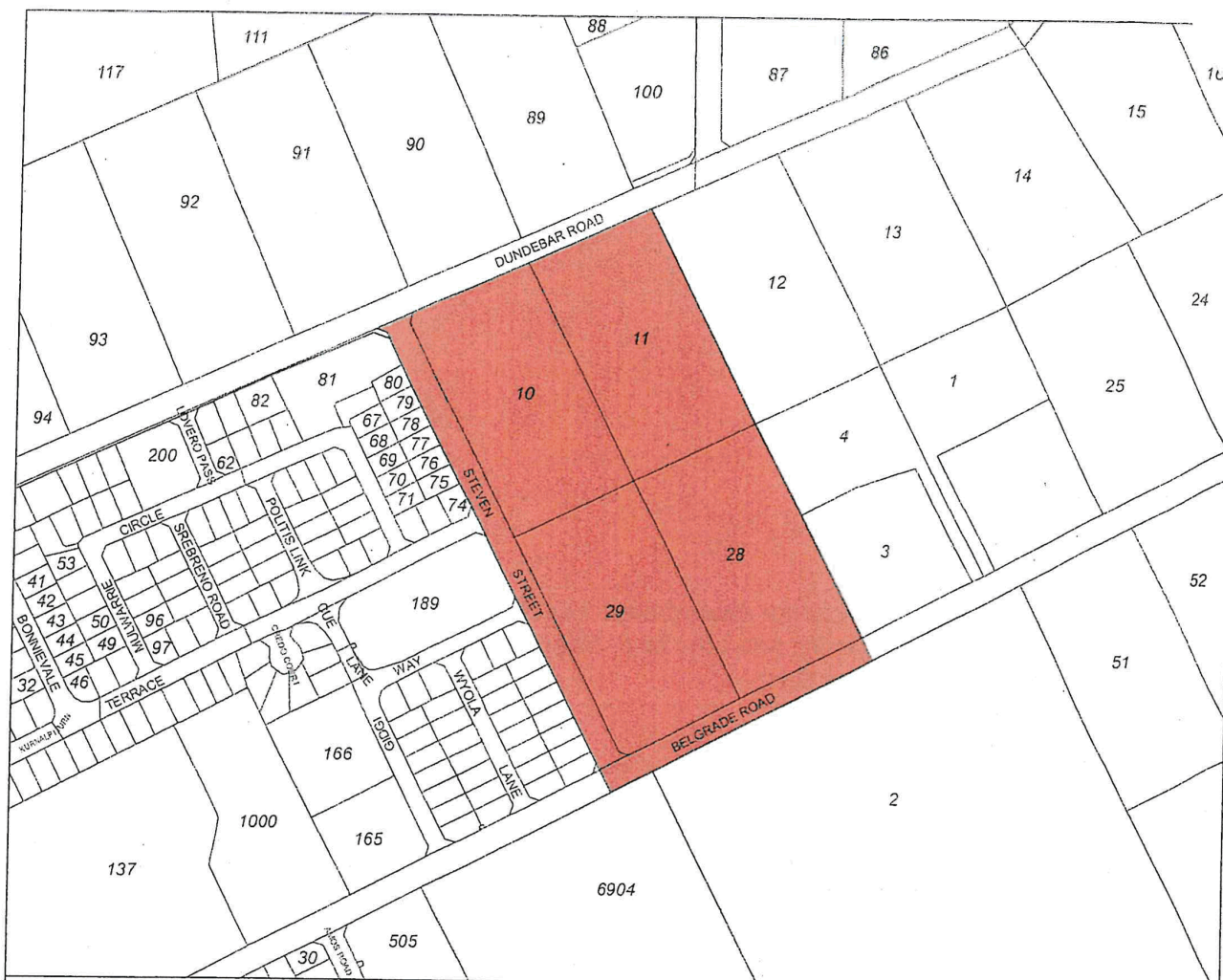
(3) The local government may grant development approval subject to a condition that a contribution to the provision of infrastructure related to the development be made at the time of granting of development approval, in accordance with any approved Structure Plan relating to that land.”
2. Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES that Amendment No. 183 to District Planning Scheme No. 2 is a standard amendment for the following reason
 - a) It is an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic assessment.
3. Pursuant to Section 81 of the Act, REFERS Amendment No. 183 to District Planning Scheme No. 2 to the Environmental Protection Authority; and
4. Subject to Environmental Protection Authority approval ADVERTISES Amendment No. 183 to District Planning Scheme No. 2 pursuant to Regulation 47 of the Regulations for a period of 42 days.

Attachments:

- | | | |
|---|--|--------------|
| 1  | Attachment 1 - Location Plan | 20/251417 |
| 2  | Attachment 2 - MRS | 20/182391 |
| 3  | Attachment 3 - Alternative Site Plan | 20/182487 |
| 4. | Attachment 4 - Negotiations with proponent | Confidential |



2




Signed for and on behalf of the
Western Australian Planning Commission

Metropolitan Region Scheme
Clause 27 - Transfer of land
from urban deferred zone to urban zone
Amendment No. 1371/27

An officer duly authorised by the Commission
pursuant to section 24 of the
Planning and Development Act 2005
for that purpose in the presence of :

Legend

 Excluded from urban deferred
and included in urban zone

Witness

Date



0 0.1 0.2
kilometres



COPY

Created on date: Tuesday, 25 February 2020
Document Name: MRS_3011_v1_APlan4.1657
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1

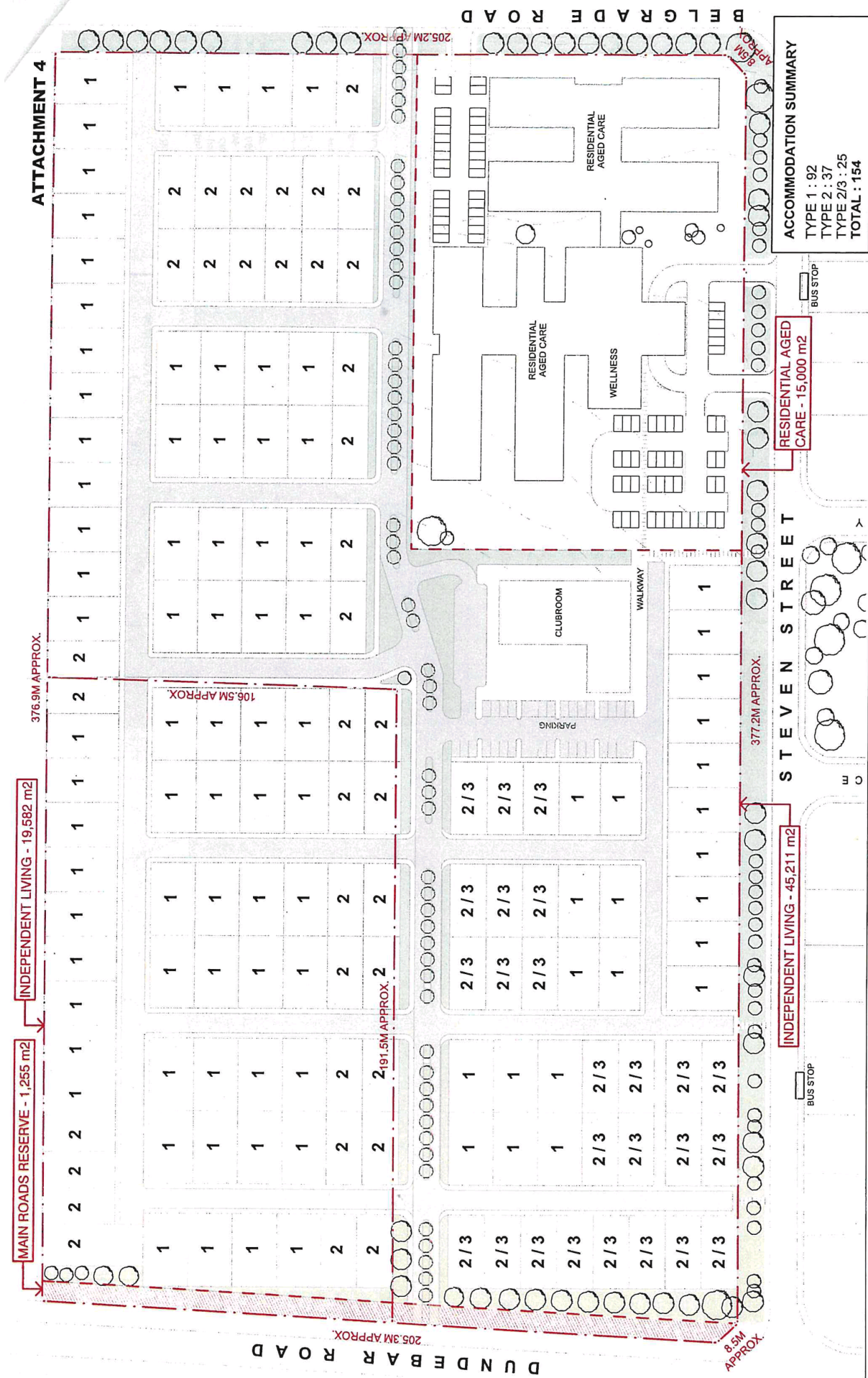
Program Manager: A. Muscara
Geospatial Officer: J. Ballarotta
Examined: A. Power
Revised:

File number: 812/02/30/0086
Plan reference:
MRS 1:25000 sheet 7
detail plans: 1.5908
Oracle reference no: 3011

Version No. 1

Date: 19 February 2020
WAPC / 287.10.3

Plan Number **4.1657**



WANNEROO RETIREMENT AND AGED CARE PRECINCT
BG16.035
MELVILLE HEALTH, AGED AND COMMUNITY CARE (WA) PTY LTD

SK.13 - ALTERNATIVE SITE PLAN REV: B

DATE: 09.07.19

WANNEROO RETIREMENT AND AGED CARE PRECINCT

SK.13 - ALTERNATIVE SITE PLAN REV: B

DATE: 09.07.19

CONFIDENTIAL Attachment 4 - Negotiations with Proponent

This attachment is confidential and distributed under separate cover to all Council Members.

Administration Use Only

Attachment 4 – HPE: 20/240908

Approval Services

PS04-06/20 Consideration of Amendment No. 182 to the District Planning Scheme No.2 to allow Aged Persons Dwelling as Additional Use

File Ref: 39272 – 20/6153
 Responsible Officer: Director Planning and Sustainability
 Disclosure of Interest: Nil
 Attachments: 4

Issue

To consider a request to amend District Planning Scheme No. 2 (**DPS 2**) by permitting the additional uses of Retirement Village, Reception Centre and Aged and Dependent Persons' Dwelling at Lot 23 (198) Mary Street, Wanneroo (the site).

Applicant	Roberts Day Town Planning
Owner	Bridgeleigh Investments Pty Ltd
Location	Lot 23 (198) Mary Street, Wanneroo
Site Area	4.0 hectares
MRS Zoning	Urban Deferred
DPS 2 Zoning	Rural Resource

Background

On 4 November 2019, Roberts Day Town Planning, on behalf of the land owner submitted the proposed amendment for the City's consideration. The site contains a Reception Centre and is currently zoned Urban Deferred under the Metropolitan Region Scheme (**MRS**) and Rural Resource under the DPS 2.

The Reception Centre has been operating since 1985 and currently benefits from Non-Conforming Use rights as the property was rezoned in 1999 to Rural Resource where the use is not permitted in the zone.

The site is located within the draft East Wanneroo District Structure Plan (**EWDSP**) Area and is identified for future residential development. The draft EWDSP is currently with the Department of Planning Lands and Heritage under assessment following public consultation which closed on 20 December 2019. The EWDSP is expected to be finalised by the Western Australian Planning Commission (**WAPC**) in late 2020.

Detail

Site

The site abuts Ocean Reef Road and contains the Bridgeleigh Reception Centre. The centre is available for hire for wedding receptions and hosts other private events and ceremonies. The site is vegetated in parts and there is some remnant native vegetation. Portions of the site are cleared for grassland, gardens and car parking. The four hectare site has a difference in ground levels of seven metres, from a high point in the south-west corner of the site to a low point in the north-east corner. **Attachment 1** is the location plan.

Proposal

Under the provisions of DPS 2 the current approved development Reception Centre is listed as an "X" (Not Permitted) use in the Rural Resource Zone. This proposal is submitted as a standard amendment and seeks to amend DPS 2 as follows:

- “1. *Inserting Additional Use No. 40 into Schedule 2 – Section 1 of DPS 2 for Lot 23 (198) Mary Street.*
2. *Including condition of Additional Use No. 40 to require the preparation and approval of a Local Development Plan prior to any development of the site.*
3. *Amend Scheme Map by annotating Lot 23 (198) Mary Street, Wanneroo with Additional Use No. 40.”*

DPS2 Schedule 2 will be amended by inserting Additional Use 40 as set out in the table below:

NO		STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE AND CONDITIONS (WHERE APPLICABLE)
A40	198	Mary Street, Wanneroo	Lot 23	Retirement Village Reception Centre Aged and Dependent Persons' Dwelling Condition: Development is to be in accordance with an approved Local Development Plan for the site.

It is proposed to retain the current Rural Resource zoning under DPS 2 and the current Urban Deferred zoning under the MRS. This is the same approach that the proponent for the Dundobar Road scheme amendment originally proposed.

Council may under Clause 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve whether to adopt the amendment or refuse to adopt the amendment. Council will also be required to determine the class of the amendment (basic, standard or complex).

If Council adopts the amendment the amendment will be required to be advertised for public comment and referred to the Environmental Protection Authority (**EPA**).

The proposed amendment will facilitate the development of the site for approximately 140 Aged and Dependent Persons residential dwellings whilst the existing Reception Centre building would be adapted for administrative purposes for the aged care facility as well as a portion becoming a community facility and a cafe. The applicant originally proposed that the surrounding gardens would be retained and opened to the public but continue to be owned and managed by the owners of the facility. However, during assessment of the proposal the applicant has agreed to provide 10% of the site as Public Open Space (**POS**) which would be ceded to the Crown and its development would be in accordance with the City's standards for POS.

The applicant has provided the following justification to the proposal:

- “• *Bound by Mary Street and Ocean Reef Road, environmental conservation area to the east and drainage facility to the west the proposal will have no detrimental impact on the future planning and development of the area.*

- *The repurposing of the centre will provide an opportunity for immediate place and event activation for the residents of the retirement village and aged care facility and provide necessary services to support development of the Mary Street Precinct;*
- *The proposal provides necessary housing options that support aging demographic that is underrepresented in the existing housing stock within Wanneroo;*
- *The proposal represents a logical expansion of the existing urban area and is consistent with the staging of the East Wanneroo District Structure Plan (EWDSP);*
- *The proposal is consistent with the 'Suburban Neighbourhood' designation of EWDSP;*
- *The retirement village will be self-contained with internal road network and services it will not compromise the orderly and proper planning and development of the area, including the subsequent preparation Local Structure Plan for the Mary Street Precinct;"*

Note: The applicant has subsequently modified their position to propose ceding of 10% POS and that may affect the ability to develop a self-contained development .

- “• *The immediate provision of service infrastructure is available, and the proposal is adequately accessible by transport networks;*
- *EWDSP confirmed the subject site is not impacted by regional requirements (i.e. regional road widening, open space) and therefore will not prejudice the provision of regional services;*
- *There are no constraints to development, including environmental attributes that would inhibit urban development;*
- *The proponent has entered into arrangements with the City of Wanneroo to fulfil its expectation for a fair and reasonable developer contribution;*
- *This proposal is not of a scale to have an adverse impact on the area and will not pre-empt outcomes for the future urban development of the locality; and*
- *the proposal provides opportunity for incubation of a social focal point for the future Mary Street Precinct by utilising the existing function facilities and gardens for community events and meetings. ”*

Attachment 2 contains the amendment plan showing the existing zoning and proposed scheme amendment zoning.

Consultation

Should Council resolve to adopt the amendment Council is then required to determine under Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the **Regulations**) whether a scheme amendment is to be classed as basic, standard or complex which determines the consultation and approval requirements.

The class of amendment determines the level of consultation required to be carried out and whether (as in the case of a complex amendment) approval of the WAPC is required prior to consultation.

The applicant has put forward the proposal as a standard amendment for the following reason under Clause 34 of the Regulations:

“standard amendment means any of the following amendments to a local planning scheme

- (f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;”*

A standard amendment does not require referral to the WAPC for a decision prior to consultation commencing.

However, Amendment No. 182 to DPS 2 is considered by Administration to be a complex amendment in accordance with Clause 34 of the Regulations for the reasons as set out below:

“complex amendment means any of the following amendments to a local planning scheme

- (b) *an amendment that is not addressed by any local planning strategy;”*

In this regard while the EWDSP remains a draft document, there is no local planning strategy in place that supports development of Rural Resource zoned land for urban development in this location. In this regard a similar proposal at Belgrade and Dundobar Road was considered to be a complex amendment as that land was also not zoned Urban in the MRS and there was no planning strategy supporting urban development at that site.

Should Council resolve to adopt the proposal and also resolves that it is a complex amendment, the application will first need to be referred to the WAPC for assessment and a decision on the content of the proposal made before the amendment can be advertised under Clause 37 (2) of the Regulations below:

“37. Resolution to proceed to advertise complex amendment

- (2) *If the local government resolves to proceed to advertise a complex amendment to a local planning scheme the local government must, before advertising the amendment, submit 2 copies of the proposed amendment to the Commission.”*

Whether the proposal is considered standard or complex, in accordance with Section 81 of the *Planning and Development Act 2005* if consent to advertise is granted by the Council and WAPC (for complex amendments) the proposal will need to be referred to the Environmental Protection Authority (EPA) to determine whether formal environmental assessment is necessary.

Subject to the approval of the EPA, the standard amendment must be advertised for public comment for a period of no less than 42 days. Advertising is to occur in the following manner consistent with the requirements of the Regulations by way of:

- Advertisement in a local newspaper;
- Display notice of the proposal in Council offices and on the City’s website; and
- Referral in writing to affected persons/ agencies.

Comment

The application has been assessed against the MRS, DPS 2, Local Planning Policy 5.3: East Wimmeroo and draft EWDSP as detailed below.

With due regard to the applicant’s proposal and the state and local planning framework, Administration has set out below the matters that must be considered by Council in determining whether to adopt Amendment No. 182.

Metropolitan Region Scheme

The subject site is zoned Urban Deferred under the MRS. The applicant has advised that the Urban Deferred zoning demonstrates an intention for the land to ultimately be developed for urban purposes therefore this amendment application considers that the proposal can be accommodated under the current zoning prior to the lifting of the deferment for urban development.

This is an incorrect conclusion as, per the Western Australian Planning Commission's (**WAPC**) *Draft Lifting of Urban Deferment Guidelines*, before agreeing to the transfer of land from the urban deferred zone to the urban zone, the WAPC will require evidence of its suitability through the preparation of a draft structure plan that demonstrates:

- The land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services;
- Planning is sufficiently advanced to depict an acceptable overall design to guide future development;
- The proposed urban development represents a logical progression of development;
- Regional requirements (such as regional roads, open space and public purposes) have been satisfied or provision made for them; and
- Any constraints to urban development, including in relation to environmental, hazard and risk issues, can be satisfactorily addressed.

The above mentioned guidelines state that:

"Land deferred under a region planning scheme should generally be zoned rural or, where appropriate provisions restrict development until urban deferment is lifted under the MRS and urban development in the local planning scheme."

The proposed additional uses are urban in nature and considering the above provision in the guidelines, such developments should be restricted until urban deferment is lifted. The final outcome of the EWDSP is not certain at this stage and there will be significant infrastructure coordination required to facilitate urban development of the future East Wanneroo Urban area, which cannot be prepared until the EWDSP is finalised.

District Planning Scheme No. 2 (DPS 2)

The subject site is zoned Rural Resource under the City's DPS 2. The land uses of Retirement Village, Reception Centre and Aged and Dependent Persons' Dwelling are Not permitted ('X') uses in Rural Resource zone.

The Objectives of the Rural Resource zone are set out in DPS 2:

"3.17.1 The objectives of the Rural Resource Zone are to:

- a) *Protect from incompatible uses or subdivision, intensive agriculture, horticultural and animal husbandry areas with the best prospects for continued or expanded use;*
- b) *protect from incompatible uses or subdivision basic raw materials priority areas and basic raw materials key extraction areas."*

The proposed additional uses are considered to be incompatible with these objectives.

Local Planning Policy 5.3: East Wanneroo (LPP 5.3)

LPP5.3 adopted by Council on 9 April 2019 (PS01-04/19) provides guidance on consideration of planning proposals including amendments to DPS 2 for urban or similar development and applications for planning approval of a rural nature received in respect to the East Wanneroo area.

The overriding Principle of LPP 5.3 is that there shall be a general presumption against subdivision and development that may detrimentally impact on the orderly and proper planning of the area, specifically prior to the finalisation of a district structure plan, a local structure plan and development contribution schemes.

Clause 1.2 of LPP 5.3 states that the City shall not support any application for amendment to DPS2 that is intended to facilitate any form of urban or similar development unless the subject land has first been zoned Urban under the MRS.

In justifying the proposal the applicant has referenced to Clause 1.1 of LPP 5.3 which relates to an application to lift urban deferment of land zoned Urban Deferred in the MRS. However this is not applicable as the application is to amend DPS 2, not the MRS and therefore Clause 1.1 of LPP 5.3 does not apply.

The proposed additional uses are urban in nature and the site has not been rezoned to Urban under the MRS. The proposal is therefore premature and contrary to the provisions of Clause 1.2 of LPP 5.3. It is recommended that the amendment not be supported as it is likely to prejudice the preparation of a consolidated planning framework for the area which is currently under development by the State Government. In this regard the amendment will enable the development of the land for urban development without the benefit of a statutory planning framework that ensures all servicing infrastructure costs are accounted for and equitably apportioned among the landowners and the City.

Draft EWDSP

The draft EWDSP prepared by the WAPC was released for public comment in September 2019 and closed on 20 December 2019. The structure plan area is divided into 28 precincts and the subject site is located in Precinct 1 at the north-eastern corner of Ocean Reef Road and Lenore Road. The site is identified as Suburban Neighbourhood which is described as a residential area of medium density.

The draft EWDSP outlines the planning process in three sequential parts as follows:

- District level processes are District Structure Plan, Metropolitan Region Scheme amendment and a District Development Contributions Scheme;
- Precinct level processes are lifting of Urban Deferment, Local Structure Plans, amendments to DPS 2 and Local Development Contributions scheme; and
- Subdivision and development applications.

From the above it is clear that development of the site should not take place until such time as the District level and Precinct level planning processes are complete. If the subject amendment were to be approved, then it will allow development of the land without a comprehensive and integrated planning framework being in place. This is necessary to ensure equity across fragmented land holdings and that the development does not create additional costs or problems for the development of the surrounding properties. Approval of the amendment at this time is contrary to the intent of the draft EWDSP.

Developer Contribution

The applicant has prepared a Development Concept Plan, which depicts a self-contained aged persons development across the site with no connection to adjoining lots nor is there provision for public open space shown. **Attachment 3** is the Development Concept plan.

The development concept is not part of the proposed amendment to DPS 2 and would be considered through a subsequent Local Development Plan and Development Application should the amendment ultimately be approved by the Minister for Planning and included as part of DPS 2.

The proposed land uses, however, raise questions of equity in relation to the proportionate contributions by land owners in the area toward the shared cost of infrastructure and facilities to support urban development in the area. Proportionate contributions will be required under future developer contribution schemes if the draft EWDSP is approved.

Approval of the proposed amendment now will rely on a voluntary agreement to be made by the applicant with the City outside of the planning framework as there are no formalised cost sharing arrangements. There are risks if estimates are used to determine the value of the voluntary contribution if they prove to be inaccurate (either over or under collecting of contributions) when formal development contribution schemes are prepared in the future for adjoining and nearby landholdings

A potential outcome could be that surrounding land owners are required to pay more in contributions per hectare than what is agreed to be paid by the owners of the site under a voluntary arrangement. This would not be an acceptable outcome for the surrounding landowners and it is not possible to determine what the outcome will be at this time. Alternatively, the developer could agree to pay a rate that exceeds that required under a future contribution scheme. It is not clear what implications that situation may have in relation to management of funds collected for the provision of infrastructure in the area.

Development Contribution Plans (**DCP's**) are prepared in two stages namely at District level and Local Level.

On Page 21 of the EWDSP under section 2.2.2 District Development Contribution Plan the EWDSP will deal with:

- Acquisition of land and construction of integrator arterial roads;
- Construction of district level community facilities; and
- Sustainable transport infrastructure.

The contributions will relate to land zoned Urban and Industrial. The draft EWDSP states that the DCP is to be progressed as an amendment to DPS2 and must be substantially commenced prior to rezoning of any precinct to Urban or Industrial under the MRS. It is further stated that all the land identified for future development must be rezoned to Urban or Industrial prior to progressing local structure plan, subdivision and development proposals.

At the local level, local developer contribution plans are to be prepared for each precinct for public open space contributions but may also include local road connections and drainage requirements. For Precinct 1 the draft EWDSP recommends that contribution plans will be required for POS, the local road network and drainage infrastructure.

The applicant seeks to justify the proposal as a self-contained development – one that will not require any road connections to surrounding lots. However, the form of development remains residential in the Rural Resource zone. In the absence of a developer contribution scheme the applicant has proposed entering into a voluntary developer contribution arrangement with the Council relating to District Level Contributions, public open space (POS) acquisition and

development, and local community facilities if Council were inclined to support the proposal. Discussions have been held between Administration and the proponent on a without prejudice basis.

The details of the proposed voluntary contribution agreement are contained at **Attachment 4**.

Administration does not consider that there is sufficient certainty around the required contribution amounts to enter into a voluntary contribution agreement in lieu of preparation of formal developer contribution schemes.

Discussion

The City's LPP 5.3 provides that the City should not support any application for amendment of DPS2 that is intended to facilitate any form of urban or similar development unless the subject land has first been zoned Urban under the MRS. It also requires that the pre-requisites for Urban zoning detailed in the policy be satisfied.

In this regard, Lot 23 Mary Street has not been zoned Urban under the MRS, and the following pre-requisites in LPP 5.3 have not been satisfied:

- A District Structure Plan and associated supporting studies have not been prepared and approved by relevant approval agencies (noting that a District Structure Plan has been prepared and subject to public consultation, but has not yet been finalised);
- Lifting of Urban Deferment, Local Structure Plans and amendments to DPS 2 are yet to be undertaken; and
- A DCP is not in place to facilitate development contributions for regional and district-level infrastructure.

According to LPP 5.3, this application should therefore not be supported.

The draft East Wannon DSP, which is expected to be published in late 2020, also includes an implementation process which provides that DPS 2 amendments should only occur once district level processes have been completed. This planning process includes the finalisation of the East Wannon District Structure Plan, MRS amendments to rezone land to Urban Deferred (and Urban) and the preparation of a district-level DCP. In this regard, the DSP is still to be finalised, and a DCP is still to be prepared. The DSP includes a staging plan for the urbanisation of the area, and the implementation process outlined in the DSP provides that local scheme amendments should only occur on a 'precinct' basis. The draft East Wannon DSP identifies a precinct encompassing all of the Mary Street lots.

The current application is contrary to the above requirements of the DSP, and this therefore also indicates that it should not be supported.

Both LPP 5.3 and the draft East Wannon DSP are aiming to ensure that the planning and development of the new East Wannon urban area occurs in an orderly manner and that ad-hoc development is avoided as this could have significant detrimental consequences for the development of the area. Support for this proposal would be contrary to this, and may lead to further ad-hoc proposals.

However, if Elected Members are supportive of this proposal, then it would require a developer contribution, similar to the approach considered for the Dundee/Belgrade Road scheme amendment. If this proposal is supported the proponent has offered to vest the 10% POS required and Administration considers that the provision of POS and its development to a minimum standard, along with a contribution towards Local and District/Regional community facilities; and District Distributor Road acquisition and construction should be applied. Administration is still in discussions with the proponent, and estimates that the contributions that would be required would amount to approximately \$1,615,118. However, the proponent

has advised that they may be willing to provide 10% of the site as accessible POS (e.g. land and development cost), which would reduce this amount to \$586,118. The provision of POS will have to comply with the City's requirements in relation to location, public access and standard of development.

Bushfire Management Plan

The Bushfire Management Plan (**BMP**) submitted by the applicant was referred to the Department of Fire and Emergency Services (**DFES**) for approval. Most of the amendment area has a BAL rating of 12.5.

DFES advised the City that;

"The scheme amendment and BMP have adequately identified issues arising from the bushfire hazard level assessment and considered how compliance with the bushfire protection criteria can be achieved at subsequent planning stages. However, minor modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. As these modifications are considered minor in nature and will not affect the scheme amendment."

The minor modifications identified by DFES are as follows:

1. *"Areas of vegetation have been excluded along the eastern and western boundaries of the lot. The lots either side of Lot 23 appear to be owned by the City and are therefore Crown land and not subject to the Firebreak notice; and*
2. *No inputs (slope, separation distances, etc.) have been included in the BMP to validate the BAL contours and subsequent BAL ratings provided."*

Under the provisions of the WAPC's State Planning Policy 3.7 Planning in Bushfire Prone Areas, at the subdivision/development stages the developer will be required to comply with the findings of a bushfire assessment. At that time the developer will be required to address the minor modification identified by DFES to their satisfaction.

Conclusion

The proposed amendment should not be supported as it does not satisfy LPP5.3 which states that the City shall not support any application for amendment to DPS 2 that is intended to facilitate any form of urban or similar development unless the subject land has first been zoned Urban under the MRS and the site still zoned Urban Deferred in the MRS.

The proposal is inconsistent with the draft EWDSP which states that prior to any development can take place the MRS needs to be amended to rezone the land Urban and the district and local DCP's need to be in place and would represent an undesirable precedent.

There is risk for surrounding land owners and the City with respect to the proposed voluntary developer contribution. The proposed payment poses a risk that may impact on the costs associated with development of land in the surrounding area under future developer contributions schemes.

Statutory Compliance

The scheme amendment will follow the statutory processes specified in the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

Strategic Implications

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

“3 *Environment (Built)*

3.6 *Housing Choice*

3.6.1 *Facilitate housing diversity to reflect changing community needs”*

Risk Management Considerations

Risk Title	Risk Rating
ST-G09 Long Term Financial Planning	Moderate
Accountability	Action Planning Option
Director Corporate Strategy & Performance	Manage

Risk Title	Risk Rating
ST-S04 Integrated Infrastructure & Utility Planning	Moderate
Accountability	Action Planning Option
ELT (Director P&S and Director Assets)	Manage

Risk Title	Risk Rating
CO-O22 Environmental Management	Moderate
Accountability	Action Planning Option
Director Planning & Sustainability	Manage

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

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic and Corporate risk register. Action plans have been developed to accept this risk to support existing management systems. This proposal aligns with the Environment objective of the existing Strategic Community Plan, Council should therefore consider the following risk appetite statement: 3.6 Housing Choice.

The City's defined risk appetite for 3.6 Housing Choice is articulated through the risk appetite statement as - The City addresses the changing needs of its community, including the facilitation of adequate housing supply to meet a growing population and achieve State Government targets with adequate and varied housing choice. Therefore, the City will accept moderate financial and/ reputational risk to ensure sustainability and adequate housing supply.

Policy Implications

This proposal is assessed under the provisions of the City's Local Planning Policy 5.3: East Wanneroo.

Financial Implications

As discussed in the body of the report, the applicant has agreed to make a cash payment of \$586,118 in addition to providing 10% POS at the value of \$869,000 and a POS development cost of \$160,000 with the total being \$1,615,118. If the amendment proposal were to be supported by Council, it is recommended that during the public comment period, the developer enters into an agreement with the City detailing the method of payment of the cash contribution to the City.

Voting Requirements

Simple Majority

Recommendation

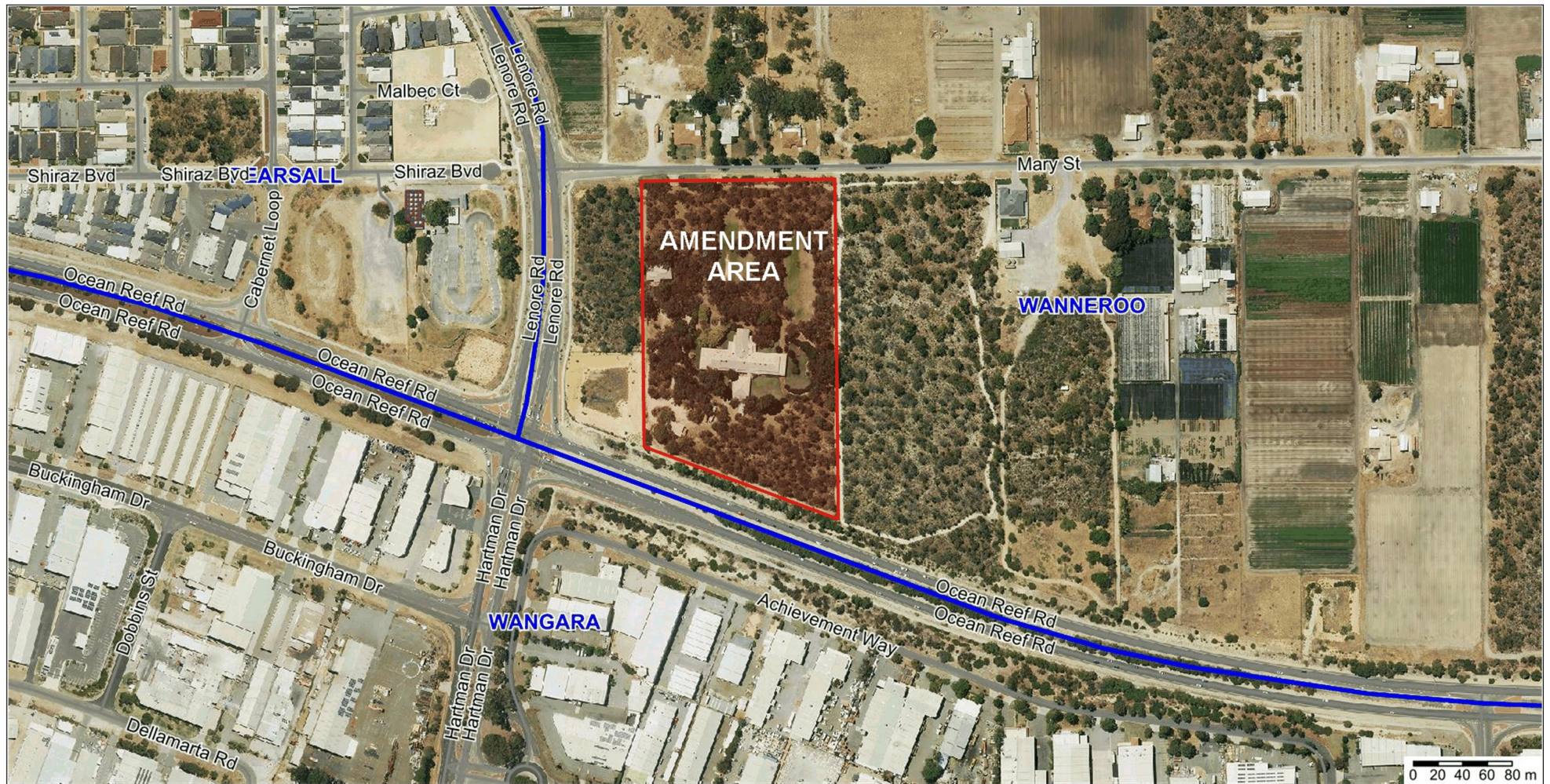
That Council:-

Pursuant to Section 75 of the *Planning and Development Act 2005* REFUSES to adopt Amendment No. 182 to District Planning Scheme No. 2 submitted by Roberts Day Town Planning on behalf of Bridgeleigh Investments Pty Ltd to enable the additional uses of Retirement Village, Reception Centre and Aged and Dependent Persons' Dwelling at Lot 23 (198) Mary Street, Wanneroo for the following reasons:

- 1. The proposed additional uses are urban in nature and are inconsistent with the urban deferred zoning under the Metropolitan Region Scheme;**
- 2. The proposal is premature and contrary to Clause 1.2 of the City's Local Planning Policy 5.3, which states that the City shall not support any application for amendment to District Planning Scheme No. 2 that is intended to facilitate any form of urban or similar development unless the subject land has first been zoned Urban under the Metropolitan Region Scheme and the site still zoned Urban Deferred in the Metropolitan Region Scheme;**
- 3. The draft East Wanneroo District Structure Plan prepared for the area states that prior to any urban development taking place the Metropolitan Region Scheme needs to first be amended to rezone the land Urban and district and local Developer Contribution Plans need to be in place;**
- 4. The amendment is contrary to orderly planning for the area and will set an undesirable precedent; and**
- 5. Development of the land for urban uses should not occur until there is a comprehensive planning framework in place that ensures infrastructure and community facilities costs are apportioned equitably.**

Attachments:

<u>1</u>	Attachment 1 - Location Plan	20/115300
<u>2</u>	Attachment 2 - Amendment document	20/115319
<u>3</u>	Attachment 3 - Development Concept Plan	20/196860
<u>4</u>	Attachment 4 - Proposed Voluntary Contribution Agreement	20/251359



**AMENDMENT NO.182 TO DISTRICT PLANNING SCHEME NO. 2
LOT 23 (198) MARY STREET, WANNEROO**

LOCATION PLAN





DISTRICT PLANNING SCHEME No. 2

Amendment No. 182

Planning and Development Act 2005**RESOLUTION TO ADOPT AN AMENDMENT TO
LOCAL PLANNING SCHEME****CITY OF WANNEROO****DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 182**

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

1. Inserting Additional Use No. 40 into Schedule 2 – Section 1 of DPS 2 for Lot 23 (198) Mary Street.
2. Including condition of Additional Use No. 40 to require the preparation and approval of a Local Development Plan prior to any development of the site.
3. Amend Scheme Map by annotating Lot 23 (198) Mary Street, Wanneroo with Additional Use No. 40.

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

- (f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*

Date of Council Resolution.....

.....
(Chief Executive Officer)

Dated this day of 20.....

EXISTING ZONING



- LEGEND**
- SUBJECT SITE
 - 23 EXISTING LOT NUMBERS
- REGION SCHEME RESERVES (MRS)**
- OTHER REGIONAL ROADS
 - COMMERCIAL
 - GENERAL INDUSTRIAL
 - SERVICE INDUSTRIAL
 - RURAL RESOURCE
 - URBAN DEVELOPMENT
- LOCAL SCHEME ZONES**
- PARKS AND RECREATION
- OTHER CATEGORIES**
- LOCALITY BOUNDARY
 - NO ZONE

PROPOSED ZONING



- LEGEND**
- SUBJECT SITE
 - 23 EXISTING LOT NUMBERS
- OTHER CATEGORIES**
- A42 ADDITIONAL USES

PLANNING AND DEVELOPMENT ACT 2005**CITY OF WANNEROO****DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 182**

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 by:

1. Inserting Additional Use No. 40 into Schedule 2 – Section 1 of DPS 2 for Lot 23 (198) Mary Street as follows:

NO		STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE AND CONDITIONS (WHERE APPLICABLE)
A40	198	Mary Street, Wanneroo	Lot 23	Retirement Village Reception Centre Aged and Dependent Persons' Dwelling Conditions: Development is to be in accordance with an approved Local Development Plan for the site.

PROPOSAL TO AMEND A TOWN PLANNING SCHEME

1. LOCAL AUTHORITY:	CITY OF WANNEROO
2. DESCRIPTION OF TOWN PLANNING SCHEME:	DISTRICT PLANNING SCHEME NO. 2
3. TYPE OF SCHEME:	TOWN PLANNING SCHEME
4. SERIAL NUMBER OF AMENDMENT:	AMENDMENT NO. 182
5. PURPOSE:	To amend Schedule 2 – Section 1 of the City of Wanneroo District Planning Scheme No. 2 to include the Additional Use of ‘Retirement Village’, ‘Reception Centre’ and ‘Aged and Dependent Persons’ Dwelling’ specific to Lot 23 (198) Mary Street, Wanneroo subject to conditions.

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 _____ day of _____ 20 __.

.....
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 _____ day of _____ 20 __, proceed to advertise this amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for _____ by resolution of the City of Wanneroo at the Ordinary Meeting of the Council held on the _____ day of _____ 20 __ 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

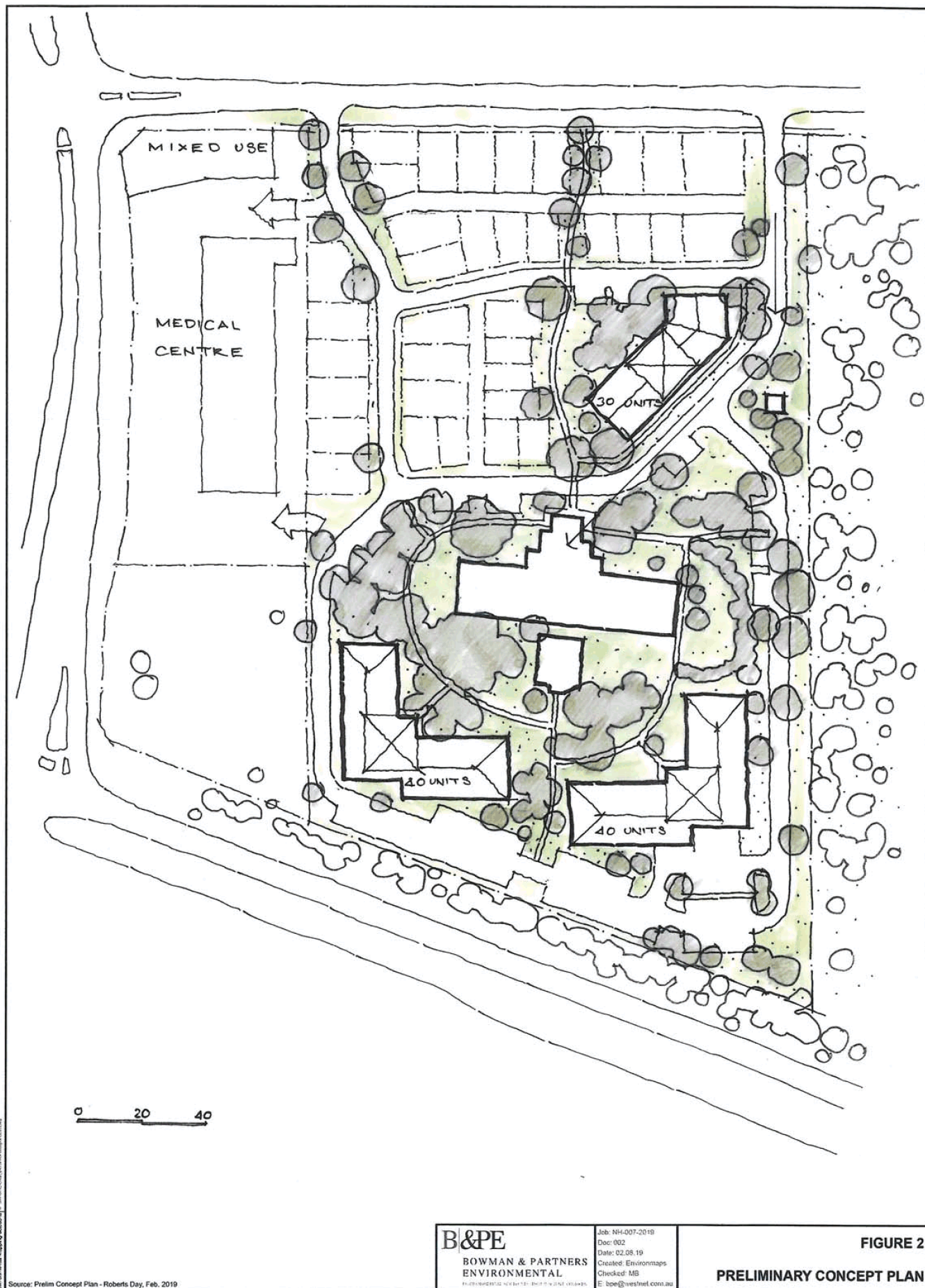
.....
DELEGATED UNDER S.16 OF
PD ACT 2005

DATE

Approval Granted

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

DATE



ATTACHMENT 4**Voluntary Developer Contribution Agreement**

The applicant, in order to progress development of the site ahead of the EWDSP and rezoning of the land to Urban under the MRS has offered to pay the City a sum equivalent to the amount that has been estimated by Administration that would be required under future developer contribution schemes.

The proponent was advised that the City would seek to take a similar approach to determining an appropriate contribution amount as was undertaken for the Dundobar Road/Belgrade Road proposal. Administration then provided the proponent with figures based on that case, but noting that these figures were being updated.

Following are the key elements of the development contribution estimate which has been provided by Administration to the proponent:

Proposed Contributions (approximate)	Contribution amount (approximate)
10 % POS	\$869,000
POS Development Cost (based on average)	\$160,000
Local and District/Regional Community Facility	\$182,000
DDR Road Construction (km) - Proportional Basis (Future East Wanneroo Areas)	\$126,208
DDR Land Acquisition (M2) - Proportion of East Wanneroo	\$277,910
TOTAL VALUE	\$1,615,118

The proponent has considered the developer contribution estimate proposed by Administration and has agreed to make a voluntary cash contribution of \$586,118, which is the total value less the 10% POS value (\$869,000) and POS development cost (\$160,000). This is because the proponent intends to provide 10% of the land as POS and develop that POS.

If the amendment proposal were to be supported by Council, it is recommended that during the public comment period, the developer enters into an agreement with the City detailing the method of payment of the cash contribution to the City.

Notwithstanding the above, it should be noted that a voluntary agreement will only be relevant if the proposed amendment is supported and approved by Council and the WAPC and finally approved by the Minister. In this regard, all negotiations to-date have been undertaken on a without prejudice basis.

PS05-06/20 Consideration of Amendment No. 38 to the East Wanneroo Cell 4 Approved Structure Plan No. 6 - Lot 594 Ranworth Road, Hocking

File Ref: 3379-38 – 20/109678
 Responsible Officer: Director Planning and Sustainability
 Disclosure of Interest: Nil
 Attachments: 5

Issue

To consider submissions received during public advertising of Amendment No. 38 to the East Wanneroo Cell 4 Approved Structure Plan No.6 (**ASP 6**).

Applicant	Roberts Day Town Planning
Owner	Roman Catholic Archbishop of Perth
Location	Lot 594 Ranworth Road, Hocking
Site Area	Approximately 10 hectares
MRS Zoning	Urban
DPS 2 Zoning	Urban Development
ASP6 Zoning	Residential Precinct (R20)

Background

On 10 September 2019, the applicant on behalf of the owner, lodged Amendment No. 38 to ASP 6 for the City's consideration. The amendment relates to Lot 594 (30) Ranworth Road, Hocking (the site).

Owners of the site have decided not to proceed with developing the site for a secondary school. The owners of the site advised the City that:

“An internal review has determined that development of a secondary Catholic College on this site is no longer viable. As such this site is being prepared for alternative uses.”

On 1 October 2019, Administration forwarded a memorandum to all Council Members advising that the amendment proposal will be advertised for a period of 28 days from 10 October to 7 November 2019 in accordance with Clause 18 of the deemed provisions of the District Planning Scheme No. 2 (**DSP 2**).

Following consultation, Administration has been in a series of discussions with the applicant to address the issues raised in objection to the proposal relating to the Business zone, traffic and density. Those discussions resulted in Administration not being able to present a report on the matter within the 60-day period after the close of submissions, which ended on 7 November 2019. Under the provisions of the clause 20(1) of the deemed provisions of the DPS 2 the City obtained an extension up to 30 June 2020 from the Western Australian Planning Commission (**WAPC**) to consider this amendment with the support of the applicant.

Detail

The Site

The site is bounded by Wanneroo Road to the west, residential area and Ranworth Road to the north, Anfield Parade to the east and Kirkstall Drive to the south. The residential areas surrounding the site are fully developed. Hocking Shopping Centre is approximately 500 metres to the north-east. A government primary school is also located north-east diagonally opposite the site. The area to the west of Wanneroo Road is developed as a Special

Residential area. St Elizabeth's Catholic Primary School is located on the eastern portion of the site and the remaining portion is vacant containing some vegetation. A location plan is provided as **Attachment 1**.

The Proposal

The amendment to the structure plan proposes to:

1. Rezone:
 - The eastern portion of the site (which includes the existing private primary school) from Residential Precinct to Private Clubs/Recreation Zone; and
 - The westernmost portion of the site fronting Wanneroo Road to Business Zone;
2. Recode the remaining portion of the site currently zoned Residential Precinct in ASP 6 from Residential R20 to the following density codes R25, R30, R40 and R60.
3. Amend Part 1.0 (Implementation) of ASP 6 to include:
 - Clause 4.6 - Business Zone and Clause 4.7 - Private Clubs/Recreation Zone; and
 - Clause 8 which sets out specific development provisions for locational criteria to determine densities and the requirement for a Local Development Plan (**LDP**) and criteria for the preparation of LDPs.

Attachment 2 contains the Part 1 provisions and the existing and proposed zoning and coding maps relating to the amendment proposal.

The applicant has justified the proposal as follows:

Business Zone.

- *"Fronting Wanneroo Road the Business Zone will maximise exposure to passing trade and provide a land use offer that is not represented in the wider ASP 6 area;*
- *Will provide for a bulky land use mix which is reflective of the function and amenity of Wanneroo Road as a major freight route; and*
- *The land uses Supermarket and Shop are not permitted in Business Zone and therefore does not provide an offering that would be in direct competition with the Hocking Neighbourhood Centre and would ensure there is no dilution of retail core from Kingsway and Wanneroo Shopping Centres."*

The private primary school site is currently zoned Residential Precinct. Rezoning this portion of the site to Private Clubs/ Recreation is considered appropriate as the land use Education Establishment is a more appropriate zone for a private education facility.

Consultation

The Amendment was advertised for public comment for a period of 28 days by means of an on-site sign, an advertisement in the Wanneroo Times newspaper and the City's website and letters to affected owners and occupiers. The submission period commenced on 10 October and closed on 7 November 2019. The City received 87 submissions including submissions from the Department of Water and Environmental Regulation, ATCO Gas Australia Pty Ltd, Water Corporation of Western Australia and Department of Education. The government agencies did not object to the proposal. The remaining 83 submitters objected to the amendment proposal. A summary of submissions received and Administration's responses is contained in **Attachment 3**.

The main issues raised in the submissions are:

- Object to high-density development as it is contrary to current housing in Hocking;
- Object to additional traffic generated by the proposed development and the noise pollution; and
- Object to the Business zone as there are already established businesses in the locality and the Business Zone could provide an opportunity for a service station.

A detailed discussion of these three matters raised in the responses to consultation is provided in the Comment section below.

Comment

Business Zone

The portion of the site proposed to be rezoned to Business is approximately 1.13 hectares in area and with an average depth of 50 metres. Administration does not support the proposed Business Zone fronting Wanneroo Road in this location on the basis that it is:

- Ad-hoc as there is no strategic framework that identifies Business as a suitable zone for this location;
- Inconsistent with the established surrounding residential area established through the existing structure plan; and
- Inconsistent with DPS 2 and the WAPC State Planning Policy 4.2 – Activity Centres for Perth and Peel (**SPP 4.2**) as discussed below:

Clause 3.6.1 of DPS 2 states:

“The Business Zone is intended to accommodate warehouses, showrooms, trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme-based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.”

Clause 3.6.2 of DPS 2 lists the following objectives for the Business Zone:

- “(a) To provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services;*
- “(b) To ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.”*

DPS2 Table 1 – The Zoning Table sets out a wide range of Permissible (P) and Discretionary (D) uses in the Business zone, which include among other uses:

- Bank, Medical Centre, Office, Restaurant, Showroom and Veterinary Consulting Rooms as ‘P’ uses; and
- Child Care Centre, Drive-Through Food Outlet, Hardware Store, Service Station, Takeaway Food Outlet and Vehicle Sales/Hire Premises as ‘D’ uses.

The relevant provision of SPP 4.2 relating to bulky goods retailing and mixed business is discussed below:

SPP 4.2 Section 5.6.1 Bulky goods retailing and mixed business

One of the objectives of Business zone is to provide for bulky goods. Subsection 5.6.1 of SPP4.2 provides the criteria to establish bulky good retailing. The relevant criteria applicable to the subject proposal are as follows:

- (1) *“Bulky goods retailing is unsuited to the walkable catchment;*
- (4) *The encroachment of bulky goods retail into residential zones should be avoided. Furthermore, locating such development in an ad hoc manner or as ribbon development along regional roads is discouraged; and*
- (6) *The preferred suitable locations is where it is demonstrated that sufficient suitable sites are not available.”*

Administration considers that the proposed Business Zone does not satisfy SPP4.2 for the following reasons:

1. Section 5.6.1(1) of SPP 4.2 states that *bulky goods retailing is unsuited to the walkable catchment given their size and car-parking requirements, low employment densities and need for freight vehicle access*. The proposed Business Zone is contrary to this provision as it is located within the walkable catchment of the surrounding residential areas.
2. In ASP 6 the site is entirely zoned as Residential Precinct with a density coding of R20. The proposal to rezone part of the site to Business is considered to be an encroachment into the Residential Precinct which is contrary to 5.6.1 (4) of SPP 4.2.
3. Section 5.6.1(4) of SPP 4.2 discourages ribbon development along regional roads. The proposed Business Zone along Wanneroo Road would set an undesirable precedent and is contrary to the intent and provisions of SPP4.2.
4. As per Section 5.6.1(6) of SPP 4.2 the applicant has not demonstrated that suitable sites are not available in the area. In regard to this it is noted that a portion of Wangara Industrial Area bounded by Wanneroo Road, Gnangara Road, Hartman Drive and Ocean Reef Road located approximately 2.5 kilometres to the south of the site, is zoned Service Industrial and Business. As per the provisions of DPS 2 the use class Showroom is a Permissible (P) use. Since the site is in close proximity to Wangara, the proposed Business zone is considered to be unnecessary and ad hoc in nature.

Further to the above point, proposed Amendment 42 to East Wanneroo Cell 6 ASP8 presented a similar form of development with business zoned land fronting Wanneroo Road. Council did not support that amendment at the 10 December 2019 ordinary meeting as the proposal was considered to be encroaching into residential areas; constituted ribbon commercial development; there was no lack of land for commercial development in the area; and was an unplanned expansion of the Kingsway City Activity Centre.

Bushfire Management Plan (BMP)

Department of Fire and Emergency Services (**DFES**) has examined the BMP submitted by the applicant and has advised as follows:

“At the structure planning stage, consideration should be given to the intensification of land use and how this relates to identified bushfire hazards. DFES is satisfied that the bushfire hazard level assessment has adequately identified the bushfire risk and considered how compliance with the bushfire protection criteria can be achieved at subsequent planning stages.”

DFES has advised at the subsequent planning stages (subdivision and development applications) the developer be required to address the following issues:

- To ensure BAL impact is accurate and the required hazard separation distances are achieved; and
- To provide evidence to support the exclusion of the POS low fuel zone as managed to low threat in accordance with AS 3959.

The BMP submitted by the applicant suitably addresses the requirements for the structure planning stage. The developer will be required to provide a BMP, which addresses the issues identified by DFES at the subdivision stage.

Local Planning Policy 3.1- Local Housing Strategy Implementation (LPP3.1)

The proposal has been assessed against LPP3.1, which provides the framework to guide the planning and development of increased housing density in the housing precincts that are identified in the policy. The policy also guides other infill development areas located outside those housing precincts. The site is not located in a housing precinct. Therefore Section 9 in Part 2 of LPP 3.1 relevant to "Other Infill Development" will apply.

The proposed residential densities will enable the creation of approximately 51 residential lots with primary street frontage and 38 residential lots with rear laneway access.

Subsection 9.1 (b) of LPP3.1 states that:

"Where the land concerned is the subject of an approved structure plan under DPS2, the application for amendment of that Structure Plan must include an assessment of how the proposal:

- i. *Is appropriate within the broader planning framework provided by the Structure Plan;*
- ii. *Satisfies the criteria in Table 3 of this Policy relating to infill development and increased density; and*
- iii. *Supports the objectives and recommendations of the Local Housing Strategy."*

The proposed amendment satisfies these criteria as discussed below:

1. The ASP 6 area is well established and is comprised predominantly of single residential development at an R20 density with pockets of R30 and R40 coded residential land throughout Cell 4. The site is surrounded by R20 development. The nearest R40 development is approximately 250 metres to the north of the site and is surrounded by R20 development. Currently there are no R60 coded lots in Cell 4. If this amendment were to be approved then small pockets within the site could be coded R60. Since the proposed density range accords with LPP 3.1, it is considered to be appropriate within the broader planning framework set out by ASP 6.
2. The proposal satisfies Table 3 of the policy as demonstrated below:

Table 3 - Criteria for Other Infill Development and Increased Density

No.	Criterion	Policy Application	Comment
1.	Easy access/close proximity to Activity Centres	R40 between 401 and 800 metres from an edge of Activity Centre excluding Local Centres.	The subject land is approximately 470 metres from the edge of the Hocking Neighbourhood Centre as shown in Attachment 1 .

No.	Criterion	Policy Application	Comment
2.	Easy access/close proximity to public transport with priority towards rail nodes and bus interchanges.	R60 within 250 metres of a high frequency bus route designated stops. High frequency bus route is defined as having a minimum of four services per hour during peak periods.	The site is located on Wanneroo Road and is served by high frequency bus routes 389 and 468. The farthest lot on the site (when developed) from Wanneroo Road is likely to be at a distance of approximately 250 metres. At the subdivision stage, a pedestrian access way to Wanneroo Road will be required.

3. The objectives of LPP3.1 are as follows:

- *“To address State government policy to increase housing density within the existing urban footprint of the metropolitan region and meet State Government infill housing targets;*
- *To address housing affordability within the City by providing a variety of housing stock;*
- *To better utilise existing infrastructure and amenities in existing suburbs by providing additional dwellings in close proximity; and*
- *To promote higher density development in appropriate locations.”*

The proposed amendment supports the objectives of LPP3.1 as follows:

- The amendment proposal addresses the WAPC’s State Planning Policy 3 – Urban Growth and Settlement by proposing higher density development in areas accessible to transport and services
- The proposed R25-R60 density addresses housing affordability by providing a variety of housing stock;
- The proposed amendment would better utilise the existing infrastructure and amenities available in this locality; and
- As demonstrated in Table 3 above, the amendment satisfactorily proposes a density range between R25 and R60.

Traffic

The applicant provided a Traffic Impact Assessment (**TIA**) based on a concept plan (**Attachment 4**). The details of the proposed movement network are as follows:

- 14.2-metre wide internal roads and 6.0 and 9.0-metre wide laneways.
- A four-way intersection with Tenement Loop to the south.
- No road connection to Ranworth Road except for a pedestrian access way.
- A left-in/left-out access from Wanneroo Road to the Business Zone.
- Additional access to the Business zone from Kirkstall Drive at a distance of approximately 80 metres from the intersection of Wanneroo Road and Kirkstall Drive; and
- No vehicular access to the Business Zone from the adjoining 14.2-metre road.

Administration has assessed the TIA and provides the following comments:

Traffic Volume and Business Zone

The total volume of traffic generated by this site is estimated to be approximately 4,300 vehicles per day (**vpd**) of which 712 vpd will be generated by the residential area with the majority generated by the proposed Business Zone. If direct access from Wanneroo Road to the Business Zone is not permitted as per MRWA advice, then all traffic will be required to obtain access to Wanneroo Road via Kirkstall Drive. At the November 2019 traffic count, Kirkstall

Drive carried 2,998 vpd to the west of Tenement Loop. Therefore the total volume of traffic will be approximately 7,300 vpd as a result of this proposal.

Under the provisions of the WAPC's Liveable Neighbourhoods policy, a road carrying an indicative traffic volume up to 7,000 vpd is classified as Neighbourhood Connector A and should have a road reserve width of 24.4 metres. Kirkstall Drive has an 18-metre wide reserve and does not meet the criteria for a Neighbourhood A connector carrying in excess of 7,000 vpd.

Administration notes that the traffic analysis shows that the right-turn traffic from Kirkstall Drive into Wanneroo Road heading north will become more difficult. The current Level of Service (LOS) at the intersection of Wanneroo Road and Kirkstall Drive is LOS C, which is acceptable and it will become LOS F in 2029 as a result of the proposal. LOS F represents more severe traffic conditions and therefore it is likely that the proposal as submitted by the applicant could escalate the issue.

Furthermore Main Roads WA (**MRWA**) in its submission has noted as follows:

"The traffic analysis demonstrates that by 2029 the right movement from Wanneroo Road (South) to Kirkstall Drive (West) will be oversaturated. The same with the through movement out of Kirkstall Drive. This is both a performance and safety issue. This demonstrates that the network cannot support the structure plan as proposed."

Attachment 5 is a copy of the MRWA submission dated 21 November 2019 containing the above advice as Point 3(d). Administration concurs with MRWA's comments.

Therefore, the proposed Business Zone is not supported due to the likely excessive traffic that will impact on the movement of traffic at the intersection of Wanneroo Road and Kirkstall Drive and on Kirkstall Drive.

Movement network

While primarily a matter for subdivision, the applicant has proposed 14.2-metre wide internal roads in the concept subdivision plan attached to the proposal. This road width is based on the provisions of the WAPC's Liveable Neighbourhoods (**LN**) policy. The LN policy recommends 14.2-metre wide road for shorter lengths, low parking demand and serving larger lots. Administration does not support 14.2-metre wide road reserves for the following reasons:

- These roads would not be servicing larger lots but smaller lots coded between R25 (average lot are 350m²) and R60 (average lot area 150m²);
- The laneway lots will create on street parking demand as visitors parking bays for laneway development is provided within the lots primary street road reserve; and
- The vehicular access restriction to the Business Zone along the eastern boundary of the zone prevents access from the Residential access street as shown on the concept plan (**Attachment 4**). This access restriction could lead to parking issue in the residential access street by those seeking to access the Business Zone.

Administration considers 16 metre wide internal roads to be appropriate for the form of development that will be possible at the proposed densities. 16 metre road reserves will ensure that sufficient on-road space is available to properly service the smaller lots that will be developed which will require the provision of on street parking.

Administration has also discussed with the applicant the provision of a road connection to Ranworth Road in the north east corner of the site. The applicant does not support this for the following reasons:

- *“Prevent unnecessary through-traffic from Ranworth Road to create a quiet residential area.*
- *Prevent the site being used as a de-facto ‘pick-up’ and ‘drop-off’ area for the school further compromising the amenity of new residents.*
- *Prevent conflict with existing access crossovers from the school and the existing residential crossover of the resident on the corner of Ranworth Road.*
- *Imposing especially deleterious impacts on the adjacent landowner by introducing unnecessary through traffic.”*

Administration notes the concerns raised however recommends this road connection to Ranworth Road be provided at the subdivision stage as it will provide easy access for future residents to the Hocking Neighbourhood Centre and provide an alternate escape route in the event of a fire in this area.

Whilst the applicant has provided a concept plan showing 14.2 metre wide road reserve widths and a PAW connection to Ranworth Road, the subject proposal is to rezone and recode the site. Detailed design matters such as internal reserve widths and connections to existing roads will be considered in detail at the subdivision stage.

Public Open Space (POS)

As the site was initially identified for a private school, it was excluded from the POS contribution calculation of the East Wanneroo Cell 4 area. This was as per the provisions of DPS 2 for the purposes of determining how much land was required for POS for the entire Cell. As the proposal is to change the zoning to Business and Residential these areas will be required to contribute to the provision of POS.

A minimum of 10% POS contribution will be required at subdivision stage. The total area of the site excluding the private primary school is approximately six hectares. The applicant in the concept plan has proposed a POS site 1.194 hectares in area, which is greater than the 10% required.

The POS is located on the south eastern part of the subject area and abut the existing primary school where there is significant vegetation remaining on the site that will be retained in the POS.

The additional POS is required to be provided in order to retain Black Cockatoo Significant Trees. In the Concept Plan two Black Cockatoo significant trees have been identified within the POS area and a third one opposite the POS.

The POS design and details will be addressed at subdivision stage if the amendment is approved.

Issues Raised Through Consultation

Object to High-Density Development as it is Contrary to Current Housing in Hocking.

The surrounding lots are coded R20 and generally range in size between 600m² to 700m², which is greater than the minimum average lot size of 450m² prescribed by the R-Codes for R20 lots. The amendment would enable development of lots with an average lot size of 350m² in R25 codes areas to as low as 150m² for the R60 coded areas. In the Concept Plan (**Attachment 4**), some of the R25 lots are proposed all along the northern boundary of the site backing on to the existing R20 development to achieve a development potential similar to that of R20 development. The remainder of the site is proposed to be coded R25 to R60. While the lot sizes are smaller than the prevailing lot sizes in the surrounding areas, Council's LPP 3.1 provides a framework that supports the proposed density ranges in this location as detailed

above. The increase in density of residential development would not have a direct impact on the amenity of the surrounding residential area with the higher density (R60) contained to the central portion of the site and does not abut any existing residential development.

Object to Additional Traffic Generated by the Proposed Development and the Noise Pollution

This issue has been discussed in detail above. The City does not support the proposed Business zone which will generate the majority of the traffic from the site and will impact on the operation of the junction of Kirkstall Drive and Wanneroo Road.

If the site in its entirety were to be developed at a density range of R25 to R60, it is likely to create approximately 120 lots. At the rate of 8 vehicle trips per dwelling per day, the total volume of traffic is likely to be 960 vpd. The applicant has not discussed this scenario and therefore has not demonstrated the impact of this additional volume of traffic on Kirkstall Drive, which in November 2019 carried a daily traffic volume of 2,998 vpd.

Kirkstall Drive is 18 metres wide with a 7.2-metre wide carriageway. Under the provisions of the WAPC's LN policy, a road of this nature can be classified as Access Street B with a road reserve width of 17.9 metres to carry an indicative traffic volume to up to 3,000vpd. Therefore Kirkstall Drive may not be able to cope with a traffic volume of 3,956 (2,998+960) vpd.

Object to the Business Zone as There are Already Established Businesses in the Locality and the Business Zone Could Provide an Opportunity for a Service Station

The Wangara industrial area is approximately 2.5 kilometres to the south of the site, which provides for bulky goods land uses and includes Business zoned land. Business zoned land adjoining residential in the subject area is considered to be unnecessary and incompatible with the form and character of residential development in the area.

Several submitters have stated that introducing a Business Zone could provide an opportunity for a Service Station. They object to this as they consider that there are too many service stations on Wanneroo Road.

Under the provisions of DPS 2, the land use Service Station is a Discretionary Use in Business Zone and as such a development would be capable of development approval should the rezoning be approved. A rezoning application is not for development of a Service Station or any other use, however, as detailed above Administration does not support the proposed Business zone.

Developer Contribution Arrangements

Part 9 of DPS 2 contains the provisions relating to the developer contribution arrangements for East Wanneroo Cells 1 to 9. In calculating the Infrastructure Cost per lot (ICPL) for East Wanneroo Cell 4, as per the provision of clause 9.4.2 of DPS 2, Lot 594 Ranworth Road, Hocking in its entirety was deducted in the calculation of the Cell area as the entire lot was earmarked for a private school in ASP 6. The subject proposal is to rezone part of Lot 594 from Residential Precinct to Business Zone and to develop the remaining Residential Precinct for residential purposes. This area will need to be included in the calculation of the Cell 4 area as part of the City's Annual Review of Cell Costs to determine any implication in relation to the estimated lot yield and contribution rates for Cell 4. It is further noted that the applicant has provided more than 10% POS as noted above. As per the provisions of clause 9.5.1(a) of DPS 2, 10% of the POS provided will need to be included in the Cell 4 POS schedule, which will form part of the Cell Costs.

Conclusion

Roberts Day Town Planning requested the consideration of an amendment to ASP 6 to:

- Partly rezone Lot 594 Ranworth Road, Hocking fronting Wanneroo Road from Residential Precinct to Business Zone and to rezone the portion of the lot accommodating St Elizabeth Catholic Primary School from Residential Precinct to Private Clubs and Recreation Zone; and
- To recode the remaining Residential Precinct from Residential R20 to a range of residential densities being R25, R30, R40 and R60.

Considering the matters discussed above, it is recommended that the proposed amendment should not be supported and the WAPC be advised accordingly.

Statutory Compliance

This Structure Plan Amendment has been processed in accordance with the requirements of DPS 2.

Strategic Implications

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

“1 Society

1.1 Healthy and Active People

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

Risk Management Considerations

Risk Title	Risk Rating
ST-G09 Long Term Financial Planning	Moderate
Accountability	Action Planning Option
Director Corporate Strategy & Performance	Manage

Risk Title	Risk Rating
ST-S04 Integrated Infrastructure & Utility Planning	Moderate
Accountability	Action Planning Option
ELT (Director P&S and Director Assets)	Manage

Risk Title	Risk Rating
CO-O22 Environmental Management	Moderate
Accountability	Action Planning Option
Director Planning & Sustainability	Manage

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

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic and Corporate risk register. Action plans have been developed to accept this risk to support existing management systems. This proposal aligns

with the Society objective of the existing Strategic Community Plan, Council should therefore consider the following risk appetite statement: 1.1 Healthy and Active People.

The City's defined risk appetite for 1.1 Healthy and Active People is articulated through the risk appetite statement as - All sporting activities in which local governments are involved have the potential to cause injury and/ or ill health to participants, spectators and third parties. However, the City believes the health benefits for the community outweigh these impacts, and will continue to plan, deliver, fund and permit events and activities which support a healthy and active population – subject to robust risk assessment and management that can be evidenced. The City provides facilities that are for leisure and general recreation activities and as a facility provider; ensures facility design and support the community to utilise the facilities. Therefore the City will accept a low to moderate level of risk to ensure health and safety impacts are reduced to 'as low as reasonable practicable' (**ALARP**) and reputation risk is restricted to low.

Policy Implications

This proposal is assessed under the provisions of the City's Local Planning Policy 3.1 – Local Housing Strategy Implementation and the WAPC's Liveable Neighbourhoods Policy and State Planning Policy 4.2 – Activity Centres for Perth and Peel.

Financial Implications

In calculating the East Wanneroo Cell 4 area to assess the Infrastructure Cost per lot, the site being a private school site was excluded as per clause 9.4.2 of DPS 2. As a result of the amendment proposal, the development will attract developer contributions.

Voting Requirements

Simpel Majority

Recommendation

That Council:-

1. Pursuant to subclause 20(2)(e) of the Deemed Provisions of the City of Wanneroo District Planning Scheme No. 2 **RECOMMENDS** to the Western Australian Planning Commission that the proposed Amendment No. 38 to the East Wanneroo Cell 4 Approved Structure Plan No. 6 to rezone Lot 594 Ranworth Road, Hocking partly as Business and partly as Private Clubs/ Recreation and to recode the remaining Residential Precinct from Residential R20 to a density range of R25 to R60 as contained in Attachment 2, **SHOULD NOT BE APPROVED** for the following reasons:
 - a) The proposed Business Zone does not satisfy the Western Australian Planning Commission' State Planning Policy 4.2 – Activity Centres for Perth and Peel as listed below:
 - i. The proposal is contrary to Section 5.6.1(1) of State Planning Policy 4.2 – Activity Centres for Perth and Peel as the proposed Business Zone is located within the walkable catchment of the surrounding residential areas;
 - ii. The proposal is contrary to Section 5.6.1(4) of State Planning Policy 4.2 – Activity Centres for Perth and Peel as the proposed Business Zone encroaches into the approved Residential Precinct under Approved Structure Plan No. 6;

- iii. The proposal is contrary to Section 5.6.1(4) of State Planning Policy 4.2 – Activity Centres for Perth and Peel as the proposed Business Zone constitutes ribbon development along Wanneroo Road which is a regional road; and
 - iv. The proposal is contrary to Section 5.6.1(6) of State Planning Policy 4.2 – Activity Centres for Perth and Peel as it has not been demonstrated that there is a lack of available sites for business development in the area; and
- b) Pursuant to Clause 67(t) of the deemed provisions of District Planning Scheme No.2, the amount of traffic estimated to be generated by the proposed development would have probable effect on the traffic flow and safety in relation to the capacity of the road system in the locality;
- 2. Pursuant to subclause 20(2)(a-d) of the deemed provisions of the City of Wanneroo District Planning Scheme No. 2 PROVIDES a copy of the report on the proposed Amendment No. 38 to East Wanneroo Cell 4 Approved Structure Plan No. 6 to the Western Australian Planning Commission including the schedule of submissions and the City's response and recommendations; and
- 3. ADVISES the submitters of its decision.

Attachments:

<u>1</u>	Attachment 1 - Location Plan	19/378112	
<u>2</u>	Attachment 2 - Zoning/Coding map	19/378196	Minuted
<u>3</u>	Attachment 3 - Schedule of submissions - Amendment No.38	20/163989	
<u>4</u>	Attachment 4 - Concept Plan	20/133778	
<u>5</u>	Attachment 5 - MRWA comments	20/203278	



**AMENDMENT NO. 38 TO EAST WANNEROO CELL 4
APPROVED STRUCTURE PLAN NO.6
LOT 594 RANWORTH ROAD, HOCKING**

LOCATION PLAN





AMENDMENT NO. 38

TO THE

EAST WANNEROO CELL 4

AGREED STRUCTURE PLAN NO. 6

This Amendment to the Agreed Structure Plan has been prepared under the provisions of the City of Wanneroo District Planning Scheme No. 2

RECORD OF AMENDMENTS MADE TO THE EAST WANNEROO CELL 4

AGREED STRUCTURE PLAN NO. 6

Amendment No.	Summary of the Amendment	Date approved by WAPC
38	<ol style="list-style-type: none"> 1. Modify the Zoning Plan map for Lot 594 (30) Ranworth Road, Hocking to include, 'Private Clubs/Recreation' and 'Business' zones; 2. Modify the Structure Plan map for Lot 594 (30) Ranworth Road, Hocking to include 'Private School', 'Residential R25-R60' and 'Business' zone; 3. Amend Part 1.0 (Implementation) of the Approved Structure Plan Cell 4 to introduce Clause 4.6 BUSINESS ZONE; 4. Amend Part 1.0 (Implementation) of the Approved Structure Plan Cell 4 to introduce Clause 4.7 PRIVATE CLUBS/ RECREATION ZONE; and 5. Amend Part 1.0 (Implementation) of the Approved Structure Plan Cell 4, to include Clause 8.0 specific development provisions for Lot 594 (30) Ranworth Road, Hocking. 	

AMENDMENT NO. 38 TO THE EAST WANNEROO CELL 4 AGREED STRUCTURE PLAN NO. 6

The City of Wanneroo, pursuant to its District Planning Scheme No. 2, hereby recommends to the Western Australian Planning Commission to approve the abovementioned amendment by:

1. Modifying the Zoning Plan map for Lot 594 (30) Ranworth Road, Hocking to include, 'Private Clubs/Recreation' and 'Business' zones;
2. Modifying the Structure Plan map for Lot 594 (30) Ranworth Road, Hocking to include 'Private School', 'Residential R25-R60' and 'Business' zone;
3. Amending Part 1.0 (Implementation) of the Agreed Structure Plan Cell 4 to introduce Clause 4.6 to read as follows:

4.6 BUSINESS ZONE:

- 4.6.2 The permissibility of uses are to be in accordance with the Business Zone as specified under the Scheme.
- 4.6.3 The Business Zone is intended to accommodate warehouses, showrooms, trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme-based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.
4. Amending Part 1.0 (Implementation) of the Agreed Structure Plan Cell 4 to introduce Clause 4.7 to read as follows:

4.7 PRIVATE CLUBS/RECREATION:

- 4.7.2 The permissibility of uses are to be in accordance with the Private Clubs/Recreation Zone as specified under the Scheme.
- 4.7.3 The Private Clubs/Recreation Zone is intended to accommodate uses such as private golf clubs, private educational, institutional, recreational and tourist accommodation activities.
5. Amending Part 1.0 (Implementation) of the Agreed Structure Plan Cell 4, to include Clause 8.0 to read as follows:

8. Lot 594 (30) Ranworth Road, Hocking

These provisions apply to Lot 594 (30) Ranworth Road, Hocking.

Land use permissibility shall be in accordance with the corresponding zone or reserve under District Planning Scheme No. 2.

8.1 Residential Density Code Plan:

- a. Lot specific residential densities, within the defined residential density ranges, are to be subsequently assigned in accordance with a Residential Density Code Plan approved by the WAPC.
- b. A Residential Density Code Plan is to be submitted at the time of subdivision.
- c. Approval of a Residential Density Code Plan shall then form part of the Structure Plan and shall be used for a determination of future development applications.

8.2 Locational Criteria:**a. R25-R60 Range**

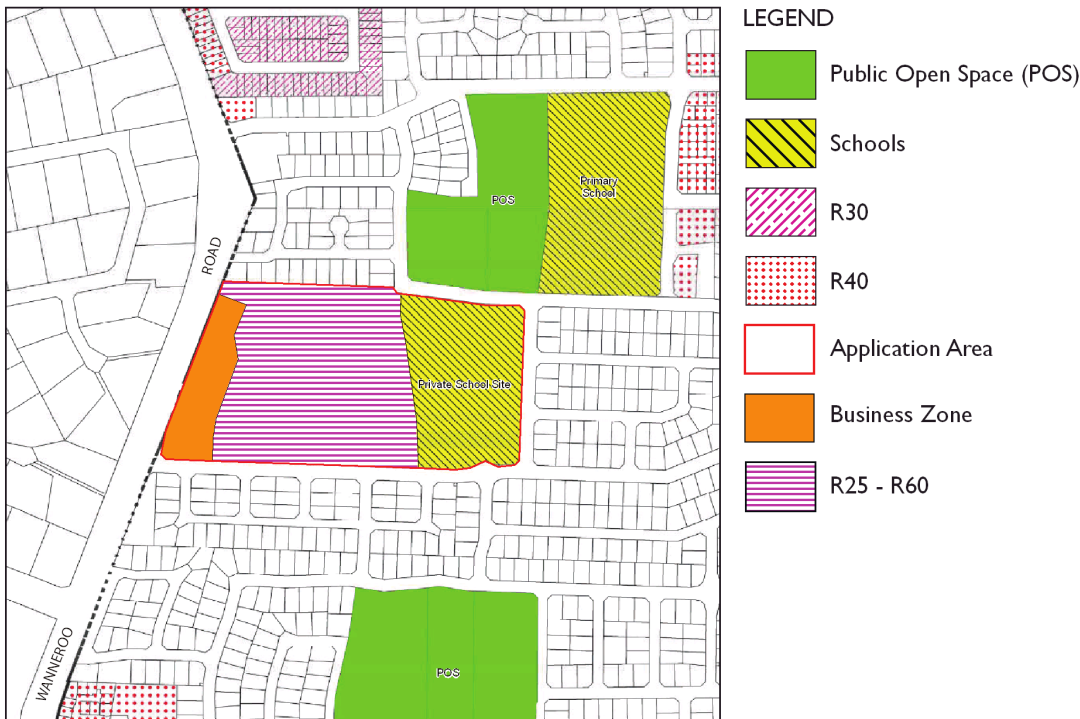
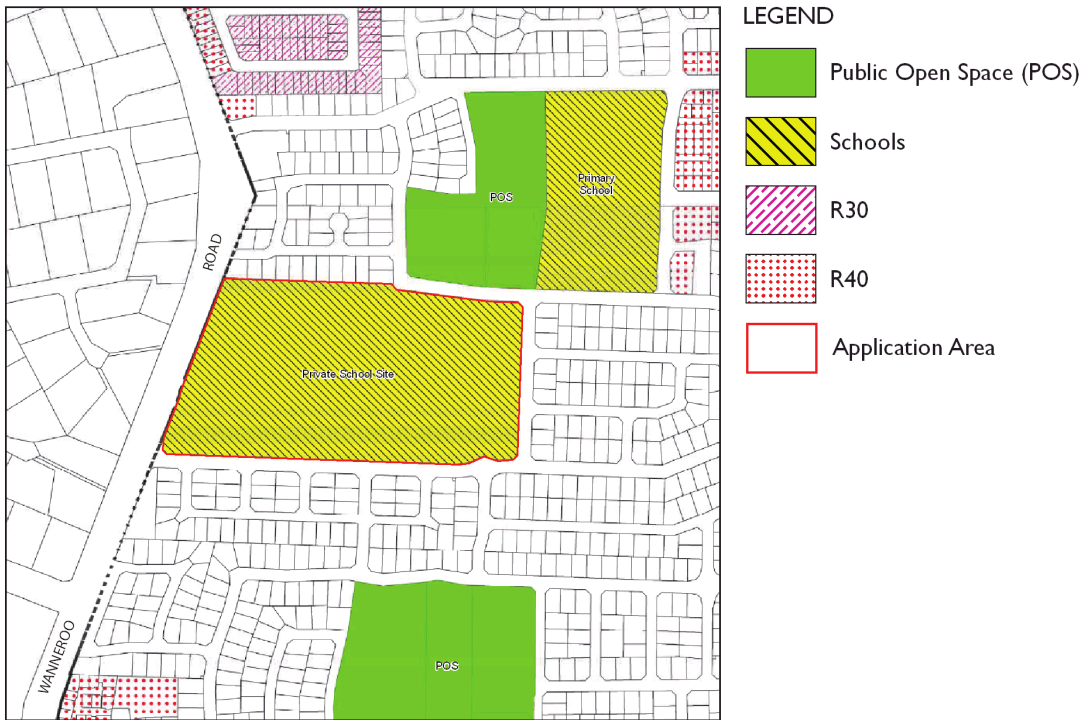
A base density code of R25 for all residential lots except under the circumstances described below:

- i. The higher R60 density code will apply where the lot is created abutting, interfacing or with an outlook toward Public Open Space;
- ii. The medium density code of R40 will apply as a transition from R60 density code in proximity to St Elizabeth's Catholic Primary School, Public Open Space and land zoned 'Business';
- iii. The medium density code of R40 will apply as a transition from R60 density code in proximity to St Elizabeth's Catholic Primary and Secondary School, Public Open Space and land zoned 'Business';
- iv. The low density R25 code will apply to lots interfacing with existing residential areas along the northern boundary and fronting Kirkstall Drive, and balance of the site.

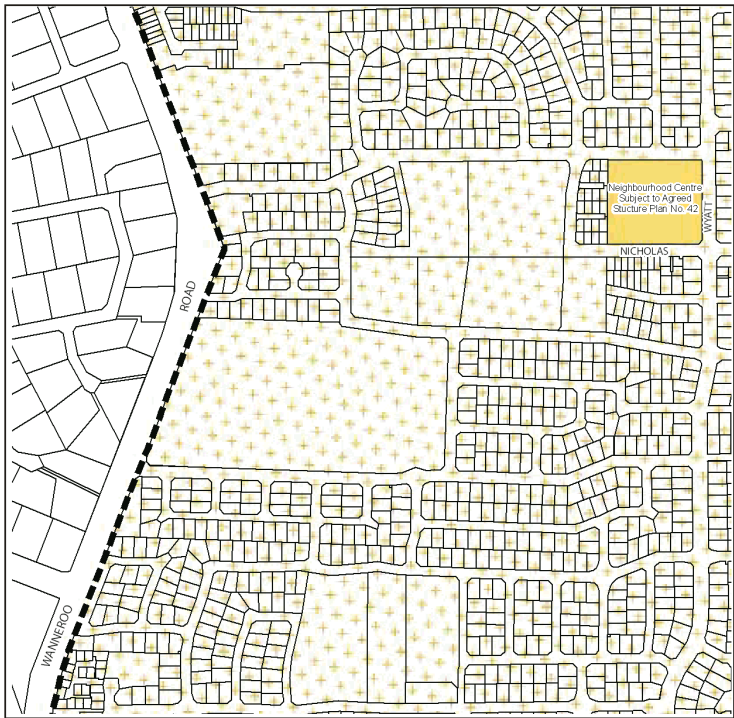
8.3 Local Development Plans

- a. Local Development Plan (LDPs) shall be required as a condition of subdivision approval and shall be prepared in accordance with Part 6 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. LDPs will generally be required in the following circumstances:
 - i. Lots abutting, interfacing or with an outlook toward Public Open Space;
 - ii. Lots that are designed to accommodate a grouped or multiple dwelling development;
 - iii. Lots that obtain vehicle access from a laneway or right-of-way;
 - iv. Lots that are zoned 'Business';
 - v. Lots with an area of 260m² or less; and
 - vi. Lots abutting a Pedestrian Access Way (PAW);
 - vii. Lots where specific control is required for vehicle access to avoid conflict with an existing street tree.
- b. LDPs will generally be prepared to address one or more of the following:
 - i. Building orientation;
 - ii. Building design and setbacks;
 - iii. Overlooking and/or privacy;
 - iv. Vehicle access;
 - v. Car parking;
 - vi. Private open space;
 - vii. Bushfire protection provisions (if any); and
 - viii. Any such information considered relevant by the proponent and/or determining authority to achieve the intended design outcome of the Concept Plan.

AGREED STRUCTURE PLAN MAP
AMENDMENT NO. 38

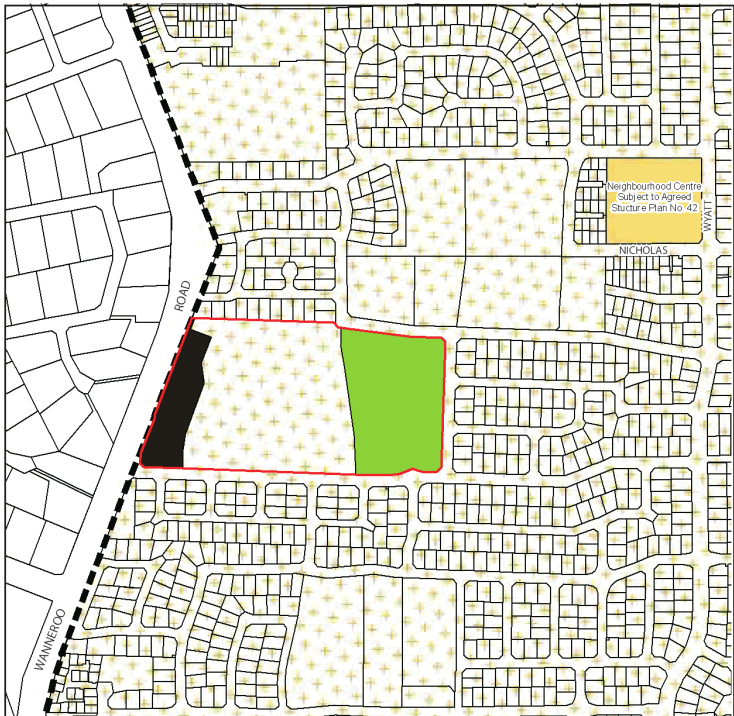


AGREED STRUCTURE ZONING MAP
AMENDMENT NO. 38



EXISTING ZONING MAP

- LEGEND
- Neighbourhood Community Centre
 - Resident Precinct



PROPOSED ZONING MAP

- LEGEND
- Neighbourhood Community Centre
 - Resident Precinct
 - Private Clubs / Recreation Zone
 - Business Zone
 - Application Area

This Structure Plan Amendment is prepared under the provisions of the City of Wanneroo District
Planning Scheme No. 2

IT IS CERTIFIED THAT THIS STRUCTURE PLAN AMENDMENT NO. 38 TO THE EAST WANNEROO CELL 4
AGREED STRUCTURE PLAN NO. 6

WAS APPROVED BY

RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON

.....

Signed for and on behalf of the Western Australian Planning Commission

.....

an officer of the Commission duly authorised by the Commission pursuant to section 24 of the
Planning and Development Act 2005 for that purpose, in the presence of:

..... Witness

..... Date

..... Date of Expiry

Amendment No. 38 to East Wanneroo Cell 4 Approved Structure Plan No.6 –**Schedule of submissions and Administration's response**

No.	Submitter's number in the list	Submitter's Issue	Administration's response	Recommendation
RESIDENTIAL DENSITY				
1	1, 2, 4, 7 - 9, 11, 13, 14, 17 - 19, 22 - 25, 27, 29, 31, 33, 35, 37, 39, 41, 42, 44, 45, 48, 52 - 54, 56, 58 - 60, 62 - 70, 73, 74, 76, 79, 80, 82, 85, 86	<p>Against high density development as it is contrary to current housing in Hocking.</p> <p>A large number of houses are planned for the development site, all of which are extremely small block sizes, 150m² being the smallest. Concerned these lots will stay vacant like so many existing small blocks in Hocking as they are undesirable for our family focused suburb.</p> <p>Small lots are a breeding ground for anti-social behaviour.</p> <p>Small blocks will create parking issues with an overflow of cars into adjoining streets in the area.</p>	<p>The surrounding lots are coded R20 and generally range in size between 600m² to 700m², which is greater than the average lot size of 450m² prescribed by the R-Codes. The amendment would enable development of lots with an average lot size between 350m² (R25) and 150m² (R60). While this is a reduction in lot size to the established development, the City's Local Planning Policy 3.1 Local Housing Strategy Implementation (LPP3.1) supports R60 density coding within,</p> <ul style="list-style-type: none"> • 250 metres of a high frequency bus route designated stop. The subject site is located on high frequency bus routes 389 and 468 with a designated bus stop on Wanneroo Road adjacent to the site; and • 800 metres from the edge of an Activity Centre. The City is located about 560 metres from the edge of Hocking Neighbourhood Centre. <p>There are several residential areas in the City developed to R60 and R40 standards</p>	No modification required.

			<p>and there is no evidence that these areas are a breeding ground for anti-social behaviour.</p> <p>The parking issues can be dealt with at the development stage under the provisions of the R-Codes.</p>	
TRAFFIC				
2	3, 4, 7 - 9, 11, 13, 14, 17 - 20, 22 - 25, 27, 29, 30, 33, 37, 39 - 41, 43, 44, 46 - 49, 53, 55, 58, 59, 61, 62, 66, 68, 69, 74, 76, 93	<p>Additional traffic generated by the proposed development and noise pollution.</p> <p>The proposed amendment will see a huge number of houses crammed into a small area; it will not only bring destruction of green zones impacting the environment but will heavily increase the traffic flow in the area which is near two primary schools, also posing another safety concern as cars speed through these areas.</p>	<p>The Traffic Impact Assessment (TIA) submitted by the applicant indicates that the site is likely to generate 4,300 vehicles per day (vpd) of which 712 vpd is likely to be generated by the residential development. MRWA did not support a left-in/left-out access on to the Business Zone from Wanneroo Road. The applicant having not proposed a vehicular access on to Ranworth Road, the entire traffic volume of 4,300 vpd can only access and egress via Kirkstall Drive.</p> <p>The volume of traffic on Kirkstall Drive as counted on 20 November 2019 east of Tenement Loop was 2,998 vpd. If entry from Wanneroo Road into the Business zone is denied then Kirkstall Drive would have to carry 7,300 vpd west of Tenement Loop.</p> <p>Under the provisions of the WAPC's Liveable Neighbourhoods policy a road carrying an indicative traffic volume up to 7,000 vpd is classified as Neighbourhood Connector A with a road reserve width of 24.4 metres.</p>	Not to support the proposed amendment.

			<p>Kirkstall Drive is 18 metres wide and therefore it is unlikely to be suitable to carry 7,300 vpd.</p> <p>Considering the traffic volume the proposed amendment cannot be supported.</p>	
3	81	<p>Details in the Traffic Impact Assessment report show that in summary, traffic trying to turn from Kirkstall onto Wanneroo Rd will increase three-fold due to the development. Traffic lights for the intersection of Wanneroo Rd/Kirkstall Drive should be considered to improve the safety of the intersection.</p>	<p>At the intersection of Wanneroo Road and Kirkstall Drive the current Level of Service (LOS) is LOS C and it will become LOS F in 2029 as a result of the proposal. LOS F represents more severe traffic conditions. Therefore Administration is of the view that the intersection of Wanneroo Road and Kirkstall Drive may not have the capacity to carry the traffic generated by the proposed development.</p> <p>However, if the proposed amendment were to be approved, MRWA will need to make decision on the provision of traffic lights at this intersection.</p>	No modification required.
4	81	<p>From the development westbound towards Wanneroo Rd should be formalised to ensure that it is actually part of the final subdivision design requiring that a designated safe pathway be provided through the proposed business zone. Otherwise, it is possible that pedestrians will be walking through a carpark area. This pedestrian access is also important for residents using the</p>	<p>The submitter is suggesting that a safe path way will need to be provided through the Business Zone connecting the site with Wanneroo Road. Currently there are shared paths on Kirkstall Drive connecting to the shared path on Wanneroo Road. However, to provide an easy access to the bus stop on Wanneroo Road from the site when developed it will be reasonable to provide a shared path via the Business Zone.</p>	<p>At the subdivision stage a pedestrian access way to Wanneroo Road from the site can be considered.</p>

		Bus Stop on Wanneroo Rd.		
5	2, 35, 55	Object to any additional access off Kirkstall Drive as it will cause traffic issues. The proposed four-way at the intersection of Kirkstall Drive and Tenement Loop will create unwanted traffic issues.	In order to evenly distribute the flow of traffic, Administration recommends at least two connections to Kirkstall Drive. The four-way intersection proposed in the concept plan is not supported as it may impact on the lots created at the intersection of Tenement Loop and Kirkstall Drive. At the subdivision/local development plan stage, the road connections can be determined.	No modification required.
6	8	Moved into this area as it was next to a proposed private high school. The proposed development will result in increased traffic compared to the high school traffic. Therefore do not support this proposal.	<p>The original proposal for development of the site as a secondary school anticipated 1,200 students.</p> <p>In order to demonstrate a comparative analysis to the current proposal, a trip rate of 2.0vpd per student is estimated. The school therefore would attract traffic flows of 2,400vpd, which is less than the estimated traffic volume of 4,300 vpd generated by the proposed development. Therefore the proposed amendment is not recommended to be supported.</p>	Not to support the proposed amendment.
7	3, 10, 52, 54, 55, 57, 61, 62, 64, 65, 67, 69, 71, 72, 75, 76, 79, 80, 81, 85, 86	Kirkstall Drive and Wanneroo Road is a full intersection. During the peak hour it is hard to turn right into Wanneroo Road compelling the residents to turn left and then take a U- turn at the intersection of Wanneroo Road and Scenic Drive which is not desirable. The proposed amendment will escalate this	Administration notes that the traffic analysis shows that the right-turn traffic from Kirkstall Drive in to Wanneroo Road heading north will become more difficult. The current Level of Service is LOS C and it will become LOS F in 2029 as a result of the proposal. LOS F represents more severe traffic conditions and therefore it is likely that the proposal as submitted by the applicant could escalate the issue.	Not to support the proposed amendment.

		issue.	<p>Furthermore MRWA in its submission has noted as follows:</p> <p><i>The traffic analysis demonstrates that by 2029 the right movement from Wanneroo Road (South) to Kirkstall Drive (W) will be oversaturated. The same with the through movement out of Kirkstall Drive. This is both a performance and safety issue. This demonstrates that the network cannot support the structure plan as proposed.</i></p> <p>Attachment 5 is a copy of the MRWA submission dated 21 November 2019 containing the above advice as Point 3(d).</p> <p>Administration concurs with MRWA's comments.</p> <p>Considering the above comment, the proposed amendment cannot be supported.</p>	
BUSINESS ZONE				
8	1 - 4, 7, 11 -14, 18 - 23, 25 - 27, 29, 31, 33 - 37, 39 - 44, 46 - 49, 51 - 54, 56 - 69, 71 - 76, 78, 79, 82, 83, 85	<p>Business zone could provide an opportunity for a service station. There are too many service stations on Wanneroo Road. A petrol station introduces very serious risks of: -</p> <ul style="list-style-type: none"> ○ Airborne pollution by toxic fumes ○ Serious fire risk ○ Other serious health and 	<p>Service Station is a Discretionary Use in the Business Zone. Since it is recommended to not support the proposed Business Zone, a Service Station is not likely to be developed on the site.</p>	Not to support the proposed amendment.

		<p>safety concerns (e.g. Benzene is know to cause cancer according to the health authorities around the world).</p> <p>There are also at least 13 existing petrol stations within a 5-kilometre radius, why is another one required?</p> <p>A proposed petrol station or other businesses with high traffic would cause further congestion and risks to drivers trying to do the right thing entering and exiting Kirstall Dr. There are currently 2 petrol stations within close proximity to Hocking. The Coles Express at Pearsall and Coles Express in Wanneroo accommodating drivers heading north and south on Wanneroo Rd. Both stations are close to traffic lights providing a gap in traffic to exit onto Wanneroo Rd. A proposed petrol station on the corner of Wanneroo Rd and Kirstall Dr without proper planning would make it impossible for drivers to enter or exit Kirstall Dr.</p>		
9	13, 52 - 56, 60, 61, 63 - 65, 72, 73, 76, 78, 79	There are already established businesses in the locality and therefore there is no need for the proposed business zone.	The closest Business Zone is located in Wangara about 2.5 metres to the south of the site and provides for bulky goods land use. Another Business Zone adjoining	Not to support the proposed amendment.

		Many of them struggling to do business and with vacancies across numerous sites at present.	residential area is not considered necessary.	
10	86	Do not support a service station or a fast food outlet on the corner of Kirkstall Road and Wanneroo Road.	Service Station and Drive-Through Food Outlet and Take-Away Food Outlet are Discretionary uses in Business Zone. Since it is recommended to not support the proposed Business Zone, these uses are not likely to be developed on the site.	Not to support the proposed amendment.
PUBLIC OPEN SPACE				
11	75, 83	No public park in the development. Does this mean the residents will need to use the Primary School oval? Public using the oval, would there be measures in place to check if it is safe and clean for school children each day?	The concept plan includes a Public Open Space about 1.2 hectare in area. As there are some significant trees present on the POS area, it will be classified as a Conservation POS. Following subdivision of the site, the proposed POS will be ceded to the Crown and will be managed by the City. Gungurru Park (3.39 hectares) is located on Ranworth Road diagonally opposite the site. This POS is managed by the City.	No modification required.
12	8, 10, 11, 14, 17, 30, 31, 39, 41, 42, 44 - 46, 49, 52 - 55, 61, 62, 65, 67, 69, 73, 74, 76, 78, 80	Loss of fauna. Endangered red tail black cockatoos routinely make nests etc. in the bushlands.	In the concept plan a conservation POS 1.2 hectares in area is proposed, wherein two retained Black Cockatoo significant trees are identified. A third tree is identified opposite the POS within the road reserve. A more detailed analysis will be undertaken at the subdivision stage.	No modification required.
GENERAL				
13	35	More effort to maintain the bush by installing firebreaks.	Noted.	No modification required.
14	4, 86	The site was gifted by a market garden family to the Catholic	Noted.	No modification required.

		church for a school. The site should remain for a school and not for any other use.		
15	37, 39, 41, 43, 54, 55, 57, 58, 59, 71, 79, 80	Negative impact on property values.	This is not a planning issue.	No modification required.
16	43, 46, 47	Residential development would be the best option.	Noted.	Not to support the proposed amendment..
17	75	Council will benefit from this development but how much fund is needed to develop and put in the infrastructure?	The residential area will become part of the DCP arrangements for Cell 4.	No modification required.
18	75	Currently our local primary school is at full capacity. Are there any talks with the government on the need for extra funding for schools to accommodate the additional increase in population?	The Department of Education in its submission has advised that it has no objection to the proposed amendment.	No modification required.
19	75	Why not harness the beauty of the bush land environment and make something rather than the average shoe box type of development? There are plenty of those around at the moment, why not be different? Maybe that is something to consider?	Noted.	No modification required.
DPLH COMMENTS				
20.0	84			
20.1		Introduction of Business zone adjacent to an existing activity centre is ad hoc and unplanned in conflict with SPP4.2.	The Wangara Industrial area is in close proximity and provides extensive opportunity for bulky goods retailing to meet the needs of the local community. Hence the subject proposal is considered to be unnecessary and ad hoc in nature.	Not to support the proposed amendment.
20.2		Encroachment of bulky goods	In ASP6 the site is entirely zoned as	Not to support the proposed

		retail into residential zones should be avoided and development in an ad hoc manner or as ribbon development along regional roads is discouraged.	Residential. The proposal to rezone part of the site to Business is considered to be an encroachment into the Residential zone which is contrary to SPP 4.2 section 5.6.1 (4).	amendment.
20.3		To provide a vehicular/pedestrian interface surrounding the entire St Elizabeth School site so as to give an appropriate and safe interface with adjoining land uses in accordance with Element 8 – Schools in Liveable Neighbourhoods.	Element 8 of Liveable Neighbourhoods states that schools should be surrounded by a minimum of three streets. St Elizabeth's school is surrounded by Ranworth Road to the north, Anfield Parade to the east, Kirkstall Drive to the south. The proposal therefore satisfies the requirements of Liveable Neighbourhoods.	No modification required.
20.4		No planning justification is provided for the utilisation of RMD codes and the introduction of higher density nor any consideration is given to the impact on amenity and orderly and proper planning in the context of a fully developed area.	The WAPC has approved R-MD codes in East Wanneroo Cell 6 through amendments to ASP6 supported by the City.	No modification required.
20.5		The movement network connection to the surrounding residential locality is insufficient as there is potential for road connection to allow for north/south movement through the amendment area without the use of a PAW.	The concept plan shows a pedestrian access way connecting the amendment area and Ranworth Road. From traffic and bushfire points of view this is not acceptable. Administration has considered this aspect and recommends that a road connection to Ranworth road be proposed. This matter can be dealt with at the subdivision stage.	At the subdivision stage a possible road connection can be considered.
MRWA COMMENTS				
21.0	87			
21.1		The access point onto Wanneroo Road is not supported. This	Currently there is a vehicular access restriction on to the site from Wanneroo	No modification required.

		<p>approach is consistent with the WAPC's Development Control Policy 5.1 Regional Roads (Vehicular Access). All access to the site must be via local roads.</p> <p>At Subdivision stage vehicle access restrictions in the form of a Section 150 of the Planning and Development Act 2005 shall be applied to the full extent of the structure plan are fronting Wanneroo Road.</p>	Road and to a distance of 60 metres from the intersection of Wanneroo Road and Kirkstall Road.	
21.2		The RMS Guide to Traffic Generating Development states the daily generation for dwelling house is 9 vehicles per day (vpd) and 0.85 vehicle per hour per dwelling. The Traffic Impact Assessment does not use this standard but 8 vpd.	The City follows the WAPC standards of 0.8 vehicle per hour per dwelling and therefore 8 vpd per dwelling.	No modification required.
21.3		The traffic analysis demonstrates that by 2029 the right movement from Wanneroo Road (South) to Kirkstall Drive (W) will be oversaturated. The same with the through movement out of Kirkstall Drive. This is both a performance and safety issue. This demonstrates that the network cannot support the structure plan as proposed.	Administration concurs with MRWA comments. Since majority of the traffic is generated by the Business Zone it is likely to impact on the traffic movement particularly at the intersection of Wanneroo Road and Kirkstall Drive. Therefore the proposed Business Zone should not be supported.	Not to support the proposed amendment.
21.4		An acoustic assessment in accordance with the WAPC's State Planning Policy 5.4 Road	SPP 5.4 states that <i>for new noise-sensitive developments, noise assessment should generally be</i>	No modification required.

		<p>and Rail Noise prepared by a suitably qualified expert must be prepared at the structure plan stage.</p>	<p><i>conducted as early as is practicable in the planning process typically at the structure planning stage. Noise-sensitive land use includes land used for noise-sensitive premises occupied solely or mainly for residential or accommodation purpose. The policy further states that in residential development usually only the first row of houses that faces the transport corridor will be significantly affected.</i></p> <p>The applicant has proposed to rezone the site immediately abutting Wanneroo Road as Business and did not submit an acoustic report.</p>	
--	--	---	--	--

List of Submitters

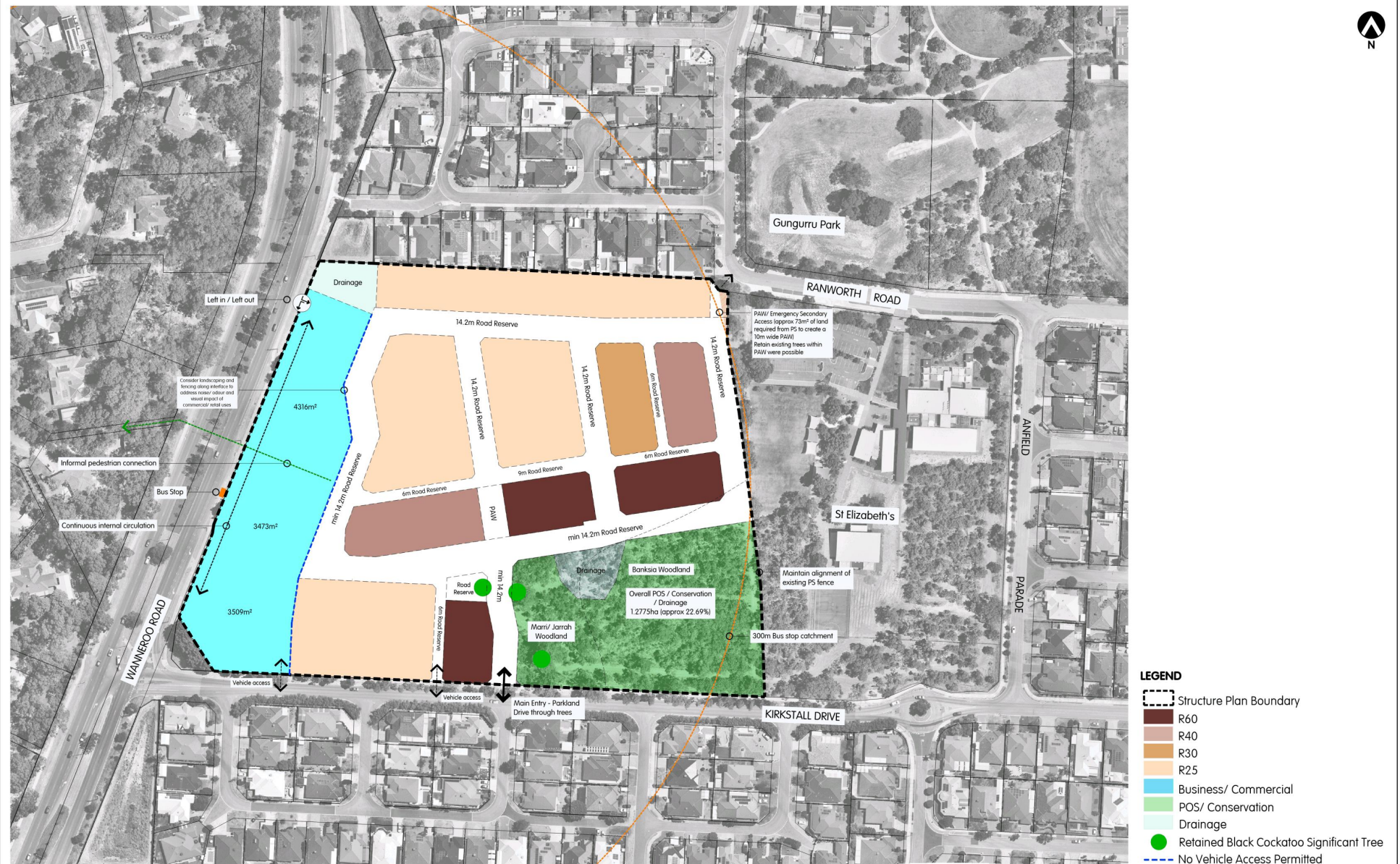
No.	Submitter's Details	Submitter's response
1	Anonymous	Object to high density development.
2	Anonymous	Object to high density and Business zone.
3	Mary Gibson 1 Tenement Loop Hocking WA 6065	Object
4	D Gibson 1 Tenement Loop Hocking	Commented on the proposal.
5	DWER	No comment
6	ATCO Gas Australia Pty Ltd	No objection
7	R & Y Blazeovich 28 Tenement Loop Hocking	Object
8	Wendy Marx 64 Kirkstall Drive, Hocking	Object
9	Mark Joy 7 Welstead Way, Hocking	Object
10	Mary Ryan & James Weetch 53 Kirkstall Drive, Hocking	Object
11	J Wright, 31 East Road, Hocking	Object
12	Elzandri van Helsdingen 6 Faranda Close, Hocking	Object
13	M Jones 4 Chanton Parade, Hocking	Object
14	Anonymous	Object
15	H Burke 51 Kirkstall Drive, Hocking	Object
16	M Robbins 16 Bembridge Loop, Hocking	Object
17	N Philp	Object

	38 Chartwell Ben, Hocking	
18	D Manion 27 Carisbrook Loop, Hocking	Object
19	S Manion 27 Carisbrook Loop, Hocking	Object
20	Calvin van Helsdingen 6 Faranda Close, Hocking	Object
21	A Carlton 58 Ranworth Road, Hocking	Object
22	M Mounajed 46 Tenement Loop, Hocking	Object
23	D Mounajed 46 Tenement Loop, Hocking	Object
24	J Bloodworth 23 Carisbrooke Loop, Hocking	Object
25	P Neumann 1 Ashurst Way, Hocking	Object
26	Tina, 20 Arreton Way, Hocking	Object
27	Kristen McPhail 44 Tenement Loop, Hocking	Object
28	Ilya V Arreton Way, Hocking	Object
29	Lance McPhail 44 Tenement Loop, Hocking	Object
30	LG & RN Rogers 30 Tenement Loop, Hocking	Object
31	Helmut Wehlitz	Object
32	WCWA	No objection
33	D Weston 2 Ashurst Way, Hocking	Object
34	L Findlay 15 Grassington Entrance, Hocking	Object
35	A & M Boyce	Object

	8 Tenement Loop, Hocking	
36	Norma Findlay 15 Grassington Entrance Hocking	Object
37	K Van Der Zanden 42 East Road, Pearsall	Object
38	DFES	Support subject modifications prior to subsequent planning stages.
39	Janet Smith 42 Tenement Loop Hocking	Object
40	Julia Hansen 70 Kirkstall Drive, Hocking	Object
41	Ronald Smith 42 Tenement Loop Hocking	Object
42	Mark Brant 10 Manchester Drive, Hocking	Object
43	Paul Hansen 70 Kirkstall Drive Hocking	Object
44	Floyd Schokman	Object
45	K Mather 87 Manchester Drive, Hocking	Object
46	Jenna Holt 22 Tenement Loop, Hocking	Object
47	Jason Sayers-Streetin 22 Tenement Loop, Hocking	Object
48	Colin Penny 2 Chartwell Bend, Hocking	Object
49	Patricia Heslin 3 Chanton Parad, Hocking	Object
50	Jason Gwatkin 51 Heacham Avenue, Hocking	Object

51	Pauline Gwatkin 51 Heacham Avenue, Hocking	Object
52	Vladimir Vassiliev 20 Arreton Way, Hocking	Object
53	Ryan Michael White 14 Tenement Loop, Hocking	Object
54	Sandra Cook 4 Ashurst Way, Hocking	Object
55	Simon Wallace 26 Tenement Loop, Hocking	Object
56	Vicki Alderden 25 Tenement Loop, Hocking	Object
57	Nico Oberholzer 63 Kirkstall Drive, Hocking	Object
58	Peter Higgins 70 Ranworth Rd, Hocking	Object
59	Jane Higgins 70 Ranworth Rd, Hocking	Object
60	Robbert Alderden 25 Tenement Loop, Hocking	Object
61	Emmanuel Tabone 29 Carisbrooke Loop, Hocking	Object
62	Fiona Wallace 26 Tenement Loop, Hocking	Object
63	Johann Du Plessis 26 Arreton Way, Hocking	Object
64	Ray Robinson 42 Manchester Drive, Hocking	Object
65	Glenys Tabone 29 Carisbrooke Loop, Hocking	Object
66	Rozney Lee Dobson 9 Manchester Drive, Hocking	Object
67	Barry Neumann 1 Ashurst Way, Hocking	Object

68	Daniel & Sandra Stoitis 12 Tenement Loop, Hocking	Object
69	Jane Pilton 62 Sacramento Parade, Hocking	Object
70	Caroline Pastina	Object
71	Jarrad Pilton 62 Sacramento Parade, Hocking	Object
72	Lauren McEllilster 47 Vancouver Parade, Wanneroo	Object
73	Peta Symes 3 Ashurst Way, Hocking	Object
74	Ian Symes 3 Ashurst Way, Hocking	Object
75	Lina Ting 3 Havana Vista, Hocking	Object
76	Kyle Williams 67 Kirkstall Drive, Hocking	Object
77	Dept of Education	No objection
78	Troy Fisher 3 Arreton Way, Hocking	Object
79	Vanita Proctor 1 Chanton Parade, Hocking	Object
80	Beverley Mabey	Object
81	Robin Grove	Object
82	Renee Needham 7 Sacramento Parade, Hocking	Object
83	Andrea Pollard 3 Tenement Loop, Hocking	Object
84	DPLH	Comment
85	Yvonne Wallwork 2 Tenement Loop, Hocking	Object
86	D Gibson 1 Tenement Loop, Hocking	Object
87	Main Roads WA	Comment



DISCLAIMER: ISSUED FOR DESIGN INTENT ONLY. ALL AREAS AND DIMENSIONS ARE SUBJECT TO DETAIL DESIGN AND SURVEY



mainroads
WESTERN AUSTRALIA

Enquiries: Lucas Hodgson on (08) 9323 4806
Our Ref: 15/8884 (D19#979658)
Your Ref: 3379-38

21 November 2019

Chief Executive Officer
City of Wanneroo
Locked Bag 1
WANNEROO WA 6946

Email: enquiries@wanneroo.wa.gov.au

Dear Sir/Madam,

PROPOSED AMENDMENT NO 38 TO THE EAST WANNEROO CELL 4 STRUCTURE PLAN - LOT 594 (30) RANWORTH ROAD HOCKING - CITY OF WANNEROO

In response to your correspondence received on 7 October 2019, Main Roads is unable to support the Structure Plan in its current form. The impact upon the operation and function of the State Road network is uncertain based on the information presented. The following comments are provided;

1. The access point onto Wanneroo Road is not supported, Main Roads will not approve any additional access in this location. This approach is consistent with Development Control Policy 5.1 Regional Roads (Vehicular Access). All access to the site must be via local roads.
2. At subdivision stage, vehicle access restrictions in the form of a Section 150 of the Planning and Development Act 2005 shall be applied to the full extent of the structure plan area fronting Wanneroo Road.
3. The Transport Impact Assessment (TIA) as presented is uncertain and cannot be relied upon due to the following:
 - a. It is unclear what methodology was used in the TIA report prepared by Transcore September 2019 to estimate trip generation for the Petrol Station, Fast food outlet, and the showroom (representing commercial/business land use), and whether or not these rates are correct. The TIA must correctly reference the source data including RMS section reference.
 - b. An incorrect trip generation rate has been used for residential land use. The RMS Guide to Traffic Generating Development states the daily generation for Dwelling houses is 9vpd per dwelling and 0.85 vph per dwelling. The TIA report prepared by Transcore September 2019 uses different rates in Section 7.2.
 - c. TIA Report suggests 10% traffic flow increase in 10 years, this is based on historical assumptions and cannot be verified by Main Roads. ROM24 data was not used to estimate future background traffic growth.
 - d. The traffic analysis demonstrates that by 2029 the right movement from Wanneroo Road (S) to Kirkstall Drive (W) will be oversaturated. The same with the through movement out of Kirkstall Drive. This is both a performance and safety issue. This demonstrates that the network cannot support the structure plan as proposed.

Main Roads Western Australia
Don Aitken Centre, Waterloo Crescent, East Perth WA 6004
PO Box 6202, East Perth WA 6892

mainroads.wa.gov.au
enquiries@mainroads.wa.gov.au
138 138



mainroads
WESTERN AUSTRALIA

4. An acoustic assessment in accordance with SPP5.4 Road and Rail noise prepared by a suitably qualified expert must be prepared at the structure plan stage. It is unclear how noise mitigation measures will be achieved in this location. Consideration must also be given to any potential for staged development to occur.
5. It is recommended a commercial needs analysis is prepared by a suitably qualified expert prior to this structure plan being finalised. The analysis will demonstrate,
 - a. Why this location is best placed to be zoned business in the local government area.
 - b. Economic and community need for additional land to be provided in this location.
 - c. Review the availability and amount of commercial land within the local government area.

Should the City disagree with this advice, Main Roads requests an opportunity to meet and discuss the matter further, prior to a final recommendation being made.

Main Roads requests a copy of the City's final recommendation regarding this proposal to be sent to planninginfo@mainroads.wa.gov.au quoting the file reference above.

Yours sincerely

Ian Thompson
Manager Statutory Road Planning /A

PS06-06/20 Consideration of Development Application - Additions to Supermarket and Six Specialty Stores (Two Digital Wall Signs) - 131 Pinjar Road, Ashby

File Ref: DA2019/885 – 20/205360
 Responsible Officer: Director Planning and Sustainability
 Disclosure of Interest: Nil
 Attachments: 3

Issue

To consider a development application (DA2019/885) for two digital wall sign additions to an existing Supermarket and Six Specialty Stores at 131 Pinjar Road, Ashby (subject site).

Applicant	Planning Solutions
Owner	Ashby Properties Pty Ltd
Location	Lot 8 (131) Pinjar Road, Ashby
Site Area	5090m ²
DPS 2 Zoning	Urban Development
ASP 77 Zoning	Commercial

Background

On 24 July 2019 the City received a development application for the addition of two digital wall signs at the subject site.

The subject site is bound by Pinjar Road to the east, a petrol station to the south, the Ashby Bar and Bistro to the north and a vacant site to the west. The vacant site to the west has approval for a number of commercial tenancies, including an auto service centre. The subject site is zoned Urban Development under DPS 2 and Commercial under the Ashby Neighbourhood Centre Agreed Structure Plan No. 77 (**ASP 77**).

A location plan is included as **Attachment 1**.

The subject site was originally approved for use as a Supermarket (Farmer Jack's) and five commercial tenancies by the Joint Development Assessment Panel (**JDAP**) on 13 January 2017. The commercial tenancies are designed as small 'speciality' shops that can accommodate a range of retail uses and already include a nail salon, hairdresser, café and fish and chip shop. The subject site has also been subject to two minor amendments to the original approval, which included modifications to the façade and increasing the number of specialty tenancies from five to six.

Previous Consideration by Council

The application was originally presented to Council on 10 February 2020 (Item number PS11-02/20) with a recommendation for refusal, however the item was referred back to Administration for further investigation. Council's intent of referring the proposal back to Administration was to enable the applicant to undertake further traffic analysis, preferably an independent Road Safety Audit, to demonstrate the proposal was acceptable from a traffic safety perspective. During the assessment process the applicant did provide a Traffic Safety Assessment prepared by a traffic engineer. However, the assessment was prepared on behalf of the applicant to justify the proposal and upon review the City's Traffic Engineers maintained the view that the proposal is considered to introduce an avoidable safety risk in this location.

A Road Safety Audit is an independent assessment undertaken by a qualified engineer who is registered with Main Roads WA, and subject to the appropriate experience and training in accordance with *Austrroads Guide to Road Safety Part 6: Road Safety Audit*.

Following the 10 February Council meeting, Administration met with the applicant to discuss provision of a Road Safety Audit and was subsequently advised that they would like the proposal determined as currently presented. No additional traffic analysis or modified plans have been provided by the proponent. On this basis the proposal should be determined based on the information previously presented to Council on 10 February 2020.

Detail

The development application proposes two digital wall signs. As the signs do not include third party advertising they are considered to be additions to the existing approved commercial development and are not a defined land use under DPS 2. The details of the signs are as follows:

- The signs will be installed on the southern podium feature of the building;
- **Sign 1** will face south towards the petrol station and Hollosy Way and is proposed to be 4.92 metres x 3.32 metres in size. The screen has a proposed surface area of 15.36m²;
- **Sign 2** will face east towards both the car park and Pinjar Road and is proposed to be 6.2 metres x 3.32 metres in size. The screen has a proposed surface area of 19.46m²;
- The advertising content is proposed to only relate to tenants of the Ashby Neighbourhood Centre. Whilst the Ashby Neighbourhood Centre is made up of five separate lots all advertising content would relate to tenancies within the site and only comprise information such as business names and in-store offers. For this reason Administration does not consider the signage to be third party; and
- The screens will have a maximum brightness of 6000cd/m² (cd/m² represents 'candela per square metre' which is the standard unit of measurement for luminance) and a minimum dwell time of 40 seconds.

Following preliminary assessment, concerns were raised by Administration relating to traffic safety. As a result a Road Safety Assessment was submitted by the applicant on 15 October 2019 (updated report provided 20 December 2019).

A copy of the development plans is included as **Attachment 2**.

Consultation

Advertising of the proposal was undertaken by the City writing to landowners and occupiers within approximately 200 metres of the subject site and making available the development plans and supporting documentation on the City's website. Advertising was undertaken for a period of 21 days, commencing on 16 August 2019 and concluding on 5 September 2019. One submission objecting to the proposal was received during the advertising period.

The following concerns were raised in the submission:

- The proposed signs are an unnecessary form of advertising; and
- The audience of the proposed signs are passing motorists which will lead to driver distraction.

The application was also referred to the Department Planning, Lands and Heritage (**DPLH**) as the subject site abuts Pinjar Road, which is classified as an Other Regional Road under the Metropolitan Regional Scheme (**MRS**). DPLH advised they had no objection to the proposal subject to the following:

The proposed advertisements should not interfere with sight-lines, distract drivers, or have the potential to hinder the interpretation of traffic signals or road signs.

The issues raised during the consultation period are discussed in the 'Comment' section below.

Comment

Local Planning Policy 4.6 (LPP 4.6): Signs

LPP 4.6 guides the assessment of advertising signage within the City, providing a set of design requirements and objectives for the purpose of assessment. The design requirements contain both general development standards and standards specific to the type of signage proposed. When an application proposes to vary the design requirements it is assessed against the objectives of LPP 4.6, whilst also having regard for the extent of the departure. It is noted that the objectives of LPP 4.6 have been adopted from Part 5.1 of DPS 2 relating to the control of advertisements.

LPP 4.6 does not currently make reference to digital or illuminated signage. Administration is currently undertaking a review of LPP 4.6 which will include consideration on how to appropriately address digital advertising through the policy.

Notwithstanding this, the signs are still considered to meet the definition of a 'Wall Sign' under LPP 4.6 and have therefore been assessed against the Design Requirements specific to Wall Signs. Upon assessment it was determined that the proposed signs do not comply with the following provisions of LPP 4.6:

LPP 4.6 Standard	Administration Comment
Be limited to a maximum of one Wall Sign per tenancy, per street frontage.	The subject site already includes numerous wall signs as shown in the site photos contained within Attachment 3 . This includes two Farmer Jack's signs on the southern podium feature, a 30m ² Farmer Jack's sign in proximity to Sign 2 (facing Pinjar Road), a Coffee House sign and blank signage panel on the facade of the building, also facing Pinjar Road.
Not exceed 25% in aggregate area on any one wall to a maximum of 8m ² .	Sign 1: The wall area is approximately 24m ² and the sign 16.33m ² , which is approximately 68% of the total area of the wall. Sign 2: The wall area is approximately 29m ² and the sign 20.6m ² in area, which is approximately 71% of the total area of the wall. As such, the signs exceed the Wall Sign provisions with respect to both aggregate and maximum area allowable.
Be integrated with the building design, particularly through the provision of signage panels.	The signs are proposed to be installed on the podium tower which is a prominent feature of the subject site. Digital signage on the façade of the podium is not consistent with the built form outcomes envisaged for the building and does not integrate with the approved design.

Following identification of the above policy departures the proposal was considered against the Objectives of LPP 4.6. Administration has concluded that the signs do not satisfy a number of the policy objectives, each of which are outlined and discussed below:

1. *To ensure that the visual quality and character of particular localities and transport corridors is not eroded.*

The signs are considered to be inconsistent with the existing built form due not only to the scale but the digital nature of the signs. Digital signs are significantly more prominent than a static or illuminated sign, with the proposed brightness of 6000cd/m² greatly exceeding that of an illuminated sign, which Administration understands is typically around 300cd/m². As shown in **Attachment 3** there are already a large number of illuminated signs on the façade of the building, making the introduction of two large digital screens not only unnecessary but also out of character with the area.

The podium tower currently contributes to a good design outcome, providing articulation and architectural feature to the building and making both the subject site and Ashby Neighbourhood Centre easily identifiable from the public realm. Additionally, the surrounding areas of Ashby, Tapping and Sinagra consist primarily of low density residential development, which makes large scale digital signage inconsistent with the established character of the locality. As such, the installation of digital signage on this feature is considered to have a negative visual impact on both the quality and character of the Ashby Neighbourhood Centre and surrounding locality.

2. *To achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic.*

Issues relating to traffic safety are discussed in the 'Traffic' section below.

3. *To minimise the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising.*

As previously discussed, the façade of the building already accommodates a sufficient amount of signage for current and future tenants, which is in addition to a nine metre high pylon sign in proximity to Pinjar Road (see **Attachment 3**). Additional advertising signs on the façade of the building are inconsistent with this Objective and instead would create an unnecessary proliferation of advertising. This is heightened by the signs digital nature and ability to change content at regular intervals (proposed to occur as frequently as 40 seconds per advertisement), which will detract from both the existing signage on the subject site and the overall built form. The proposed signs seek to excessively prioritise commercial considerations over the visual amenity of the area.

The subject site is also a Neighbourhood Centre, which *State Planning Policy 4.2: Activity Centres for Perth and Peel* outlines are designed to cater for daily to weekly household shopping and community needs. It is a centre that would be frequented by residents within the surrounding locality on a regular basis, who would be familiar with both the location and goods and services on offer. The need for large scale digital advertising is therefore considered to be inconsistent with the designation and purpose of the site. The need for digital signage of this nature is in Administration's view more compatible with a larger strategic or secondary centre (for example Yanchep or Alkimos Activity Centres upon maturity) as they are intended to cater for a wider population catchment where those visiting may be less familiar with the Centre.

4. *To prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their number, colours, height, prominence, visual impact, size, content and relevance to the premises on which they are located.*

As noted above, Sign 1 is 16.33m² and Sign 2 is 20.6m², which accounts for 68% and 71% of the surface area of the respective walls. Whilst this significantly exceeds the maximum size permitted under LPP 4.6, it is the cumulative impact of size, height and prominence in combination with the distinctive positioning on the podium feature of the building that makes the proposal inconsistent with this Objective. With all these factors considered it is Administration's view that the proposal will result in an unnecessary and excessive amount of advertising which will detrimentally impact on the character of the surrounding area.

5. *To reduce and minimise clutter.*

The departure from this objective has been addressed under Points 3 and 4 above.

In considering the above issues Administration considers that this proposal does not satisfy the Design Requirements or Objectives of LPP 4.6, the Objectives of Part 5.1 of DPS 2 and as a consequence Clause 67 of the Deemed Provisions of DPS 2, specifically clauses (m) and (n) relating to the compatibility of the development within its setting and impacts on the amenity and character of the locality.

Traffic

The proposed signs will be visible from the surrounding road network, which includes the intersection of Pinjar Road/ Caporn Street/ Hollosy Way. As noted above Pinjar Road is classified as an Other Regional Road under the MRS, with the latest available traffic data indicating that daily vehicle volumes in this location currently exceed 15, 000 per day. As the Ashby Neighbourhood Centre and surrounding East Wanneroo area continues to develop vehicle volumes along Pinjar Road are anticipated to increase significantly, as an important linkage between Wanneroo Road and Flynn Drive.

Whilst DPLH advised they do not object to the proposal, their submission stated that the signs should not interfere with sight-lines, distract drivers, or have the potential to hinder the interpretation of traffic signals or road signs. To investigate this further the City's Traffic Services have reviewed the proposal with regard for the surrounding context and Main Roads' *Policy and Application Guidelines for Advertising Signs within and Beyond State Road Reserves* (Main Roads' policy). The Road Safety Assessment (**RSA**) provided by the applicant also assessed the proposal against the provisions of Main Roads' policy, which is adopted for the assessment of digital signage as such signs have a heightened potential of creating a traffic safety issue.

Notwithstanding the proposed signs meet the setback requirements from Pinjar Road as specified under MRWA's policy Administration maintains serious safety concerns due to the proximity of the signs to the intersection of Pinjar Road/ Caporn Street/ Hollosy Way. This intersection is listed as a 'blackspot' location with 22 recorded crashes in the past five years, which was not addressed in the applicant's RSA.

Administration's concerns relate to the visibility of the signs when approaching and navigating this intersection from numerous directions. Firstly, there is a direct line of site to Sign 1 (facing Hollosy Way) when approaching the roundabout northbound on Pinjar Road, which may result in drivers seeking to view the content whilst approaching the roundabout. The view to this sign is partly obscured by the existing petrol station fuel canopy, which heightens the risk to motorists as they may seek to interpret the obscured content whilst navigating the roundabout. Similarly, motorists approaching the roundabout from Caporn Street will have partial visibility of both signs, also resulting in drivers attempting to view the content whilst navigating the roundabout. Lastly, motorists approaching the roundabout southbound on Pinjar Road will have partial visibility of Sign 2 which is likely to take a driver's attention away from the road at a critical decision making point.

Administration is therefore of the view that both signs have the potential to increase driver distraction at a known blackspot intersection. As a consequence, the signage fails to satisfy Section 3.1 of MRWA's policy relating to general safety as the signs could distract drivers at a critical time and are located in an area already subject to several existing devices, with the cumulative effect of these devices considered potentially hazardous.

In summary, introducing an additional distraction to drivers at a blackspot intersection, where instead the emphasis should be on traffic safety, is considered to unnecessarily compromise the safety of motorists and therefore fails to satisfy Main Roads' policy. Additionally, the

proposal is also considered to be inconsistent with Objective 2 of LPP 4.6 and Clause 67 (r) of the Deemed Provisions of DPS 2, which requires the City to have due regard to the suitability of the development when taking into account possible risk to human safety.

Conclusion

In light of the above, the application for Additions to Supermarket and Six Specialty Stores (Two Digital Wall Signs) at 131 Pinjar Road, Ashby does not satisfy the Design Requirements or Objectives of LPP 4.6 and DPS 2 relating to advertising signs, creating a proliferation of signage on the façade of the development and negatively impacting the overall built form. Additionally, the signage is considered to present an additional distraction to drivers in proximity to a blackspot intersection, posing an avoidable safety risk to motorists. Administration acknowledges the increasing presence of digital signage throughout Perth as a new advertising platform, however the use of such signage in suburban settings as a tool to generate passing trade is considered inappropriate, and therefore the application should be refused.

Statutory Compliance

This application has been assessed in accordance with the City of Wanneroo's DPS 2 and LPP 4.6.

Strategic Implications

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

“3 *Environment (Built)*

3.4 *Activated Places*

3.4.3 *Enhance distinctive built form and spaces based on identity of areas”*

Risk Management Considerations

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

Risk Title	Risk Rating
ST-S04 Integrated Infrastructure & Utility Planning	Moderate
Accountability	Action Planning Option
Director Planning & Sustainability & Director Assets	Manage

The above risks relating to the issue contained within this report have been identified and considered within the City's Corporate and Strategic risk registers. Action plans have been developed to manage these risks.

Policy Implications

The application has been assessed against the development standards and objectives of LPP 4.6.

Financial Implications

Nil

Voting Requirements


Simple Majority

Recommendation

That Council:-

1. Pursuant to Clause 68(2)(c) of the Deemed Provisions of the City of Wanneroo District Planning Scheme No. 2 REFUSES to grant development approval for the proposed Addition of Two Digital Wall Signs to a Supermarket and Six Specialty Stores at 131 Pinjar Road, Ashby submitted by Planning Solutions on behalf of Endeavour Properties Pty Ltd for the following reasons:
 - a) The proposal does not comply with Objectives 1, 2, 3, 4 and 5 of Local Planning Policy 4.6: Signs, Part 5.1 of District Planning Scheme No. 2 Control of Advertisements or Clauses 67 (m), (n) and (r) of the Deemed Provisions of District Planning Scheme No. 2 with regard for the following:
 - i. The signs are considered superfluous and unnecessary due to their size, height, prominence and visual impact on the subject site, contributing to visual clutter on the façade of the building and detracting from the appearance of the existing built form;
 - ii. The signs are likely to compromise the safety of road users as they may distract drivers at the intersection of Pinjar Road/ Caporn Street/ Hollosy Way which is identified as a blackspot intersection;
 - iii. The proposal is not commensurate with the realistic needs of commercial advertising on the site; and
 - iv. The signs will detract from the amenity of the surrounding locality as the size, digital format and visibility of the signage is inconsistent with the predominantly low density residential character of the area.
 - b) The proposed signage does not satisfy the general safety criteria of Main Roads' Policy and Application Guideline for Advertising Signs as it unnecessarily introduces an additional distraction to drivers at a critical decision making time which is potentially hazardous.
2. Advises submitters of its decision.

Attachments:

- | | | |
|--|---------------------------------|-----------|
| 1.  | Attachment 1: Location Plan | 19/383316 |
| 2.  | Attachment 2: Development Plans | 19/383325 |
| 3.  | Attachment 3: Site Photos | 19/383414 |

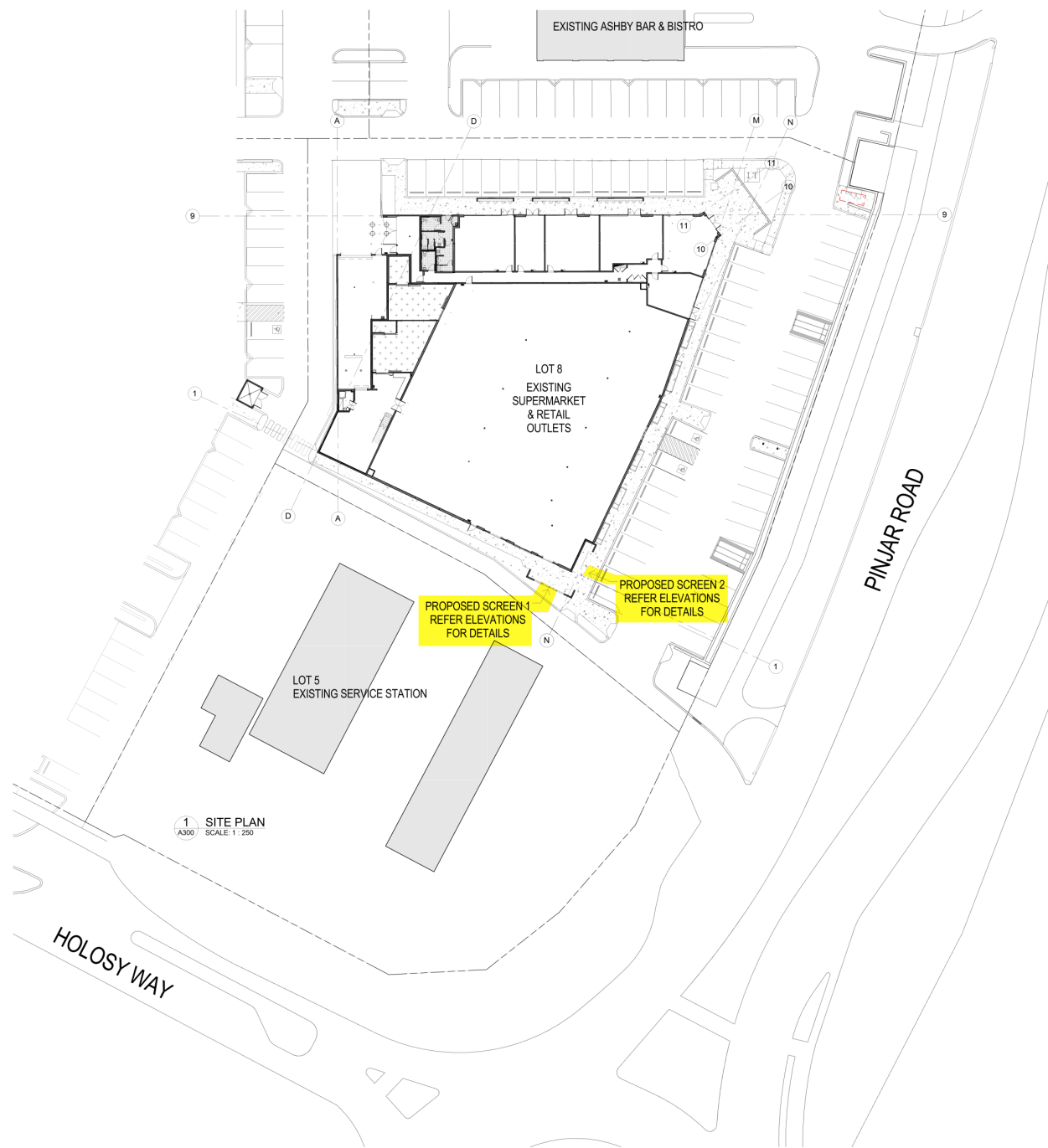
Attachment 1



Location Plan: 131 Pinjar Road, Ashby



Attachment 2



GENERAL NOTES
1. ALL DIMENSIONS ARE IN METERS
2. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER SCALE
3. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DIMENSIONS
4. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DIMENSIONS
5. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DIMENSIONS
6. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DIMENSIONS
7. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DIMENSIONS
8. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DIMENSIONS
9. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DIMENSIONS
10. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DIMENSIONS
11. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DIMENSIONS



Rev	Date	Issued By	Revision Description
1	19-07-2019	DO	ISSUED FOR DA
0	03-07-2019		ISSUED FOR INFORMATION

OLDFIELD KNOTT ARCHITECTS PTY LTD
107 The Street, Sandringham VIC 3208
T: (03) 9311 0100 F: (03) 9311 0101 E: info@oldfieldknott.com.au

Project Name:
ASHBY VILLAGE - PROPOSED SUPERMARKET & RETAIL TENANCIES, Lot 8 Pinjar Road, ASHBY WA 6055 for Endeavour Properties Pty Ltd

Drawing Name:
SITE PLAN

Project Number	Drawing No.	Rev.
06177S	S100	1

Date	Author	Check	Scale
14/05/19	DO	DO	1:250

© Oldfield Knott Architects Pty Ltd 2019



1 NORTH ELEVATION
SCALE: 1:100



2 SOUTH ELEVATION
SCALE: 1:100

Screen 1
Requested Size: 4740mm x 3130mm. Outset Size: 4820mm x 3200mm
Model No: QPFF08-600-360-PC-08A
-Custom built front removable module design
-Full outdoor rated display installation
-Single sided display construction
-Includes minor cabinet design variations
-Includes panel mounted daylight sensor on front of cabinet
-Includes project management, design and install consultation
-LED Type: SMD
-Pixel Pitch: 3mm
-Resolution: 6000 x 3600
-Typical size: 14000mm x 10320mm x 1010mm
-Including 37.5mm protective cabinet frame around module
-Includes dual access, front removable module and rear hinged and lockable access doors
-Including M72 captive threaded mounting points to rear of cabinet
-Rear size: 14000mm x 10320mm
-Display area: 10.36m²
-LED Grade: Normal SMD (Alloy) - upgrade LED chip
-Recommended Calculated Brightness: 5000cd (cd/m²)
-Maximum Screen Brightness: 6000cd (cd/m²)
-Max Power approx. 10,500W
-Avg. Power: 4,500W

DESIGN AND INSTALLATION OF LED SIGNAGE TO SELECTED SIGNAGE CONTRACTORS DETAILS
ALL DIMENSIONS TO BE SHOWN MANAGED & CONFIRMED ON SITE.
SIGNAGE CONTRACTOR TO FIX TO ENSURE STRUCTURAL INTEGRITY.
PROVIDE STRUCTURAL ENGINEERS CERTIFICATION OF INSTALLED SCREENS ON COMPLETION

GENERAL NOTES
1. ALL DIMENSIONS ARE IN MILLIMETRES
2. DIMENSIONS SHOWN IN WALL MOUNTING
3. DIMENSIONS SHOWN IN WALL MOUNTING
4. DIMENSIONS SHOWN IN WALL MOUNTING
5. DIMENSIONS SHOWN IN WALL MOUNTING
6. DIMENSIONS SHOWN IN WALL MOUNTING
7. DIMENSIONS SHOWN IN WALL MOUNTING
8. DIMENSIONS SHOWN IN WALL MOUNTING
9. DIMENSIONS SHOWN IN WALL MOUNTING
10. DIMENSIONS SHOWN IN WALL MOUNTING

1: 19-07-2019 DO ISSUED FOR DA
0: 03-07-2019 ISSUED FOR INFORMATION
Rev: Date Issued By Revision Description

OLDFIELD KNOTT ARCHITECTS PTY LTD
10/100 Street, Ashby WA 6005
T: (08) 9471 6100 F: (08) 9471 6101 E: info@oldfieldknott.com.au

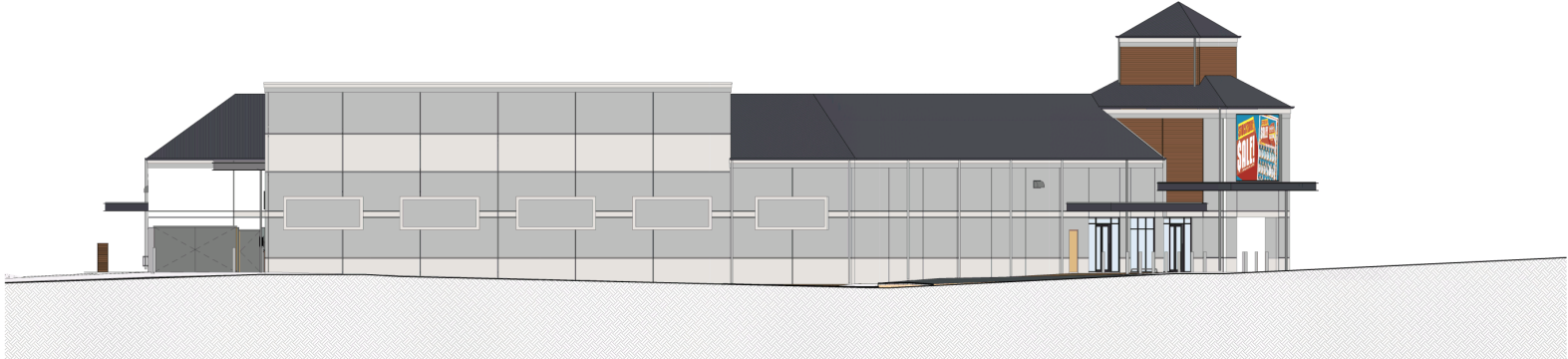
Project Name:
ASHBY VILLAGE - PROPOSED SUPERMARKET & RETAIL TENANCIES, Lot 8 Pinjar Road, ASHBY WA 6005 for Endeavour Properties Pty Ltd

Drawing Name:
ELEVATIONS

Project Number: **06177S** Drawing No: **S300** Rev: **1**
Date: 14/05/19 Drawn: Author: Checked: Issued:
Reduction: 1:100 Scale: 1:100

Screen 2:
Requested Size: 6000mm x 3320mm, Quoted Size: 6000mm x 3320mm
Model No: DS200 720x360 ARGB
• Custom built front removable module design
• Full outdoor rated display installation
• Single sided display construction
• Includes minor cabinet design variations
• Including panel mounted daylight sensor on front of cabinet
• Includes project management, design and install consultation
• LED Type: SMD
• Pixel Pitch: 3mm
• Resolution: 720 x 360
• Physical Size: 1500mm x 1500mm x 1750mm
• Including 37.5mm protective cabinet frame around modules
• Includes dust access, front removable modules and rear hinged and lockable access doors
• Including M22 positive threaded mounting points to rear of cabinet
• Clear size: 1500mm x 1500mm
• Display area: 15.4sqm
• LED Grade: Normal SMD (Aky) – upgrade LED chip
• Recommended Cabinet Brightness: 3000cd (cd/m²)
• Max Power: 12,000W
• Plug Power: 5,000W

DESIGN AND INSTALLATION OF LED SIGNAGE TO SELECTED SIGNAGE CONTRACTORS DETAILS.
ALL DIMENSIONS TO BE SITE MEASURED & CONFIRMED ON-SITE.
SIGNAGE CONTRACTOR TO FIX TO ENSURE STRUCTURAL INTEGRITY.
PROVIDE STRUCTURAL ENGINEERS CERTIFICATION OF INSTALLED SCREENS COMPLETION.



GENERAL NOTES
1. ALL DIMENSIONS ARE IN MILLIMETRES
2. UNLESS OTHERWISE SHOWN, TAKE PRECEDENCE OVER SCALE
3. DIMENSIONS
4. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE
5. PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK
6. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL CONSULTANT
DRAWINGS AND THE SPECIFICATION

1	19-07-2019	DO	ISSUED FOR DA
0	03-07-2019	ISSUED FOR INFORMATION	
Rev	Date	Issued By	Revision Description

OLDFIELD KNOTT ARCHITECTS PTY LTD
100 The Street, Ashby WA 6050 081 946 0000
110 The Street, Ashby WA 6050 081 946 0000

ASHBY VILLAGE - PROPOSED SUPERMARKET & RETAIL TENANCIES, Lot 8
Pajar Road, ASHBY WA 6055 for Endeavour Properties Pty Ltd

ELEVATIONS

Project Number	Drawing No	Rev
06177S	S301	1
Date	14/11/19	Drawn
Reduction	1:100	Scale

Author: [Signature] Checker: [Signature]

City of Wanneroo 06177S 06177S 06177S 06177S 06177S 06177S 06177S 06177S 06177S 06177S

Attachment 3



Location of both signs looking north from the Caltex Petrol Station



Existing Farmer Jack's wall signs on the façade facing Pinjar Road



Additional wall signs on the façade facing Pinjar Road



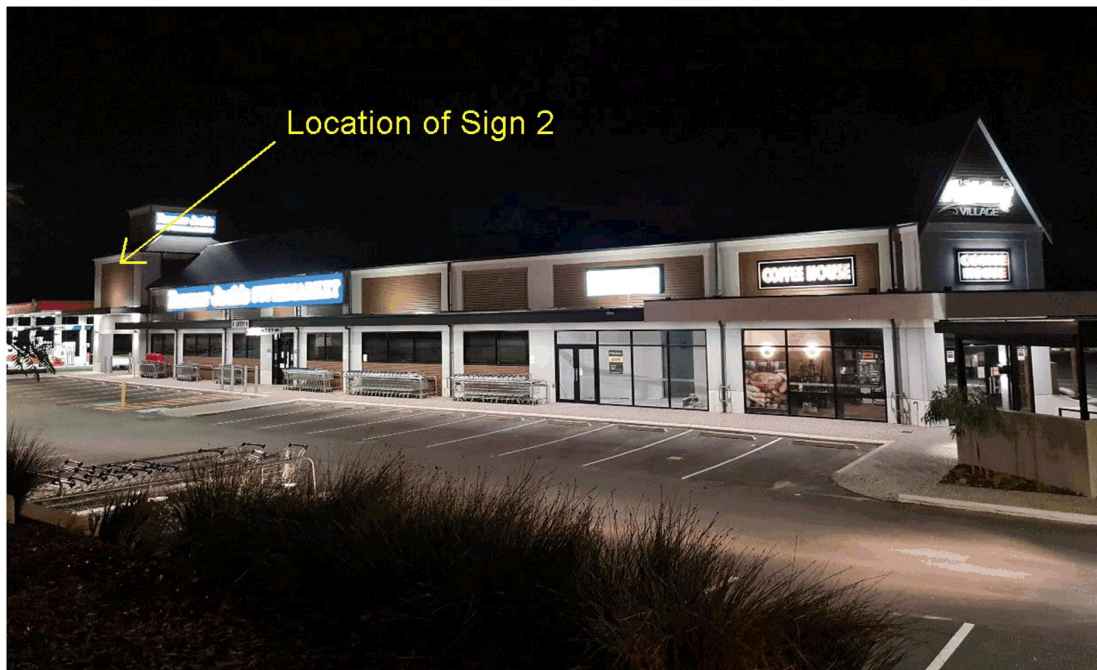
Existing pylon sign facing Pinjar Road



Visibility of proposed Sign 2 heading south on Pinjar Road approaching the roundabout



Visibility of proposed Sign 2 heading south on Pinjar Road approaching the roundabout



View of the Ashby Neighbourhood Centre looking west



View of the Ashby Neighbourhood Centre looking east

PS07-06/20 Consideration of Development Application for a Place of Worship and Carpark Modifications at Lot 217 (6) Kurrajong Boulevard, Banksia Grove (DA2019/1462)

File Ref: DA2019/1462 – 20/227933
 Responsible Officer: Director Planning and Sustainability
 Disclosure of Interest: Nil
 Attachments: 5

Issue

To consider a development application DA2019/1462 for a Place of Worship and Carpark Modifications at 6 Kurrajong Boulevard, Banksia Grove (subject site).

Applicant	DWA Architects
Owner	Roman Catholic Archbishop of Perth
Location	Lot 217 (6) Kurrajong Boulevard BANKSIA GROVE
Site Area	41,619m ²
MRS Zoning	Urban

Background

On 4 December 2019 the City received a development application for a Place of Worship and Carpark Modifications at Lot 217 (6) Kurrajong Boulevard, Banksia Grove. A location plan is included as **Attachment 1**.

The subject site is zoned Urban under the Metropolitan Regional Scheme (**MRS**), and Private Clubs and Recreation under the City's District Planning Scheme No. 2 (**DPS 2**). The subject site is bound by Snugglepot Street to the west, Grandis Boulevard to the north, Laricina Bend to the east, and Kurrajong Boulevard and Alpina Promenade to the south. The subject site currently consists of the Banksia Grove Catholic Primary School and associated facilities, including a carpark. The proposed Place of Worship and Carpark Modifications are intended to be utilised in conjunction with the existing Primary School.

Detail

The development application proposes a Place of Worship which is a "D" (Discretionary) use and a Carpark which is a "P" (Permitted) use in the Private Clubs and Recreation zone. The development comprises of the following:

- A 1,510m² building encompassing the Place of Worship and associated minor facilities, located within the south-western corner of the site (development site). The building has a maximum height of 9.2 metres and incorporates a painted steel cross with a maximum height of 18 metres.
- Scheduled Mass services are intended to run on:
 - Monday to Friday at 8:00am up to 20 patrons (half of which are students);
 - Saturday at 6:00pm and Sunday at 9:30am with up to 450;
 - Various Holy Days spread throughout the year (up to three 7:00pm Masses if they fall on weekdays, otherwise they will be included in usual Mass times);
 - Weddings and Funerals to be held within standard daytime hours, with Weddings usually on weekends and Funerals only within off-peak periods during weekdays (off-peak is considered to be between the hours of 9:00am and 3:00pm, where there would be no student pick-up or drop off's); and

- In addition, the Place of Worship will remain open during daytime hours for personal individual prayer;
- The proposed Place of Worship has been designed to cater up to an additional 300 patrons (750 total) during peak periods, if required;
- The Place of Worship will also be utilised for:
 - Parish Group meetings of up to 60 people on weekdays between 8:00am – 6:00pm;
 - Wake Services following Funeral Services; and
 - Community meetings purposed after Sunday Mass until 11:00am;
- The Place of Worship will not be hired out for private functions;
- 36 additional parking bays to be used in conjunction with the existing Primary School
- Additional landscaping associated with the Place of Worship and Carpark; and
- All other facilities to be shared with the Primary School

A copy of the development plans is included as **Attachment 2**. A copy of the landscape plan is included as **Attachment 3**.

Consultation

Advertising was undertaken by way of a notice placed in the Wanneroo Times, a sign erected on site, letters sent to landowners within a 100 metre radius of the development site and a notice placed on the City's website. Advertising was undertaken for a period of 21 days, commencing on 17 January 2020 and concluding on 6 February 2020.

Seven submissions were received, five in support and two objecting to the proposal. The main issues raised during the advertising period and following detailed assessment by Administration relate to:

- The site does not have sufficient parking facilities to accommodate the anticipated 750 patrons during peak periods;
- The proposal will generate additional traffic that will impact the surrounding road network;
- Amenity issues from the increased large crowds in the area; and
- Noise being generated from the development impacting the surrounding residents.

The main comments received in support of the proposal were:

- Existing members of the parish would utilise the development;
- The development is very needed and would benefit the community by providing additional services;
- The new development will provide a focal point for the area; and
- The existing school has regular weekday and weekend attendance at the temporary Place of Worship. This does not cause any parking issues.

Following consultation, the applicant advised the City that they intended to hold additional small scale services that were not previously advertised during the assessment. As such, the City re-advertised the application including all new functions of the Place of Worship. Letters were sent to all residents who received letters in the first round of advertising. Following the second round of consultation, two additional letters were received in support of the overall development, which were consistent with the comments from the first round of advertising.

A summary of submissions and Administrations response has been included as **Attachment 4**.

Comment

Administration has conducted an assessment of the proposal against the provisions of DPS 2. Comments on the issues raised during advertising are provided below.

Noise

Concerns were raised during the advertising period regarding the potential for noise to be generated by the proposed development.

To address this, the applicant provided an acoustic report which considered noise generated from the subject site. To assess compliance, the development was measured against the prescribed standards of the *Environmental Protection (Noise) Regulations 1997*. Noise limiting measures should be introduced outside the hours of 7:00am and 7:00pm on Monday-Saturday and 9:00am to 7:00pm on Sundays and Public Holidays where a development is adjacent to noise sensitive premises, such as residential dwellings. Given the Place of Worship will operate outside these hours between 7:00pm – 9:00pm, the acoustic report concluded that the development would comply with the assigned noise levels, however recommended the following measures being imposed:

- Inclusion of sound detaining materials in the ceiling and windows;
- Internal noise levels in the Nave area to be no greater than 93 dB(A) at the inside face of the façade during the daytime and 88 dB(A) on Sundays and between 7:00pm and 10:00pm;
- Internal noise levels in the extension area (identified as Community Hall on the plans) are to be no greater than 94 dB(A) at the inside face of the façade during the daytime and 89 dB(A) on Sundays and between 7:00pm and 10:00pm;
- All entrances and exits to the proposed facility, including windows, are to remain closed during operation; and
- A log book shall be maintained for the purpose of recording and resolving any noise complaints.

The City Health's Services have reviewed the acoustic report and confirmed that, with consideration for the above recommendations, noise generated from the site could be appropriately managed and would not have a detrimental impact on surrounding landowners.

A condition is to be included to ensure noise generated from the development complies with the *Environmental Protection (Noise) Regulations 1997* and the recommendations of the acoustic report.

Parking

Concerns were raised during the advertising period that there will be a lack of parking available on the site to cater for the number of intended patrons. There are currently 117 parking bays on the site and an additional 36 parking bays are proposed as part of this development. This would result in a total of 153 on-site parking bays. The applicant has advised that during normal operation, the Place of Worship will hold up to 450 patrons and up to 60 patrons during the Primary School peak periods (half of which would be students), though the actual attendance is expected to be much less. The below table summarises the car parking requirements for the subject site based on a capacity of 450 patrons.

Land Use	Capacity	DPS 2 Parking Standard	Required Bays
Primary School	580 Students (DEV11/89)	A minimum of 46 car bays for staff and visitor parking for the first 475 students and then ten (10) car bays for every 100 students or part thereof afterwards	56.5
		Fourteen (14) pickup/set down bays for every 100 students or part thereof which may be provided in the road reserve.	81.2
Total Bays Required (Primary School)			137.7 (138)
Place of Worship	450 Patrons	1 per 4 people accommodated	112.5 (113)
Total Bays Required			250.2 (251)
Total Bays On-Site			153

Whilst the proposal would create an overall shortfall of 98 bays, Administration has considered the following as part of the assessment:

- The carpark will be used by both the Primary School and Place of Worship which would include reciprocal use;
- The Primary School would only utilise a significant amount of parking bays during peak pick-up or drop-off times between 7:00am-9:00am and 3:00pm-6:00pm;
- The Primary School would utilise approximately 50 bays for staff during off-peak periods during weekdays (9:00am-3:00pm), leaving the remainder of the parking available for use;
- When the Primary School is operating during peak periods, the development will draw an additional 60 patrons (half of which are students). Under DPS 2, 60 patrons would require 15 additional parking bays on top of the current 138 parking bay requirement for the Primary School, totalling 153 parking bays. This would allow the Place of Worship to utilise 15 parking bays and still comply with the requirements of DPS 2; and
- The Primary School does not operate on the weekend meaning the Place of Worship would have access to all 153 parking bays during this period. In addition, over 100 of the available parking bays are within 100 metres of the Place of Worship for better accessibility.

It is recommended that patron numbers for the Place of Worship are restricted to 60 from Monday to Friday during the peak operational hours of the Primary School to meet the requirements of DPS 2. As the place of Worship is also intended to be used during off-peak periods on weekdays, it is recommended that the patron number is reduced to 400 to account for the Primary School staff utilising parking bays during this period.

The applicant has also advised that during peak periods (such as Christmas and Easter), there is likely to be an increased number of patrons attending the Place of Worship. The proposed development has been designed to cater up to an additional 300 patrons if required, outside the operating hours of the Primary School. The below table summarises the car parking requirements for the subject site based on a capacity of 750 patrons, outside the operating hours of the Primary School:

Land Use	Capacity	DPS 2 Parking Standard	Required Bays
Place of Worship	750 Patrons	1 per 4 people accommodated	187.5 (188)
Total Bays Required			187.5 (188)
Total Bays On-Site			153

To accommodate for the anticipated 300 patron increase during peak periods, the applicant has provided a Parking Management Plan which, is included as **Attachment 5** and addresses the following:

- Provisions for Traffic Marshals to be positioned at all entries to the site to direct traffic into the available parking spaces;
- Additional overflow parking on the existing oval will be open to be available when all other parking is exhausted (the oval is not utilised by the Primary School on weekends). The oval can accommodate approximately 135 additional vehicles and will have additional Traffic Marshals to ensure vehicles park in an orderly manner;
- Limiting entry to the site upon the commencement of the event to filter traffic away from the event; and
- Controlled exit of vehicles following the event via the three exit points to limit the traffic strain on the surrounding road network.

The Parking Management Plan sufficiently addresses the proposed parking shortfall on site as the combination of the 153 paved bays and additional 135 overflow bays on the oval will provide a total of 288 parking bays, which is in excess of the required 188 parking bays under DPS2. This will ensure all parking is contained on site. The overflow parking will only be utilised on very few occasions during the year and will not have an accumulative impact on the surrounding residential area. The City's Traffic Services have also reviewed the application and support the proposed patron numbers.

In light of the above, it is recommended that the patron numbers for the Place of Worship during weekdays are restricted to:

Monday – Friday

- 7:00am - 9:00am: 60 non-staff and non-students;
- 9:00am - 2:30pm: 400 non-staff and non-students;
- 2:30pm - 5:30pm: 60 non-staff and non-students; and
- 5:30pm - 9:00pm: 450 non-staff and non-students or 750 non-staff and non-students,

subject to operation in accordance with the Traffic Management Plan dated 21 March 2020.

Saturday – Sunday

7:00am - 9:00pm: 450 patrons or 750 patrons, subject to operation in accordance with the Traffic Management Plan dated 21 March 2020.

Traffic and Access

A number of submitters raised concerns about increased vehicular traffic and increased vehicle access within the surrounding area and the additional access point along Snuggopot Street.

As part of the application, a Traffic Impact Statement (**TIS**) was provided which identified a predicted 96 inbound and 96 outbound vehicles from the site per hour during peak periods. Comparatively, the surveyed vehicle numbers for the existing Primary School were 191 inbound and 142 outbound per hour during peak periods. The TIS also identified that the predicted change to the traffic distribution will not cause significant increases to the traffic utilising Snuggopot Street. Therefore, the weekend traffic generated by the Place of Worship will not exceed the traffic currently generated by the existing Primary School during weekday operations and will not cause any strain on the existing road network. This is due to the assumption that one child per vehicle would be attending the Primary School, were as there is likely to be more than one person per vehicle attending the Place of Worship, therefore generating less vehicle traffic per person. The City's Traffic Services have also reviewed the TIS and did not raise any concerns as there is no anticipated traffic increase.

Land Use

The objective of the Private Clubs and Recreation Zone is to accommodate uses such as private golf clubs, private educational, institutional, recreational and tourist accommodation activities. The Discretionary classification allows any proposal to be assessed on its merits against the Objectives of the zone. A Place of Worship is defined as:

“buildings used primarily for the religious activities of a church, but does not include an institution for primary, secondary or higher education, or a residential training institution”.

The proposed use is therefore consistent with the objective of the zone which is intended to accommodate institutional uses, and that the size and scale of this proposal is consistent with what is expected in the Private Clubs and Recreation Zone.

The applicant will be required to obtain a clearing permit from the Department of Water and Environmental Regulation prior to commencement of development. Applications for clearing permits are assessed and decisions are made to grant or refuse the application in accordance with this *Environmental Protection Act 1986*. The assessment and determination of this clearing permit application is outside the scope of works for the City.

Conclusion

In light of the above, the proposed Place of Worship and Carpark Modifications at Lot 217 (6) Kurrajong Boulevard, Banksia Grove are considered to satisfactorily meet the requirements of DPS 2 and ASP 13. Administration considers that the issues raised during the advertising period can be sufficiently addressed through the imposition of conditions and no further modifications to the proposal are required.

It is therefore recommended that Council approve the proposed development subject to conditions.

Statutory Compliance

This application has been assessed in accordance with the City's DPS 2.

Strategic Implications

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

“3 *Environment (Built)*

3.4 *Activated Places*

3.4.2 *Provide safe spaces, centres and facilities through our infrastructure management and designs for community benefit and recreation”*

Risk Management Considerations

Risk Title	Risk Rating
CO-O01 Relationship Management	Low
Accountability	Action Planning Option
Director Corporate Strategy & Performance and Director Community & Place	Manage

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

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

Policy Implications

The application has been assessed against the requirements of the DPS 2.

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council:-

1. Pursuant to clause 68(2)(a) of the deemed provisions of the City of Wanneroo District Planning Scheme No. 2 GRANTS development approval for the proposed Place of Worship and Carpark Modifications at 6 Kurrajong Boulevard, Banksia Grove as shown on Attachment 2, subject to the following conditions:

- a) This approval only relates to the proposal to the proposed Place of Worship and Carpark Modifications to Unit 3 as indicated on the approved plans. It does not relate to any other development on the lot.
- b) The additional use of the approved premise shall conform to the District Planning Scheme No. 2 definition of a Place of Worship which states:

“Place of Worship: includes buildings used primarily for the religious activities of a church, but does not include an institution for primary, secondary or higher education, or a residential training institution.”

A change of use from that outlined above may require the approval of the City.

- c) The number of persons (including staff) accommodated in the Place of Worship shall be limited to:

Monday – Friday:

- 7:00am - 9:00am: 60 non-staff and non-students;
- 9:00am - 2:30pm: 400 non-staff and non-students;
- 2:30pm - 5:30pm: 60 non-staff and non-students; and

- **5:30pm - 9:00pm: 450 non-staff and non-students or 750 non-staff and non-students, subject to operation in accordance with the Traffic Management Plan dated 21 March 2020.**

Saturday – Sunday:

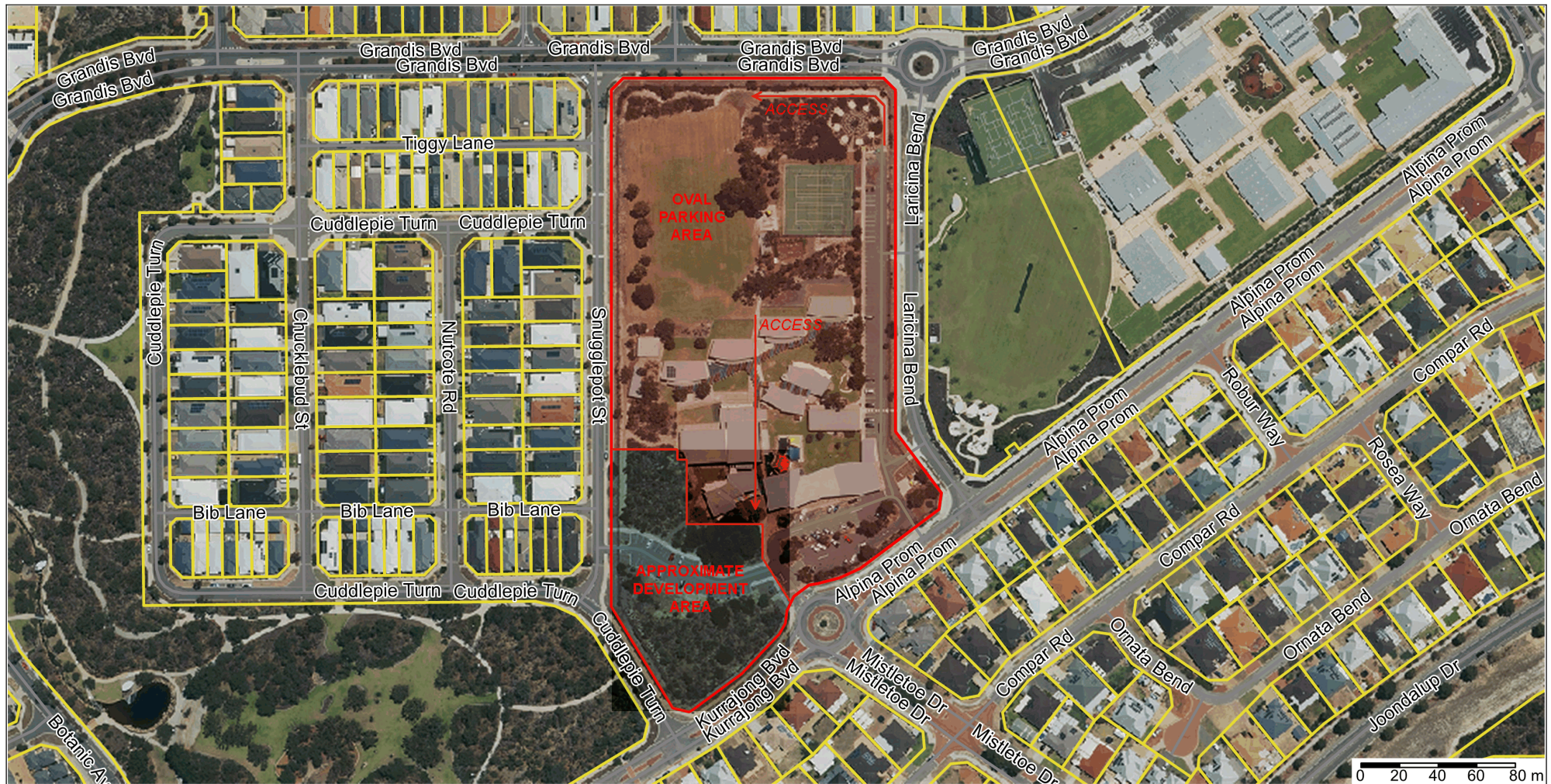
7:00am - 9:00pm: 450 patrons or 750 patrons, subject to operation in accordance with the Traffic Management Plan dated 21 March 2020.

- d) Hours of operation shall be limited 7:00am – 9:00pm, Monday – Sunday;**
- e) Planting and installation shall be in accordance with the Site and Landscaping Plan for the site and adjoining verge areas and completed prior to occupation of the development, to the satisfaction of the City. Thereafter, all landscaping, including that of the adjoining verge areas is to be undertaken by the applicant, to the satisfaction of the City.**
- f) Stormwater and any other water run-off from buildings or paved areas shall be collected and retained on-site.**
- g) Parking areas, driveways and points of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS2890), and shall be drained, sealed and marked.**
- h) The parking area and associated access indicated on the approved plans shall not be used for the purposes of storage or obstructed in any way at any time, without the prior approval of the City.**
- i) The development is to comply at all times with the recommendations outlined in the Gabriels Hearne Farrell Architectural Acoustics Report dated 12 May 2020, including the following:**
 - i. The development is to comply at all times with the recommendations outlined in the Lloyd George Environmental Noise Assessment dated November 2019, including the following: Inclusion of sound detaining materials in the ceiling and windows;**
 - ii. Internal noise levels in the Nave area to be no greater than 93 dB(A) at the inside face of the façade during the daytime and 88 dB(A) on Sundays and between 7pm and 10pm;**
 - iii. Internal noise levels in the Community Hall area to be no greater than 94 dB(A) at the inside face of the façade during the daytime and 89 dB(A) on Sundays and between 7pm and 10pm;**
 - iv. All entrances and exits to the proposed facility, including windows, are to remain closed during operation; and**
 - v. A log book shall be maintained for the purpose of recording and resolving any noise complaints.**
- j) The applicant shall undertake adequate measures to minimise any impacts of dust and sand drift from the site to the satisfaction of the City.**
- k) A construction management plan being submitted detailing how the construction of the development will be managed in order to limit the impact on the users of the surrounding area. The plan will need to ensure that:**

- i. Adequate space is provided within the development site for the parking of construction vehicles and for the storage of building materials so as to minimise the need to utilise the surrounding road network;
 - ii. Adequate provision is made for the parking of workers' vehicles;
 - iii. Pedestrian and vehicular access around the site is maintained;
 - iv. The delivery of goods and materials does not adversely impact on the amenity of the surrounding properties; and
 - v. The hours of construction are limited to ensure that there is no adverse impact on the amenity of the surrounding properties.
2. The construction management plan is to be submitted and approved by the City prior to the commencement of any development.

Attachments:

<u>1</u>	Attachment 1 - Location Plan (DA2019/1462)	20/216454
<u>2</u>	Attachment 2 - Development Plans (DA2019/1462)	20/214970
<u>3</u>	Attachment 3 - Landscaping Plan (DA2019/1462)	20/163521 Minuted
<u>4</u>	Attachment 4 - Schedule of Submissions (DA2019/1462)	20/216458
<u>5</u>	Attachment 5 - Parking Management Plan (DA2019/1462)	20/121814



City of Wanneroo does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that City of Wanneroo shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information. Based on information provided by and with the permission of the Western Australian Land Authority trading as LANDGATE.

Date: 26/05/2020

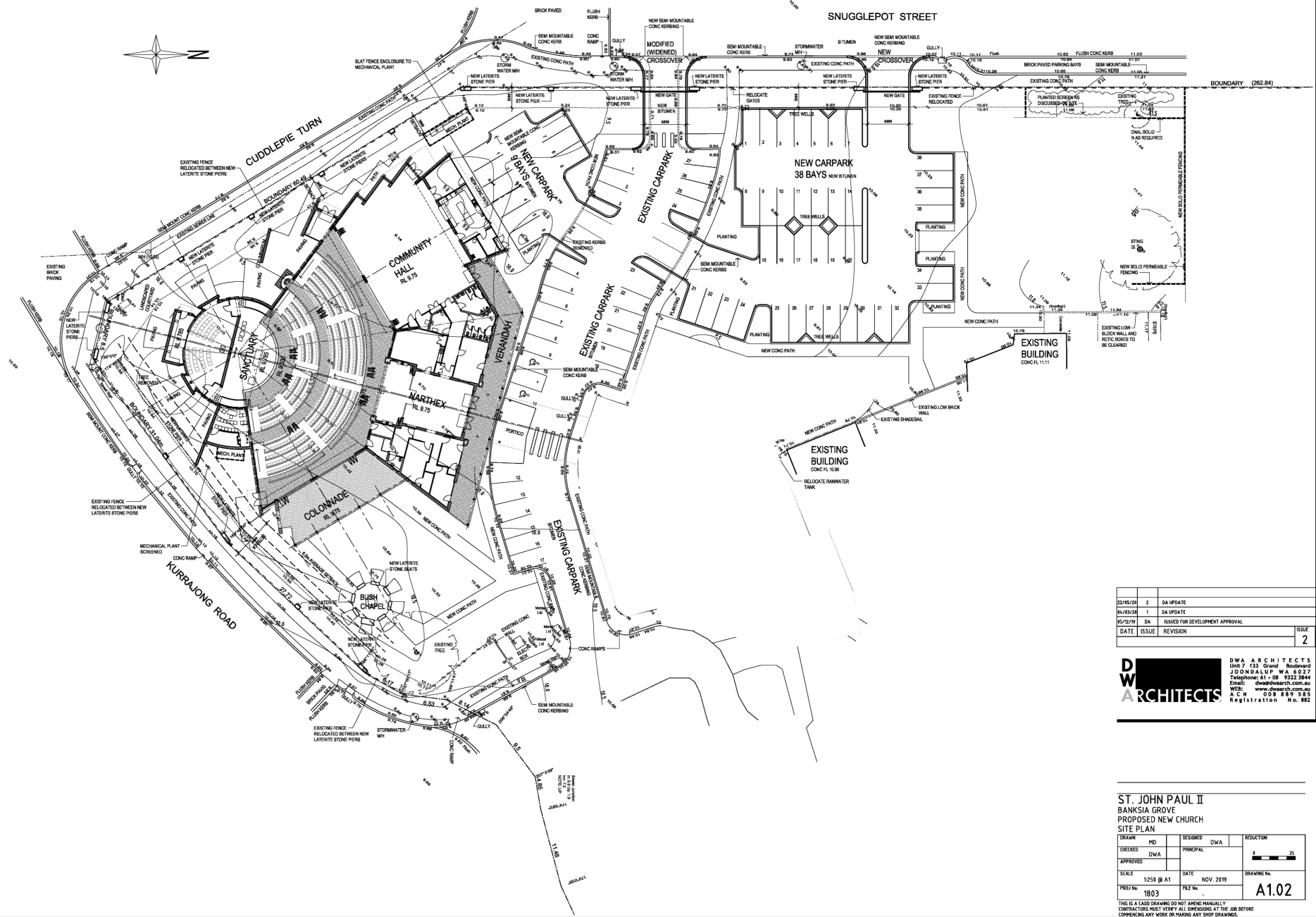
Printed by Bertone, Nick

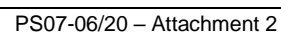
Scale = 1:2750













CITY OF WANNEROO
DA2019/1462 Place of Worship - Banksia Grove Parish (Condition 13 of DA09/0172)
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING

(Advertising Closed 6 February 2020)

No.	Number of Submitters	Summary of Submission	Administration Comment	Recommendation
1.	Overall position on the proposal			
1.1	7	Supports the proposal.	Noted.	No modification required.
1.2	2	Objects to the proposal.	Noted.	No modification required.
2.	Summary of Comments in Support of Proposal			
2.1	3	Currently use the existing Catholic school assembly area as a temporary place of worship and would utilise the propose development.	Noted.	No modification required.
2.2	3	Active member of the Parish.	Noted.	No modification required.
2.3	2	The existing school has regular weekday and weekend attendance of at the temporary Place of Worship. This does not cause any parking issues.	Noted.	No modification required.
2.4	1	Neighbours in close proximity to the school grounds are already accustomed to the routine of the school and Parish.	Noted.	No modification required.
2.5	1	The Place of Worship is unlikely to meet the full capacity of 750 patrons frequently.	Noted.	No modification required.
2.6	1	The new Church will provide a welcome focal point for the area – aesthetically and spiritually.	Noted.	No modification required.
2.7	1	this facility will benefit the community due to associated programs local church programs coordinate which will provide a place for people to	Noted.	No modification required.

No.	Number of Submitters	Summary of Submission	Administration Comment	Recommendation
		network, learn new skills and socialise together in a welcoming setting.		
2.8	1	The proposal would benefit the community as Church organisations attract people who wish to volunteer their skills for the betterment of society and this provides an opportunity for young people to develop skills and references to assist them with employment opportunities and to meet adults who have opportunity to be a positive influence in their lives.	Noted.	No modification required.
2.9	1	It is also an extension of the adjacent school to help instil values of unity, compassion and forgiveness.	Noted.	No modification required.
2.10	1	it would be wonderful to have a “real” church building with proper pews.	Noted.	No modification required.
2.11	1	Masses are all well attended and the main Sunday Mass attendance at 9.30 a.m. is growing.	Noted.	No modification required.
2.12	1	The congregation is very friendly and multicultural with many children attending Sunday Mass which is a pleasure to see.	Noted.	No modification required.
2.13	1	This proposed church building is very needed.	Noted.	No modification required.
2.14	2	Support subject to landscaping (i.e. screening hedges) along kurrajong and snugglepot st so that privacy and noise restrictions for residents along the area is assured.	Noted. A sufficient landscape plan has been provided with sufficient vegetation. In addition, an acoustic report has been provided with recommendations to ensure the Place of Worship operates in accordance with the <i>Environmental Noise Regulations 1997</i> .	Impose a condition to ensure that the Place of Worship operates in accordance with the Acoustic Report and the proposed recommendation; and

No.	Number of Submitters	Summary of Submission	Administration Comment	Recommendation
				Impose a condition to ensure that landscaping is installed prior to occupation of the development.
3.	Summary of Comments Objecting to Proposal			
3.1	Parking			
3.1.1	2	The proposed additional parking bays in addition to the existing parking bays on site are insufficient to accommodate the intended 750 patrons. This means every car needs to be transporting 4.5 people to avoid parking issues which will not occur.	<p>Administration is of the view that the site provides a sufficient amount of parking for 450 patrons (off-peak) due to the reciprocal use between the Primary School and Place of Worship.</p> <p>During peak periods (such as Christmas and Easter), there is likely to be up to 750 patrons attending the Place of Worship. To accommodate, the applicant has provided a Parking Management Plan which informs that:</p> <ul style="list-style-type: none"> Traffic Marshals to be positioned at all entries to the site to direct traffic into the available parking spaces; 135 overflow bays are available on the school oval Limiting entry to the site once upon the commencement of the event to filter traffic away from the event Controlled exit of vehicles following the event via the three exit points to limit traffic stain on the surrounding road network 	<p>Impose a condition to limit the amount of patrons during peak and off peak periods; and</p> <p>Impose a condition to ensure that the Place of Worship operates in accordance with the approved parking Management Plan during peak periods.</p>

No.	Number of Submitters	Summary of Submission	Administration Comment	Recommendation
			These precautions will ensure parking is managed within the site only.	
3.1.2	2	The development will result in overflow parking especially on religious holidays such as Christmas, and Easter weekend to name a few. The community will have to rely on Rangers to enforce parking due to cars parking on footpaths, verges without consent and median strips among other offences. This is a major concern for us as residents.	See Response 3.1.1.	No modification required.
3.1.3	1	The particular area identified is already heavily populated due to small blocks and congested due to no on street parking.	See Response 3.1.1.	No modification required.
3.2	Traffic			
3.2.1	1	The proposed new access way is a concern for nearby residents driving in and out of their driveways due to the increased traffic.	As part of the application, a Traffic Impact Statement (TIS) was provided which identified a predicted 96 inbound and 96 outbound vehicles from the site during the peak period. Comparatively, the surveyed vehicle numbers for the existing Primary School were 191 inbound and 142 outbound during peak periods. The TIS also identified that the predicted change to the traffic distribution will not cause significant increases to the traffic utilising Snugglepot Street. Therefore, the weekend traffic generated by the Place of Worship will not exceed the traffic currently generated by the existing Primary School during weekday operations and will not cause any strain to the existing road network. The City's Traffic Services have also reviewed the	No modification required.

No.	Number of Submitters	Summary of Submission	Administration Comment	Recommendation
			TIA and did not raise any concerns as there is no anticipated traffic increase.	
3.2.2	1	The additional traffic is a safety risk for children in the area, especially at school holidays and religious public holidays.	See Response 3.2.1.	No modification required.
3.2.3	1	the existing gate 10mtrs down from this proposed gate, is sufficient once it is widened or a new site for an extra gate far enough away from all our residential dwellings, possibly opposite the park on Cuddleppe Turn would make more sense and be nowhere near so intrusive or disruptive.	The location of the gate complies with the City's Engineering Standards and is suitable for that location.	No modification required.
3.2.4	1	The increased traffic from construction activity could be a major safety issue and disruption to residents for safety due to trade vehicles and trucks going to and from our street and others.	The submission of a construction management plan is recommended as a condition of any approval granted construction to minimise adverse impacts, including noise, on surrounding properties.	Impose condition for submission and approval of construction management plan, which is required to address hours of construction to minimise adverse impacts, including noise, on surrounding properties.
3.3	Amenity			
3.3.1	1	The surrounding area is primarily family residential and residents regularly go walking and enjoy the nature areas throughout the week including weekends. The development is not supporting of the area given the potential for large crowds and	The proposal would result in large crowds gathering, though this would be no different to the gatherings at the existing Primary School. In Administration's view, the size and scale of this proposal is consistent with what is expected in the Private Clubs and Recreation	No modification required.

No.	Number of Submitters	Summary of Submission	Administration Comment	Recommendation
		numerous vehicles to gather impacting the amenity.	Zone. Furthermore, it would be expected that residents adjoining non-residential land may experience a diminished level of comfort, and cannot expect the same degree of amenity as would be found in a homogenous residential suburb.	
3.3.2	1	It won't be long before it's getting hired out during non-church times for various functions as a source of revenue for the church. This will further impact on the amenity of the area more then twice a week.	The Place of Worship will not be hired for private use. Operation as a Community Hall would not be in accordance with the definition of a Place of Worship and would be subject to compliance action.	No modification required.
3.4	Noise			
3.4.1	1	The proposal will result in increased noise to the existing quiet and peaceful neighbourhood.	The application was submitted with an Acoustic Report prepared by a qualified acoustic consultant that determined the application would comply with the <i>Environmental Noise Regulations 1997</i> , subject to some recommendations delivery times, as discussed in the body of the report.	Impose a condition to ensure that the Service Station operates in accordance with the Acoustic Report and the proposed recommendations.
3.4.2	1	Additional road noise from increased traffic.	Noise generated from vehicles on public roads is not subject to the <i>Environmental Protection (Noise) Regulations 1997</i> .	No modification required.
3.4.3	1	the inconvenience of construction noise to us all would be a long term and unpleasant disruption to residents	See Response 3.2.4.	No modification required.
3.5	Other			

No.	Number of Submitters	Summary of Submission	Administration Comment	Recommendation
3.5.1	1	Do not want another church in the area when there are several church's and buildings hired within a 20km radius	Noted. This is not considered a valid planning consideration.	No modification required.



St. John Paul II – Banksia Grove Parish

Presbytery: 79 Joseph Banks Blvd, Banksia Grove WA 6031

Phone: 6400 0276 Mob: 0422 422 773

Parish Priest Fr Vinh Dong: vinh.dong@perthcatholic.org.au

Nick Bertone
Planner
Approval Services
Department of Planning
City of Wanneroo
23 Dundobar Road
WANNEROO WA 6065

21 March 2020

St John Paul II Church – Banksia Grove – PROPOSED CHURCH AND CARPARK

Dear Nick,

In support of the lodged Development Application (DA) for our proposed Church in Banksia Grove, the following information is to expand on the building's use, initially mentioned in DWA Architects' covering letter dated 29th November 2019, submitted to The City of Wanneroo with the DA.

The main Church (Nave) has a capacity of 450 with the adjoining Parish Hall having a capacity of 300. The building's design enables the Parish Hall to also be an overflow area to the Nave, giving an overall building capacity of 750, as per our DA.

By the requirements of our Catholic celebrations, especially that "all the faithful should be led to that full, conscious, and active participation in liturgical celebrations, which is demanded by the very nature of the liturgy", the Nave with its capacity of 450 is our celebrations' focal space, therefore, the Parish Hall isn't able to hold a function or any activities during the times surrounding our rostered Masses or other Liturgical ceremonies. The only exception to this rule would be the rare occasion when the Parish Hall is opened as an overflow space to a Church ceremony.

The Church design brief's requirement for the Nave to have a capacity of 450 is to allow ample capacity based on our existing and expected future community's size. Our current community's size, is well under 450 and comfortably meets the Church's usage as indicated in DWA Architect's cover letter:

"The hours of usage are as follows and are in line with current Parish activities on site (no change):

Daily 8am mass (20 persons, half of them students)

Saturday night mass at 6pm

Sunday mass 9:30am"

- The Nave capacity will allow ample space for the current and foreseeable future's community size, plus, as the community grows, additional Mass services would be added to accommodate the needs of the community's worship, as is current practice with parishes across the Perth Archdiocese.
- Considering the above, we believe, that the existing and future daily and weekly Church attendance will not exceed the proposed capacity of the Nave, 450 persons.

- The envisaged increase in Church attendance around the annual Easter and Christmas ceremonies will be managed by opening a small overflow capacity of the Parish Hall. However, as these ceremonies include the provision of additional Mass services, the community traditionally responds by mixing their Mass attendance across the additional Mass times, therefore, we don't envisage utilising more than 100-150 persons maximum of the parish halls capacity at any one time.
- The use of the Parish Hall for standalone events will not exceed the 300 person capacity, as we are prohibited in using the adjoining Church Nave for any events other than Church Liturgical ceremonies. Any large Parish Hall events would fall outside of Mass times as indicated above, plus outside of School hours.

We would also like to address our management of the onsite parking on the rare occasion of the entire Church and Parish Hall space of 750 being utilised for a liturgical ceremony. E.g. Opening of the Church. The below is based on our previous experience in managing a large onsite attendance for an outdoor Church liturgical ceremony of approximately 800 persons.

- Traffic Marshals at entries onsite to direct the arrival and parking of vehicles into available parking spaces. The site entries utilised would be the existing entry off Kurrajong Blvd. and the proposed upgraded entry off Snugglepot St.
- Once the existing parking has been filled, vehicles are directed through the car parking area onto the school oval as overflow parking. The school oval would additionally have Traffic Marshals in place to ensure identified parking areas are used and vehicles park in an orderly manner.
- Close to the commencement of the event the exit only gates onsite would be opened. These additional gates plus the two way entries identified above would allow a filtering of traffic away from site following the event:
 - The proposed gate onto Snugglepot St.
 - Exit gate onto Kurrajong Blvd.
 - Exit gate onto Laracini Bend.
- The nature of these rare ceremonies is such, that not all people will leave at once. A controlled flow utilising multiple exits onto 3 surrounding streets of traffic exiting the site would have limited impact on surrounding residents, also these events are extremely unlikely to be held during standard work hours, as they are likely to be a Sunday or public holiday dates.

The above is only a summary, however, no external street parking would be utilised in our management of parking for these occasions.

We hope the above assists in Council's deliberations regarding our DA on use of the Church space and our proposed development.

If you require any further information or clarification with the above, please don't hesitate in contacting Mark Langdon from DWA Architects who can direct the queries to our Building Committee.

God Bless,



Fr. Vinh Dong
Parish Priest

**PS08-06/20 Proposed Amendment No. 179 to District Planning Scheme No. 2
- Lots 1, 2, 7, 12, 13, 36 to 38 Caporn Street, Wanneroo**

File Ref: 37190 – 20/204832
 Responsible Officer: Director Planning and Sustainability
 Disclosure of Interest: Nil
 Attachments: 5

Issue

To consider the submissions received during the public advertising of Amendment No. 179 to District Planning Scheme No.2 (**DPS 2**) and adoption of that amendment.

Applicant	Taylor Burrell Barnett
Owners	Perron Developments Pty Ltd, Quito Pty Ltd, Anthony Cosentino, Jillian Ding, Ian James & Anthony Del Borrello
Location	Lots 1, 2, 7, 12, 13, 36 – 38 Caporn Street, Wanneroo
Site Area	26.6 hectares
MRS Zoning	Urban
DPS 2 Zoning	Rural Resource

Background

On 14 February 2018, the Western Australian Planning Commission (**WAPC**) resolved to lift the Urban Deferment under the Metropolitan Region Scheme (**MRS**) and notification of this decision was published in the Government Gazette 20 March 2018. The subject lots are now zoned Urban under the MRS.

On 11 November 2019, Taylor Burrell Barnett on behalf of Quito Pty Ltd and Ian James requested the City to consider an amendment to DPS 2 to rezone the subject lots from Rural Resource to Urban Development and to modify the scheme map accordingly.

Section 124(3) of the *Planning and Development Act (2005)* requires DPS 2 to be amended to be consistent with the MRS.

Council, at its meeting of 10 February 2020 considered the proposal and resolved as follows (refer Item PS07-02/20):

“That Council:-

- 1. Pursuant to Section 75 of the Planning and Development Act 2005 PREPARES Amendment No. 179 to City of Wanneroo District Planning Scheme No. 2 to rezone lots 1, 2, 7, 12, 13, 36, 37 and 38 Caporn Street, Wanneroo from Rural Resource to Urban Development;*
- 2. Pursuant to Regulation 35 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (‘the Regulations’) RESOLVES that Amendment No. 179 to District Planning Scheme No. 2 is a standard amendment for the following reason:*

“It is an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic assessment.”

3. Pursuant to Section 81 of the Act, REFERS Amendment No. 179 to District Planning Scheme No. 2 to the Environmental Protection Authority; and
4. Subject to Environmental Protection Authority approval ADVERTISES Amendment No. 179 to District Planning Scheme No. 2 pursuant to Regulation 47 of the Regulations for a period of 42 days."

Attachment 2 contains the proposed Scheme Amendment maps.

Detail

Site

The subject lots are located to the south of Caporn Street and adjoin the developed residential areas of Sinagra to the south and west. In DPS 2 the land to the north of Caporn Street is zoned Rural Resource and the land to the east of the subject lots is zoned Special Rural. The location plan is included as **Attachment 1**. The subject lots are located within the western part of the future East Wanneroo urban area, which is subject to the draft East Wanneroo District Structure Plan (**EWDSP**), wherein these lots are designated as Suburban Neighbourhood (**Attachment 2**).

Proposal

The proposal is to amend DPS 2 by rezoning the subject lots from Rural Resource to Urban Development.

The applicant justifies the proposal as follows:

"In accordance with Section 124(3) of the Planning and Development Act 2005, when a regional planning scheme is amended, a local planning scheme must be amended to be consistent with the regional planning scheme no later than 90 days after the day on which the amendment to the region planning scheme had effect. The subject lots being zoned Urban in the MRS, as occurred on 20 March 2018, the DPS 2 needs to be amended to rezone the subject lots from Rural Resource to Urban Development."

Attachment 3 contains the existing and proposed zoning of the subject lots.

Consultation

In accordance with the Council's decision, the amendment was referred to the Environmental Protection Authority (**EPA**) for comment. On 12 March 2020, the EPA advised the City that the scheme amendment did not warrant an environmental assessment. The WAPC's consent to advertise was not required in this case.

A 42-day public advertising period was carried out between 26 March and 7 May 2020 by way of on-site signs, advertisement in the local newspaper, a notice in Council offices and the City's website, and letters to the affected and nearby landowners. The City received six submissions comprising one objection and five had no objections.

Attachment 4 contains the summary of submissions and Administration's response.

Comment

Council's Local Planning Policy (**LPP**) 5.3: East Wanneroo states that the City shall not support applications of this type in the East Wanneroo area unless the land has first been zoned Urban under the MRS, and the pre-requisites to Urban zoning referred to in the policy have been satisfied.

While the land is zoned Urban in the MRS, the pre-requisites referred to have not been satisfied as noted below:

- The draft DSP and associated studies have not been approved;
- The MRS has not been amended to reserve any regional reserves required by the draft DSP. (In its submission on the draft DSP, Council advised that Caporn Street should be designated as an 'integrator arterial road' on the DSP, in which case it would be reserved under the MRS); and
- A regional and district-level Development Contribution Plan for East Wanneroo is not in place.

The draft EWDSP outlines the planning process in three sequential parts as follows:

- District level processes are DSP, MRS amendment and District Development Contributions Scheme;
- Precinct level processes are lifting of Urban Deferment, Local Structure Plans, amendments to DPS 2 and Local Development Contributions scheme; and
- Subdivision and development.

The subject application does not accord with this process.

Notwithstanding the LPP5.3 and draft DSP positions, Section 124(3) of the *Planning and Development Act 2005* requires DPS 2 to be amended to be consistent with the MRS and this overrides the City's policy position as a higher order document.

Under the provisions of sub-clause 3.14.3 of DPS 2 no subdivision or development should be commenced or carried out in the Urban Development zone until a structure plan has been prepared and approved by the WAPC. Discussions between Administration, the Department of Planning, Lands and Heritage and the applicant have concluded that, given the fact that the subject lots are already zoned Urban under the MRS and the Act requires the DSP 2 to be amended to conform with the MRS, the issue of developer contributions will need to be addressed at the structure planning stage rather than a through a formal developer contribution scheme being prepared for the East Wanneroo Area.

It is proposed that in this case the structure plan will need to include provisions requiring payment of developer contributions by the land owners. At the subdivision approval stage a condition will be imposed by the WAPC requiring payment of the contributions. A condition requiring a contribution will be applied on any subdivision approval given it will be embedded in the structure plan approved by the WAPC.

In respect to the possible reservation of Caporn Street as a regional road under the MRS (which may involve road widening), if this were to occur, with some of the reserve affecting the northern edge of the subject lots, then that reserve will automatically also apply to DPS2.

Issues Raised by the Submitter

Of the six submissions received, only one submitter objected to the amendment proposal. The submitter is of the understanding that Rhoeo Outlook will eventually be connected to Caporn Street and would carry through traffic to Dundee Road via Griffiths Road as shown on **Attachment 5**. The submitter further stated that *until it can be guaranteed that Rhoeo Outlook will not be a straight through road (with or without roundabouts) connected with Caporn Street, this proposal cannot be supported.*

The amendment proposal is to rezone the amendment area from Rural Resource to Urban Development. Under Clause 3.14.3 of DPS 2, no subdivision or other development should be commenced until a structure plan is prepared and adopted by the WAPC. The structure plan

will provide details of the proposed land uses and internal roads. This structure plan under the provisions of DPS 2, will be subject to public consultation providing an opportunity for the submitter and others to comment on the structure plan proposals.

Statutory Compliance

Amendment No. 179 has been processed in accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

In accordance with Regulation 50(2), Council is required to consider the submissions received within 60 days after the end of the submission period and under Regulation 50(3) must pass a resolution to either:

- (a) “support the amendment without modification;
- (b) support the amendment with modifications to address issues raised in the submissions;
or
- (c) not to support the amendment.”

The submission period ended on 7 May 2020. Therefore Council is required to pass a resolution by 7 July 2020.

Under Regulation 53 after passing the resolution, the City must provide the WAPC with the advertised amendment together with a schedule of submissions containing the submitter's name and address and Council's recommendation and response to the submissions with particulars of any modifications recommended to the amendment.

Administration recommends that Council supports Amendment No. 179 in accordance with Regulation 50(3)(a) without modification.

Strategic Implications

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

“1 Society

1.1 Healthy and Active People

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

Risk Management Considerations

Risk Title	Risk Rating
ST-G09 Long Term Financial Planning	Moderate
Accountability	Action Planning Option
Director Corporate Strategy & Performance	Manage

Risk Title	Risk Rating
ST-S04 Integrated Infrastructure & Utility Planning	Moderate
Accountability	Action Planning Option
ELT (Director P&S and Director Assets)	Manage

Risk Title	Risk Rating
CO-O22 Environmental Management	Moderate
Accountability	Action Planning Option
Director Planning & Sustainability	Manage

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

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic and Corporate risk register. Action plans have been developed to accept this risk to support existing management systems. This proposal aligns with the Society objective of the existing Strategic Community Plan, Council should therefore consider the following risk appetite statement: 1.1 Healthy and Active People

The City's defined risk appetite for 1.1 Healthy and Active People is articulated through the risk appetite statement as - All sporting activities in which local governments are involved have the potential to cause injury and/or ill health to participants, spectators and third parties. However, the City believes the health benefits for the community outweigh these impacts, and will continue to plan, deliver, fund and permit events and activities which support a healthy and active population – subject to robust risk assessment and management that can be evidenced. The City provides facilities that are for leisure and general recreation activities and as a facility provider; ensures facility design and support the community to utilise the facilities. Therefore the City will accept a low to moderate level of risk to ensure health and safety impacts are reduced to 'as low as reasonable practicable' (**ALARP**) and reputation risk is restricted to low.

Policy Implications

Nil

Financial Implications

Regulation 48 (2) of the *Planning and Development Regulations 2009* provides that no fee can be imposed in respect to a request for a local scheme amendment which is requested to make the local scheme consistent with the MRS. The costs associated with undertaking this amendment will therefore need to be met by the City through normal operational budget provision.

Voting Requirements






Simple Majority

Recommendation

That Council:-

1. Pursuant to Regulation 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* SUPPORTS Amendment No. 179 to District Planning Scheme No. 2 WITHOUT MODIFICATION to rezone Lots 1, 2, 7, 12, 13, 36 – 38 Caporn Street, Wanneroo from Rural Resource to Urban Development;
2. Pursuant to Regulation 53(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES the advertised amendment document to the Western Australian Planning Commission together with the schedule of submissions; and
3. ADVISES the submitters of Council's decision.

Attachments:

<u>1</u> 	Attachment 1 - Location Map	20/12668
<u>2</u> 	Attachment 2 - Existing and proposed zoning map	20/12658
<u>3</u> 	Attachment 3 - Draft EW DSP	20/13544
<u>4</u> 	Attachment 4 - Summary of submissions	20/209108
<u>5</u> 	Attachment 5 - Rhoeo Outlook etc.	20/209043

PROPOSED AMENDMENT NO.179 TO DISTRICT PLANNING SCHEME NO. 2 LOTS 1, 2, 7, 12, 13 AND 36 - 38 CAPORN STREET, WANNEROO

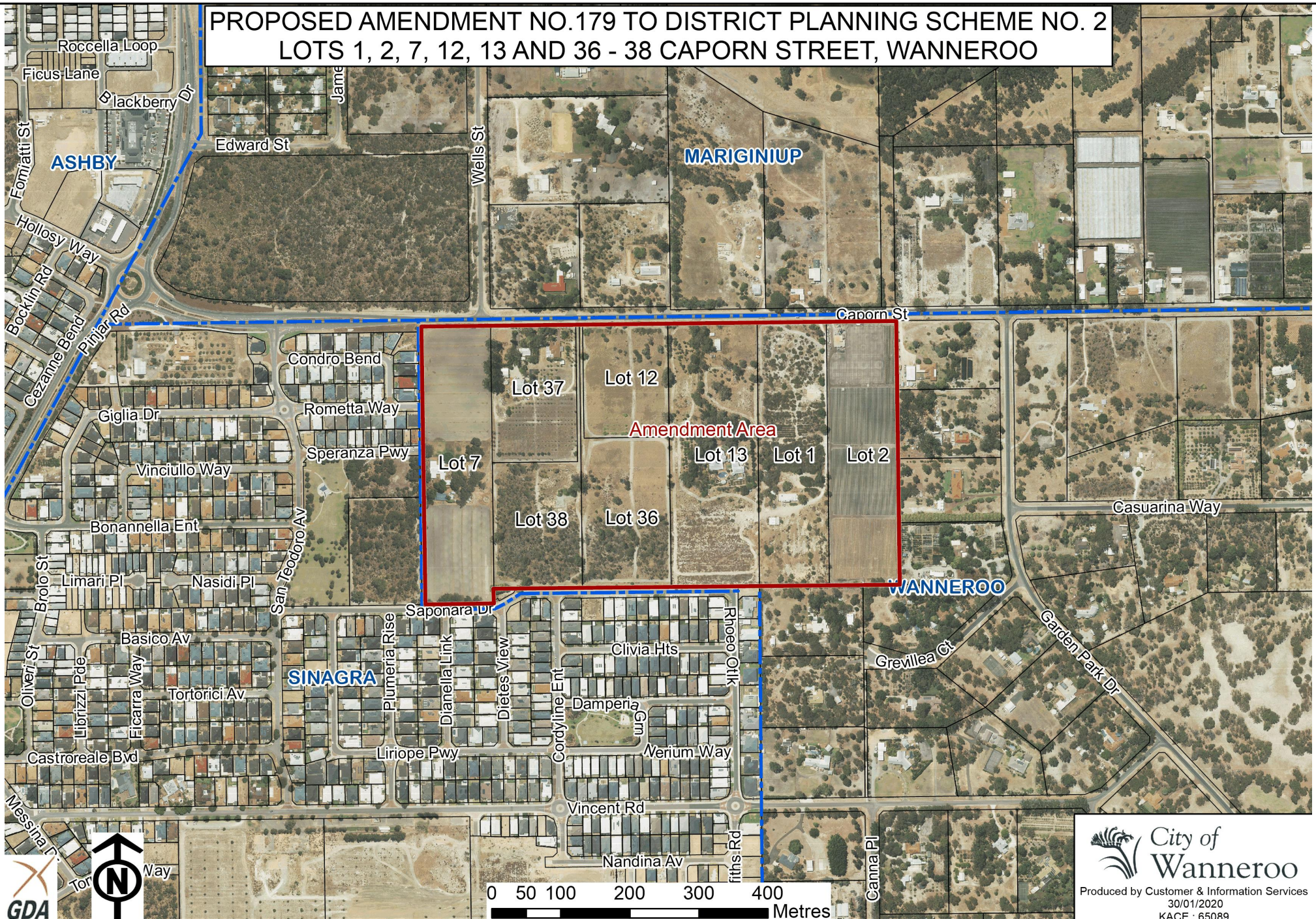
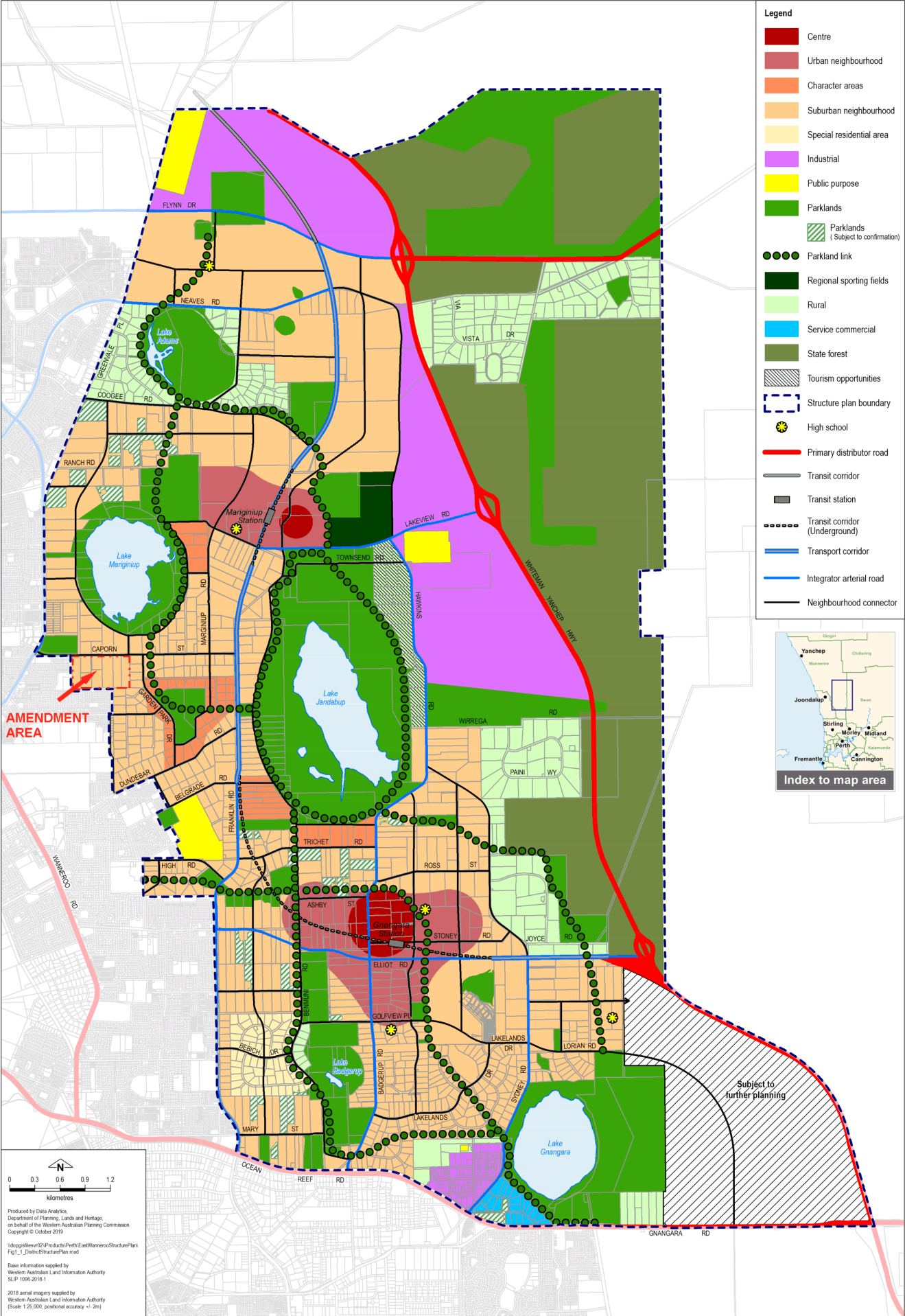


Figure 1.1 East Wanneroo District Structure Plan



East Wanneroo District Structure Plan

Summary of submissions

Amendment No. 179 to District Planning Scheme No. 2 – Lots 1, 2, 7, 12, 13 and 36 – 38 Caporn Street, Wanneroo

No	Name and Address of the submitter	Submitter's issue	Administration's response	Recommendation
1.0	Mathew and Julia Foxcroft 34 Rhoeo Outlook. Sinagra			
1.1		<p>Was lead to believe that Rhoeo Outlook will be extended to connect with Caporn Street, which essentially will turn Rhoeo Outlook and Griffith's Road into a major road linking Caporn Street to Dundobar Road.</p> <p>There was no plans for any such proposal to happen in the future when the land was purchased. With this development potentially turning Rhoeo Outlook into a major road, it becomes extremely dangerous.</p> <p>Until it can be guaranteed that Rhoeo Outlook will not be a straight through road (with or without roundabouts) connected with Caporn Street, this proposal cannot be supported.</p>	<p>Rhoeo Outlook runs north-south between Vincent Road and the southern boundary of the amendment area. This road, in the future, would continue through Griffiths Road connecting to Dundobar Road as shown on Attachment 5.</p> <p>The amendment proposal is to rezone the amendment area from General Rural to Urban Development. Under Clause 3.14.3 of DPS 2, no subdivision or other development should be commenced until a structure plan is prepared and adopted by the WAPC.</p> <p>The structure plan will be subject to public consultation providing opportunity to the submitter and others to comment on the structure plan proposals.</p>	No modification required.
1.2		How will this proposal affect the vacant block next door to the submitter's property.	The land referred to by the submitter falls outside the amendment area and is subject to the provisions of the draft East Wanneroo District Structure Plan.	No modification required.

1.3		Should Rhoeo Outlook become a major road, it will affect house prices.	Impact on house prices is not a planning issue.	No modification required.
2.0	ATCO Gas Australia	No objection to the proposed amendment.	Noted.	No modification required.
3.0	Department of Fire and Emergency Services (DFES)	DFES has considered the Bushfire Management Plan prepared by the applicant and has advised the City that it adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved.	Noted.	No modification required.
4.0	Rowe Group Town Planning (Representing owners of Lots 12, 36 and 38 Caporn Street, Sinagra which form part of the amendment area.)	Support the amendment proposal to rezone the amendment area to Urban Development. Rezoning of the land to 'Urban Development' will require a Structure Plan to be prepared and adopted prior to subdivision and/or development of the land. This allows the City an opportunity to ensure that development is consistent with the intended future form of development for the locality.	Noted.	No modification required.
5.0	Water Corporation of WA	No objection to the amendment proposal.	Noted.	No modification required.
6.0	Department of Water and Environmental Regulation.	No objection	Noted.	No modification required.



Assets

Strategic Asset Management

AS01-06/20 Department of Transport Long Term Cycle Network for the City of Wanneroo

File Ref:	3120V04 – 20/239060
Responsible Officer:	Director Assets
Disclosure of Interest:	Nil
Attachments:	1

Issue

To consider and endorse Department of Transport's Long Term Cycle Network (**LTCN**) for the City of Wanneroo.

Background

In June 2016, the then State Government released the draft 'Perth Transport Plan for 3.5 million people and beyond' ('Transport @ 3.5 Million') Plan for public comment. The draft 'Transport @ 3.5 Million' Plan had been prepared by the State Government's Transport Portfolio (involving the Department of Transport (**DoT**), Public Transport Authority (**PTA**) and Main Roads Western Australia (**MRWA**)).

Council considered the draft Transport @ 3.5 Million' Plan at the Ordinary Council Meeting on 11 October 2016 (item PS01-10/16) and endorsed a submission from the City in response to the Plan. The then State Government released the final Plan on 2 February 2017.

At the Ordinary Council Meeting on 11 December 2018, Council considered item AS01-12/18 and approved the draft Wanneroo Cycle Plan: 2018/19 to 2021/22. The Wanneroo Cycle Plan (the **Plan**) is a key component to achieving the outcome of a 'Connected and Accessible City' (Strategic Community Plan (**SCP**) Outcome 3.5), creating opportunities to improve community wellbeing through enabling healthy and active lifestyles (SCP Outcome 1.1.1). In order to reflect the strategic and tactical approach to developing a cycling friendly City, the Plan identified the goals, objectives and actions to align with the City's SCP. The Plan also included an implementation plan providing a detailed list of prioritised infrastructure projects to be delivered during the 2018/19 to 2021/22 financial years.

Further, at the Ordinary Council Meeting on 24 September 2019, Council considered an Item PS03-09/19 and adopted the City's Transport Strategy 2019/20, which has been developed to meet the community's aspiration for a sustainable transport future outlined through the City's SCP 2017/18-2026/27. It is a long-term, overarching document that outlines eight broad principles to achieve the goal of 'Creating a balanced and sustainable transport future' and includes a key principle relating to cycling as noted below:

"Prioritised cycle network - establishing a cycle network that is fast, direct and as safe as possible".

In June 2018, a request was received from DOT, for all local government authorities in the Perth Metropolitan Area to work collaboratively with DoT in developing of the Long Term Cycle Network.

On 22 May 2020, DoT requested that Council endorse/ adopt the aspirational LTCN developed in collaboration with administration by 30 June 2020.

Detail

DoT is working with 33 local government authorities in Perth and Peel to agree on bicycle routes that link parks, schools, community facilities and transport services, to make bike riding a convenient and viable option.

The aim of the LTCN project is to develop an aspirational blueprint to ensure State and local governments work together towards the delivery of one continuous bicycle network providing additional transport options, recreational opportunities and support for tourism and commercial activity; thus creating a bicycle network that caters for all ages and abilities.

The vision is for a network of safe and attractive bicycle routes:

- To provide continuous routes along major corridors;
- To establish links between strategic, secondary, district, specialised activity centers and public transport services; and
- To provide connections to schools, education sites and local centers.

On 22 May 2020 the City was provided a memorandum from DoT requesting that Council endorse/adopt the aspirational LTCN by 30 June 2020. This was accompanied by a finalised draft of the LTCN for the City of Wanneroo which is shown in **Attachment 1**.

The DoT and administration have worked together to identify cycling routes and categorised these routes using a three-tier route hierarchy as illustrated in figure 1 below.

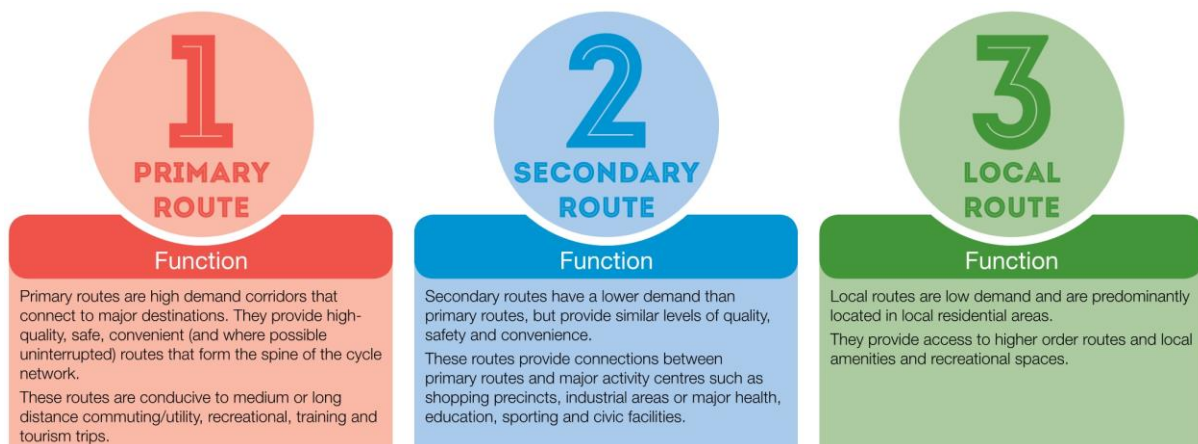


Figure 1 - LTCN Categorisation of Routes (WA Department of Transport 2019)

The DoT's LTCN plan for the Perth and Peel region will assist with the following:

- Leveraging additional funding for bicycle infrastructure and planning of the bicycle network and routes;
- State Government discussions/applications regarding Federal funding for bike riding (infrastructure/programs/campaigns);
- The DoT leveraging additional funding for bicycle infrastructure – including funding made available to local governments via the WA Bicycle Network Grants Program administered by the DoT;
- State agencies (Main Roads/PTA/Metronet) in infrastructure planning and delivery; and
- Local government's network planning, cross boundary connectivity and bicycle route prioritisation.

The DoT is now seeking the draft LTCN to be endorsed by Councils across the 33 local governments making up Perth and Peel. From July 2020, all WA Bike Network (WABN) grants

for Perth and Peel Local Government Authorities will be linked to the Council endorsed aspirational LTCN:

- Only routes within the Council endorsed LTCN will be eligible for grants; and
- Only LGAs with a Council endorsed LTCN will remain eligible for grants.

Any local government authority in Perth and Peel without a Council endorsed LTCN will not be eligible for WABN grant funding from July 2020 and will remain ineligible for grant funding until such time as an LTCN agreed with DoT has been endorsed by Council.

Consultation

Administration has held discussions with DoT regarding the City's cycling needs and the overall LTCN, noting that it has been reviewed by Main Roads WA (**MRWA**) and Public Transport Authority (**PTA**) in relation to any routes within or crossing state-controlled assets.

Comment

Administration has undertaken extensive review and development of the LTCN in consultation with the DoT since September 2018 and support the final LTCN for the City of Wanneroo (**refer Attachment 1**).

The design and development of cycling infrastructure will identify the exact details such as width and material type, with the route categories noted earlier in the report serving only as guidance on the preferred forms of infrastructure desired under each category in relation to current standards and design guidelines. Each category is focused on the intended function of the route and its integration between higher or lower order routes and major trip attractors.

The City's approach is to create a cycle friendly environment that is desirable, accessible and attractive to a variety of users and provides a credible alternative to vehicle use for 0 - 10km trips. The plan also seeks to create a connected network for commuter cyclists that links regional and district facilities internal and external to the City.

The City also applies to DoT annually for 50% grant funding contribution towards pathway projects in the Wanneroo Cycle Plan. Endorsement of the LTCN by Council is therefore integral in ensuring funding opportunities to construct high quality cycling and walking facilities across the network are maximised.

Further, a total of 43 projects included within the current Wanneroo Cycle Plan (2018/19-2021/22) and projects listed for consideration in future iterations of the plan have all been incorporated in the LTCN. Aspirational routes determined by the LTCN also closely align with *Principle three: Prioritised cycle network* outlined in the City's recently adopted Transport Strategy 2019/20; which in turn supports the strategic basis for the Wanneroo Cycle Plan with emphasis on the delivery of planning and infrastructure to ensure that cycle trips are as fast, direct and as safe as possible.

Council endorsement will confirm support for local and state government agencies to work together in delivering the LTCN over the longer term; forming a basis for the City to work with DoT to secure state funding towards delivering aspirational projects in our Wanneroo Cycle Plan. It should also be noted that the LTCN is primarily intended to set out a long term flexible framework aimed at informing strategic pathway projects for future budget consideration by Council.

It is noted that the endorsement of the DoT's LTCN plan will not commit the City, nor the State Government, to deliver all or any part of the plan within a particular timeframe. Nor does the endorsement commit any party to fund any specific route within the LTCN. It provides a basis

for planning future cycling infrastructure and support the City's application for state grant funding for such infrastructure.

Also incorporated into the LTCN is the proposed aspirational bridge crossing over Lake Joondalup with a preferred option being the proposed diagonal alignment option for the Lake Joondalup Green Bridge crossing.

The City's submission on the draft Transport @ 3.5 Million plan acknowledged and supported the rationale behind proposing this strategic link to improve cycle and pedestrian connectivity for residents of the City, however it was considered at that time to be a low priority for the City and therefore wasn't supported for inclusion in the draft Perth Transport Plan.

DoT has since advised that the delivery of a pedestrian and bicycle crossing over a water-body such as Lake Joondalup would be a project led by State Government.

The DoT's LTCN provides an integrated cycling network across local government boundaries and a coordinated approach for bike route planning across local governments within the Perth and Peel regions. Therefore the inclusion of the proposed aspirational bridge crossing over Lake Joondalup in the LTCN Plan is considered to be in line with the City's support for its rational indicated in the submission on draft Transport @ 3.5 Million Plan noting that the LTCN Plan does not provide any commitments to the delivery of this and/or other cycle paths included in it.

Endorsement of this plan will enable the City to apply for grant funding to assist in delivering the projects identified in the Wanneroo Cycle Plan which will improve cycling networks within the City.

The next iteration of the City's Wanneroo Cycle Plan (2022/23 - 2025/26) will also include the LTCN as part of its next review by Administration in 2020/21. As part of developing this and future Wanneroo Cycle Plans; DoT confirms that Local Government Authorities are able to work collaboratively with them to modify their endorsed LTCN accordingly to include:

- New routes to reflect land use changes/new development; and
- Realignment of existing routes.

Statutory Compliance

Nil

Strategic Implications

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

“3 *Environment (Built)*

3.5 *Connected and Accessible City*

3.5.2 *Connect walking and cycling opportunities to key destinations and distinctive places”*

Risk Management Considerations

Risk Title	Risk Rating
ST-S04 Integrated Infrastructure & Utility Planning	Moderate
Accountability	Action Planning Option
Director Planning & Sustainability and Director Assets	Manage

Risk Title	Risk Rating
ST-S23 Stakeholder Engagement	Low
Accountability	Action Planning Option
Chief Executive Officer	Manage

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

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic and Corporate risk register. Action plans have been developed to accept this risk to support existing management systems. This proposal aligns with the Environment (Built) objective of the existing Strategic Community Plan, Council should therefore consider the following risk appetite statement: 3.5 Connected and Accessible City.

The City's defined risk appetite for 3.5 Connected and Accessible City is articulated through the risk appetite statement as - Connectedness is key to building strong communities and the City acknowledges that development and improvement of local transport infrastructure and improved accessibility initiatives requires appropriate planning, due diligence, consultation, funding and focusing on communication and consultation to achieve desired outcomes. Therefore, the City will accept moderate reputational risk when undertaking improvements to enhance accessibility for the community.

In addition to Connected and Accessible City Society, 1.1 Healthy and Active People has relevance to this matter. The risk appetite for Healthy and Active People is all sporting activities in which local governments are involved have the potential to cause injury and/or ill health to participants, spectators and third parties. However, the City believes the health benefits for the community outweigh these impacts, and will continue to plan, deliver, fund and permit events and activities which support a healthy and active population – subject to robust risk assessment and management that can be evidenced. The City provides facilities that are for leisure and general recreation activities and as a facility provider; ensures facility design and support the community to utilise the facilities. Therefore the City will accept a low to moderate level of risk to ensure health and safety impacts are reduced to 'as low as reasonable practicable' (ALARP) and reputation risk is restricted to low.

Should Council not endorse the DoT's LTCN plan, the City will be ineligible for grant funding from the WA Bicycle Network (**WABN**) program (administered by the DoT) from July 2020. It should be noted that the City continues to apply for annual funding from the DoT for cycling infrastructure projects that are included in the Wanneroo Cycle Plan. Administration is also expected to apply for significant construction funding for two projects in the next round of submissions for the 2021/22 financial year to the approximate value of \$250,000.

Policy Implications

The Pathways Policy, due for review by June 2021, will require update to incorporate the LTCN into its pathway prioritisation scoring system to ensure higher priority is given to LTCN routes forming part of subsequent 4-year iterations of the Wanneroo Cycle Plan.

Financial Implications

Wanneroo Cycle Plan projects are submitted annually for WABN grant funding, endorsement of the LTCN will ensure routes submitted for grant funding opportunities are 50% funded by the Department of Transport, enhancing the City's ability to deliver more projects within the annual budget of the Pathways Capital Works Program. Identified projects will be listed in the City's Long Term Financial Plan as prioritised by the Pathways Policy.

Voting Requirements

Simple Majority

Recommendation

That Council:-

1. **ENDORSES** the Department of Transport's Long Term Cycle Network for the City of Wanneroo as per Attachment 1 of this Report;
2. **NOTES** that endorsement of the Department of Transport's Long Term Cycle Network for the City of Wanneroo does not commit:
 - a) The City, nor state government agencies to deliver all or any part of the Long Term Cycle Network within a particular time frame;
 - b) The City or any state government agency to fund any specific route identified within the Long Term Cycle Network;
3. **SUPPORTS** the collaboration of local and state government agencies to deliver the Department of Transport's Long Term Cycle Network over time.

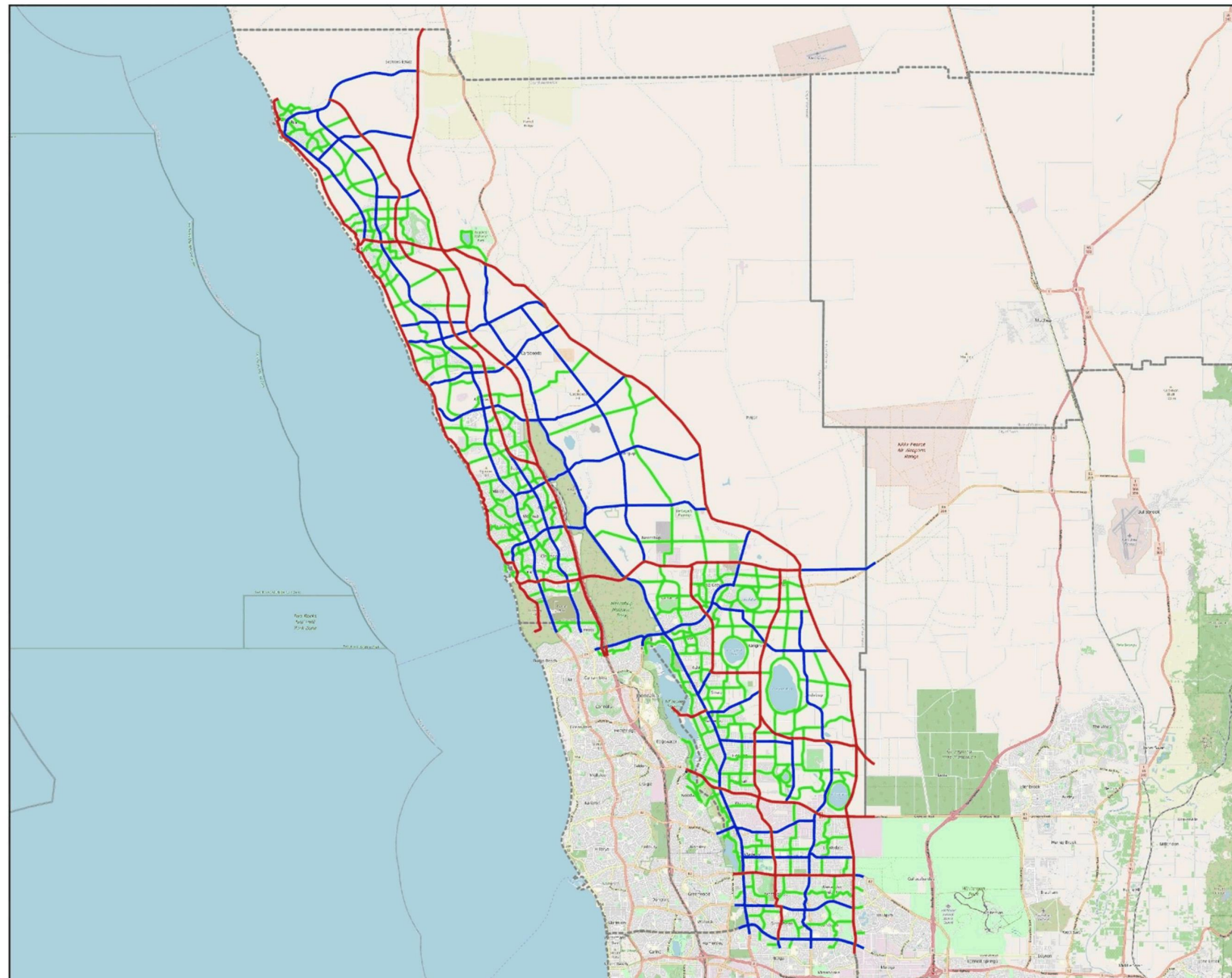
Attachments:



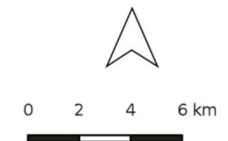
Finalised draft LTCN for City of Wanneroo Council Endorsement 22.05.20 20/220522 Minuted

City of Wanneroo

Final Draft LTCN (May 2020)

**Legend**

- Primary Route
- Secondary Route
- Local Route

**DISCLAIMER:**

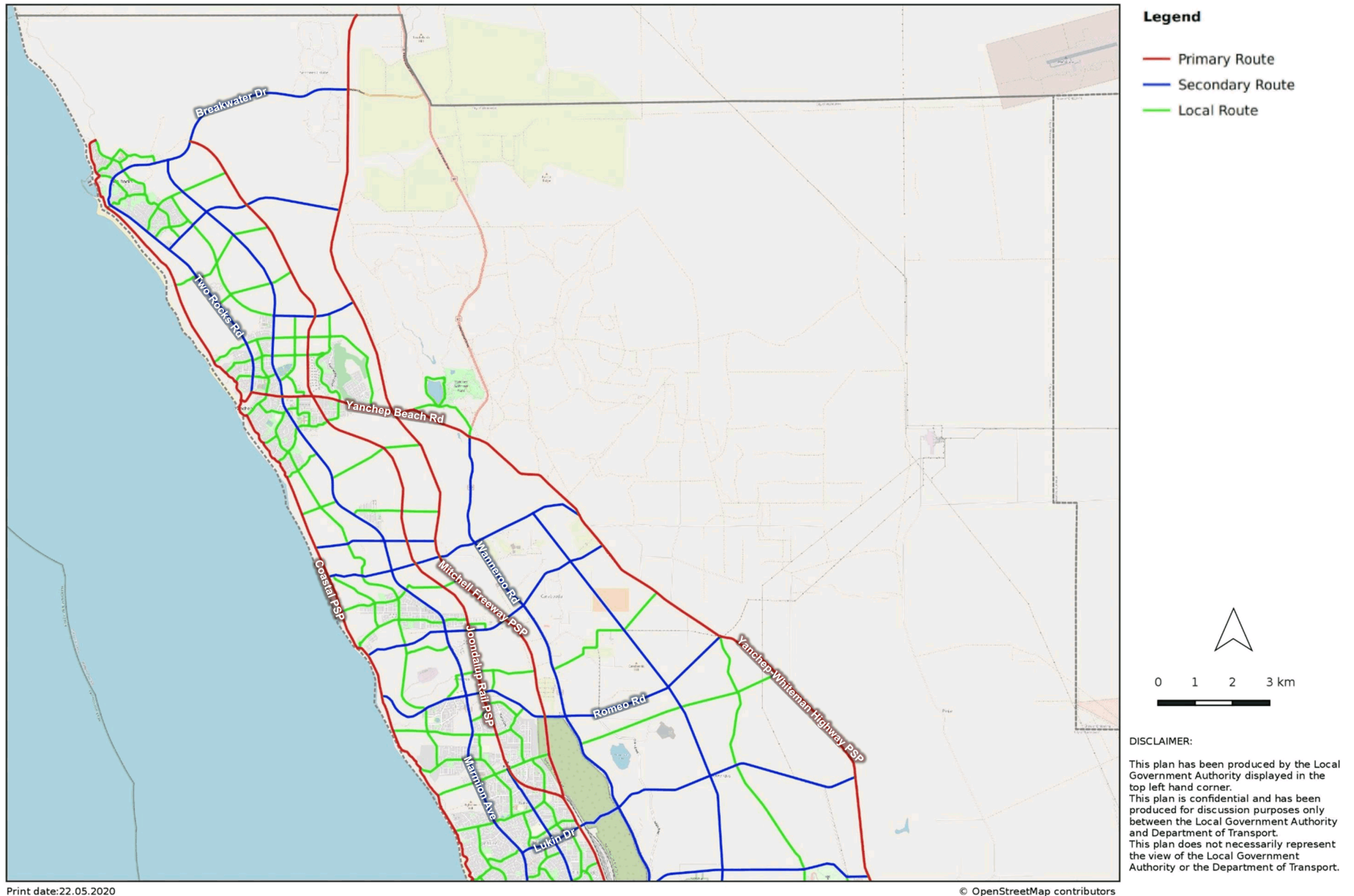
This plan has been produced by the Local Government Authority displayed in the top left hand corner.
 This plan is confidential and has been produced for discussion purposes only between the Local Government Authority and Department of Transport.
 This plan does not necessarily represent the view of the Local Government Authority or the Department of Transport.

Print date:22.05.2020

© OpenStreetMap contributors

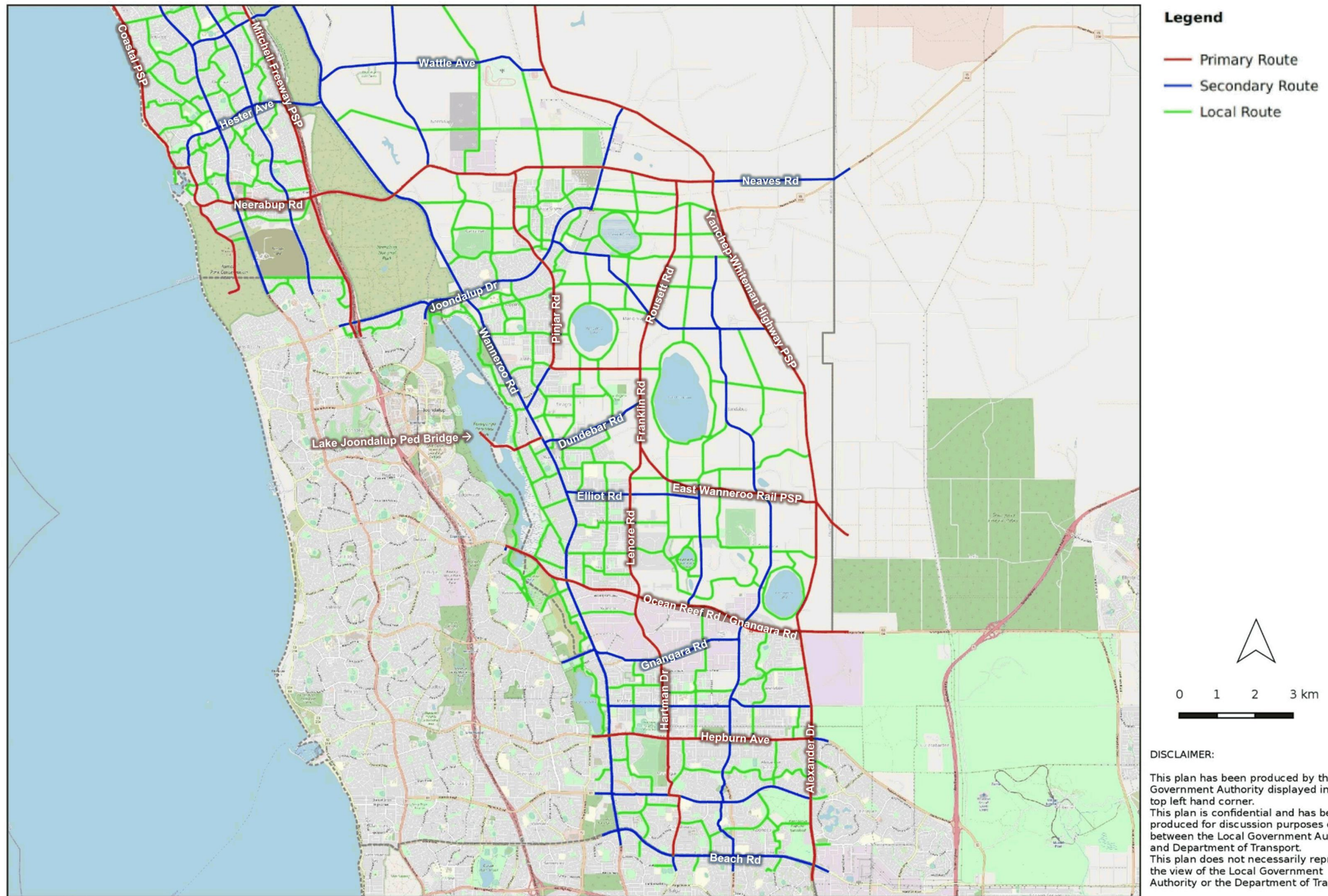
City of Wanneroo

Final Draft LTCN (May 2020)



City of Wanneroo

Final Draft LTCN (May 2020)



Print date:22.05.2020

© OpenStreetMap contributors

AS02-06/20 Metropolitan Regional Roads Program - 2021/2022

File Ref: 6923V02 – 20/118328
Responsible Officer: Director Assets
Disclosure of Interest: Nil
Attachments: Nil

Issue

To consider submissions for grant funding from the 2021/2022 Metropolitan Regional Road Program (**MRRP**) for Road Improvement and Road Rehabilitation Projects.

Background

Each year, Main Roads WA (**MRWA**) invites project submissions for grant funding consideration as part of the MRRP.

This report outlines the guidelines for the assessment of road works and recommends projects for consideration by the Metropolitan Regional Road Group (**MRRG**).

The project types are separated into two categories as outlined below:

Road Improvement Projects

Improvement projects are those which involve the upgrading of an existing road to a higher standard than currently exists, i.e. dual carriageway construction, pavement widening, new overtaking lanes, traffic control measures, etc.

A multi-criteria analysis (taking into consideration road capacity, geometry, crashes, benefits and costs) is used to prioritise road improvement projects on urban arterial roads within the metropolitan area. This analysis is an integral part of the guidelines for the MRRP and must be followed for submissions to be considered for funding.

Road Rehabilitation Projects

Road rehabilitation projects are those proposed for existing roads where a failed link is to be brought back to pre-existing physical condition, e.g. resealing/resurfacing or reconstruction.

A number of conditions have to be met for a project to be considered in the program. Projects qualify only if the road has a classification of a local distributor road or higher and its Average Annual Daily Traffic (**AADT**) exceeds 2,000 vehicles per day or the design traffic exceeds 1×10^6 Equivalent Standard Axles (a measurement that relates to the commercial vehicle content). Each project is assessed using the approved accumulative points scoring system that considers road condition, surface age and volume of traffic with a minimum score of 700 points for the condition assessment.

Detail**Road Improvement Projects**

The road improvement projects selected for the 2021/22 MRRP Road Improvement Program are summarised below:

Year	Location	Proposed Works	Estimated Project Cost (\$)	Grant (\$)	Muni (\$)	Points Score
2021/22	Marmion Avenue / Santa Barbara Parade, Quinns Rocks	Southbound right turn acceleration lane onto Marmion Avenue from Santa Barbara Parade	344,000	229,333	114,667	37.75
2021/22	Quinns Road, Quinns Rocks	Road widening to accommodate 2 lanes eastbound between Tapping Way and Marmion Avenue, including roundabout and signalised intersection modifications.	1.03M	686,667	343,333	13.30
2021/22	Lenore Road, Hocking/Pearsall	Upgrade to 4 lane dual carriageway between Kemp Street and Elliot Road	5.52M	3.68M	1.84M	3.75

The Marmion Avenue / Santa Barbara Parade, Quinns Rocks project was previously unsuccessful in securing a grant under the 2020/21 Blackspot program and has been resubmitted for consideration under the 2021/22 MRRP Road Improvement Program.

Two new projects have been submitted for the 2021/22 program which are:

- The duplication of Lenore Road between Kemp Street and Elliot Road to facilitate forecast traffic growth in Pearsall/Hocking; and
- Road widening/intersection upgrades on Quinns Road between Tapping Way and Marmion Avenue as part of the Quinns Education Precinct suite of road upgrade projects.

These road projects were selected based on the overall score they achieve in accordance with the Road Improvement Grant multi-criteria assessment.

Grant funding available for Road Improvement projects to each Council is limited to \$4.0M per financial year. Where the value of successful projects exceeds this limit, the City coordinates with Main Roads WA to fund the projects over multiple years.

Road Rehabilitation Projects

Pavement Analysis Pty Ltd was commissioned to undertake the road rehabilitation visual assessment and mechanical study of various roads, and to provide technical details and recommendations to comply with the criteria for the assessment of road rehabilitation projects. The table below lists the rehabilitation projects that were submitted for consideration in the 2021/2022 program. All the rehabilitation projects are proposed as asphalt reseals.

Item	Road	Locality	Section	Estimated Project Cost (\$)	Grant (\$)	Muni (\$)	Points Score
1	Beach Road (A)	Girrawheen	Wanneroo Road to 100m east of Blackmore Avenue	276,110	184,073	92,036	2,185
2	Beach Road (B)	Girrawheen	100m east of Blackmore Avenue to Hainsworth Avenue	578,496	385,664	192,832	2,179
3	Blackmore Avenue	Girrawheen	Templeton Cr to Beach Road	238,961	159,307	79,653	2,171
4	Civic Drive	Wanneroo	Celestine Street to Dundobar Road	281,837	187,891	93,945	1,780
5	Hepburn Avenue	Madeley	Wanneroo Road to Highclere Blvd	612,426	408,284	204,142	2,499
6	Marmion Avenue	Quinns Rocks	Quinns Road to Santa Barbara Road	226,776	151,183	75,591	2,203

Grant funding available for Road Rehabilitation projects to each Council is limited to \$750,000 per financial year.

Timelines

The deadline for Road Rehabilitation submissions was 24 April 2020 while the deadline for Road Improvement submissions was 22 May 2020. The above projects were submitted to MRWA by their respective due dates subject to Council endorsement. Following Council's endorsement, a follow up letter will be sent to MRWA advising of the outcome.

The tight timeframe for the preparation of the grant submissions from the date of invitation (which was 03 February 2020) to the associated deadlines meant that reporting to Council prior to the deadline was not feasible. The City engaged specialist consultants to collate data, evaluate and prepare the submissions in accordance with the criteria set out in the invitation. The scheduling of the work and the time taken to complete these submissions could not be aligned with Council's reporting cycle and as a result, the submissions could not be presented to Council prior to the specified deadlines.

Following the closing date, submissions are checked by MRWA for omissions and errors in computations. The MRWA Pavement Branch will audit submissions relating to Road Rehabilitation Projects and an independent auditor appointed by MRWA will audit Road Improvement Projects.

Final audited projects are then collated by MRWA and a priority listing developed based on the audited points score. It is anticipated that this list of audited projects will be distributed to all Councils by September 2020.

The Sub Groups of the Metropolitan Regional Road Group (MRRG) each have technical group meetings to discuss and recommend projects within their own Sub Group. Recommendations are forwarded to the MRRG. The Cities of Wanneroo, Joondalup and Stirling form the North West Sub Group. The MRRG considers funding submissions in accordance with the guidelines

and makes recommendations to the State Road Funds to Local Government Advisory Committee.

Councils would expect to receive advice from MRWA early in 2021 of the successful projects for the 2021/22 financial year. The final listing of the successful projects in subsequent years' budgets will be considered by Council as part of the annual budget process.

Consultation

Nil

Comment

The projects selected have been identified as they best meet the grant funding program's selection and assessment criteria and enables the City to maximise the opportunity for funding under the MRRP's competitive process.

Based on previous years grant funding submissions to the MRRP, the Road Rehabilitation Projects listed have a high potential of success. Should the City be unsuccessful in receiving grant funding for the rehabilitation projects, the road conditions will continue to be monitored and projects will be included in the City's Annual Transport Assets Renewal Program in accordance with the priorities determined by the City's Road Asset Management System. Likewise, with the Road Improvement projects, annual traffic growth will continue to be monitored and projects will continue to be submitted for annual MRRP funding until such a time they are considered for funding.

Statutory Compliance

Nil

Strategic Implications

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

“3 *Environment (Built)*

3.5 *Connected and Accessible City*

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

Risk Management Considerations

Risk Title	Risk Rating
ST-G09 Long Term Financial Planning	Moderate
Accountability	Action Planning Option
Director Corporate Strategy & Performance	Manage

Risk Title	Risk Rating
ST-S04 Integrated Infrastructure & Utility Planning	Moderate
Accountability	Action Planning Option
Director Planning & Sustainability and Director Assets	Manage

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic risk register. Action plans have been developed to accept this risk to support existing management systems. This proposal aligns with the

Environment (Built) objective of the existing Strategic Community Plan, Council should therefore consider the following risk appetite statement: 3.5 Connected and Accessible City.

The City's defined risk appetite for 3.5 Connected and Accessible City is articulated through the risk appetite statement as - Connectedness is key to building strong communities and the City acknowledges that development and improvement of local transport infrastructure and improved accessibility initiatives requires appropriate planning, due diligence, consultation, funding and focusing on communication and consultation to achieve desired outcomes. Therefore, the City will accept moderate reputational risk when undertaking improvements to enhance accessibility for the community.

Policy Implications

Nil

Financial Implications

The maximum annual grant allocation for Councils is \$4.0M for Road Improvement Projects and \$750K for Road Rehabilitation Projects. A condition of the grant under the MRRP is that the City must contribute at least one third of the project cost to secure the State Government funding.

The City's current Long Term Financial Plan (**LTFP**) makes provisions for Metropolitan Regional Road Program projects in the 2021/22 financial year, comprising the State government's grant allocation and the City's one third contribution. Should the funding submission for projects submitted to the Road Improvement and Road Rehabilitation Program be successful, the exact matching funding requirements would be adjusted as part of the 2021/22 annual budget deliberations.

Voting Requirements

Simple Majority

Recommendation

That Council: -

1. **ENDORSES** the submission of the following projects to Main Roads WA for grant funding consideration as part of the 2021/2022 Metropolitan Regional Road Program: -

a) Road Improvement Projects:

Year	Location	Proposed Works	Estimated Project Cost (\$)	Grant (\$)	Muni (\$)
2021/22	Lenore Road, Hocking/Pearsall	Upgrade to 4 lane dual carriageway between Kemp Street and Elliot Road	5.52M	3.68M	1.84M
2021/22	Quinns Road, Quinns Rocks	Road widening to accommodate 2 lanes eastbound between Tapping Way and Marmion Avenue, including roundabout and signalised intersection modifications.	1.03M	686,667	343,333

2021/22	Marmion Avenue / Santa Barbara Parade, Quinns Rocks	Southbound right turn onto from Marmion Avenue Santa Barbara Parade	344,000	229,333	114,667
---------	---	---	---------	---------	---------

b) Road Rehabilitation Projects:

Year	Road	Locality	Section	Estimated Project Cost (\$)	Grant (\$)	Muni (\$)
2021/2022	Beach Road (A)	Girrawheen	Wanneroo Road to 100m east of Blackmore Avenue	276,110	184,073	92,036
2021/2022	Beach Road (B)	Girrawheen	100m east of Blackmore Avenue to Hainsworth Avenue	578,496	385,664	192,832
2021/2022	Blackmore Avenue	Girrawheen	Templeton Cr to Beach Road	238,961	159,307	79,653
2021/2022	Civic Drive	Wanneroo	Celestine Street to Dundobar Road	281,837	187,891	93,945
2021/2022	Hepburn Avenue	Madeley	Wanneroo Road to Highclere Blvd	\$612,426	408,284	204,142
2021/2022	Marmion Avenue	Quinns Rocks	Quinns Road to Santa Barbara Road	\$226,776	151,183	75,591

2. REQUESTS Administration to advise the Local Members of Parliament of the submissions within their respective electorates.

Attachments: Nil

Infrastructure Capital Works

AS03-06/20 Tender 20100 Supply and Installation of Park Furniture and Associated Amenities

File Ref: 40326 – 20/222766
 Responsible Officer: Director Assets
 Disclosure of Interest: Nil
 Attachments: Nil

Issue

To consider Tender No. 20100 for the Supply and Installation of Park Furniture and Associated Amenities for a 12 month period with two 12 month options to extend.

Background

The scope of works covers the supply and installation of park furniture and associated amenities on an annual supply basis with a comprehensive Schedule of Rates included in the tender.

The City's internal stakeholder requirements were comprehensively reviewed prior to tendering and the specification has incorporated key items of park furniture typically necessary to provide amenities aligned to community expectations.

The tender schedule includes items such as temporary fencing, water and electrical supply, park seats, BBQs, drinking fountains, park shelters, picnic seating, concrete pads, solar lighting and irrigation/turf remediation.

Detail

Tender No. 20100 for the Supply and Installation of Park Furniture and Associated Amenities was advertised on 28 March 2020 and closed on 29 April 2020. Two Addenda were issued.

Essential details of the proposed contract are as follows:

Item	Detail
Contract Form	Minor Works
Contract Type	Schedule of Rates
Contract Duration	12 months
Commencement Date	1 August 2020
Expiry Date	31 July 2021
Extension Permitted	Yes, Two periods of 12 months.
Rise and Fall	Maximum Perth All Groups CPI increases upon extensions.

Tender submissions were received from the following companies:

Tenderer
First Class Concreting Pty Ltd t/a First Class Constructions WA (First Class)
Hickey Constructions Pty Ltd (Hickey)

MAS (WA) Pty Ltd atf the Simpson Family Trust t/a Miracle Recreation Equipment (Miracle)
Total Landscape Redevelopment Service Pty Ltd (Total Landscape)
Tardan Pty Ltd t/a Western Projects (Western Projects)

The Tender Evaluation Panel (**TEP**) comprised:

- Coordinator Construction;
- Projects Engineer, Infrastructure Capital Works;
- Project Officer Parks & Conservation;
- Landscape Designer;
- Specialist Parks Contracts Officer; and
- Coordinator Safety Systems.

Probity Oversight

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

Tender submissions were evaluated in accordance with the Procurement and Evaluation Plan (**PEP**). The PEP included the following selection criteria:

Item No	Description	Weighting
1	Sustainable Procurement (Corporate Social Responsibility): <ul style="list-style-type: none"> • Environmental Considerations 5%; • Buy Local 15%; • Reconciliation Action Plan 2.5%; and • Disability Access & Inclusion 2.5%. 	25%
2	Occupational Health and Safety	20%
3	Experience	35%
4	Methodology, Resources and Capacity	20%
5	Pricing based on Schedule of Rates (assessed based exclusively on Value for Money principles)	Not weighted

Pricing is not included in the qualitative criteria and is considered as part of the overall Value for Money (**VFM**) assessment. Minimum scores are required for each qualitative criterion.

All received tenders were deemed to be conforming and were included in the evaluation process.

Evaluation Criteria 1 – Sustainable Procurement (Corporate Social Responsibility) (25%)

Sub Criteria - Environmental Considerations (5%)

An assessment was made to determine the ranking based on tenderers' environmental policy and practices. The schedule includes solar lighting for the associated environmental and economic benefits and all tenderers have provided suitable compliant product pricing in their tender submissions.

The assessment of this criterion resulted in the following ranking:

Tenderer	Ranking
Total Landscape	1
First Class	2
Miracle	2
Western Projects	4
Hickey	5

Sub Criteria - Buy Local (15%)

An assessment was made to determine the ranking based on the responses provided, detailing the following information:

- Purchasing arrangements through local businesses;
- Location of tenderer's offices and workshops;
- Residential addresses of staff and subcontractors; and
- Requirement for new employees arising from award of the contract.

The assessment of this criterion resulted in the following ranking:

Tenderer	Ranking
Miracle	1
Hickey	2
Total Landscape	2
First Class	4
Western Projects	4

Only the two companies, Miracle and Hickey are based within the City of Wanneroo, respectively Wangara and Yanchep. It was also noted that Total Landscape's bid indicates one third of their workforce reside within the City of Wanneroo and 70% of the sub-contractors utilised by the company are also based locally.

Sub Criteria - Reconciliation Action Plan (2.5%)

An assessment was made to determine the ranking based on the responses provided that relate to:

- RELATIONSHIPS - building positive relationships between indigenous and non-indigenous people
- RESPECT – recognising the contribution of Indigenous people to Australia and learning more about the history, culture and diversity in a two-way communication process
- OPPORTUNITIES – attracting, developing and retaining organisational talent to build opportunities for aboriginal employment, training, development and mentoring

The assessment of this criterion resulted in the following ranking:

Tenderer	Ranking
Total Landscape	1
Western Projects	1
First Class	3
Miracle	3
Hickey	5

Sub Criteria - Disability Access & Inclusion (2.5%)

An assessment was made to determine the ranking based on the responses provided that relate to:

- People with disabilities have the same buildings and facilities access opportunities as other people
- People with disabilities receive information in a format that will enable them to access information as readily as other people are able to access it.
- People with disabilities receive the same level and quality of service from staff as other people receive.
- People with disabilities have the same opportunities as other people to make complaints.
- People with disabilities have the same opportunities as other people to participate in any employment opportunities.

The assessment of this criterion resulted in the following ranking:

Tenderer	Ranking
Total Landscape	1
Western Projects	1
First Class	3
Miracle	3
Hickey	5

In summary, the overall assessment of all Sustainable Procurement criteria resulted in the following consolidated ranking:

Tenderer	Ranking
Miracle	1
Total Landscape	2
Hickey	3
Western Projects	4
First Class	5

Evaluation Criteria 2 – Occupational Health and Safety (20%)

Evidence of safety management policies and practices was assessed based on the submission documentation received. The assessment for safety management included an evaluation of each tenderer's response to a customised Occupational Health and Safety Management System Questionnaire included within the tender and other documentation.

Based on the information supplied for assessment, all tenderers achieved a score above a minimum acceptable score for this criterion.

All tenderers provided details of their safety management systems with the following ranking:

Tenderer	Ranking
Miracle	1
Total Landscape	2
Western Projects	3
First Class	4
Hickey	5

Based on the information supplied for assessment, all tenderers achieved a minimum acceptable score for this criterion.

Evaluation Criteria 3 – Experience (35%)

The tenderer's relevant experience in demonstrating the achievement of meeting client expectations as presented in their tender submission were assessed in order to evaluate their capability to meet the requirements of the contract. Assessment of this criterion considered the tendering entity's credentials to fulfil the requirements of the contract. The assessment of this criterion has resulted in the following ranking:

Tenderer	Ranking
Total Landscape	1
Miracle	2
Western Projects	3
Hickey	3
First Class	3

Based on the information supplied for assessment, all tenderers achieved a minimum acceptable score for this criterion.

Evaluation Criteria 4 - Tenderer's resources and capacity to meet the requirements of the Contract (20%)

The tenderer's resources as presented in their tender submission were assessed in order to evaluate their capacity to meet the requirements of the contract. Assessment of this criterion considered the tenderer's staff resources, vehicles, plant/equipment and workshop support to manage the contract. The assessment of this criterion has resulted in the following ranking:

Tenderer	Ranking
Total Landscape	1
Miracle Recreation	2
Western Projects	3
Hickey	4
First Class	5

Based on the information supplied for assessment, all tenderers achieved a minimum acceptable score for this criterion.

Evaluation Criteria 5 - Pricing for the Goods and Services Offered (Not Weighted)

All tenderers priced all required line items.

Price evaluation is based on the tendered schedule of rates and is a non-weighted assessment consideration.

An assessment was made of all tender submissions to determine the ranking based on a schedule of rates pricing assessment scenario developed to approximate estimated annual total expenditure which was comprised of each tenderer's tendered rates.

Based on the information provided in each submission, tenderers have been ranked as per the table below:

Tenderer	Ranking
Total Landscape	1
First Class	2
Hickey	3
Miracle	4
Western Projects	5

Overall Weighted Assessment and Ranking

The tenderers' submissions were reviewed by the TEP in accordance with the assessment criteria and weightings as detailed in the Procurement and Evaluation Plan with the following key observations:

- Price is not weighted and is included in the overall value for money assessment.
- Based on the information supplied for assessment, all tenderers achieved a minimum acceptable score for qualitative criteria.

The tenderers' bids were evaluated in accordance with the selection criteria and Total Landscape was assessed as having the necessary resources, previous experience, capability, quality and safety management systems to undertake the tender. The overall weighted qualitative assessment resulted in the following tender ranking:

Tenderer	Ranking
Total Landscape	1
Miracle	2
Western Projects	3
Hickey	4
First Class	5

Consultation

Internal consultations had occurred prior to tenders being called to ensure that the requirements were addressed by the specification and other contract provisions.

Broader community engagement is undertaken as required pending the site specific details and extent of work.

Comment

The tender submission from Total Landscape achieved the highest ranking and satisfied the overall value for money assessment in accordance with the assessment criteria and weightings as detailed in the TEP and is therefore recommended as the successful tenderer.

Statutory Compliance

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

Strategic Implications

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

“3 Environment (Built)

3.4 Activated Places

3.4.2 Provide safe spaces, centres and facilities through our infrastructure management and designs for community benefit and recreation”

3.4.3 Enhance distinctive built form and spaces based on identity of areas

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

Enterprise Risk Management Considerations

Risk Title	Risk Rating
ST-S04 Integrated Infrastructure & Utility Planning	Moderate
Accountability	Action Planning Option
Director Planning & Sustainability and Director Assets	Manage

Risk Title	Risk Rating
CO-O17 Financial Management	Moderate
Accountability	Action Planning Option
Director Corporate Strategy & Performance	Manage

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

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic and Corporate risk register. Action plans have been developed to accept this risk to support existing management systems. This proposal aligns with the Environment objective of the existing Strategic Community Plan, Council should therefore consider the following risk appetite statement: 3.4 Activated Places.

The City's defined risk appetite for 3.4 Activated Place is articulated through the risk appetite statement as - The City places a high priority on the importance of promoting, protecting and activating local areas including the beaches, bush land and open spaces to meet community expectations. As such community engagement is an important focus as well as building capacity for communities to be involved in place activation and creating distinctive places. The City seeks to pursue initiatives that activate distinctive places and supports improvements made to local amenities that retain or complement natural landscapes within the built environment. Therefore the City will accept a low risk in relation to governance/compliance and reputation.

Financial and Performance Risk

Financial Risk

A financial risk assessment was undertaken as part of the evaluation process of this tender and the outcome of this independent assessment by Corporate Scorecard Pty Ltd informed that Total Landscape has been assessed with a 'satisfactory' financial capacity to meet the requirements of the contract.

Performance Risk

Total Landscape has successfully completed a number of works for a variety of listed reputable clients with services provided as required and is experienced in servicing local government and other government instrumentality needs. Listed referees also include large government entities. Total Landscape has also been a contracted provider of park furniture and associated items on several projects for the City of Wanneroo.

An independent reference check on the recommended tenderer was also undertaken with the City of Stirling, who provided a very high rating for the Contractor.

Operational risk and mitigation will be addressed through the risk assessment process of the project management framework.

Prior to the commencement of works, the appointed contractor will be inducted to the project site. Ongoing auditing of the contractor's work practices during the course of the works will be undertaken to ensure compliance with the OHS requirements.

Policy Implications

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

Financial (Budget) Implications

The costs associated with the Supply and Installation of Park Furniture and Associated Amenities initial 12 month period are included in the 2020/2021 Capital and Operational Budgets. Costs are expected to be in the order of \$260,000 per annum.

Voting Requirements

Simple Majority

Recommendation

That Council ACCEPTS the tender submitted by Total Landscape Redevelopment Service Pty Ltd for Tender No. 20100, for the Supply and Installation of Park Furniture & Associated Amenities, as per the schedule of rates in the tender submission for a Period of 12 months in accordance with the Conditions of Tendering with an option to extend the contract for up to a further two, 12 month periods, or part thereof at the City's discretion.

Attachments: Nil

Waste Services

AS04-06/20 Review of the Waste Levy

File Ref: 5302 – 20/251765
Responsible Officer: Director Assets
Disclosure of Interest: Nil
Attachments: 2

Issue

To provide comment to the Department of Water and Environmental Regulation (**DWER**) on 'Review of the Waste Levy' Consultation Paper.

Background

DWER developed a consultation paper (**Attachment 1**), seeking feedback on the scope and application of the waste levy to ensure it meets the objectives of the Waste Avoidance and Resource Recovery Strategy 2030 (Waste Strategy). The Waste Strategy also requires the establishment of a schedule of future waste levy rates with a minimum five-year horizon. The waste levy applies to the landfill disposal of waste generated in the Perth metropolitan area.

Detail

The current waste levy review seeks to ensure that the scope and specification of the waste levy supports the objectives of the Waste Strategy which are broader than the objectives under the Environmental Protection Act. A levy on metropolitan waste was first introduced by the *Environmental Protection (Landfill) Levy Act 1998*. Its stated purpose was to provide funding for waste management and recycling programs. The levy was incorporated into the *Waste Avoidance Resource and Recovery Act 2007 (WARR Act)* and the *Waste Avoidance and Resource Recovery Levy Act 2007*. While the scope and application of the levy remained unchanged the levy's main purpose was to:

- Influence waste management practices including reducing waste to landfill by increasing the price of landfill disposal; and
- Raise funds to support waste related programs, which have the effect of reducing waste to landfill.

The objectives of the Waste Strategy are:

- *Avoid*: Western Australians generate less waste;
- *Recover*: Western Australians recover more value and resources from waste; and
- *Protect*: Western Australians protect the environment by managing waste responsibly.

Consultation

DWER has produced the attached consultation paper and requests feedback and comment by 15 July 2020, extended from 15 May 2020 (due to COVID-19 delays).

Comment

Administration has reviewed the consultation paper and considered the legislative proposals to improve waste management. The following is a summary of each chapter within the consultation paper. The City's review and in depth feedback of each consultation question within the paper is provided in **Attachment 2**.

Chapter 2: Objective of The Waste Levy

The objective of the waste levy is to support the Waste Strategy 2030 via the following three methods:

- *Avoid:* Western Australians generate less waste;
- *Recover:* Western Australians recover more value and resources from waste; and
- *Protect:* Western Australians protect the environment by managing waste responsibly.

Chapter 3: How The Levy Can Help Achieve The Objectives of The Waste Strategy 2030

A waste levy makes landfill disposal more expensive and therefore less attractive to waste generators and managers. As landfill disposal costs increase generally due to increasing levy, alternative technological options for the treatment of waste can become more affordable. However the viability and cost beneficial alternatives to landfill also depend on the strength of markets for the recycled products that are manufactured.

Chapter 4: Rate of The Levy

A key element of the waste levy's objective involves the diversion of waste from landfill towards material recovery by making recycling more financially attractive relative to landfilling. Prior to 2010, 100% of the levy revenue was hypothecated for spending on strategic waste management activities, however now only 25% of the levy revenue is hypothecated to the Waste Avoidance and Resource Recovery account to fund waste and recycling programs. One such program is 'Better Bins' which supports the source separation of waste via a three bin kerbside collection system. The City will receive \$2.5 million in 'Better Bins' funding however the capital costs to procure new bins and change lids is approximately \$6.8 million which the City is required to self-fund. Therefore 100% of levy funds must be hypothecated to strategic waste management activities, as was originally intended when the levy was first introduced.

Chapter 5: Setting Future Levy Rates

If waste levy rates are set several years in advance this can give waste industry time to plan and implement strategies to better manage waste in response to changes in the waste levy. Setting at least a five year rolling schedule for the levy facilitates the waste industry and local government to plan and budget for waste infrastructure projects.

Chapter 6: Geographical Area of The Levy

Currently the waste levy applies to Perth Metropolitan waste received for landfill disposal or waste received for disposal at landfills in Perth Metropolitan region (i.e. waste transported from regional areas). The lack of a levy in regional landfills provides a major commercial incentive for waste to be transported from Perth Metropolitan to regional Western Australia because it is cheaper to landfill waste in these areas. It could be argued that if a levy was applied to regional waste that the revenue generated from these areas could potentially be 'ring fenced' and only those regional areas that paid the levy could access the funds. In essence the region is no worse off because any revenue raised from the region comes back to the region.

Chapter 7: Waste Management Options to Be Levied

Under current regulations the waste levy is only applied to waste received at landfill premises. The levy should not be applied to resource recovery activities such as Material Recycling Facilities or organic processing facilities. Energy recovery could potentially be levied as the Waste Strategy 2030 gives preference to material recovery over energy recovery and includes a target to recover energy only from residual waste; this levy could be set at a figure less than landfill, which aligns with the concept of this being more environmentally sustainable than landfill.

Generally the City believes that the Waste Levy should be set and utilised in a manner which influences the waste management industry to deliver better environmental outcomes that are aligned with the concepts stated within the WARR Strategy 2030.

Statutory Compliance

Nil

Strategic Implications

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

- “3 *Environment (Natural)*
 - 3.3 *Reduce, Reuse, Recycle, Waste*
 - 3.3.3 *Create and promote waste management solutions*”

Risk Management Considerations

Risk Title	Risk Rating
CO-022 <i>Environmental Management</i>	<i>High</i>
Accountability	Action Planning Option
<i>Director Planning & Sustainability</i>	<i>Manage</i>

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

Policy Implications

The City's Waste Management Services Policy defines the level of waste management service to be delivered to the community. The City's Strategic Waste Management Plan 2016 – 2020 is aligned with the Waste Strategy.

Financial Implications

Financial impacts of any changes in the Waste Levy would need to be analysed once known and reflected in the City's Waste Services Operating Budgets.

Voting Requirements

Simple Majority

Recommendation

That Council ENDORSES the City's response to the Department of Water and Environmental Regulation's 'Review of the Waste Levy' Consultation Paper, as contained in Attachment 2.

Attachments:

- 1. [Attachment 1 - Consultation Paper-Review of the waste levy](#) 20/116846
- 2. [Attachment 2 - Waste Levy Paper Consultation Response](#) 20/116829 *Minuted*



Government of Western Australia
Department of Water and Environmental Regulation

*We're working for
Western Australia.*

Review of the waste levy

Consultation paper
February 2020



Review of the waste levy

Consultation paper

Department of Water and Environmental Regulation
February 2020

Department of Water and Environmental Regulation
Prime House, 8 Davidson Terrace
Joondalup Western Australia 6027
Locked Bag 10 Joondalup DC WA 6919

Phone: 08 6364 7000
Fax: 08 6364 7001
National Relay Service 13 36 77

dwer.wa.gov.au

© Government of Western Australia

February 2020

FIRST 115812

This work is copyright. You may download, display, print and reproduce this material in unaltered form only (retaining this notice) for your personal, non-commercial use or use within your organisation. Apart from any use as permitted under the *Copyright Act 1968*, all other rights are reserved. Requests and inquiries concerning reproduction and rights should be addressed to the Department of Water and Environmental Regulation.

For more information about this report, contact:
wastelevyreview.query@dwer.wa.gov.au

Disclaimer

This document has been published by the Department of Water and Environmental Regulation. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the Department of Water and Environmental Regulation and its employees are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

This publication is available at our website www.dwer.wa.gov.au or for those with special needs it can be made available in alternative formats such as audio, large print, or Braille.

Review of the waste levy

Contents

Consultation on the waste levy	1
1 Introduction.....	2
Waste levy avoidance and evasion.....	3
Waste levy expenditure.....	3
2 Objective of the waste levy	4
Original objective.....	4
Waste Avoidance Resource and Resource Recovery Act.....	4
Waste Strategy 2030.....	4
3 How the levy can help achieve the objectives of Waste Strategy 2030.....	5
4 Rate of the levy	7
5 Setting future levy rates.....	9
6 Geographical area of the levy.....	10
7 Waste management options to be levied	14
8 Other improvements to the waste levy	17
9 How to make a submission.....	18

Consultation on the waste levy

This paper seeks community input on improving the waste levy.

The issues discussed in this paper will be of primary interest to generators and managers of waste, investors and others involved in developing improved approaches to managing waste in Western Australia. This consultation provides an opportunity to raise issues, concerns and opportunities, and provide information on potential impacts on businesses, the community and government.

Following the public consultation period, the Department of Water and Environmental Regulation (the department) will analyse submissions, undertake further investigation and modelling, and make recommendations to the Minister for Environment.

By making a submission you are consenting to the submission being treated as a public document. Your name will be published; however, your contact address will be withheld for privacy. If you do not consent to your submission being treated as a public document, you should either mark it as confidential, or specifically identify the parts that you consider confidential, and include an explanation.

Submissions will be summarised in a report following the close of the consultation period.

The department may request that a non-confidential summary of the material is also given. It is important to note that, even if your submission is treated as confidential by the department, it may still be disclosed in accordance with the requirements of the *Freedom of Information Act 1992*, or any other applicable written law.

The department reserves the right before publishing a submission to delete any content that could be regarded as racially vilifying, derogatory or defamatory to an individual or an organisation.

How to make a submission

The consultation period will be 12 weeks. Written submissions must be received by 5pm (WST) on Friday, May 15, 2020. No late submissions will be considered.

Written submissions can be lodged (preferred) at consult.dwer.wa.gov.au/waste-policy/review-of-the-waste-levy/

Hard copies can be mailed to:

Waste Levy Review
Department of Water and Environmental Regulation
Locked Bag 10, Joondalup DC, WA 6919

Feedback from this consultation process will inform the development of final legislative approaches to support waste reform in Western Australia.

For further information please email wastelevyreview.query@dwer.wa.gov.au

1 Introduction

The Government of Western Australian is committed to reducing waste disposed to landfill, and increasing resource recovery across the state. Western Australia's Waste Avoidance and Resource Recovery Strategy 2030 ([Waste Strategy 2030](#)) outlines approaches to avoid the generation of waste, increase material recovery, and protect the environment from the impacts of waste.

The waste levy applies to the landfill disposal of waste generated in the Perth metropolitan area. It increases the cost of landfill disposal, which provides a financial incentive to decrease the quantity of landfill disposal.

Waste Strategy 2030 includes a headline strategy to review the scope and application of the waste levy to ensure it meets the objectives of the strategy. These are shown in figure 1.

Figure 1: Objectives and targets of Waste Strategy 2030

Avoid	Recover	Protect
<i>Western Australians generate less waste.</i>	<i>Western Australians recover more value and resources from waste.</i>	<i>Western Australians protect the environment by managing waste responsibly.</i>
<ul style="list-style-type: none"> 2025 – 10% reduction in waste generation per capita 2030 – 20% reduction in waste generation per capita 	<ul style="list-style-type: none"> 2025 – Increase material recovery to 70% 2030 – Increase material recovery to 75% From 2020 – Recover energy only from residual waste 	<ul style="list-style-type: none"> 2030 – No more than 15% of waste generated in Perth and Peel regions is landfilled 2030 – All waste is managed and/or disposed to better practice facilities

The strategy also requires the establishment of a schedule of future waste levy rates with a minimum five-year horizon.

Purpose and scope of this paper

The Government of Western Australian is reviewing the scope and application of the waste levy to ensure it meets the objectives of Waste Strategy 2030.

This paper seeks the input of key waste stakeholders as part of the evidence to inform the review. The review will also consider economic analysis and other investigations.

As outlined in Waste Strategy 2030, the review adopts the objectives of the waste strategy as objectives for the review of the waste levy.

Reforms in progress that relate to the waste levy

The Government is progressing a number of other waste reforms that relate to the waste levy and support the objectives of Waste Strategy 2030. These reforms have not been discussed in this paper as they will be (or have been) subject to separate consultation processes:

- Amendments to the Waste Avoidance and Resource Recovery Regulations 2008 (WARR Regulations) to require recordkeeping and reporting of waste and recycling data from local governments, waste recyclers and licensees of

major regional landfills. This has been enacted from 1 July 2019 and the first of the required reports will be submitted by 1 October 2020.

- Review of the uncontaminated fill thresholds in Table 6 of the *Landfill Waste Classification and Waste Definitions 1996 (as amended 2019)*
- Proposed amendments to the WARR Levy Regulations to require the use of weighbridges for Category 63, 64 and 65 landfill premises to calculate leviable waste.
- *Waste not, want not – valuing waste as a resource* – Consultation to inform development of a legislative framework to provide for beneficial re-use of waste-derived materials.
- Legislative proposals for waste reform (*Closing the loop – Waste reforms for a circular economy in Western Australia*)

Further information on these five initiatives, and links to previous consultation, is available at www.dwer.wa.gov.au. The feedback received from these consultation processes will form part of the inputs used to provide advice to the Minister.

Waste levy avoidance and evasion

The consultation processes listed above include significant proposed measures to address the potential for waste levy avoidance and evasion.

This paper discusses waste levy avoidance and evasion where it is relevant to the scope and application of issues in the paper. It does not include a comprehensive discussion of waste levy avoidance and evasion.

Waste levy expenditure

Currently, \$20.75 million per annum (25 per cent) of the forecast waste levy revenue is allocated to waste-related actions administered by the Waste Authority or undertaken by the department. This funding supports actions under Waste Strategy 2030.

This review does not discuss in detail the role of the levy in funding programs and actions. The effectiveness of waste levy expenditure is dependent on the effectiveness of actions, each of which needs to be evaluated on its own performance.

Identifying measures that are successful in supporting Waste Strategy 2030 demonstrates the benefit of levy expenditure on waste management.

Delivery of Waste Strategy 2030's annual [action plan](#) is to be supported by an evaluation framework, which will guide the evaluation of programs and actions funded by the levy. This framework will evaluate the degree to which actions are meeting the intent of Waste Strategy 2030 and identify potential improvements. The framework will ensure an approach to evaluation that is consistent, transparent, consultative and evidence based.

2 Objective of the waste levy

The objectives of Waste Strategy 2030 and therefore of the review of the waste levy are broader than past objectives of a levy.

Original objective

A levy on metropolitan waste was first introduced by the *Environmental Protection (Landfill) Levy Act 1998*. Its stated purpose was to provide funding for waste management and recycling programs^{1 2}.

Waste Avoidance Resource and Resource Recovery Act

The levy was incorporated into the *Waste Avoidance Resource and Resource Recovery Act 2007* (WARR Act) and the *Waste Avoidance Resource and Resource Recovery Levy Act 2007*. While the scope and application of the levy remained largely unchanged, the levy's purpose was stated as³:

- influencing waste management practices, including reducing waste to landfill, by increasing the price of landfill disposal
- raising funds to support waste-related programs, which have the effect of reducing waste to landfill.

Waste Strategy 2030

The strategy contains the following objectives:

- Avoid: Western Australians generate less waste.
- Recover: Western Australians recover more value and resources from waste.
- Protect: Western Australians protect the environment by managing waste responsibly.

As specified by the strategy, the current waste levy review seeks to ensure that the scope and application of the waste levy supports these three objectives, which are broader than the objectives under the Act.

Chapter 2 - Consultation questions

1. Are there any beneficial outcomes that can be achieved by a levy beyond those identified in the objectives of Waste Strategy 2030?

¹ Environmental Protection (Landfill) Levy bill, second reading, Legislative Assembly 22 October 1997 "to provide necessary funding for waste management and recycling programs". The speech also refers to Advisory Council on Waste Management (1997)²

² Western Australian Advisory Council on Waste Management (1997). *The introduction of an urban landfill disposal levy in Western Australia*, "The justification for the levy is to raise funds to be spent on waste reduction, recycling and waste management projects and programs, public education and information approved by the Minister for the Environment on advice from the Advisory Council on Waste Management."

³ Waste Avoidance and Resource Recovery Levy bill 2007, second reading, legislative assembly, 17 October 2007.

3 How the levy can help achieve the objectives of Waste Strategy 2030

Waste Strategy 2030 contains a number of measures to achieve its objectives, and is not prescriptive about the role of the waste levy in achieving any particular objective. The waste levy's price signal may be relied upon to achieve an objective where it is effective and efficient relative to the use of other programs and instruments. The waste levy also provides funds to support other such measures.

The price signal provided by the waste levy makes landfill disposal more expensive and less attractive to waste generators and managers. Their options to reduce the financial cost of landfill disposal include reduced generation of waste and increased recovery and recycling.

If landfill disposal becomes less attractive than alternatives, then waste generators or managers may choose these options instead of landfill. A waste levy may lead to increased waste recovery or reduced generation. The factors that affect whether this will occur include:

- the disposal costs of some waste generators (such as households) are not tied to the volumes of waste that they generate, and households that generate and dispose of less waste do not receive reduced local government rates
- the viability and cost of beneficial alternatives to landfill can depend on the strength of markets for recoverable materials and the cost of establishing processing infrastructure.

Where there are potential uses for recyclable material that are near to being commercially viable, increasing the cost of landfill disposal may make these uses financially competitive with landfill.

Waste levy avoidance and evasion can also result in reduced actual or reported quantities of waste disposed to landfill. Key reforms to address avoidance and evasion are outlined in section 1.

The effectiveness of a waste levy to divert waste from landfill depends on the realistic options that waste generators and managers have to respond to the increased costs of landfill, and the decisions and investments they make. A waste levy may improve recovery of materials if potential recovery opportunities exist. However, like all financial incentives, it is only effective and efficient if beneficial alternatives are within its reach.

Review of the waste levy

Chapter 3 - Consultation questions

The department would appreciate your feedback on the following question:

1. Are there any other strengths or weaknesses of a waste levy as an instrument for achieving the objectives of Waste Strategy 2030?

If you can provide evidence or more detailed information to support your views, this may help make a stronger case for appropriate action.

4 Rate of the levy

Levy rates since 2012

In developing the 2012 waste strategy, the Waste Authority advised the government that an increase to the rate of the waste levy was required in order to meet the strategy's waste diversion targets.

A five-year schedule of increases was instituted from 1 January 2015. This took the waste levy from its 2014 levels of \$28 and \$8 per tonne of putrescible waste and inert waste respectively, to \$70 per tonne for both putrescible waste and inert waste from 1 July 2018 onwards. This is shown in Table 1.

Period	Putrescible rate/tonne	Approx. inert rate/tonne	Inert rate/m ³
31 December 2014	\$28	\$8	\$12
1 January 2015 – 30 June 2016	\$55	\$40	\$60
1 July 2016 – 30 June 2017	\$60	\$50	\$75
1 July 2017 – 30 June 2018	\$65	\$60	\$90
1 July 2018 onwards	\$70	\$70	\$105

Table 1 - Waste levy rates

Effect of the levy rate

A key element of the waste levy's objectives involves the diversion of waste from landfill towards material recovery by making recycling more financially attractive relative to landfilling.

However, if financially attractive opportunities for recycling do not emerge, then increasing the waste levy may have unintended consequences, such as creating an incentive for the inappropriate disposal of waste in order to avoid paying a levy.

Since the increases in the waste levy, there has been a significant decline in waste from the Perth metropolitan area being disposed to landfill, particularly construction and demolition waste. However, there is currently a lack of data on waste volumes and flows to indicate that re-use and recycling rates for waste are improving. Changes to the WARR Regulations commencing from 1 July 2019 will improve information and reporting about waste flows.

Review of the waste levy

The disposal of waste to landfill misses opportunities for the better use of materials. However, waste that is contained within a well-managed landfill has substantially less environmental impact than waste that is disposed inappropriately in the environment.

A prudent approach to future waste levy increases may involve understanding what beneficial recovery and re-use opportunities exist, and confirming that the waste levy is functioning as intended and is not causing unacceptable negative consequences. When these circumstances are in place, then increasing the waste levy may be an effective way to improve recovery rates.

Chapter 4 - Consultation questions

1. How has the waste levy benefitted or affected your waste business or operations?
2. Can you advise of any recycling and waste diversion opportunities that would become viable if the waste levy was increased or applied in a different way? What rate of levy could be required to make these viable?
3. Please provide information on potential impacts which may result from increasing the waste levy.
4. If you knew when the waste levy was going to be varied, how would it affect your decisions about managing waste or related investments?

If you can provide evidence or more detailed information to support your views, this may help make a stronger case for appropriate action.

5 Setting future levy rates

As new information, circumstances and technology emerge in future, there may be good reasons to adjust the waste levy, to ensure it is based on up-to-date knowledge about the efficient management of waste.

On the other hand, if waste levy rates are set several years in advance, this can give waste managers time to plan and implement strategies to better manage waste in response to changes to the waste levy. Where commercial investments are required to better manage waste, advance notice of rates can provide greater confidence to support such investment.

Like most other charges imposed by government, the waste levy is set by the Government in regulations (Waste Avoidance and Resource Recovery Levy Regulations 2008). Publication of an advance schedule of future waste levy rates and its incorporation into regulation shows the intention of government at the time the rates are set.

However, if a schedule of waste levy rates is set for a longer time into the future, it is more likely that new information will arise, market circumstances will change or waste management innovations will emerge before the schedule reaches its final year.

While it may be legally possible for a government to adjust a schedule of rates before the end of its term, this could also defeat the purpose of establishing an advance schedule of rates.

Chapter 5 - Consultation questions

The department would appreciate your feedback on the following question:

1. How might the Government best balance the need for responsiveness to emerging knowledge about best practice waste management with the benefits of providing the confidence about future waste levy rates?

If you can provide evidence or more detailed information to support your views, this may help make a stronger case for appropriate action.

6 Geographical area of the levy

Currently, the waste levy applies to Perth metropolitan waste received for disposal to landfill, or waste received for disposal at landfills in the Perth metropolitan region.

New South Wales, South Australia and Victoria apply levies on landfill in at least some regional areas (Table 6.1).

	Metropolitan	Regional	Exempted regions
New South Wales	144	83	Remote/less populated
Queensland	75	75	Remote/less populated
South Australia	110	55	
Victoria	66 ⁴	33	

Table 6.1 Waste levy rates as at December 2019 (dollars per tonne)

The review will consider the merits of expanding the geographical area of the levy, to apply it to waste generated in locations outside Perth.

Increasing recovery outside the metropolitan area

About 25 per cent of Western Australians live outside the Perth metropolitan area. Encouraging resource recovery in regional areas of Western Australia may help achieve Waste Strategy 2030 targets, which include targets for the Peel region and major regional centres⁵.

Year	Perth and Peel	Major regional centres
2020	65%	50%
2025	67%	55%
2030	70%	60%

Table 6.2: Targets for municipal solid waste material recovery (Waste Strategy 2030)

In regional areas, the greater distances involved in transporting waste and the lower population density can make some recycling opportunities less viable than in more

⁴ Waste from three larger regional cities (Ballarat, Bendigo and Geelong) is levied at the metropolitan rate

⁵ Waste Strategy 2030 lists Albany, Busselton, Bunbury, Greater Geraldton and Kalgoorlie-Boulder as major regional centres

Review of the waste levy

populated areas closer to infrastructure. At the time that the levy was first established in 1998, there were considered to be few recycling opportunities in Western Australia outside the metropolitan area.

Yet despite the views that were formed 20 years ago, about 40 per cent of total non-metropolitan waste is recycled, so clearly at least some opportunities exist to recover waste generated outside the metropolitan area.

A levy on waste generated in areas outside Perth may provide a financial incentive that may result in increased recovery. For example, waste that is produced in larger volumes, that is more costly to transport and that can be recovered with simple processing infrastructure (such as some construction and demolition or organic wastes) may be best recovered locally.

The Perth and Peel region together comprise about 80 per cent of the state's population. About 90 per cent of the population lives within major population centres including Perth, Peel and major regional centres.

The Peel region has roughly doubled in population since the original landfill levy was introduced in 1998, and is projected to have a population of 179,000 by 2023. Its proximity to Perth may give it viable access to similar recycling opportunities.

About 10 per cent of Western Australia's population lives outside the major population centres. This is a large part of the area of Western Australia. When compared with major population centres, in these areas it is relatively less likely that a waste levy will make a significant and efficient contribution towards the targets of Waste Strategy 2030. However, it is still possible that there are additional recycling options in these areas within reach of a levy.

Compliance costs outside the metropolitan area

Landfills that are likely to receive leviable waste are a focus of additional reporting and inspection requirements to ensure that the levy is paid as intended. Currently, these landfills are typically in or around Perth, broadly within an area that comprises less than 5 per cent of the state. In comparison, Perth has about three-quarters of the state's population.

Greater distances would need to be travelled in regional areas to monitor and enforce the application of a levy. In these areas, the expenditure required to ensure compliance would be proportionately greater, particularly in less-populated areas that generate less waste.

To ensure that the levy remains efficient, any decision to expand the waste levy will consider the effect on compliance costs, particularly if the levy were to be extended to areas where landfill volumes and recycling opportunities are relatively small and additional levy revenue is likely to be modest.

Rate outside the metropolitan area

If the waste levy were to apply in areas outside Perth, it could be set at the same rate as Perth, or at a lower rate.

Review of the waste levy

A lower rate would provide less funds to support improved waste management across Western Australia, and would provide a lesser financial incentive to avoid landfill. However, a greater financial incentive to avoid landfill would only lead to increased recycling if suitable potential recycling opportunities exist.

The Peel region is adjacent to Perth and may have similar recycling opportunities to Perth. In New South Wales and Victoria, waste levies for some locations within or near the greater metropolitan regions are set at the metropolitan rate.

In New South Wales, South Australia and Victoria, the rate for major regional centres is about half the metropolitan rate, while in New South Wales and Queensland, remote areas are exempt from the levy.

Reducing avoidance opportunities

There are industry and government concerns that some operators may be avoiding payment of the levy by transporting waste to licensed waste facilities outside the metropolitan region, and failing to disclose (i.e. misclassifying) its origins.

The limited available data does not indicate that misclassification of the geographic origin of waste is currently a major contributor to waste levy avoidance and evasion.

An expanded levy area may reduce potential opportunities for regional misclassification. However, it would only be likely to lead to a material reduction to waste avoidance and evasion under a specific set of circumstances, in which:

- misclassification was a significant contributor to avoidance and evasion
- an expansion of the waste levy area made the locations where waste could be misclassified sufficient distance from where most waste was generated, so as to make transportation unprofitable
- effective measures were in place to address all significant alternative avoidance and evasion opportunities (including measures to ensure accurate reporting of waste flows)
- measures in place that otherwise effectively addressed waste levy avoidance and evasion were still ineffective in addressing geographic misclassification.

It would also expand the compliance area for the waste levy to include locations with low population density from which relatively small quantities of waste originate and from where there would be minimal levy revenue produced. It is therefore unclear that expanding the waste levy area would be an effective and efficient method to reduce overall levy avoidance and evasion.

Other considerations

A number of smaller regional local governments dispose of waste at the licensed landfills of other local governments, where the larger scale allows the landfill to be well managed and regulated. This can be an environmentally beneficial alternative to disposal at a local unregulated facility. It is possible that a waste levy in regional areas may discourage this practice, particularly if it is designed without appropriate safeguards or exemptions.

Review of the waste levy

Chapter 6 - Consultation questions

The department would appreciate your feedback on the following questions:

1. Are there opportunities for the recovery of regional waste that would be made more viable by a regional waste levy?
2. Where are these opportunities most likely to be viable?
3. What rate of waste levy could be required to make them viable?
4. Under specific circumstances, it is possible that an expanded waste levy area could make evasion less financially attractive. How does the cost of transporting waste over long distances compare with the cost of the levy?
5. What other advantages or disadvantages could arise from a regional waste levy?

If you can provide evidence or more detailed information to support your views, this may help make a stronger case for appropriate action.

7 Waste management options to be levied

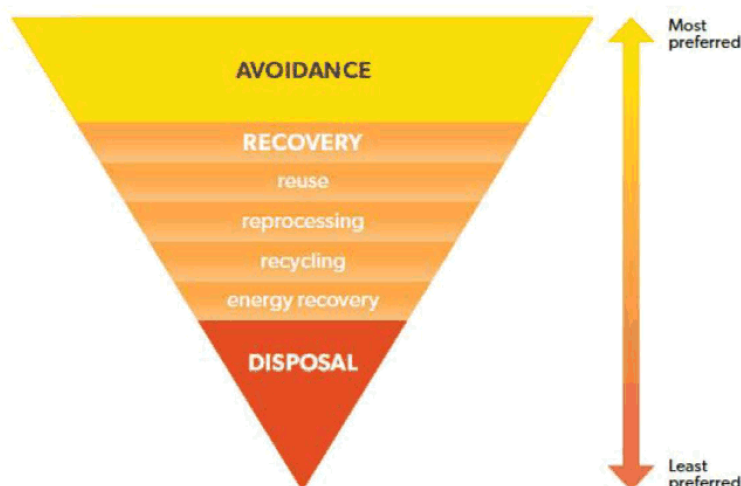
Under current regulations for the waste levy, it is applied only to waste received at landfill premises. At the time that the WARR Levy Act was introduced, in 2007, the wording of legislation was broadened to refer to a levy on waste disposal, rather than on landfill. However, at the time there was no intention to apply the levy to anything other than waste in landfill⁶.

The Act was passed more than 12 years ago, so it is appropriate for a review of the scope and application of the waste levy to reconsider whether other waste management methods should be levied.

Energy recovery

An example of a waste management method that could be levied is energy recovery. The South Australian Environment Protection Authority has [stated](#) that where feedstock has undergone limited processing the primary function of energy recovery is waste disposal. In these cases, South Australia's waste levy may apply.

The waste hierarchy is set out in the *Waste Avoidance and Resource Recovery Act 2007* and *Waste Strategy 2030*. It ranks waste management options in order of their general environmental desirability. The waste hierarchy is used alongside other tools (including economic, social and environmental assessment tools) to inform decision-making.



⁶ Waste Avoidance And Resource Recovery Levy bill 2007, second reading, legislative assembly, 17 October 2007.

Review of the waste levy

Resource recovery options recover value from materials, thereby avoiding environmental impacts of extracting and processing raw materials.

Waste Strategy 2030 gives preference to material recovery over energy recovery and includes a target to recover energy only from residual waste. Energy recovery is preferable to landfill disposal but should only be applied to residual waste once better-practice source-separation approaches have been exhausted. This approach is consistent with work undertaken over several years on the role of waste to energy in Western Australia:

- In 2013 the Environmental Protection Authority released Report 1468 which identified that waste-to-energy processes must target genuine residual waste.
- The Waste Authority released a position statement on waste to energy in 2013, confirming that waste to energy should only be used for genuine residual waste that would otherwise go to landfill. This waste-to-energy position statement will be reviewed and updated in 2020.
- In 2018, the Environmental Protection Authority released Report 1623 following an inquiry into the conditions applying to existing waste-to-energy proposals for residual waste. It recommended a new condition that defines residual waste and requires continuous improvement towards accepting only residual waste, as waste generators improve source separation practices.
- Waste Strategy 2030 includes a target to recover energy only from residual waste by 2020.

[New South Wales](#), [Queensland](#), [Victoria](#) and [South Australia](#) have policies or are developing policies that avoid the use of potentially recoverable materials being used to generate energy.

On 5 March 2019, the Minister for the Environment issued two Ministerial statements under section 46 of the *Environmental Protection Act 1986* amending the implementation conditions for two waste-to-energy facilities in accordance with the EPA's recommendations. The Government of Western Australia anticipates that implementation of the EPA's recommended conditions will ensure that only residual waste⁷ as defined by Waste Strategy 2030 is used to generate energy in Western Australia. If this is the case, a waste levy on residual waste accepted for energy recovery would not have a beneficial effect on improving recovery of materials.

However, if a risk remains that recoverable materials (i.e. non-residual waste) may be used for energy recovery, then the Government may consider additional measures for reducing or prohibiting this.

⁷ Waste that remains after the application of a better practice source separation process and recycling system, consistent with the waste hierarchy as described in section 5 of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act). Where better practice guidance is not available, an entity's material recovery performance will need to meet or exceed the relevant stream target (depending on its source - MSW, C&I or C&D) for the remaining non-recovered materials to be considered residual waste under this waste strategy.

Other waste management options

A waste levy may be a suitable policy instrument to encourage reduction in the level of an activity. However, a levy on an activity implies that some level of activity is considered essential, desirable or tolerable.

Stockpiling of waste

There are currently no thresholds or triggers for making the levy payable in circumstances where waste is stored or stockpiled at waste facilities on a long-term basis or indefinitely. As part of [separate consultation](#) on legislative proposals for waste reform, the Government is examining options for applying a levy to some waste held in stockpiles.

Chapter 7 - Consultation

The department would appreciate your feedback on the following questions:

1. Waste Strategy 2030 proposes that by 2020, only residual waste will be used for energy recovery. How will this requirement affect your waste management operations?
2. Would a waste levy on energy recovery have a different effect on your operations?
3. Are there any other waste management options where applying a levy could help achieve the objective of Waste Strategy 2030?

If you can provide evidence or more detailed information to support your views, this may help make a stronger case for appropriate action.

8 Other improvements to the waste levy

The waste levy is a key policy instrument in helping to achieve the targets of Waste Strategy 2030.

The effectiveness and efficiency of the waste levy in achieving the targets of Waste Strategy 2030 depend on the opportunities and limitations that exist in the waste industry for better management.

Utilising the specialist knowledge of waste managers is essential for government to ensure that the waste levy is as effectively and efficiently designed and implemented as possible.

Chapter 8 - Consultation

The department would appreciate your feedback on the following question:

1. What other changes to the design or implementation of the waste levy could help make it more effective or efficient in achieving the targets of Waste Strategy 2030?

If you can provide evidence or more detailed information to support your views, this may help make a stronger case for appropriate action.

Review of the waste levy

9 How to make a submission

Written submissions

Submissions can be lodged (preferred) at

consult.dwer.wa.gov.au/waste-policy/review-of-the-waste-levy

Hard copies can be mailed to:

Waste Levy Review
Department of Water and Environmental Regulation
Locked Bag 10, Joondalup DC, WA 6919
Closing date: **May 15, 2020, 5pm (WST)**

For further information:

Telephone: (08) 6364 7000

Email: wastelevyreview.query@dwer.wa.gov.au



Submission to the Department of Water and Environmental Regulation (DWER)**Consultation Paper: Review of the waste levy**

The City of Wanneroo welcomes the opportunity to comment on the 'Review of the Waste Levy'. The past 20 plus years have seen dramatic positive changes in the environment, economy and related waste management and resource management sectors. The next 20 years are likely to see similar change, and a move towards circular economies is expected to impact local and global economies from producers and retailers to the entire waste and resources management sector.

Response to Questions**Consultation Questions: Chapter 2*****Are there any beneficial outcomes that can be achieved by a levy beyond those identified in the Objectives of the Waste Strategy 2030?***

Appropriately designed schemes provide a disincentive for disposal of waste to landfill. Landfill levies are a tool for minimising waste:

- they can be set at a rate that better reflects the full social and environmental costs of disposing of waste to landfill;
- they provide incentives for individuals and businesses to reduce their waste;
- by increasing the cost of disposal to landfill they can make alternatives such as recycling more commercially viable;
- they raise revenue that can be invested in modern resource recovery infrastructure, services and other waste diversion initiatives, making it easier for households and businesses to choose alternative ways of dealing with their waste.
- There is potential to use levy funds to address issues such as illegal or unregulated disposal that could otherwise undermine the effectiveness of the levy. This could include directing funds towards monitoring and enforcement and by prioritising spending on services and infrastructure in areas where these are lacking (such as rural areas).

Consultation Questions: Chapter 3***1. Are there any other strengths or weaknesses of a waste levy as an instrument for achieving the objectives of the Waste Strategy 2030?***

Levies are very successful in generating revenues. Success in driving overall reductions in waste disposal to landfill has been more modest where levies are set at relatively low levels. The main purpose of landfill levies or taxes is to make the alternatives to landfilling more attractive and to guide waste producers to recycle, prevent and minimise waste. Overseas evidence appears to confirm that for any levy to be effective it needs to be sufficiently high to make alternatives to landfill commercially viable. In the UK, a landfill tax was introduced in 1996. Since 2000/01, the volume of general waste collected by local governments in the UK that is sent to landfill has reduced from approximately 22 million tonnes to less than 10 million tonnes (DEFRA 2012). Even since then, the landfill levy on general waste to landfill has increased from \$120 per tonne in 2012 to \$175 per tonne since 1st April 2020, in an effort to encourage further investment in newer resource recovery technologies and to discourage landfill.

The landfill levy is one tool to avoid and minimise waste production but it is not enough of an incentive to encourage all stakeholders to contribute to the Waste Strategy Objectives of Avoid,

Recover, Protect and meet the Waste Strategy Targets. Emphasis has been placed on managing waste produced by the community and industry but little on avoiding waste production, which sits at the top of the waste hierarchy and is a key element of the Waste Strategy. The Waste Avoidance and Resource Recovery Act contains provisions to establish state based product Stewardship Schemes such as the Container Deposit Scheme. However, producers or importers of products have a role to play by participating in product stewardship approaches and extended producer responsibility schemes as they are developed in WA to ensure that products are fully recyclable.

Consultation Questions: Chapter 4

1. How has the waste levy benefitted or affected your waste business or operations?

In support of the previous and current state waste strategies, the City has made plans to introduce a separately collected organics recycling bin. A change to a three-bin system represents a substantial investment for local governments. The Better Bins Program offers funding to support the source separation of waste using a three-bin kerbside collection system. The funding pays \$30 per household to local governments to implement a three-bin kerbside collection system. The City will receive \$2.5 million funding to support the introduction of the third bin, however the capital costs for the City to procure new bins and change lids is much greater than this, at approximately \$6.8 million, which the City is required to self-fund. Added to this, there is no support for the ongoing annual operational costs, expected to be around \$1-1.5 million per year.

2. Can you advise of any recycling and waste diversion opportunities that would become viable if the waste levy was increased or applied in a different way? What rate of levy could be required to make these viable?

The use of revenue collected from the levy is another example of differences in waste policy across jurisdictions. In Western Australia, prior to 2010, 100 per cent of the levy revenue was hypothecated for spending on strategic waste management activities. Now only 25 per cent of the levy revenue is hypothecated and allocated to the WARR Account to fund the following waste and recycling programs:

- a) Better Bins Programs: designed to assist Local Governments with implementing better practice kerbside collection systems
- b) Charitable Recyclers Dumping Reduction Program: supports charitable recyclers that divert used items from landfill and recover them for recycling and reuse.
- c) Charitable Recyclers rebate: this funded program rebates the landfill levy paid by charitable recyclers on unusual material left at their facilities
- d) Community and Industry Engagement (CIE): provides funding under two streams
Stream 1: supports investment in recycling infrastructure with a maximum grant of \$250,000 per project
Stream 2: General funding supports organisations to develop and implement projects that promote behaviour change through better practice systems, processes, education and knowledge.
- e) Roads to Reuse: promotes the use of recycled construction and demolition products in road construction projects

The range of programs that can access funding could potentially be expanded to include:

- initiatives that require capital at the start to cover setup costs that might otherwise be uneconomical, but over time can become self-sustaining;
- Initiatives that have the potential to lead to new methods of waste minimisation and drive innovation in the sector
- Creation of onshore waste/materials (re)processing capability to build resilience for external market changes and reduce reliance on overseas recyclers;
- Increase funding for infrastructure projects – currently the maximum funding available is \$250,000
- The significantly increased revenues should be distributed in an efficient manner, with the most appropriate funding mechanism being used based upon the size or nature of the project (e.g. grant funding for smaller projects). Funds should be distributed according to infrastructure needs to align with relevant regional and local waste management planning strategies.

3. *Please provide information on potential impacts which may result from increasing the waste levy*

Increasing the levy is likely to have direct impacts on litter and illegal dumping, as well as compliance, enforcement, education and management efforts to minimise impacts from these activities. Local governments are most likely to bear the brunt of these impacts due to the associated enforcement, clean-up and mitigation costs. Illegal dumping of Construction and Demolition waste can be minimised through the availability of recycling options that are provided at lower cost than landfill disposal costs. At a local level, increasing the waste levy could potentially have a direct impact on householders who deposit household bulky waste items at community recycling centres. An increase in the waste levy will ultimately lead to an increase in the waste disposal fee at these sites, which could potentially lead to an increase in illegal dumping activities, as householders are reluctant to pay the increase in waste fees.

4. *If you knew when the waste levy was going to be varied, how would it affect your decisions about managing waste or related investments?*

For long-term infrastructural projects many local governments are required to prepare business cases. Currently the waste levy is reviewed every 5 years, the City is of the opinion that the review of the levy should be extended to greater than five years to allow Local Governments to forecast and plan for waste infrastructure projects.

Consultation Questions: Chapter 5

1. *How might the Government best balance the need for responsiveness to emerging knowledge about best practice waste management with the benefits of providing the confidence about future waste levy rates?*

The levy may currently represent a small part of municipal landfill operator public 'gate fees' or commercial rates they charge to accept waste, meaning it is hard to accurately predict impacts of changes to the levy. These rates vary depending on economies of scale, the age of the landfill, its capacity to accept waste and other commercial factors such as the degree of local competition. The Government cannot predict how the sector will pass increased levy costs onto customers because waste services are subject to varying degrees of price competition in different areas. However, as a

general rule the assumption is that landfill operators will directly pass the cost of an increased levy on to customers

Consultation Questions: Chapter 6

1. Are there *opportunities for the recovery of regional waste that would be made more viable by a regional waste levy*?

Historically the levy has been applied to areas that are highly populated and therefore produce a high proportion of waste. However, there are still many areas of Western Australia that are generating or receiving large volumes of waste which are not attracting the levy. Differences in regulatory arrangements between jurisdictions, particularly landfill levies, create an opportunity for the transport of waste between jurisdictions to avoid or reduce the amount of levy incurred. For example, currently the levy applies to waste generated and disposed to landfill in Perth Metropolitan area or waste received at landfills in the Perth Metropolitan area. The lack of a levy in regional landfills provides a major commercial incentive for waste to be transported from Perth Metropolitan to regional Western Australia because it is cheaper to landfill waste in these areas. It could be argued that if a levy was applied to regional waste that the revenue generated from these areas could potentially be 'ring fenced' and only those regional areas that paid the levy could access the funds. In essence the region is no worse off because any revenue raised from the region comes back to the region.

2. Where are these opportunities most likely to be viable?

The application of the levy to Major Regional Centres could effectively neutralise the benefits of transporting metropolitan waste to these regions in a bid to avoid paying the levy by increasing the total costs of disposal. It could be argued that if more than 25% of the levy raised in non-metropolitan areas is dedicated to the implementation of strategic waste management initiatives in those areas then that could have a positive effect in non-metropolitan areas, and could also offset any potential loss in revenue to those regional facilities that may eventuate.

3. What rate of waste levy could be required to make them viable?

According to the 2017-18 Local Government Census of WA 396,998 tonnes of waste was collected of which 286,599 tonnes was landfilled. If a reduced levy rate was applied at a rate of half of the metro levy (currently \$35) the non-metropolitan area of Western Australia would generate approximately \$10 million per annum. However, as 25% of the monies generated from the levy is allocated to WARR account \$2.5 million would be available to regional local governments for waste management activities. This money could potentially be ring fenced specifically for regional local governments. By collecting and committing funds to reinvestment of infrastructure and programs that support local waste management and reprocessing opportunities for regional and remote communities, barriers such as prohibitive transportation costs could be avoided and local economic benefits for these communities realised. That is to say, there is some support for the levy to be applied to licensed landfills outside the metropolitan area, provided it is managed in such a way that it is not detrimental to non-metropolitan communities.

4. Under specific circumstances, it is possible that an expanded waste levy area could make evasion less financially attractive. How does the cost of transporting waste over long distances compare with the cost of the levy?

Differentials in levies across regions and between states has created a levy avoidance industry, both legal and illegal resulting in potentially recyclable material ending up in landfill, and hazardous material being disposed of inappropriately. This could potentially become an issue in Western Australia where waste may be transported outside of Perth Metropolitan area. In order to assess indicative costs associated with the transport of waste, the type of transport and associated loading costs and the distance from source to the disposal point must be identified. From there the local disposal cost option is compared to the cost of remote transfer and disposal. The national harmonisation of waste levies would remove the incentive to send waste to other jurisdictions.

5. *What other advantages or disadvantages could arise from a regional waste levy?*

Levies are only one part of an effective waste management strategy that looks to drive innovation and community engagement. Reinvestment of funds back into the sector is an important part of an integrated approach that must cover a broad range of stakeholders and is demonstrated by the approach taken by several states in their latest initiatives. It could be argued that the levy is a tax on waste generated thus allowing people to become more responsible for their waste generation – the more waste that is generated the more costly it becomes to dispose of.

Another potential approach is differential pricing for landfill levy - set a higher rate for metropolitan waste (i.e. waste generated closer to major urban centres) and a lower rate for waste from rural areas. This pricing structure, which is employed in most Australian states and territories, aims to address the different financial and operational considerations for rural and metropolitan areas, such as:

- Lower population densities in rural areas increases the costs of waste transportation relative to metropolitan regions. The imposition of a waste levy compounds these waste transport costs, increasing the relative costs of regional landfills;
- Access to recycling services is reduced for rural populations, for example, there is much more limited implementation of kerbside recycling due to the higher costs associated with population spread;
- Metropolitan areas are in a better position to reduce waste disposal and increase reuse and recycling compared to rural areas;
- Demographic trends in Australia are such that younger people tend to migrate from rural areas to metropolitan areas, reducing the available workforce in rural areas. This requires higher salaries in rural areas to attract and retain landfill personnel, pushing up operational costs. Australia's population is highly urbanised and rural areas are very sparsely populated. This pricing structure addresses the particular requirements presented by this population distribution.

A disadvantage of applying a levy to regional areas is that small regional landfills receiving <5,000 tonnes of waste per annum would remain exempt from the levy given the lack of economies of scale required to support the required infrastructure. Many regional landfills are currently unequipped to apply and administer the levy. To apply the levy regional landfills would require weighbridges, increased resources (administrative staff) and appropriate data software. Also applying the levy could potentially decrease the annual tonnage received at a facility resulting in a loss of revenue for the local government

Consultation Questions: Chapter 7**1. *Waste Strategy 2030 proposes that by 2020, only residual waste will be used for energy recovery. How will this requirement affect your waste management operations?***

The State Planning Strategy 2050 in conjunction with the Waste Strategy requires action to be taken to reduce waste to landfill and increase resource recovery and waste avoidance through improved strategic planning. Long term infrastructure planning was recognised in the 2012 WA Waste Strategy as essential but little progress has occurred since. Without a detailed plan to guide the state's waste infrastructure requirements there is a risk that Local Governments will have conflicting priorities and lack the resources and financial capacity to plan for longer term waste management. In the absence of any direction from the State, waste operators are more likely to focus on local priorities and more immediate commercial factors rather than longer term options that better align with the Waste Strategy. An example of this is the construction of two waste to energy facilities for disposal of residual waste located south of the river in Rockingham and Kwinana. With no similar facilities elsewhere in the Perth Metropolitan area one would expect such large infrastructure to be located further apart, perhaps in the northern corridor which is one of the fastest growing areas in WA which would enable more local governments to participate whilst minimising transport distances and costs. Considering the City is a member of Mandurah Regional Council (MRC) who operates the only landfill in the northern corridor (Tamala Park Landfill) the City will be required to liaise with MRC to determine the remaining lifespan of the landfill prior to investigating waste to energy.

In 2018 prior to the publication of the Waste Strategy the City undertook a service delivery review of its waste management services to determine the most sustainable way of dealing with the City's waste materials. A transition plan was developed which highlights the pathway required to move from current operations to proposed future operations. In line with the waste hierarchy the City's residual waste will continue to be disposed to landfill until a Waste to Energy option becomes available.

2. *Would a waste levy on energy recovery have a different effect on your operations?*

The Waste Strategy specifically states that '*Consistent with the waste hierarchy and circular economy approaches, material recovery is preferred over energy recovery. Energy recovery is preferable to landfill disposal but should only be applied to residual waste once better practice source separation approaches have been exhausted*'. Burning recyclable material is not a solution; it is a surrender of valuable resources. Incinerators only make use of materials for their calorific value. They are not compatible with the objectives of a circular economy. Further, as an energy source, burning waste is not renewable and it is carbon intensive. Having spent decades rolling out infrastructure and educating communities about recycling, and having earned the public's support for recycling, government needs to ensure that recycling is maintained as a policy priority. Any levies employed to disincentivise the disposal of organic materials in waste to energy facilities must not negatively impact on these historic good practices and positive messaging. A separate levy may be appropriate to increase the cost of thermally treating potentially recyclable materials (i.e. organic wastes), but one that is less than that employed for the disposal of materials in landfill. This equates with the principles of the waste hierarchy and a circular economy.

The impact of landfill diversion depends on the financial viability of waste to energy facilities. CIE finds that waste to energy facilities would become financially viable at a gate fee of \$150 per tonne and larger facilities would be viable at a lower gate fee. Depending on the technology, a large facility might reduce unit costs anywhere from 10 per cent to 35 per cent. With future levy increases and the introduction of the carbon price, landfill prices will continue to increase and therefore waste to energy facilities may become more financially viable in the coming years.

3. *Are there any other waste management options where applying a levy could help achieve the objective of the Waste Strategy 2030?*

Higher waste levies could potentially be applied to waste disposed of at facilities that are not in line with the waste hierarchy. Waste levy avoidance is a significant driver for the stockpiling of waste and other material. There are currently no thresholds or triggers for making the waste levy payable in circumstances where waste is stored or stockpiled at waste facilities (which are not landfills) on a long term basis or indefinitely. The most prevalent materials stockpiled include soils, fill and overburden, and construction and demolition waste. Stockpiling has been repeatedly raised by industry as a significant concern due to the potential for levy avoidance through the indefinite holding of material without either recovering and selling the materials or disposing of the material to landfill. In considering this issue, there is a need to balance the reasonable need of many businesses and local governments to undertake a degree of stockpiling against the excessive stockpiling that can create environmental, abandonment or unfair competition risks. Waste stockpiling limits can be implemented through licence conditions under Part 5 of the Environmental Protection Act to prevent or mitigate pollution or environmental harm. A potential option would be if waste is stockpiled at a facility for >12months it would be subject to a waste levy unless it can be demonstrated that processing of that waste material to become a reusable material or product has commenced and/or there is supporting evidence that the processed waste will be sold or used shortly after the 12 month time limit (supply contracts). This facilitates the purpose and need for stockpiling, and facilities are effectively held accountable to this, creating a greater incentive for material to be circulated back into the economy and reducing the potential for market distortion.

Consultation Questions: Chapter 8

1. *What other changes to the design or implementation of the waste levy could help make it more effective or efficient in achieving the targets of the Waste Strategy 2030?*

Currently local governments are liaising with many departments (Department of Water and Environmental Regulation, Environmental Protection Authority and the Waste Authority) in relation to waste management activities. To streamline and improve efficiencies in services a single responsible Agency may be more beneficial.

The waste levy has changed significantly since it was first introduced in Western Australia in 1998, through the *Environmental Protection Landfill Levy Act 1998*. In the Second Reading Speech of the Act it was outlined that money raised through the Levy was only to be used to fund programs approved by the Minister relating to the management, reduction, re-use, recycling, monitoring or measurement of waste and administering the Fund. It was stated the levy was not to be used to fund "normal ongoing operations of the Department".

Local Government's support of the levy was conditional on the understanding that funds generated would only be used within the bounds of these specified restrictions. The levy was set at \$3 per tonne for putrescible waste and \$1 per cubic metre for inert wastes and all collected money was hypothecated for use in encouraging recycling. The current levy is \$70 per tonne for putrescible waste and \$105 per cubic metre for inert wastes.

In 2007, the legislation changed and the levy became the Waste Avoidance and Resource Recovery Levy (WARR Levy Act). In accordance with this Act each year the Minister for Environment must allocate not less than 25% of the forecast levy amount to the WARR Account. In 2009 when the Government introduced the Waste Avoidance and Resource Recovery Amendment Act 75% of the levy was allocated to 'ongoing operations of DEC now DWER and an increase in the levy. For 2019-20 an estimated \$88 million (Table 1) will be raised from the levy, of which \$22 million (25%) will be paid into the Waste Avoidance and Resource Recovery Account for investment into waste and recycling activities. The Western Australia budget for 2019 also includes an allocation of \$4.4 million to begin implementing the Container Deposit Scheme, which is due to commence in June 2020. Monies allocated to the WARR account should be increased to 75% as was originally intended so that the levy is expended on strategic waste management initiatives rather than allocating a higher proportion of the levy on State Government core activities including the activities of the DWER.

Table 1: 2019/2020 estimated levy raised for waste and recycling activities.

	Estimated 2018-19 (\$m)	Percentage (%)
WARR Account	\$22	25%
General Revenue	\$66	75%
Total Levy Raised	\$88	100%

AS05-06/20 Closing the Loop - Waste Reforms for a Circular Economy

File Ref: 5302 – 20/251783
Responsible Officer: Director Assets
Disclosure of Interest: Nil
Attachments: 2

Issue

To provide comment to the Department of Water and Environmental Regulation (**DWER**) on 'Closing the Loop: waste reforms for a circular economy' Consultation Paper.

Background

DWER has developed a consultation paper (**Attachment 1**), seeking feedback on detailed legislative proposals to improve waste management and support a circular economy for Western Australia (WA). The Waste Avoidance and Resource Recovery Strategy 2030 (Waste Strategy) outlines approaches to minimise the production of waste and promote waste material recovery to support WA transforming to a circular economy. The waste reform process and the legislative options in this paper have been developed in direct alignment with the Waste Strategy to protect human health and the environment from waste whilst also supporting a shift to a circular economy.

To support waste reform objectives, the following new detailed legislative proposals are discussed in the consultation paper:

- Reviewing the waste levy exemptions under the *Waste Avoidance and Resource Recovery Levy Regulations 2008* (WARR Levy Regulations);
- Clarifying used tyre storage categories in the Environmental Protection (**EP**) Regulations and their role in relation to the waste levy;
- Simplifying solid waste licencing categories under the EP Regulations to form one licencing category for storage, sorting and reprocessing of solid waste;
- New compliance and enforcement mechanisms to minimise unlawful waste disposal; and
- Improving the administration of the waste levy return framework via a notice of assessment process.

Detail

The consultation paper builds on legislative proposals outlined in the 2017 discussion paper *Waste Reform Project: Proposed approaches for legislative reform* (Waste Reform Paper) and introduces new proposals to address the following:

1. Protecting human health and the environment from waste: minimising the production of waste and its disposal is key for reducing risks to human health and the environment;
2. Supporting a circular economy: where the reuse and recycling of materials is a key component for 'closing the loop', with final disposal to landfill a last resort;
3. Implementation of the Waste Strategy: which is to be actioned by the State Government to support the Waste Strategy Action plan;
4. Promoting the re-use and reprocessing of waste for beneficial secondary use: there are opportunities to improve the recovery and recycling of materials to support material recovery to 75% by 2030;
5. Eliminating illegal waste disposal activities: Additional compliance and enforcement measures under the EP Act may be required to minimise illegal waste activities;
6. Minimising waste stockpiling: Long term stockpiling of waste can undermine the establishment of a circular economy by removing recoverable waste from future use.

- Excessive stock piling can also create human health and environmental risks (fires, odour, dust);
7. Improve the implementation of the waste levy: ensuring the waste levies effectively applied reduce the opportunities for levy avoidance and evasion and will ensure the levy remains a relevant economic lever to reduce waste disposal to landfill;
 8. Strengthening and streamlining waste legislation in Western Australia: In WA waste is regulated under two separate pieces of legislation:
 - Waste policy and the waste levy are primarily regulated under the WARR Act and the WARR Levy Act; and
 - The environmental protection regime for waste management is established under the EP Act.

Strengthening and streamlining legislation relating to waste under the two legislative frameworks is required to ensure there is a consistent approach which reflects the objectives of the Waste Strategy 2030 and that waste is regulated to minimise risks to human health and the environment.

Consultation

DWER has produced this consultation paper and is the subject of this report; and requests feedback and comment by 15 July 2020, extended from 15 May 2020.

Comment

Administration has reviewed the consultation paper and considered the legislative proposals to improve waste management. For ease of review the following is a summary of the options presented in each chapter in the consultation paper and the option the City is supportive of. A more in depth analysis of each option is provided in **Attachment 2**.

Chapter 7: Align the Environmental Protection (EP) Act with the Waste Avoidance and Resource Recovery (WARR) Objectives.
<i>Option 1: No Change to the EP Act</i>
<i>Option 2: Amend the EP Act to incorporate waste avoidance and resource recovery objectives.</i>
The City is supportive of Option 2 as a change to the EP Act would clarify that licence conditions could potentially be developed to require the management of waste in accordance with the waste hierarchy and Waste Strategy. Conditions may be attached to licences to prevent waste stockpiling related to avoidance of the waste levy which is prevalent in WA.
Chapter 8: Clarifying the application of the waste levy.
<i>Option 1: No change – maintain existing terminology in waste legislation</i>
<i>Option 2: Amend the WARR Levy Regulations and the WARR Levy Act for waste ‘received’ at relevant waste premises</i>
<i>Option 3: Amend the WARR Levy Regulations and the WARR Levy Act for waste ‘deposited’ at relevant waste premises</i>
The City is supportive of Option 2 as modernising key waste legislative terms would resolve the issue of material being received on site and stockpiled. Once material is <i>received</i> on site it would automatically be subject to the waste levy. Stockpiling of waste material undermines the market value of Construction and Demolition waste and does not maintain a level playing field in the industry.
Chapter 9: Modernising landfill licensing and levy liability for waste disposal.
<i>Option 1: No Change - Maintain existing five landfill licence categories (63, 64, 65, 66, 89)</i>
<i>Option 2: Three landfill categories – 63, 66, and combined categories for 64, 65 and 89</i>
<i>Option 3: Single landfill category – merge five landfill categories (63, 64, 65, 66, 89)</i>
The City is supportive of Option 2 - three landfill categories. Category 63 relates to inert landfills, Categories 64, 65 and 89 are consolidated as putrescible landfills and Category 66 remains as an intractable (hazardous) landfill. Three categories of landfill simplify the licencing regime and also reflect similar potential risks to the environment and human health.

Chapter 10: Simplifying the solid waste licencing categories.*Option 1: Maintain existing category descriptions**Option 2: Clarifying solid waste licensing categories 61A and 62**Option 3: Merging solid waste categories and used tyre storage categories*

The City is supportive of Option 2 - Clarifying solid waste licensing categories. Currently Category 61A (solid waste facility) and Category 62 (solid waste depot) both permit waste storage as part of their licenced activity. Both categories have overlapping activities which is confusing for proponents when applying for a licence while also creating regulatory complexity. Category 61A permits discharge to land which was never the intent of a solid waste facility and potentially overlaps with the landfill licensing categories 63, 64, 65, 66 & 89. Category 62 should be revised to 'storage of waste' and not 'sorting of waste'. Categories should be aligned to reflect actual industry practice and planning. Better Practice Guidance for different industry types is also required.

Chapter 11: Minimising stockpiling at waste storage facilities.*Option 1: No levy for stockpiling at solid waste storage premises**Option 2: Levy liability for solid waste facilities, depots and used tyre storage remises that stockpile waste for over 12 months**Option 3: Upfront levy payment for waste storage premises with levy exemptions*

The City is supportive of Option 1 as long term stockpiling can be regulated by imposing a condition in the licence limiting the amount of material that can be stockpiled on site at any one time. If the licence holder is in breach of a licence condition then fines should be imposed.

Chapter 12: Waste levy exemptions.*Option 1: Maintain existing exemptions**Option 2: Key amendments to the waste levy exemptions**Option 3: Changes to regulation 5(1)(b) – waste levy exemptions*

The City is supportive of this Option 2 - Key amendments to waste levy exemptions include:

- For waste used in landfill cell construction, maintenance of cell liners, bund walls, leachate systems, hardstands, building foundations, haul roads. This supports greater reuse and recycling of waste materials;
- A time limit of 24 months for applying for an exemption after which time the levy becomes payable. This encourages timely application for waste exemptions relating to waste stockpiles;
- Removing CEO obligation to estimate the quantity of exempt waste. This puts the onus on the licensee to conduct their own calculations and estimates for exempt waste.

Chapter 13: Improving solid waste reporting from waste facilities.*Option 1: Maintain existing waste reporting approach**Option 2: Mass balance reporting within 800km of Perth metropolitan region**Option 3: Mass balance reporting state-wide approach*

The City is supportive of Option 3 mass balance reporting for the following reasons:

- provides greater transparency provided in relation to the volume and quantities of waste generated and reported on;
- Waste can be tracked more easily;
- Improves data accuracy and eliminates data gaps.

Chapter 14: Compliance and enforcement measures for waste.*Option 1: No change to the EP Act**Option 2: Options to minimise unlawful disposal of waste*

The City is supportive of Option 2 for stronger enforcement measures and powers to prevent and combat illegal waste activities. The new measures include:

- A new offence for waste disposal at unlicensed waste facilities;
- Waste restriction notices which are issued by authorised officers to immediately cease the receipt of all waste, temporarily prohibit access and the importation of waste at unlicensed sites for a period of up to 21 days. In instances where the restriction notice

is not complied with the site can be secured with daily penalties for non-compliance with the notice;

- Waste tracking through GPS;
- Record keeping;
- Video monitoring at waste premises;
- New penalties for repeat waste offenders;
- New penalties for waste stockpiling;
- New infringement notices for unlawful waste disposal;
- New powers to identify persons in charge of vehicles;
- Signage indicating unlawful waste disposal at a site.

Under these proposed new measures waste becomes a shared responsibility and the onus is on waste generators, waste transporters and waste operators to prove the end disposal point is licenced thus preventing illegal disposal of waste.

Generally, Administration is supportive of the principles which the proposals in the consultation discuss. Imposing these changes is more likely to ensure that DWER has better access to information and the necessary tools to allow it to regulate the waste management industry in a manner which follows the concepts and targets set with the Waste Strategy than is currently the case.

Statutory Compliance

Nil

Strategic Implications

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

“3 *Environment (Natural)*

3.3 *Reduce, Reuse, Recycle, Waste*

3.3.3 *Create and promote waste management solutions”*

Risk Management Considerations

Risk Title	Risk Rating
CO-022 <i>Environmental Management</i>	<i>High</i>
Accountability	Action Planning Option
<i>Director Community & Place</i>	Manage

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

Policy Implications

The City's Waste Management Services Policy defines the level of waste management service to be delivered to the community. The City's Strategic Waste Management Plan 2016 – 2022 is aligned with the Waste Strategy.

Financial Implications

Financial impacts of these reforms on the City's Waste Services would only be known once new strategies as a result of these reforms are implemented; and would need consideration by Council as part of ongoing annual budget processes.



Voting Requirements

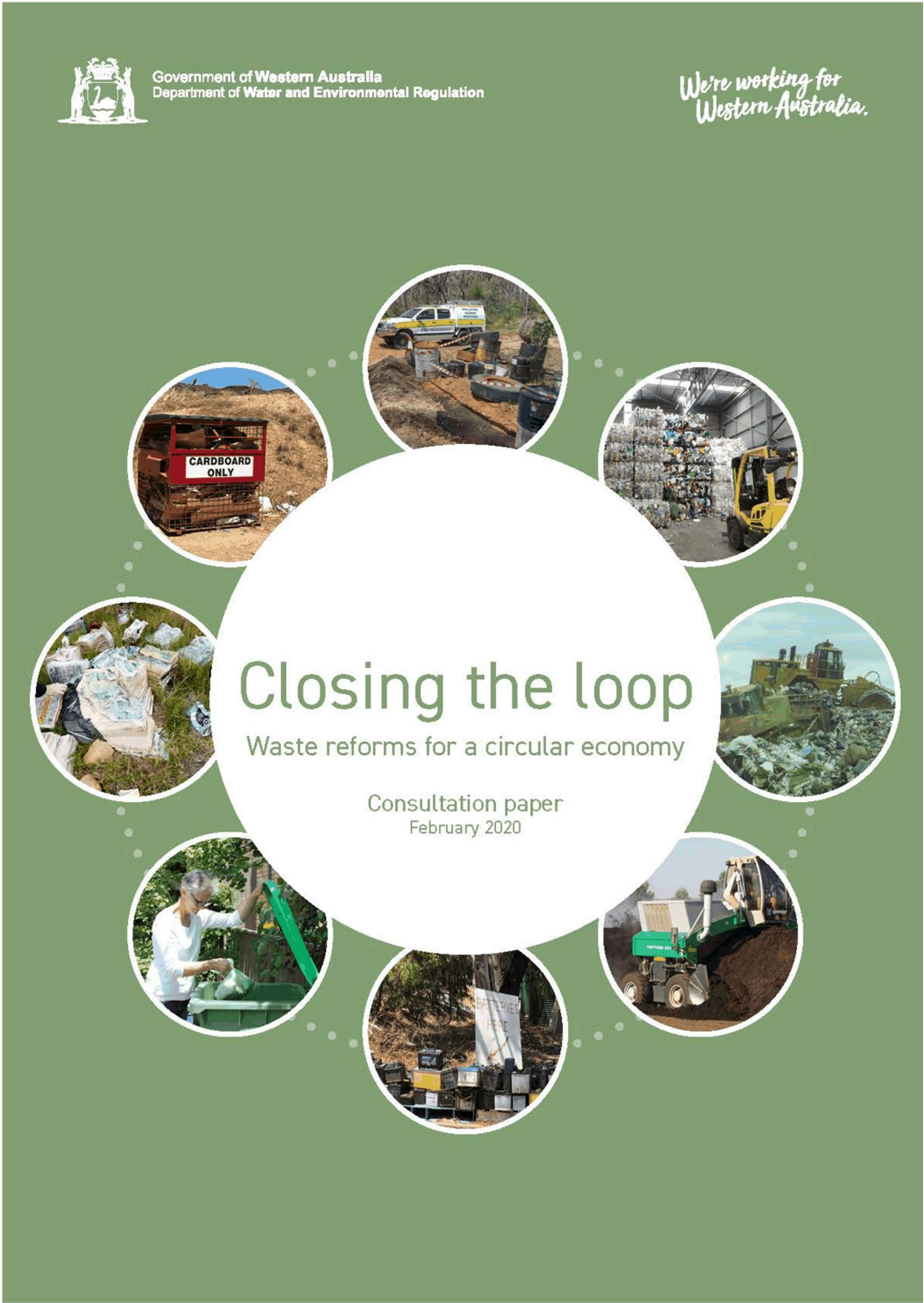
Simple Majority

Recommendation

That Council ENDORSES the City's response to the Department of Water and Environmental Regulation's 'Closing the Loop: Waste reforms for a circular economy' Consultation Paper as contained in Attachment 2.

Attachments:

- | | | |
|---|--|-------------------|
| 1  | Attachment 1 - Consultation Paper-Closing the Loop: Waste reforms for a circular economy | 20/116849 |
| 2  | Attachment 2 - Closing the Loop Consultation Paper Response | 20/116841 Minuted |



Closing the loop - waste reforms for a circular economy

Consultation paper

Department of Water and Environmental Regulation
February 2020

Department of Water and Environmental Regulation
Prime House, 8 Davidson Terrace
Joondalup Western Australia 6027
Locked Bag 10 Joondalup DC WA 6919

Phone: 08 6364 7000

Fax: 08 6364 7001

National Relay Service 13 36 77

dwer.wa.gov.au

© Government of Western Australia

February 2020

FIRST 115814

This work is copyright. You may download, display, print and reproduce this material in unaltered form only (retaining this notice) for your personal, non-commercial use or use within your organisation. Apart from any use as permitted under the *Copyright Act 1968*, all other rights are reserved. Requests and inquiries concerning reproduction and rights should be addressed to the Department of Water and Environmental Regulation.

For more information about this report, contact:

closingtheloop.queries@dwer.wa.gov.au

Disclaimer

This document has been published by the Department of Water and Environmental Regulation. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the Department of Water and Environmental Regulation and its employees are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

This publication is available at our website www.dwer.wa.gov.au or for those with special needs it can be made available in alternative formats such as audio, large print, or Braille.

Closing the loop – waste reforms for a circular economy

Contents

Contents	iii
1 Consultation on legislative proposals for waste reform	1
1.1 How to make a submission	1
2 Introduction	3
3 Purpose of waste reform	4
3.1 Guiding objectives	4
3.1.1 Protect human health and the environment from waste	4
3.1.2 Support a circular economy	4
3.2 High-level outcomes for waste reform	4
3.2.1 Implementation of the Waste Strategy 2030	4
3.2.2 Promotion of the re-use and reprocessing of waste for beneficial secondary use	5
3.3 Supporting strategies for waste reform	6
3.3.1 Eliminate illegal waste disposal activities	6
3.3.2 Minimise waste stockpiling	6
3.3.3 Improve the implementation of the waste levy	7
3.3.4 Strengthen and streamline waste legislation in Western Australia	7
4 Scope of paper	8
4.1 Waste Reform Paper 2017	8
4.2 New proposals for waste reform	8
4.3 Out of scope	9
4.4 Regulatory Impact Assessment (RIA)	9
5 Waste legislative framework in Western Australia	11
6 Summary of waste reform proposals	12
7 Aligning the EP Act with waste avoidance and resource recovery objectives	22
7.1 Key issues to address	22
7.1.1 Objectives under section 4A of the EP Act	22
7.1.2 Licensing under Part V Division 3 of the EP Act	22
7.2 Consultation feedback	22
7.3 Proposed legislative options	23
7.3.1 Option 1: No changes to the EP Act	23
7.3.2 Option 2: Amend the EP Act to incorporate waste avoidance resource recovery objectives	23
8 Clarifying the application of the waste levy	25
8.1 Key issues to address	25
8.1.1 Disposal premises	25
8.1.2 Receiving waste at disposal premises	25
8.1.3 Waste received for disposal to landfill	25
8.2 Consultation feedback	25
8.3 Proposed legislative options	26
8.3.1 Option 1: Maintain terminology in WARR Levy Act and WARR Levy Regulations	26
8.3.2 Option 2: Amend WARR Levy Act and WARR Levy Regulations – Waste “received” at relevant waste premises	26
8.3.3 Option 3: Amend WARR Levy Act and WARR Levy Regulations – Waste “deposited” at relevant waste premises	27
8.3.4 Consequential changes to terminology in waste legislation	28

8.3.5	Application of the levy.....	28
9	Modernising landfill licensing and levy liability for waste disposal	29
9.1	Key issues to address	29
9.1.1	Schedule 1 Landfill Categories	29
9.1.2	"Accepted for Burial"	29
9.1.3	Regulating waste disposal to land in other jurisdictions.....	29
9.1.4	Landfill Waste Classification and Waste Definitions 1996 (as amended 2019) (Waste Definitions).....	29
9.1.5	Category 53 – Fly ash disposal.....	30
9.2	Consultation feedback	30
9.3	Proposed legislative options.....	31
9.3.1	Option 1: Maintain five landfill categories	31
9.3.2	Option 2: Three landfill categories – Waste Disposal to Land.....	31
9.3.3	Option 3: Single landfill category – Waste Disposal to Land.....	34
9.3.4	Category 89 landfills – local governments	36
9.3.5	Licensing fees.....	36
9.3.6	Legislative framework to support waste-derived materials.....	37
9.3.7	Waste levy	37
10	Simplifying the solid waste licensing categories	39
10.1	Key issues to address	39
10.1.1	Streamlining the solid waste licensing categories.....	39
10.1.2	Solid waste licensing categories are regulating the same activities.....	39
10.1.3	Used tyre storage	39
10.1.4	Material recovery facilities.....	39
10.1.5	Scrap metal recycling (metal scrapyards)	40
10.2	Consultation feedback	40
10.3	Proposed legislative options.....	40
10.3.1	Option 1: Maintain existing category descriptions.....	40
10.3.2	Option 2: Clarifying solid waste licensing Categories 61A and 62	40
10.3.3	Option 3: Merging solid waste categories and used tyre storage categories	42
11	Minimising stockpiling at waste storage premises	45
11.1	Key issues to address	45
11.1.1	Waste stockpiling and levy avoidance	45
11.1.2	Waste tyre stockpiling.....	45
11.1.3	Government financial risk	45
11.2	Consultation feedback	46
11.3	Proposed legislative options.....	46
11.3.1	Option 1: No levy for stockpiling at solid waste storage premises	46
11.3.2	Option 2: Levy liability for solid waste facilities, depots, and used tyre storage premises that stockpile waste for over 12 months.....	47
11.3.3	Option 3: Upfront levy payment for waste storage premises, with levy exemptions	48
11.3.4	Existing waste stockpiles.....	49
11.3.5	Waste levy rates	49
11.3.6	Application of the levy for waste stockpiling.....	49
11.3.7	Financial assurances	50
12	Waste levy exemptions	51
12.1	Key issues to address	51
12.1.1	Waste used for construction and maintenance works.....	51
12.1.2	Waste collected or stored for re-use, reprocessing, recycling or energy recovery	51
12.1.3	Collecting and storing waste at disposal premises	52

Closing the loop – waste reforms for a circular economy

12.1.4	No retrospective time limit for waste levy exemptions	52
12.1.5	Licensee fails to estimate the weight or volume of exempt waste.....	52
12.2	Consultation feedback	53
12.3	Proposed legislative options.....	53
12.3.1	Option 1: Maintain existing exemptions	53
12.3.2	Option 2: Key amendments to the waste levy exemptions	53
12.3.3	Option 3: Changes to regulation 5(1)(b) – waste levy exemptions.....	55
12.3.4	Waste-derived materials	56
13	Improving solid waste reporting from waste facilities.....	57
13.1	Key issues to address	57
13.1.1	Waste disposal and recycling data is limited in Western Australia.....	57
13.1.2	Stockpiling or illegal diversion of waste	57
13.1.3	Waste Strategy 2030	57
13.2	Consultation feedback	58
13.3	Proposed legislative options.....	58
13.3.1	Option 1: Maintain existing waste reporting approach	58
13.3.2	Option 2: Mass Balance Reporting – within 800 km of Perth metropolitan region	59
13.3.3	Option 3: Mass balance reporting – statewide approach	61
13.3.4	Cost impacts for waste industry and government	62
14	Compliance and enforcement measures for waste	64
14.1	Key issues to address	64
14.1.1	Unlicensed premises accepting waste subject to the levy	64
14.1.2	Limited offences for large-scale waste disposal operations.....	64
14.1.3	Stockpiling leviable waste above limits set in licence conditions	65
14.2	Consultation feedback	65
14.3	Proposed legislative options.....	65
14.3.1	Option 1: No changes to the EP Act	65
14.3.2	Option 2: Options to minimise unlawful disposal of waste	66
15	Improving the administration and collection of the waste levy	72
15.1	Key issues to address	72
15.1.1	Improving the administration and collection of the levy.....	72
15.2	Consultation feedback	72
15.3	Proposed legislative options.....	72
15.3.1	Option 1: Maintain existing levy return system.....	72
15.3.2	Option 2: Reforming the waste levy return framework.....	73
16	How to make a submission.....	74
17	Glossary	75
	Appendix 1 – Details of mass balance reporting approach.....	76

1 Consultation on legislative proposals for waste reform

This discussion paper seeks feedback on detailed legislative proposals to improve waste management and support a circular economy for Western Australia.

Waste reform options outlined in this paper will be of primary interest to waste industry stakeholders, including occupiers of landfill and waste storage premises.

Following the public consultation period, the Department of Water and Environmental Regulation (the department) will analyse submissions and make recommendations to the Minister for Environment.

Stakeholder consultation promotes transparency, improves legislative design and ensures risks are identified. It also allows innovative legislative options to be explored in a Western Australian context.

This consultation provides an opportunity for key waste stakeholders to raise issues, concerns and opportunities about the proposed legislative options, and provide information on potential impacts on businesses, the community and government.

By making a submission you are consenting to the submission being treated as a public document.

If you do not consent to your submission being treated as a public document, you should either mark it as confidential, or specifically identify the parts that you consider confidential, and include an explanation.

Submissions will be summarised in a report following the close of the consultation period.

The department may request that a non-confidential summary of the material is also given. It is important to note that, even if your submission is treated as confidential by the department, it may still be disclosed in accordance with the requirements of the *Freedom of Information Act 1992*, or any other applicable written law.

The department reserves the right before publishing a submission to delete any content that could be regarded as racially vilifying, derogatory or defamatory to an individual or an organisation.

1.1 How to make a submission

This consultation process follows public consultation on the discussion paper *Waste Reform Project: Proposed approaches for legislative reform*, which was published in 2017. Feedback from consultation will inform the development of final legislative approaches to support waste reform in Western Australia.

The consultation period will be 12 weeks. Written submissions must be received by 5pm (WST) on Friday, May 15, 2020. No late submissions will be considered.

Closing the loop – waste reforms for a circular economy

Written submissions can be lodged (preferred) at
consult.dwer.wa.gov.au/waste-policy/closing-the-loop

Hard copies can be mailed to:

Closing the Loop Review
Department of Water and Environmental Regulation
Locked Bag 10
Joondalup DC, WA 6919

For further information on this consultation:

Telephone: (08) 6364 7000

Email: closingtheloop.queries@dwer.wa.gov.au

2 Introduction

The Western Australian Government is committed to reducing waste, and increasing resource recovery across the State.

The [Waste Avoidance and Resource Recovery Strategy 2030](#) (Waste Strategy 2030) was released in February 2019 and outlines approaches to minimise the production of waste and promote waste material recovery, to support Western Australia transforming to a circular economy.

On 9 August 2019, at the Council of Australian Government's meeting, state and territory leaders agreed to establish a timetable to ban the export of waste plastic, paper, glass and tyres, to support increased recycling capacity in Australia and a transition to a national circular economy.

Transitioning to a sustainable, low-waste, circular economy in Western Australia will minimise risks to human health and the environment from the impacts of waste.

It will also create opportunities to improve local recycling activities and businesses, which can support local jobs, and minimise unnecessary transport of waste.

The waste reform process and the legislative options in this paper have been developed in direct alignment with the Waste Strategy 2030 to protect human health and the environment from waste, and support a shift to a circular economy in Western Australia.

3 Purpose of waste reform

3.1 Guiding objectives

3.1.1 Protecting human health and the environment from waste

Minimising the production of waste and its disposal to the environment is key for reducing risks to human health and the environment from waste.

Unregulated waste disposal can pollute our lands and waterways, creating long-term contamination of local ecosystems. Waste disposed to landfill may also produce greenhouse gas emissions from methane because of decaying organic material. Persistent waste, such as plastics, can remain in the environment long-term, and are a serious threat to marine environments (further information is contained in the [Let's not draw the short straw - reduce single-use plastics](#) issues paper). Specific wastes can also pose a higher risk to human health and the environment (e.g. heavy metals, toxic chemicals, asbestos) and therefore need careful management.

3.1.2 Supporting a circular economy

The Waste Strategy 2030 outlines a vision for Western Australia to become a sustainable, low-waste, circular economy. This intention reflects approaches in other Australian jurisdictions (e.g. New South Wales, Victoria and South Australia) where policies and action plans are in development to support a circular economy for waste.

Principles for establishing a circular economy are outlined in the [2018 National Waste Policy](#), which was agreed to by Environment Ministers on 7 December 2018. Australian jurisdictions are currently working together to develop a shared understanding and approach for a national circular economy.

A circular economy is a system where the re-use and recycling of materials is a key component for "closing the loop", with final disposal to landfill to be avoided. Waste products and materials in a circular economy are valued, and used for as long as possible to minimise pollution and resource depletion, and reduce greenhouse gas emissions.

3.2 High-level outcomes for waste reform

The following high-level outcomes for waste reform reflect the guiding objectives.

3.2.1 Implementation of the Waste Strategy 2030

This paper outlines detailed legislative proposals which are devised to support key objectives in the Waste Strategy 2030, and the [Waste Avoidance and Resource Recovery Strategy Action Plan 2030](#) (Waste Strategy Action Plan).

The Waste Strategy 2030 contains strategies which are to be actioned by the State Government to support its objectives, including the following:

- Strategy 33 – Detect, investigate and prosecute illegal dumping.

- Strategy 34 – Review and update the regulatory framework for waste to ensure it is appropriate and reduces the environmental impacts and risks from waste management.
- Strategy 37 – Review and update data collection and reporting systems to allow waste generation, recovery and disposal performance to be assessed in a timely manner.
- Strategy 46 – Review the scope and application of the [waste levy](#) to ensure it meets the objectives of the Waste Strategy 2030 and establish a schedule of future waste levy rates, with the initial schedule providing a minimum five-year horizon.
- Strategy 47 – Review and revise regulations and policies to achieve a level playing field for industry which ensures entities that are compliant and apply best practice are not disadvantaged.

Legislative options to address these key strategies are outlined in this paper.

3.2.2 Promoting the re-use and reprocessing of waste for beneficial secondary use

A leading objective of the Waste Strategy 2030 is that "Western Australians recover more value and resources from waste" which supports the concept of a circular economy. Waste diversion targets are also included in the strategy, such as increasing material recovery to 75 per cent by 2030. This waste reduction target is also a key Western Australian Government priority to [protect the environment for future generations](#).

In Western Australia, there are opportunities to improve the recovery and recycling of materials to support waste diversion targets (e.g. construction and demolition waste, food organics/garden waste, metals, and paper and cardboard waste).

To progress a circular economy and local recycling, it is important that policies and legislative frameworks support activities relating to the re-use and reprocessing of wastes that will not pose a risk to human health and the environment.

Initial steps are already underway, with amendments to the Environmental Protection Regulations 1987 (EP Regulations) in April 2018 to allow for the use of clean fill and [uncontaminated fill](#) that meets environmental and health thresholds after testing, without the need for a landfill licence or payment of the waste levy¹.

The August 2019 decision by the Council of Australian Governments to [establish a timetable for banning the export of waste plastic, paper glass and tyres](#), may also support local waste re-use and recycling activities in Western Australia.

¹ The department recently completed a review of the thresholds in Table 6 of the Landfill Waste Classification and Waste Definitions 1996 (amended 2018) in consultation with industry stakeholders. A revised version was released in December 2019.

3.3 Supporting strategies for waste reform

The following supporting strategies have been identified as mechanisms to fulfil the above high-level outcomes.

3.3.1 Eliminating illegal waste disposal activities

The department undertakes compliance and enforcement programs to monitor illegal waste disposal in Western Australia.

Illegal waste disposal activities include the dumping of waste (e.g. rubbish, organic material, asbestos) in public parks, waterways or private properties in Western Australia without approval.

These activities not only pose a risk to human health and the environment, but can be avenues for avoiding the payment of the waste levy.

Offences relating to illegal waste disposal are primarily contained in the *Environmental Protection Act 1986* (the EP Act) (e.g. section 49A Dumping of waste). Additional compliance and enforcement measures under the EP Act may be required to minimise a broader range of illegal waste activities.

Such changes would support an equitable market for local businesses who lawfully conduct their business (e.g. licensed landfills, waste transporters) and can be financially disadvantaged by illegal waste disposal activities.

3.3.2 Minimising waste stockpiling

Since increases to the rate of the waste levy were implemented in 2015, reported landfilling of construction and demolition (C&D) waste has significantly declined.

For example, the 2016-17 landfill volume for C&D waste is only about 10 per cent of the 2013-14 reported volume. During this same period, the amount of C&D waste that is being recycled each year has remained constant.

One explanation for the reported reduction in landfilling of C&D waste in the Perth metropolitan region is excessive stockpiling of waste. Stockpiling of waste at landfills, or waste storage premises, can result where there is no perceived commercial market for the waste material, where waste is being stored for anticipated future beneficial use, or where there is an intent to avoid the payment of the waste levy through landfill disposal.

The long-term stockpiling of waste can undermine the establishment of a circular economy, by removing recoverable waste from future use as a product in Western Australia.

In addition, excessive waste stockpiling can create human health and environmental risks (e.g. fires, dust, odour, vermin) and a financial risk to the Government if waste stockpiles are abandoned and require removal.

3.3.3 Improve the implementation of the waste levy

The waste levy is an economic instrument to reduce the disposal of waste to landfill by establishing a cost for landfill disposal for waste generated in the Perth metropolitan area.

In accordance with the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act), each year the Minister for Environment must allocate not less than 25 per cent of the forecast levy amount to the Waste Avoidance and Resource Recovery Account (WARR Account). The funds in the WARR Account are utilised to support a range of waste and environmental purposes in Western Australia, such as the [Community Grants Scheme](#) projects and [Community and Industry Engagement](#) projects to support recycling and other waste-related infrastructure improvements.

Ensuring the waste levy is effectively applied, and there are minimal opportunities for levy avoidance and evasion, will ensure the levy remains a relevant economic lever to reduce landfill disposal.

3.3.4 Strengthening and streamlining waste legislation in Western Australia

In Western Australia, waste is regulated under two separate legislative frameworks. Firstly, waste policy and the waste levy are primarily regulated under the WARR Act and the *Waste Avoidance and Resource Recovery Levy Act 2007* (WARR Levy Act).

Secondly, the environmental protection regime for waste management is established under the EP Act.

This legislative approach is different to other jurisdictions, where one legislative instrument is established for waste policy, the waste levy and environmental protection (e.g. NSW, Victoria). To ensure the two legislative frameworks in Western Australia function effectively requires careful consideration.

Strengthening and streamlining legislation relating to waste under the two legislative frameworks is required to ensure there is a consistent approach which reflects the objectives of the *Waste Strategy 2030*, and that waste is regulated to minimise risks to human health and the environment.

4 Scope of paper

This paper builds on the legislative proposals outlined in the discussion paper *Waste Reform Project: Proposed approaches for legislative reform* (Waste Reform Paper 2017) which was published in August 2017, and introduces new proposals to address the guiding objectives outlined in Chapter 3.

4.1 Waste Reform Paper 2017

The [Waste Reform Paper 2017](#) identified multiple proposals to improve waste management and environmental protection in Western Australia.

A total of 37 submissions on the discussion paper were received. A [consultation summary paper](#) was published in July 2018 outlining stakeholder feedback and supporting further consultation on the proposals.

This paper provides further detail on legislative proposals outlined in that paper, including:

- ensuring the EP Act aligns with objectives and strategies under the WARR Act, WARR Levy Act and Waste Strategy 2030
- improving terminology under the EP Act and WARR Levy Act (and their regulations) to enhance waste minimisation and curtail levy avoidance
- streamlining landfill licensing categories in the EP Regulations, and redefining their scope to clarify what constitutes waste disposal to land
- redefining solid waste storage licensing categories to clarify their purpose
- minimising the stockpiling of waste at waste storage premises
- improving waste tracking in Western Australia to ensure waste is being properly disposed of, and the waste supply chain can be monitored

4.2 New proposals for waste reform

To support waste reform objectives, new detailed legislative proposals are proposed, including:

- reviewing the waste levy exemptions under the Waste Avoidance and Resource Recovery Levy Regulations 2008 (WARR Levy Regulations)
- clarifying used tyre storage categories in the EP Regulations, and their role in relation to the waste levy
- simplifying solid waste licensing categories under the EP Regulations to form one licensing category for storage, sorting and reprocessing of solid waste
- new compliance and enforcement mechanisms to minimise unlawful waste disposal
- improving the administration of the waste levy return framework via a notice of assessment process.

4.3 Out of scope

The department is progressing a number of other waste reforms to support the objectives of the Waste Strategy 2030. These reforms have not been discussed in this paper as they will be (or have been) subject to separate consultation processes.

Concluded, current and upcoming waste reform consultations include:

- amendments to the Waste Avoidance and Resource Recovery Regulations 2008 (WARR Regulations) to require recordkeeping and reporting of waste and recycling data from local governments, waste recyclers and licensees of major regional landfills
- Western Australia's Container Deposit Scheme – Containers for Change
- review of the Environmental Protection (Controlled Waste) Regulations 2004
- review of the uncontaminated fill thresholds in Table 6 of the *Landfill Waste Classification and Waste Definitions 1996 (as amended 2019)*
- proposed amendments to the WARR Levy Regulations to require the use of weighbridges for Category 63, 64 and 65 landfill premises to calculate leviable waste
- *Waste not, want not – valuing waste as a resource* – Consultation to inform development of a legislative framework for waste-derived materials
- a review of the scope and application of the waste levy to ensure it meets the objectives of Waste Strategy 2030, which includes consideration of the schedule of waste levy rates, and the geographical scope of the levy

The Waste Authority is also consulting with local governments on a revised [Better Bins](#) program for food organics and garden organics (FOGO) for the introduction of the three-bin kerbside collection system across the Perth and Peel region by 2025.

Consultation has also commenced on amendments to [modernise the EP Act](#), to protect human health and the environment, and ensure sustainable development can occur for the benefit of all Western Australians.

Please note that the feedback received from the above consultation processes will be considered during this project, to ensure there is alignment and consistency between waste reform initiatives and other key legislative projects.

Further information on departmental projects (including links to previous and current consultation papers) is available at dwer.wa.gov.au/consultation.

4.4 Regulatory Impact Assessment (RIA)

This paper is a Consultation Regulatory Impact Statement. Feedback on the legislative options in this paper will provide information for determining final legislative approaches for waste reform.

Please note that Chapters 7, 8, 14 and 15 outline a preferred legislative option to support improvements to waste management and the waste levy in Western

Closing the loop – waste reforms for a circular economy

Australia. Consultation feedback on these preferred options will provide key information on the final legislative approach.

For Chapters 9, 10, 11, 12 and 13, consultation feedback on the proposed legislative options will guide the identification of a preferred and final legislative option.

5 Waste legislative framework in Western Australia

The waste levy supports the Waste Strategy 2030 and is the key economic lever to reduce the disposal of waste to landfill, and increase resource recovery. A proportion of the collected levy funds is reinvested in the community to support local waste reduction programs.

The terms “landfill levy” under the EP Act and WARR Regulations, and “waste levy” under the Waste Strategy 2030, both refer to the same levy on waste. For the purposes of this paper, the terms “levy” and “waste levy” are used interchangeably to refer to the “waste levy” contemplated by the Waste Strategy 2030.

The waste levy framework is established under section 5 of the WARR Levy Act which states the levy is imposed in respect of waste received at “disposal premises”.

“Disposal premises” under the WARR Levy Act are premises used for the purpose of receiving waste and in respect of which the occupier is required to hold a licence under the EP Act (whether or not such a licence is in force).

Section 6 of the WARR Levy Act makes either the holder of the licence in respect of disposal premises, or an occupier required to hold such a licence, liable to pay the levy amount imposed in respect of waste received at the disposal premises.

Under regulation 4 of the WARR Levy Regulations, the waste levy is payable for waste received at “landfill premises” in the Perth metropolitan region, and waste collected within the Perth metropolitan region that is received at “landfill premises” in regional areas, unless an exemption applies.

Landfill premises are licensed landfills or premises that would be a licensed landfill if the occupier held a licence required under the EP Act.

Licensed landfills are premises that have been issued a licence for Category 63 (inert landfills), 64 (putrescible landfills) or 65 (Class IV secure landfills) premises, as described in Schedule 1 of the EP Regulations, where waste is accepted for burial.

Licensed landfill premises are classified by reference to landfill design and waste criteria in the department's policy guidance [Landfill Waste Classifications and Waste Definitions 1996 \(as amended 2019\)](#) (the Waste Definitions).

Further information on the legislative framework for waste management in Western Australia (and in other jurisdictions) is detailed in the Waste Reform Paper 2017 available at dwer.wa.gov.au/consultation.

6 Summary of waste reform proposals

The following table is a summary of the legislative proposals discussed in this paper to address key issues, and their relationship to the guiding objectives, outcomes and strategies for waste reform in Western Australia. Potential cost impacts resulting from the proposed reforms are also highlighted. Please note that further detailed information on the legislative options is contained in the chapters of this consultation paper.

Chapter 7: Aligning the EP Act with waste avoidance and resource recovery objectives

Detailed legislative options	Guiding objectives	Waste reform outcomes	Supporting strategies for waste reform				Potential cost impacts
	1. Protecting human health and the environment from the impacts of waste 2. Supporting a circular economy	1. Implementation of the Waste Strategy 2030 2. Promoting the re-use and reprocessing of waste for beneficial secondary use	Eliminating illegal waste disposal activities	Minimising waste stockpiling	Improving the implementation of the waste levy	Strengthening and streamlining waste regulation in Western Australia	
Option 1: No Changes to the EP Act	No benefit – may be difficult to issue licence conditions relating to the Waste Strategy 2030 purposes and circular economy (e.g. implementing the levy)	No benefit	No benefit	No benefit – may be difficult to issue licence conditions for waste stockpiling related to levy avoidance	No benefit	No benefit	No change
Preferred Option Option 2: Amend the EP Act to incorporate waste avoidance and resource recovery objectives	Likely benefit – primarily supports guiding objective 2	Likely benefit – Waste Strategy 2030 can be a key consideration for the licensing of premises, and setting of conditions	Likely benefit – licensing conditions or enforcement measures may be developed to address illegal waste operations	Likely benefit – licence conditions may be attached to licences to minimise waste stockpiling related to levy avoidance	Likely benefit	Likely benefit – aligns with other jurisdictions; environmental and waste policy objectives are considered together	Potential cost impacts for industry (e.g. new licence conditions to address waste management objectives)

Chapter 8: Clarifying the application of the waste levy

Detailed legislative options	Guiding objectives	Waste reform outcomes	Supporting strategies for waste reform				Potential cost impacts
	1. Protecting human health and the environment from the impacts of waste 2. Supporting a circular economy in Western Australia	1. Implementation of the Waste Strategy 2030 2. Promoting the re-use and reprocessing of waste for beneficial secondary use	Eliminating illegal waste disposal activities	Minimising waste stockpiling	Improving the implementation of the waste levy	Strengthening and streamlining waste regulation in Western Australia	
Option 1: Maintain existing terminology in waste legislation	No benefit – existing terminology may support large-scale waste stockpiling. This does not support guiding objectives 1 or 2	No benefit – existing terminology may undermine the effective implementation of Waste Strategy 2030	No benefit	No benefit – long-term stockpiling may be considered inappropriate waste disposal	No benefit – current terminology can support levy avoidance	No benefit – current terminology can undermine effective waste management	No change
Preferred option Option 2: Amend the WARR Levy Regulations and WARR Levy Act – relevant waste premises are to pay the levy for waste they “receive” (third party waste)	Likely benefit – primarily supports guiding objective 2	Likely benefit – may reduce waste stockpiling which will support waste re-use and the Waste Strategy 2030 objectives	No benefit – proposed changes relate to the lawful application of the levy	Likely benefit – changes may reduce waste stockpiling at waste disposal premises	Likely benefit – may reduce waste stockpiling; levy will not be restricted to waste premises which are used for the purpose of receiving waste; waste “received” will only apply to third party waste	Likely benefit – changes to WARR Levy Act and WARR Levy Regulations will clarify where the levy applies, and align with other jurisdictions	Potential cost impacts for waste industry – levy payable on waste received at defined waste premises, not when it is received and disposed of
Option 3: Amend the WARR Levy Regulations and WARR Levy Act – levy to apply to all waste deposited at relevant waste premises	Likely benefit – as with Option 2	Likely benefit – as with Option 2	No benefit – as with Option 2	Likely benefit – creates incentive to reduce waste stockpiling at waste premises, including on-site generated waste	Likely benefit – as with Option 2 – in addition, all waste deposited at waste premises (e.g. landfills) will be subject to the levy, including waste generated on-site	Likely benefit – a consistent approach where waste deposited to land is regulated, and subject to the levy, including waste generated on-site	Potential cost impacts for waste industry – levy payable on waste deposited at waste premises – waste generated on-site may become subject to the levy

Chapter 9: Modernising landfill licensing and levy liability for waste disposal (no preferred option identified)

Detailed legislative options	Guiding objectives	Waste reform outcomes	Supporting strategies for waste reform				Potential cost impacts
	1. Protecting human health and the environment from the impacts of waste 2. Supporting a circular economy in WA	1. Implementation of the Waste Strategy 2030 2. Promoting the re-use and reprocessing of waste for beneficial secondary use	Eliminating illegal waste disposal activities	Minimising waste stockpiling	Improving the implementation of the waste levy	Strengthening and streamlining waste regulation in WA	
Option 1: Maintain existing five landfill licensing Categories (63, 64, 65, 66, 89) and descriptions – waste is accepted for burial	No benefit – existing licensing arrangements are maintained	No benefit	No benefit	No benefit – may support excessive stockpiling at landfills, or waste storage premises; depositing of waste to land is not appropriately licensed as a landfill	No benefit – the waste levy will only apply to landfills where waste is “accepted for burial”. The levy may not apply to other waste disposal to land activities	No benefit – Western Australia has five landfill licensing categories, when other jurisdictions have one. Creates a potentially complex regime	No change
Option 2: Three landfill Categories (63, 66 and combined category for 64, 65 and 89) – expansion of licensing categories to include other waste disposal activities	Likely benefit – all putrescible landfills (e.g. Category 89 sites) are licensed to protect human health and the environment (primarily supports guiding objective 1)	Likely benefit – supports outcome 1 – strengthens the legislative framework to protect human health and the environment from waste	No benefit	Likely benefit – depositing of waste to land is no longer restricted to burial in the ground. May apply to forms of stockpiling where waste is spread or deposited on land	Likely benefit – the waste levy will apply where waste is deposited to land via other methods, and not just burial e.g. disposing, spreading, and ploughing	Likely benefit – streamlines landfill licensing categories, simplifies the landfill licensing system, clarifies waste disposal to land is not just burial at landfill	Potential cost impacts for industry – Category 89 landfills may require a licence (not a registration); waste premises may require a licence for depositing waste to land for disposal (not just landfilling)
Option 3: Single category – Merge five landfill categories (63, 64, 65, 66, 89) – applies to other waste disposal to land activities	Likely benefit – as with Option 2	Likely benefit – as with Option 2	No benefit	Likely benefit – as with Option 2	Likely benefit – as with Option 2	Likely benefit – in addition to Option 2, aligns Western Australia with licensing in other jurisdictions with only one landfill category; streamlining of Schedule 1 licensing categories	Potential cost impacts – as with Option 2

Chapter 10: Simplifying the solid waste licensing categories (no preferred option identified)

Detailed legislative options	Guiding objectives	Waste reform outcomes	Supporting strategies for waste reform				Potential cost impacts
	3. Protecting human health and the environment from the impacts of waste 4. Supporting a circular economy in WA	1. Implementation of the Waste Strategy 2030 2. Promoting the re-use and reprocessing of waste for beneficial secondary use	Eliminating illegal waste disposal activities	Minimising waste stockpiling	Improving the implementation of the waste levy	Strengthening and streamlining waste regulation in WA	
Option 1: Maintain existing category descriptions	No benefit – potential ongoing confusion regarding the regulatory purpose of Categories 61A and 62 (e.g. storage of waste, discharge to land)	No benefit	No benefit	No benefit – the current category descriptions have overlapping activities – both can store waste, which may result in stockpiling	No benefit – Category 61A facilities (solid waste recycling premises) are not subject to the levy, and can apply waste to land	No benefit – existing category descriptions overlap, creating regulatory complexity	No change
Option 2: Revisions to categories (61A and 62); remove discharge of waste to land under 61A – storage of waste restricted to 62	Likely benefit – changes to solid waste recycling and reprocessing facilities (61A) to support less waste storage, more re-use activities, which would assist a circular economy	Likely benefit – supports outcomes 1 and 2	No benefit	Likely benefit – the revised licensing categories clarify that storage of waste can only occur at category 62	Likely benefit – minimising storage of waste at Category 61A and discharge onto land may support the waste levy	Likely benefit – Categories 61A and 62 are redefined to clarify their purpose and remove overlapping activities	Potential cost impacts for industry and government – licence amendments will be required
Option 3: Merging solid waste categories (13, 61A and 62) and used tyre storage categories (56, 57)	Likely benefit – as with Option 2 – additional focus on improving used tyre storage licensing to protect human health and the environment	Likely benefit – streamlines solid waste categories, and removes duplication – greater focus on used tyre storage to improve re-use and recycling for a beneficial use	Likely benefit – improving the regulation of solid waste and used tyres may reduce illegal waste disposal (e.g. dumping)	Likely benefit – potential for increased regulation of tyre storage premises and stockpiling	Likely benefit – as with Option 2	Likely benefit – Categories 13, 61A and 62 are merged, which streamlines solid waste licensing; the revised used tyre storage category aligns with other jurisdictional approaches	Potential cost impacts for industry and government – licence amendments will be required; expanding the regulation of tyres may result in new legal requirements and costs

Chapter 11: Minimising stockpiling at waste storage premises (no preferred option identified)

Detailed legislative options	Guiding objectives	Waste reform outcomes	Supporting strategies for waste reform				Potential cost impacts
	1. Protecting human health and the environment from the impacts of waste 2. Supporting a circular economy in WA	1. Implementation of the Waste Strategy 2030 2. Promoting the re-use and reprocessing of waste for beneficial secondary use	Eliminating illegal waste disposal activities	Minimising waste stockpiling	Improving the implementation of the waste levy	Strengthening and streamlining waste regulation in WA	
Option 1: No levy for stockpiling at waste storage premises	No benefit – waste stockpiling at waste storage premises does not support a transition to a low-waste, circular economy Long-term, large-scale waste stockpiles are a potential health and environmental risk	No benefit – there is no financial incentive for waste storage premises to remove their waste for re-use and recycling purposes	No benefit	No benefit – long-term waste stockpiling can be an environmental health risk (e.g. fires, contamination of land)	No benefit – waste stockpiling at waste storage premises is a potential mechanism for levy avoidance	No benefit – current legislative approach is not aligned with waste regulation in other jurisdictions	Potential negative cost impacts for government – undermine the collection of the waste levy
Option 2: Levy liability for solid waste facilities, depots and used tyre premises (Categories 56, 57, 61A, 62) that store waste for over 12 months, unless the processing of the waste has commenced, and it will be sold or used	Likely benefit – supports waste being recovered and re-used for a circular economy	Likely benefit – supports Waste Strategy 2030 objectives, primarily the re-use and reprocessing of waste	No benefit – expanding the scope of the levy may even increase illegal waste operations	Likely benefit – a levy for long-term stockpiling may minimise stockpiles at waste storage premises	Likely benefit – minimises waste stockpiling as a method to circumvent the levy	Likely benefit – strengthening waste legislation to align with other jurisdictions (e.g. NSW)	Potentially significant cost impacts for waste storage premises who may be subject to the levy; expected government cost impacts from monitoring new requirements; potential positive impacts for local recycling industry if they can access more waste

Option 3: Upfront levy payment for waste facilities outlined in Option 2; applying for levy exemptions limited to 12 months from when the waste is received or deposited at site	Likely benefit – as with Option 2	Likely benefit – as with Option 2	No benefit – as with Option 2	Likely benefit – as with Option 2	Likely benefit – as with Option 2	Positive effect – as with Option 2; upfront levy payment may be simpler to administer, and to determine levy exemptions	Potentially significant cost impacts – as with Option 2
--	-----------------------------------	-----------------------------------	-------------------------------	-----------------------------------	-----------------------------------	---	---

Chapter 12: Waste Levy Exemptions (no preferred option identified)

Detailed legislative options	Guiding objectives	Waste reform outcomes	Supporting strategies for waste reform				Potential cost impacts
	1. Protecting human health and the environment from the impacts of waste 2. Supporting a circular economy in WA	1. Implementation of the Waste Strategy 2030 2. Promoting the re-use and reprocessing of waste for beneficial secondary use	Eliminating illegal waste disposal activities	Minimising waste stockpiling	Improving the implementation of the waste levy	Strengthening and streamlining waste regulation in WA	
Option 1: Maintain existing exemptions	No benefit – the levy exemptions may not adequately address health and environmental risks	No benefit – current levy exemptions may not support greater re-use, reprocessing and recycling of waste	No benefit	No benefit	No benefit – select levy exemptions are unclear and impractical, creating difficulties with levy calculations	No benefit – exemptions can be vague, and can create confusion for waste industry	No change
Option 2: Key changes to existing exemptions for waste disposal; retrospective time limit for exemptions (24 months); no exemptions if CEO calculates the leviable waste	Likely benefit – key changes support objectives 1 and 2	Likely benefit – key changes will improve the exemptions, and may support greater re-use and recycling of waste	No benefit	Likely benefit – encourages timely application for waste exemptions relating to waste stockpiles	Likely benefit – financial incentive for licensees to calculate or estimate their own levy liability, and in a timely manner for exemptions	Likely benefit – exemptions are amended to be clearer for industry, and provide more certainty	Potential cost impacts for industry – may increase and/or decrease the waste that is levy exempt for select activities
Option 3: Revised exemptions (Option 2), and new transport levy exemptions (limited to 12 months)	Likely benefit – proposed levy exemptions will create an incentive to shift waste for re-use and reprocessing for a circular economy	Likely benefit – proposed levy exemptions may encourage the transportation of waste from landfills for re-use and reprocessing in a timely manner	No benefit	Likely benefit – transport levy exemptions may support the timely removal of waste stockpiles at landfill premises for re-use and reprocessing	Likely benefit – as with Option 2; improving the levy exemptions under regulation 5(1)(b) of the WARR Levy Regulations to ensure the levy is a financial incentive for waste re-use	Likely benefit – as with Option 2; aligns with other jurisdictional approaches for levy exemptions	Potential cost impacts for industry – as with Option 2; 5(1)(b) levy exemptions to be limited to 12 months from when the waste is received or deposited at site

Chapter 13: Improving solid waste reporting from waste facilities (no preferred option identified)

Detailed legislative options	Guiding objectives	Waste reform outcomes	Supporting strategies for waste reform				Potential cost impacts
	1. Protecting human health and the environment from the impacts of waste 2. Supporting a circular economy in WA	1. Implementation of the Waste Strategy 2030 2. Promoting the re-use and reprocessing of waste for beneficial secondary use	Eliminating illegal waste disposal activities	Minimising waste stockpiling	Improving the implementation of the waste levy	Strengthening and streamlining waste regulation in WA	
Option 1: Maintain existing waste reporting approach	No benefit – there is limited waste data reported to determine if waste is being re-used and reprocessed to support a circular economy in WA; limited waste data means waste could be disposed of inappropriately, creating risks to human health and the environment	No benefit – there is currently limited waste data to measure the effectiveness of the Waste Strategy 2030, and its targets	No benefit – limited waste reporting at waste facilities can hinder efforts to identify illegal waste operations (illegal dumping) and stockpiling	No benefit – limited waste reporting at waste facilities makes it difficult to determine where waste is being stockpiled	No benefit – without effective waste reporting, there are potential opportunities for levy avoidance (stockpiling or disposal at rural sites)	No benefit – any expansion of the levy to stockpiling activities (Chapter 11) would require comprehensive waste tracking and reporting	No change
Option 2: Mass Balance Reporting at waste premises – within 800 km of Perth metropolitan region	Likely benefit – will greatly improve the understanding of waste movement in WA.	Likely benefit – can report on Waste Strategy 2030 targets in further detail; addresses a headline strategy in Waste Strategy 2030 (review and update data collection and reporting systems)	Likely benefit – may reduce the disposal of Perth metropolitan waste in rural areas, or via illegal disposal	Likely benefit – will increase monitoring of waste premises that stockpile large volumes of waste	Likely benefit – waste reporting within 800 km of Perth will improve oversight of the levy; monthly reporting for waste facilities subject to the levy	Likely benefit – introducing mass balance reporting will provide information on the effectiveness of the waste legislative framework in WA	Potentially significant cost impacts for specific industry and government – establishing new online reporting protocol for waste data
Option 3: Mass Balance Reporting at waste premises – statewide approach	Likely benefit – as with Option 2 – statewide waste information will provide information on the state of the “circular economy” in WA	Likely benefit – as with Option 2 – greater understanding of Waste Strategy 2030 objectives and targets – reflects a “whole of state” approach for waste management	Likely benefit – as with Option 2	Likely benefit – as with Option 2	Likely benefit – waste reporting across WA from key waste facilities will improve oversight of the entire levy	Likely benefit – as with Option 2	Potentially significant cost impacts – as with Option 2

Chapter 14: Compliance and enforcement measures for waste

Detailed legislative options	Guiding objectives	Waste reform outcomes	Supporting strategies for waste reform				Potential cost impacts
	1. Protecting human health and the environment from the impacts of waste 1. Supporting a circular economy in WA	1. Implementation of the Waste Strategy 2030 2. Promoting the re-use and reprocessing of waste for beneficial secondary use	Eliminating illegal waste disposal activities	Minimising waste stockpiling	Improving the implementation of the waste levy	Strengthening and streamlining waste regulation in WA	
Option 1: No changes to the EP Act	No benefit – existing EP Act offences and compliance measures may not be sufficient to protect human health and environment from waste	No benefit – existing EP Act offences and compliance measures may not support strategies in the Waste Strategy 2030	No benefit – existing EP Act offences and compliance measures may not be sufficient to deter illegal waste activities	No benefit	No benefit – existing EP Act offences and compliance measures may not deter a range of levy avoidance activities	No benefit – current EP Act offences may not be appropriate for emerging illegal waste disposal activities; offences not aligned with other jurisdictions	Potential negative cost impacts for waste industry that comply with their legal requirements; undermines the collection of the waste levy by government
Preferred option Option 2: New offence for unlawful waste disposal; Waste Restriction Notices; GPS tracking of waste transport vehicles; new penalties for repeat offenders; new penalties for excessive waste stockpiles; CEO notices for waste transport record-keeping and video monitoring at waste facilities; new powers to identify persons in charge of vehicles; new infringement reviews and more	Likely benefit – minimise unlawful disposal of waste; greater protections for human health and the environment from waste impacts	Likely benefit – support objectives and strategies in Waste Strategy 2030 (Strategies 33 and 47)	Likely benefit – may provide greater deterrence for illegal levy avoidance activities; CEO notices for GPS tracking, record keeping, and video monitoring will assist enforcement activities relating to illegal waste disposal	Likely benefit	Likely benefit – reducing illegal waste disposal may improve the implementation of the waste levy	Likely benefit – legislation will further align with waste disposal compliance measures and offences in other jurisdictions	Potential positive impacts for waste industry operating lawfully – financially undermined by illegal waste disposal activities

Chapter 15: Improving the administration and collection of the waste levy

Detailed legislative options	Guiding objectives	Waste reform outcomes	Supporting strategies for waste reform				Potential cost impacts
	2. Protecting human health and the environment from the impacts of waste 2. Supporting a circular economy in WA	1. Implementation of the Waste Strategy 2030 2. Promoting the re-use and reprocessing of waste for beneficial secondary use	Eliminating illegal waste disposal activities	Minimising waste stockpiling	Improving the implementation of the waste levy	Strengthening and streamlining waste regulation in WA	
Option 1: Maintain existing levy return system	No benefit	No benefit	No benefit	No benefit	No benefit – no current legislative mechanism for the CEO to issue a formal notice in response to a levy return	No benefit	No change
Preferred option Option 2: Reforming the waste levy return framework	Likely benefit – may improve the regulation of waste (and the implementation of the waste levy) which supports a circular economy	Likely benefit – supports the implementation of the Waste Strategy 2030	Likely benefit – improves the formal audit step for waste levy returns, to monitor compliance	No benefit	Likely benefit – improving the levy administration and collection process should benefit the implementation of the waste levy	Likely benefit – new requirements may strengthen the administrative process for levy returns	Potential cost impacts for government – additional administrative steps to process levy collection

7 Aligning the EP Act with waste avoidance and resource recovery objectives

7.1 Key issues to address

7.1.1 Objectives under section 4A of the EP Act

Section 4A of the EP Act outlines the object and principles of the Act. Principle 5 (waste minimisation) states that "All reasonable and practicable measures should be taken to minimise the generation of waste and its discharge into the environment".

Other than Principle 5, the EP Act does not reference the waste hierarchy, the circular economy or key waste resource and recovery objectives in section 4A.

In contrast, the WARR Act references objectives under the EP Act, which ensures environmental protection principles are considered under that legislative framework.

The approach is inconsistent with legislative approaches in NSW, Victoria and SA, where key waste objectives have been integrated into environmental protection legislation.

7.1.2 Licensing under Part V Division 3 of the EP Act

Currently, the EP Act does not expressly state that the CEO can have regard to the WARR Act objectives or the Waste Strategy 2030 when considering the granting or refusing of licences, or setting licence conditions under Part V Division 3 of the EP Act.

7.2 Consultation feedback

Key points raised during the 2017 consultation include:

- General support for amendments to the EP Act to incorporate waste avoidance and resource recovery objectives.
- General support for waste avoidance and resource recovery objectives to be a relevant consideration for licensing under Part V Division 3 EP Act, and licence conditions reflecting the purposes of the WARR Act and the Waste Strategy 2030.
- If licence conditions are linked to the WARR Act objectives, further information is requested on how they will be implemented in a consistent and transparent manner.
- Some respondents did not support the EP Act changes, as they consider that the legislation already provides sufficient powers relating to waste management, and there is potential for unintended consequences.

7.3 Proposed legislative options

7.3.1 Option 1: No changes to the EP Act

Under Option 1, the EP Act will not be amended to incorporate waste avoidance and resource recovery objectives (waste objectives).

The lack of alignment between objectives in the WARR legislative framework, Waste Strategy 2030 and the EP Act will remain. This may undermine efforts to improve waste management and disposal under the EP Act through the licensing framework, and other related activities (such as Part IV assessments). It may be difficult to issue licence conditions to address important waste management issues, such as stockpiling and diverting waste from landfill for re-use and recycling.

No changes to the EP Act will not support the implementation of the Waste Strategy 2030, and its targets.

7.3.2 Option 2: Amend the EP Act to incorporate waste avoidance resource recovery objectives.

Option 2 is the preferred legislative approach to support waste reform in Western Australia to address the key issues identified.

Under Option 2, the following amendments will be progressed to strengthen the relationship between the EP Act, WARR Act and Waste Strategy 2030²:

- Amend section 4A of the EP Act to include waste objectives that are relevant to the WARR Act and the Waste Strategy 2030.
- Ensure waste objectives are discretionary considerations in assessments and the setting of implementation conditions under Part IV of the EP Act.
- Amend Part V Division 3 of the EP Act to permit the CEO to have regard to the objects of the WARR Act and Waste Strategy when considering the granting of licences, or setting licence conditions.
- Amend sections 62 and 62A of the EP Act to permit licence conditions to be imposed for the purposes of achieving the objectives of the WARR Act and the Waste Strategy 2030.

The amendments will clarify that licence conditions can be developed to require the management of waste in accordance with the waste hierarchy. Licence conditions may also be developed to (for example) establish waste stockpiling limits; support the separation, re-use and recycling of waste; ban landfills from accepting specific wastes or require the transport of waste to specified waste facilities.

² Although the current Waste Strategy 2030 is included in this paper, any proposed amendments to progress Option 2 would refer to the current Waste Strategy, as updated from time to time, as developed under the WARR Act.

Licence conditions may also be developed to require periodic waste data reporting, to assess material flows between waste facilities, or to regularly report on stockpile levels.

Improving the relationship between the WARR framework and the environmental protection regime in the EP Act will confirm that premises licensed under the EP Act are regulated for the protection of human health and the environment, including waste management. Including waste management considerations in licensing conditions also supports the implementation of the Waste Strategy 2030.

The department intends to implement licence conditions relating to waste management consistently and appropriately, which will be supported by new regulatory guidance and the department's conditions library.

Licence conditions for waste-related purposes would be considered for existing and new licences under Part V Division 3 following the passing of the amendments.

Chapter 7 - Consultation questions

1. If you are the operator of a licensed waste facility under the EP Act, please provide feedback on Options 1 and 2. Please describe potential benefits or costs from these changes, and any unintended consequences which may occur.
2. If Option 2 is progressed, what support, guidance or infrastructure will be required by waste stakeholders to implement new licence conditions?
3. Are there any other policy approaches which will support better alignment between the EP Act, WARR legislation and the Waste Strategy 2030?

8 Clarifying the application of the waste levy

8.1 Key issues to address

8.1.1 Disposal premises

Under section 5 of the WARR Levy Act, a levy is imposed on waste received at “disposal premises”. The definition of “disposal premises” in the WARR Levy Act is restricted to premises which are used **for the purpose** of receiving waste and in respect of which the occupier is required to hold a licence under the EP Act. This definition may result in ambiguity as to whether the premises is used “for the purpose” of receiving waste (e.g. development sites, marinas).

8.1.2 Receiving waste at disposal premises

Under section 5 of the WARR Levy Act, the levy is imposed in respect of waste “received at disposal premises”. The term “received” implies waste must be delivered, bestowed or given by a third party to be subject to the levy.

The levy does not currently apply to waste generated on-site by a licensee which is stored or disposed to landfill at the same premises.

8.1.3 Waste received for disposal to landfill

Under the WARR Levy Regulations, the licensee or occupier of a landfill licensed under Category 63, 64 or 65 of the EP Act is liable to pay the levy for waste that is received for disposal to landfill³, or for waste received at the landfill **and** disposed of to landfill⁴. Waste that is stored on-site, or is not disposed to landfill, will generally not create levy liability. This creates opportunities for levy avoidance through waste stockpiling.

8.2 Consultation feedback

Key points raised during the 2017 consultation process include:

- Proposed amendments to definition of terms used in the WARR Levy Act (for example “disposal premises”, “receive”) may lead to offshoring of certain

³ Under the WARR Levy Regulations, this applies to Category 64 and 65 licensed landfills with a weighbridge, if no exemption from using the weighbridge applies.

⁴ Under the WARR Levy Regulations, this applies to (a) Category 63 landfills, (b) Category 64 and 65 licensed landfills without a weighbridge and (c) Category 64 and 65 landfills with a weighbridge, when an exemption from using the weighbridge applies.

processes, industry closure, reduced beneficial re-use of waste, reduced expenditure on research and development, and increased illegal dumping.

- Comments indicating the waste levy should target diversion of wastes that can be technically and economically re-used, recycled or recovered.
- Select respondents suggested waste levy exemptions should be considered in response to proposed legislative changes – for example, exemptions for low-risk inert materials, internal waste movement between company sites and onsite generation and disposal of waste by a company.
- Select respondents suggested amendments may be required to the definitions of “waste facility”, “waste service” and “licensed landfill” under WARR legislation to implement the changes.
- Concerns that if the definition of the term “received” is amended to “accepted, deposited, received or delivered” the levy may be payable twice.

8.3 Proposed legislative options

8.3.1 Option 1: Maintain terminology in WARR Levy Act and WARR Levy Regulations

Under Option 1, existing waste levy terminology is maintained, which may allow landfills to avoid the levy by storing waste on-site and not disposing of it appropriately. In addition, where waste is generated on-site and disposed to a private landfill (Category 63, 64 and 65 premises), there may be no levy liability.

Premises who are landfilling as an incidental part of their activities at a site may also not be required to pay the levy (e.g. marinas, development sites).

This approach does not support a move to a low waste society in Western Australia, and may undermine targets outlined in the Waste Strategy 2030.

8.3.2 Option 2: Amend WARR Levy Act and WARR Levy Regulations - Waste “received” at relevant waste premises

Option 2 is the preferred legislative approach to support waste reform in Western Australia to address the key issues identified.

Under Option 2, the licensee of a relevant waste premises⁵ that “receives” leviable waste will be required to pay the levy. The waste will not need to be disposed of to landfill to attract the levy. This will address issues with landfills accepting waste at

⁵ For the purposes of this consultation paper, the term “relevant waste premises” has been included, because of the potential changes to the descriptions of the categories of licensed premises to which the levy will apply in Chapters 9 and 10.

their premises, and not paying the levy for waste that is being stored indefinitely on-site.

In addition, it is proposed the definition of “disposal premises” be amended under the WARR Levy Act to reduce ambiguity regarding the sites it applies to.

Disposal premises will be defined to mean premises at which waste is received, and in respect of which the occupier is required to hold a licence, whether or not such a license is in force.

Licensing categories under the EP Regulations that amount to relevant waste premises will be defined in legislation. These are currently landfills licensed under Category 63, 64 and 65; however, those categories may change (see Chapters 9 and 10).

This proposal is based on the approach under NSW legislation for waste disposal premises subject to the waste levy.

8.3.3 Option 3: Amend WARR Levy Act and WARR Levy Regulations - Waste “deposited” at relevant waste premises

Option 3 expands on the proposals in Option 2 by allowing the levy to be applied to waste that is generated on-site at a relevant waste premises, as well as waste received at the premises.

Under Option 3, the following amendments are proposed to the WARR Levy Act and its regulations:

- The definition of “disposal premises” in the WARR Levy Act will be defined to mean premises at which waste is deposited to land, and in respect of which the occupier is required to hold a licence, whether or not such a licence is in force.
- The waste levy will apply to each tonne/cubic metre of waste deposited to land at the relevant waste premises. Licensing categories under the EP Regulations that amount to relevant waste premises will be defined in legislation (e.g. licensed landfills).
- “Deposited”, in relation to the deposit of waste to land at relevant waste premises, can include waste deposited by the party responsible for generating the waste, as well as waste received from third parties. Therefore the levy will apply to waste generated off-site and on-site of the waste disposal premises.
- The “deposit of waste” at waste disposal premises can include the following activities – leaving the waste at, in or on the relevant waste premises; or dropping, putting or setting down the waste at, in, or on the relevant waste premises. In summary, depositing includes placing waste on land and not just burial of waste in the ground (e.g. traditional landfill).

The shift to the “depositing of waste” reflects the Victorian approach, where under the *Environmental Protection Act 1970*, a licensed landfill occupier will pay the levy for

waste deposited onto land at the licensed premises.

These proposed amendments will ensure that depositing at any relevant waste premises (including via stockpiling or landfill) will trigger the requirement to pay the levy, unless there is a legislative exclusion. This will create an equal approach for waste management and the levy in Western Australia, where on-site generation of waste is also subject to the levy. It is noted this legislative option differs from NSW and Victoria where on-site generation of waste generally does not trigger the levy (e.g. under section 50T of the *Environmental Protection Act 1970* (Vic)).

8.3.4 Consequential changes to terminology in waste legislation

Consequential changes resulting from Options 2 and 3 may include replacing references to old terminology (e.g. “disposed of to landfill”, “licensed landfill”) with new terminology (e.g. “waste deposited”, “receive”) in the WARR Act, WARR Levy Act and their regulations. Key terms in waste legislation would be amended to ensure consistent use of terminology.

8.3.5 Application of the levy

As raised in the 2017 stakeholder feedback, proposed legislative changes will not require licensees of relevant waste premises to pay the levy twice, for waste received and deposited. Further information on levy liability and exemptions is discussed in Chapters 12.

Chapter 8 - Consultation questions

1. If you are the licensee of a waste facility, please provide feedback on your preferred option for modernising key terms in waste legislation, and when the waste levy will apply. Please provide supporting information where possible.
2. What are the potential benefits or cost impacts that may result from the proposed legislative options? Please provide supporting information where possible.
3. Please provide any further suggestions to improve terminology under WARR legislation and the application of the waste levy in Western Australia.

9 Modernising landfill licensing and levy liability for waste disposal

9.1 Key issues to address

9.1.1 Schedule 1 Landfill Categories

Under Schedule 1 of the EP Regulations, there are five landfill Categories (63, 64, 65, 66 and 89), which are differentiated by the type of material that can be accepted at each premises.

The number of landfill categories can create regulatory complexity during the licensing process, and is inconsistent with the approach in other jurisdictions which have a single landfill licensing category.

The Waste Reform Paper 2017 canvassed the option of combining the five landfill licensing categories to form one landfill category for licensing purposes.

Premises licensed as Category 63, 64 and 65 landfills can be subject to levy requirements under the WARR Levy Regulations.

9.1.2 “Accepted for Burial”

Landfill categories in Schedule 1 all refer to premises where waste is “accepted for burial”. This includes the licensed landfill categories which are subject to waste levy requirements (Categories 63, 64 and 65).

If premises are stockpiling waste or applying waste to land other than by way of burial, then they may not be classified as a landfill under Schedule 1, or liable to pay the waste levy.

These alternative methods of waste disposal can undermine the operation of the waste levy, and disincentivise materials recovery.

9.1.3 Regulating waste disposal to land in other jurisdictions

Other Australian jurisdictions have identified that waste disposal can extend beyond burial in landfill, as they can license premises where waste is applied to land via spraying, spreading, ploughing, or filling and reclaiming land (e.g. NSW).

Where these activities result in waste disposal to land, it is proposed they are regulated as a licensed premises, and subject to the waste levy.

9.1.4 *Landfill Waste Classification and Waste Definitions 1996 (as amended 2019) (Waste Definitions)*

The landfill category descriptions in Schedule 1 refer to the Waste Definitions, which is a policy document administered by the department. Under the Waste Definitions, a Category 63 landfill is defined as a Class I landfill, while a Category 64 landfill is

considered a Class II or Class III landfill. Category 65 and Category 66 landfills are considered to be Class IV and Class V landfills respectively. The Class allocation determines the waste type that can be accepted at the licensed landfill premises.

The duplicative classification approach, under Schedule 1 and the Waste Definitions, creates a complex regulatory framework which could be streamlined.

9.1.5 Category 53 - Fly ash disposal

Fly ash is a fine grey powder produced as a by-product of coal-fired power generation. Premises used for fly ash disposal are currently licensed under Category 53 if more than 1000 tonnes or more per year of fly ash is disposed of. Part 2 fees in Schedule 4 of the EP Regulations are charged on the disposal of fly ash.

Fly ash is a waste that has the potential to be used in construction materials, and its disposal may not support the re-use of this waste for a beneficial use.

There has been consideration as to whether fly ash disposal under Category 53 should be incorporated within the definition of a licensed landfill (and potentially subject to the waste levy).

As fly ash is primarily managed at the disposal site in a similar manner to tailings from mining operations, and the imposition of existing Part 2 waste fees can provide a financial incentive for re-use and recovery, it is proposed fly ash disposal premises should not be incorporated into the landfill licensing category.

9.2 Consultation feedback

Key points raised during the 2017 consultation process include:

- Further details were requested on the proposed approach, and the potential impact on existing landfill licences and conditions.
- Comments indicated the regulation of landfills should continue to be risk based.
- Select respondents highlighted the importance of policy and guidance to support the proposals.
- Comments supported the segregation of waste streams, and the separation of contaminants.
- Select respondents requested clarification on the impacts on licence fees, particularly for small facilities (e.g. Category 89 premises) if landfill categories are merged.
- Comments indicated there may be impacts for mineral reprocessors, industry with onsite waste storage and landfills, and the remediation of contaminated sites where disposal on-site is the environmentally appropriate option.

9.3 Proposed legislative options

9.3.1 Option 1: Maintain five landfill categories

The five landfill categories would be maintained, and the reference to Categories 63, 64 and 65 as "a licensed landfill" under the WARR Levy Regulations would remain.

The current licensing descriptions potentially undermine waste management, and the effective implementation of the levy by the use of the term "accepted for burial". In addition, they do not capture other waste disposal approaches to land, such as disposing of waste onto land or indefinite stockpiling.

9.3.2 Option 2: Three landfill categories - Waste Disposal to Land

Under Option 2, the landfill categories are streamlined from five to three under Schedule 1 of the EP Regulations. Categories 63 (Class I – inert) and 66 (Class V – intractable) remain as separate categories. Categories 64, 65 and 89 are consolidated to create one putrescible landfill category. The three categories have been devised to reflect similar potential risks to human health and the environment.

Under this option, all Category 89 premises (rural, putrescible landfills) will be subject to formal licensing requirements. The Environmental Protection (Rural Landfill) Regulations 2002 will no longer be required, and can be repealed.

All three licensing categories will apply to solid waste disposal activities that include the disposal of waste to land, in addition to burying waste in landfill.

References to "accepted for burial" and the Waste Definitions will be removed from the category descriptions in Schedule 1.

The Category 66 description will also be amended, to convey this type of landfill is designed for "hazardous solid wastes" – the reference to "intractable" will be removed, as it does not reflect modern terminology applied in other jurisdictions.

The department's [environmental risk assessment framework](#) for waste premises and landfills will continue to operate under the new landfill licensing categories to minimise health and environmental risks from waste. This framework provides for an assessment of which wastes are suitable for disposal at each type of landfill, and conditions to enforce this.

For example, a small rural landfill may not be required to comply with the same licence conditions as a large metropolitan landfill to address risks from the site.

Regulatory policies and guidance on the department's risk-assessment approach, landfill categorisation, landfill design and permitted waste types will be published to support assessments under the EP Act⁶.

Table 1 outlines the existing landfill categories, and their descriptions. Table 2 outlines the proposed approach for Option 2, and the three proposed categories.

Category Number	Existing landfill category descriptions	Production or design capacity
63	Class I inert landfill site: premises (other than clean fill premises) on which waste of a type permitted for disposal for this category of prescribed premises, in accordance with the Landfill Waste Classification and Waste Definitions 1996, is accepted for burial.	500 tonnes or more per year
64	Class II or III putrescible landfill site: premises (other than clean fill premises) on which waste of a type permitted for disposal for this category of prescribed premises, in accordance with the Landfill Waste Classification and Waste Definitions 1996, is accepted for burial.	20 tonnes or more per year
65	Class IV secure landfill site: premises (other than clean fill premises) on which waste of a type permitted for disposal for this category of prescribed premises, in accordance with the Landfill Waste Classification and Waste Definitions 1996, is accepted for burial.	Not applicable
66	Class V intractable landfill site: premises (other than clean fill premises) on which waste of a type permitted for disposal for this category of prescribed premises, in accordance with the Landfill Waste Classification and Waste Definitions 1996, is accepted for burial.	Not applicable
89	Putrescible landfill site: premises (other than clean fill premises) on which waste of a type permitted for disposal for this category of prescribed premises, in accordance with the Landfill Waste Classification and Waste Definitions 1996, is accepted for burial.	More than 20 but less than 5,000 tonnes per year

Table 1 - Existing landfill categories in Schedule 1

Non-landfill premises captured by the new licensing category will need to seek a licence to carry out this activity, or seek a licence amendment (if they already have a licence under the EP Act). Transitional arrangements will also be considered to support any proposed amendments.

⁶ See Victoria EPA and NSW EPA examples at: <https://www.epa.vic.gov.au/about-epa/publications/1323-3> and www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/waste/solid-waste-landfill-guidelines-160259.pdf

Closing the loop – waste reforms for a circular economy

Category Number	New landfill category descriptions	Production or design capacity
63	<p>Inert Waste Disposal to Land: premises on which inert solid wastes are deposited into or onto land, including (but not limited to) depositing by any of the following methods:</p> <ul style="list-style-type: none"> a) disposing or spreading on the land b) ploughing, injecting or mixing into the land c) filling, raising, reclaiming or contouring the land d) burial in or on the land <p>but does not include clean fill premises, or premises on which waste is stored where such storage is captured by Categories X, Y Z⁷ (see section 9.3.2)</p>	500 tonnes or more per year
New category (formerly 64, 65 & 89)	<p>Putrescible Waste Disposal to Land: Premises on which putrescible solid wastes are deposited into or onto land including (but not limited to) depositing by any of the following methods:</p> <ul style="list-style-type: none"> a) disposing or spreading on the land b) ploughing, injecting or mixing into the land c) filling, raising, reclaiming or contouring the land d) burial in or on the land <p>but does not include clean fill premises, or premises on which waste is stored where such storage is captured by Categories X, Y, Z</p>	20 tonnes or more per year
66	<p>Hazardous Waste Disposal to Land: Premises on which hazardous solid wastes, are deposited into or onto the land, including (but not limited to) depositing by any of the following methods:</p> <ul style="list-style-type: none"> a) disposing or spreading on the land b) ploughing, injecting or mixing into the land c) filling, raising, reclaiming or contouring the land d) burial in or on the land <p>but does not include clean fill premises, or premises on which waste is stored where such storage is captured by Categories X, Y, Z</p>	Not applicable

Table 2 – New licensing categories under Option 2

Inert solid waste, putrescible solid waste, hazardous solid waste and other key terms will be defined in the EP Regulations or published regulatory instruments to support the implementation of the new categories.

⁷ See the discussion on proposed licensing exclusions in section 9.3.2

Proposed licensing exclusions

Licensing exclusions can be considered for specific premises and activities if they pose a lower environmental risk, or are regulated through other approaches. For example, premises that have only ever accepted clean fill or uncontaminated fill that meets the department's thresholds in the Waste Definitions, and that have only ever accepted such fill, are already excluded from licensing requirements. This exclusion is proposed to remain in effect.

The following exclusions could also be considered for Option 2:

- Waste storage activities which are captured by other licensing categories (see Chapter 10 proposals).
- Mining wastes (e.g. tailings, metallic, non-metallic ore residue) and their discharge into a containment cell or dam, and fly ash disposal, which is already licensed and regulated under other licensing categories.
- Remediation and rehabilitation of a contaminated site, where the waste was already present at the location, and where the remediation or rehabilitation is in accordance with an approved plan under the *Contaminated Sites Act 2003*.
- Older landfills owned by local governments that do not receive leviable waste (see section 9.3.4 below).

If a facility is not required to hold a Part V licence under the EP Act, they will not be liable to pay the waste levy.

9.3.3 Option 3: Single landfill category - Waste Disposal to Land

Option 3 expands on Option 2 by consolidating all five landfill licensing categories under Schedule 1 of the EP Regulations.

As with Option 2, Category 89 will be abolished as a separate "registration category". It will be included (along with Categories 63 to 66) in the prescribed premises "waste disposal to land" licensing category under Schedule 1. These premises will be subject to licence fees and reporting requirements under Part V of the EP Act.

Generally, Option 3 reflects the single landfill category approach in other jurisdictions. The assessment of the waste disposal facility including its design and the waste streams that can be accepted, will be provided in supporting regulatory guidance.

Closing the loop – waste reforms for a circular economy

Example: New landfill category – Waste disposal to land ⁸	Proposed production or design capacity (Threshold)
<p>Premises on which solid wastes are deposited into or onto the land, including (but not limited to) depositing by any of the following methods:</p> <ul style="list-style-type: none"> a) disposing or spreading on the land b) ploughing, injecting or mixing into the land c) filling, raising, reclaiming or contouring the land d) burial in or on the land <p>but does not include clean fill premises, or premises on which waste is stored where such storage is captured by Categories X, Y, Z⁹</p>	No threshold (see proposed licensing exemptions)

Table 3 – New proposed licensing category – waste disposal to land – Option 3

Proposed licensing exclusions

As with Option 2, licensing exclusions can be considered for specific premises and activities if they pose a lower environmental risk, or are regulated through other approaches:

The following exclusions are being considered for Option 3:

- Premises where less than 500 tonnes per year of only inert (non-putrescible) waste is deposited.
- Premises where less than 20 tonnes per year of inert and putrescible waste is deposited, or putrescible waste only is deposited.
- Waste storage activities that are captured by other licensing categories (please see Chapter 10 proposals).
- Mining wastes (e.g. tailings, metallic, non-metallic ore residue) and their discharge into a containment cell or dam, or fly ash disposal, which is already licensed and regulated under other licensing categories (e.g. Category 5).
- Remediation and rehabilitation of a contaminated site, where the waste was already present at the location, and where the remediation and rehabilitation are in accordance with an approved plan under the *Contaminated Sites Act 2003*.
- Older landfills owned by local governments that do not receive leviable waste (see section 9.3.4 below).

⁸ All proposals in this paper will be subject to legislative drafting if progressed. Proposed licensing category descriptions outlined in this paper may be amended during this process to reflect the policy intent.

⁹ See the discussion on proposed licensing exclusions in section 9.3.3

The introduction of the new licensing category – *Waste disposal to land* – will be supported through transitional provisions that ensure existing landfill licences have legal effect until they are amended to reflect the new category.

9.3.4 Category 89 landfills - local governments

Under Options 2 and 3, it is proposed Category 89 rural landfills will require a licence under the proposed “waste disposal to land” categories, and will no longer be registerable under regulation 5B of the EP Regulations.

There are currently 140 registered Category 89 landfills in Western Australia under regulation 5B. There are also 53 Category 89 landfills that already have a licence (either standalone, or as part of a licence containing other regulated activities).

If a Category 89 landfill required a licence, the licensee would need to comply with requirements under Part V Division 3 of the EP Act, including reporting requirements.

In other Australian jurisdictions, there are licensing exclusions for older, local government landfills servicing a small rural population, or where local government landfills are outside the levy area (e.g. Victoria, NSW)¹⁰.

If such exclusions were provided for in the EP Act, certain Category 89 landfills would not require a licence. Supporting guidelines or regulations could be formulated to ensure these landfills are correctly sited and constructed, to minimise potential environmental or health risks.

Feedback is sought from Category 89 occupiers to determine which rural landfills should be licensed under the proposed new licensing categories in this chapter based on their risk to the environment and human health.

9.3.5 Licensing fees

Under the EP Regulations, there are different annual licensing fees applied for landfill categories in Schedule 1:

- Category 63 licence fees ranging from 8–160 fee units.
- Category 64 fees range from 24–640 fee units.
- Category 65 and 66 fees are set at 655 fee units.
- Category 89 registration fees are 24 fee units.

Further information on current licensing fees is available at www.der.wa.gov.au/our-work/licences-and-works-approvals/fees.

The current value of a fee unit is \$40.60 for licensing fees under regulation 4(6) of the EP Regulations.

¹⁰ In Victoria, a works approval must be obtained before a landfill can be constructed, except for municipal landfills (occupied by a municipal council) which are serving a population of fewer than 500 people. A licence under the *Environment Protection Act 1970* is required for all landfills, apart from municipal landfills occupied by a municipal council, which are serving a population of fewer than 5000 people.

Licensing fees for prescribed premises categories are not within the scope of this consultation. Under Options 2 and 3, it is anticipated that licensing fees under the EP Regulations would be amended to accommodate new licensing categories.

9.3.6 Legislative framework to support waste-derived materials

The department is investigating legislative options to support the use of waste-derived materials in Western Australia.

The current legislative framework does not prescribe when waste-derived materials will cease to trigger the licensing and waste levy regimes under the EP Act, WARR Act, WARR Levy Act and their respective regulations.

Industry has reported that uncertainty around whether material is waste (and hence, whether its use will attract licensing and waste levy requirements) is inhibiting the uptake of and market development for waste-derived materials. Feedback from industry indicates support for developing a legislative framework that provides for a case-by-case, risk-based assessment and approval process for the use of waste-derived materials.

The department has reviewed approaches in other jurisdictions, and has undertaken public consultation to determine a preferred legislative approach for Western Australia.

The department will consider integration of potential legislative amendments with the waste reforms proposed in this paper to ensure a cohesive approach.

9.3.7 Waste levy

Under Option 2, it is anticipated the waste levy will be linked to the new licensing categories under the WARR Levy Regulations, and the waste that is accepted at the premises – inert (Category 63) and putrescible (Category 64, 65 and 89).

Under Option 3, it is proposed the WARR Levy Regulations are amended to provide that the waste levy applies with reference to the type of waste "received" or "deposited" (see Chapter 8) at the licensed landfill category – i.e. inert or putrescible. Further information would be provided in the next consultation stage.

Please note that there will be an ongoing review of the scope and application of the waste levy in Western Australia, which may lead to future changes relating to levy rates and/or the geographical scope of the levy. This consultation is out of scope for this project, but will be considered during the preparation of final legislative approaches.

Category 66 – Class V intractable landfill site

Stakeholder input is requested on whether premises that receive hazardous waste (currently Category 66 landfill premises) should be subject to the levy under Options 2 and 3.

It is acknowledged that these waste disposal premises accept hazardous wastes which may have limited viable re-use or recycling options within the state or other jurisdictions. However, in other Australian jurisdictions, the waste levy is applied to hazardous wastes to reflect the level of risk associated with this waste, and to encourage waste avoidance.

If Western Australia does not apply the levy to facilities that receive hazardous waste, there may be increased transportation of hazardous wastes to Western Australia for disposal.

Chapter 9 - Consultation questions

1. If you are a waste stakeholder, what is your preferred option for the landfill licensing categories under the EP Act? Please provide supporting information where possible to support your response.
2. Should Category 89 landfills be required to be licensed under the EP Act to improve the management of environmental and health risks, or for the effective implementation of the waste levy? Please provide evidence where possible to support your response.
3. If you are a local government with a Category 89 landfill, please provide information on the benefits or costs associated with the licensing of Category 89 landfills under Options 2 and 3.
4. If a licensing exclusion is available for Category 89 landfills, please comment on a proposed scope of the exclusion, and a justification for the approach.
5. Should operators of Category 66 landfill premises that accept hazardous wastes be liable to pay the waste levy as "waste disposal premises"?
6. Please provide feedback on the proposed approach for Category 53 (fly ash disposal) outlined in section 9.1.5 – Should fly ash disposal be regulated as a separate process, or should it be regulated as a licensed landfill? Please provide information where possible to support your response.

10 Simplifying the solid waste licensing categories

10.1 Key issues to address

10.1.1 Streamlining the solid waste licensing categories

There are over 10 licensing categories in Schedule 1 of the EP Regulations relating to waste storage, processing and management (excluding the landfill categories). Other jurisdictions have introduced one general licensing category for waste storage, processing and disposal (e.g. Victoria, South Australia).

10.1.2 Solid waste licensing categories are regulating the same activities

Categories 61A (solid waste facility) and 62 (solid waste depot) both permit waste storage as part of their licensed activity. In Western Australia, there are currently 91 premises that are licensed under Category 61A, whilst 169 premises are licensed under Category 62.

Category 61A permits discharge of waste to land, which potentially overlaps with the landfill licensing categories (Categories 63, 64, 65, 66 and 89).

Category 13 permits the crushing or cleaning of building or demolition materials (e.g. bricks, stone, concrete). The majority of Category 13 premises licensed under the EP Act are co-located on the same sites as Category 61A and/or 62 premises, as the activities being regulated are closely linked (e.g. reprocessing, sorting and storing construction and demolition waste).

10.1.3 Used tyre storage

Categories 56 and 57 both permit the storage of used tyres, which are a solid waste product with potential to be reprocessed and recycled. Large stockpiles of poorly stored tyres are also a fire risk.

The term "used tyres" in the category descriptions for Categories 56 and 57 also may not encapsulate other tyre waste, such as shredded tyres.

10.1.4 Material recovery facilities

Material Recovery Facilities (MRFs) are facilities that store, receive, process and separate recyclable materials, before they are shipped or supplied to reprocessors and manufacturers to create new products. Stockpiling of waste at MRFs in Australia has been under scrutiny, following recent fires at large recycling facilities.

In Western Australia, the regulation of MRFs has been inconsistent, with only some MRFs seeking a Category 61A or 62 licence for their activities. As stockpiling of waste at MRFs can be a potential fire and environmental risk, it is important that all

large MRFs are effectively regulated under the EP Act.

10.1.5 Scrap metal recycling (metal scrapyards)

Premises that process scrap metal and depollute end-of-life vehicles are not consistently regulated under the EP Act for health and environmental risks. Some metal scrapyard premises are regulated under Category 47 (scrap metal recovery) and/or Category 62 (solid waste depot).

Without further regulatory oversight, the stockpiling of waste, and emissions from these facilities, may pose a health and environmental risk (including a potential fire risk). In addition, the stockpiling of metal and non-metal waste at these facilities may not support timely re-use and reprocessing of recoverable materials.

10.2 Consultation feedback

Key points from the 2017 consultation process include:

- Respondents sought clarification of which licensed categories are applicable for the storage and stockpiling of wastes, to minimise industry confusion.
- Further information was requested on the potential application of the waste levy to waste storage, re-use and reprocessing premises.

10.3 Proposed legislative options

10.3.1 Option 1: Maintain existing category descriptions

The existing descriptions for Categories 61A and 62 are retained, along with two licensing categories for used tyre storage.

The solid waste licensing categories regulate similar activities, whilst Category 61A permits waste disposal to land. Without changes there is potential ongoing confusion regarding the actual regulatory purpose of Categories 61A and 62.

The two licensing categories for tyre storage are outdated, and do not align with waste tyre regulatory approaches in other jurisdictions (e.g. NSW).

10.3.2 Option 2: Clarifying solid waste licensing Categories 61A and 62

It is suggested that Categories 61A and 62 are revised to clarify their purpose, and the specific activity they apply to.

Solid Waste Recycling and Reprocessing (revised Category 61A)

- This category will be the only Schedule 1 Category for sorting, recycling and reprocessing of solid waste, with the exception of compost manufacturing and blending (Category 67A) and crushing of building material (Category 13).
- The link to "stored" waste will be removed from the category description – storing

of waste will now be captured by the “Solid Waste Depot” category (Category 62) if over 500 tonnes of waste per year is to be stored.

- Sorting of waste will now be regulated under this category, and not Category 62.
- Waste “discharged onto land” will be removed from the category description. Discharging of waste to land will require a landfill, or waste disposal to land licence (see Chapter 9 for discussion of possible changes to landfill licensing categories).
- For example, the depositing of biosolids to land may trigger a requirement for a landfill, or waste disposal to land licence; however, licensing and levy exclusions may be considered via a waste-derived materials legislative framework (see section 9.3.6).
- This category will apply to MRFs to minimise potential human health and environmental risks.

Current Category 61A description	Current Category 61A threshold	Proposed new category description	Proposed new category threshold
Solid Waste Facility: Premises (other than premises within Category 67A) on which solid waste produced on other premises is stored, reprocessed, treated or discharged onto land.	Threshold: 1,000 tonnes or more per year	Solid waste recycling and treatment: premises (other than premises within Category 67A and Category 13) on which solid waste produced on other premises, is sorted, recycled, reprocessed, mixed or treated.	Threshold: 1,000 tonnes or more of waste per year

Table 4 – Revised Category 61A – Option 2

Solid Waste Depots (revised Category 62)

- This category will apply to the storing of waste for disposal, re-use, mixing or treatment, and not the sorting of waste.
- The link to “final disposal” of waste after it leaves the premises is to be removed from the category description, and replaced with “removal for disposal”.
- The current licensing threshold is maintained.

Current Category 62 description	Current Category 62 threshold	Proposed new category description	Proposed new category threshold
Solid Waste Depot Premises on which waste is stored, or sorted, pending final disposal or re-use	Threshold: 500 tonnes or more per year	Solid Waste Depot Premises on which waste is stored, including storage of waste pending removal for disposal, re-use, mixing or treatment	Threshold: 500 tonnes or more of waste per year

Table 5 – Revised Category 62 – Option 2

10.3.3 Option 3: Merging solid waste categories and used tyre storage categories

Under Option 3, it is proposed that Categories 13, 61A and 62 are merged because of the similar activities they regulate, and to address industry confusion regarding their application.

In Victoria, solid waste storage, recycling, treatment and re-use are regulated under one licensing category. Streamlining solid waste categories in Schedule 1 of the EP Regulations will ensure there is one licensing category for the regulation of solid waste storage, sorting and reprocessing.

The new licensing threshold for this merged category will be 1,000 tonnes or more of waste per year.

In addition, it is proposed that used tyre storage categories (Categories 56 and 67) are merged to clarify their scope, and to align with other jurisdictions.

As with Option 2, this new category will also apply to MRFs to minimise potential health and environmental risks.

In addition, the link to “discharged onto land” in Category 61A would be removed from the new merged category.

Current category description	Current threshold	Proposed new category	Proposed new threshold
Category 13 – Crushing of building material: premises on which waste building or demolition material (for example bricks, stones or concrete) is crushed or cleaned.	1,000 tonnes or more per year	Premises (other than premises within Category 67A) on which solid waste is stored, sorted, crushed, cleaned, treated, reprocessed or contained.	Threshold: 1,000 tonnes or more of waste per year
Category 61A – Solid Waste Facility: Premises (other than premises within Category 67A) on which solid waste produced on other premises is stored, reprocessed, treated or discharged onto land.	1,000 tonnes or more per year		
Category 62 – Solid Waste Depot Premises on which waste is stored, or sorted, pending final disposal or re-use.	500 tonnes or more per year		

Table 6 – Merging of Categories 13, 61A, 62 – one licensing category – Option 3

Used Tyre Storage – Categories 56 and 57

This proposal was not included in the Waste Reform Paper 2017; however, it is noted that tyres are a form of solid waste which can be recycled and reprocessed, and their role in supporting a circular economy should be considered.

Schedule 1 contains two licensing categories for used tyre storage. This option proposes that these two categories be merged, with a new licensing threshold of more than 500 tyres or more than five tonnes of tyres. This approach will update the licensing categories for tyres to align further with other jurisdictions (e.g. Victoria, NSW).

Under NSW legislation, “waste tyres” is defined to mean “used, rejected or unwanted tyres, including casings, seconds, shredded tyres or tyre pieces”. It is proposed that the term “used tyres” is included alongside the term “waste tyres” under the proposed category, to address other types of tyre waste as defined in NSW.

The licensing of tyre storage will no longer focus on used tyres, but also include other types of tyre waste (e.g. shredded tyres etc).

Current category description	Current threshold	Proposed new category	Proposed new threshold
Category 56 – Used tyre storage (tyre fitting business): premises on which used tyres are stored in connection with a tyre fitting business.	500 tyres or more	Waste tyre storage: premises on which used or waste tyres, including casings, seconds, shredded tyres or tyre pieces, are stored.	Threshold: a) 5 tonnes or more of tyres, or b) 500 tyres or more are stored at the premises at any time.
Category 57 – Used tyre storage (general): premises (other than premises within Category 56) on which used tyres are stored.	100 tyres or more		

Table 7 – Merging of tyre storage categories – one waste tyre category – Option 3

Under Category 57, there are currently 69 active licences issued under the EP Act, and one active Category 56 licence. If Option 3 is supported, it is proposed that premises storing between 100–500 used or waste tyres, and less than five tonnes of such tyres, will not require a Part V licence, but may be subject to new regulations under the EP Act (e.g. Part 6 of the EP Regulations).

These regulations will specify requirements as to how used or waste tyres are to be stored to minimise health, environmental and fire risk (e.g. separation distances). Premises that are licensed under the new used or waste tyre category will also need to comply.

Regulatory policy will outline how “used or waste tyre” volumes are to be calculated for the purposes of the new combined licensing category, such as a volumetric protocol or the use of Equivalent Passenger Units (EPU)¹¹.

Any new regulations relating to used or waste tyre storage would be subject to separate consultation processes.

Chapter 10 – Consultation questions:

1. Please identify a preferred option for regulating solid waste storage premises outlined in Options 1, 2 and 3. Please provide information where available.
2. Will the proposed changes to the solid waste categories (Categories 56, 57, 61A, 62) support further re-use and reprocessing of solid waste and used/waste tyres? Please provide evidence or further information.
3. Under Option 3, the proposed licensing threshold for the new category which merges Categories 13, 61A and 62 will be 1000 tonnes or more per year. Please provide feedback on the impacts of this proposed threshold.
4. Please provide feedback on the proposal to regulate large MRFs under Options 2 and 3. Please provide evidence or further information where available.
5. If you are the occupier of a used tyre storage facility, what will be the potential benefits or costs impacts if Option 3 is implemented? Should tyre storage premises which store more than 100 used or waste tyres (but less than 500 used or waste tyres) and less than five tonnes of tyres, be subject to licensing? Please provide evidence or further information.
6. Please provide feedback on whether metal scrap yards in Western Australia should be licensed under Category 47 because of potential risks to human health and the environment. Please provide evidence or further information.

¹¹ A standardised system for reporting volumes of tyres across Australia has been developed which converts all tyres to Equivalent Transporting Passenger Units (EPU) or standard car tyres based upon average weights of different tyre types. In general, 200kg would represent 25 used car tyres. This is currently utilised for waste tyre tracking under the Environmental Protection (Controlled Waste) Regulations 2004.

11 Minimising stockpiling at waste storage premises

11.1 Key issues to address

11.1.1 Waste stockpiling and levy avoidance

There are currently no thresholds or triggers for making the levy payable in circumstances where waste is stored or stockpiled at waste facilities (which are not landfills) on a long-term basis or indefinitely.

For example, prescribed premises Categories 61A (solid waste facility) and 62 (solid waste depot) are not liable for the waste levy, but they permit storage of waste. The category descriptions do not contain restrictions for this activity, such as stockpiling limits.

Long-term waste stockpiling can hinder timely and appropriate waste disposal, and prevent waste materials from being recycled or reprocessed for future use. This can undermine government policy and the Waste Strategy 2030 targets to divert waste from landfill and recover it as a resource.

As outlined in section 3.3.2, since the rate of the waste levy increased in 2015, reported landfilling of C&D waste in Western Australia has significantly declined, which may be the result of C&D stockpiling at licensed waste facilities or illegal stockpiling at unlicensed premises.

Waste stockpiling can also have environmental and health impacts, including the leaching of contaminants, fire, litter, dust, odour, biogas and vermin.

11.1.2 Waste tyre stockpiling

Stockpiling large volumes of tyres can be a significant fire risk, and hinder the effective reprocessing and recycling of waste tyres. Burning tyres are a direct threat to human safety and property and emit a range of toxins, including particles, dioxins, polycyclic aromatic hydrocarbons and volatile organic compounds. Burning tyres can cause a range of health effects, such as eye, nose and throat irritation, asthma attacks and other respiratory problems. In NSW, long-term waste tyre storage is subject to waste levy requirements.

11.1.3 Government financial risk

The abandonment of waste stockpiles because of company failure or insolvency, or site abandonment, presents a significant financial risk to the Government. If the costs for removing the stockpiles cannot be recovered from the former operator of the site, the broader community bears the costs for government remediation.

For example, the Victorian EPA spent \$4.5 million removing about one million tyres from an abandoned stockpile in Stawell in August 2017, as it was considered a fire and environmental hazard (further information is available on the Victorian EPA's [website](#)).

The application of the waste levy to waste stockpiling may help dis-incentivise long-term stockpiling by reducing the cost differential between stockpiling and disposal to landfill.

11.2 Consultation feedback

Key points from the 2017 consultation include:

- Select respondents noted that stockpiling is already addressed through licensing conditions, and imposing the levy for this activity is not needed.
- Comments indicated a lack of support for the levy applying to recoverable materials, or premises where the sole purpose is resource recovery.
- Select respondents commented that upfront payment of the levy will result in negative cashflow impacts for stakeholders.
- Concerns were raised that short timeframes for removing stockpiles would result in waste being sent to landfill for disposal, rather than being recycled.
- Select respondents supported the application of the levy to future stockpiles (and not existing stockpiles) and longer timeframes for waste removal.
- Concerns were raised that the levy might be applied more than once if the levy is paid for waste stockpiles, which are then disposed to landfill.

11.3 Proposed legislative options

11.3.1 Option 1: No levy for stockpiling at solid waste storage premises

Under existing legislative requirements, there is a risk that waste stockpiling can occur at large waste premises, with minimal incentive to transport the waste for re-use or recycling, or for appropriate waste disposal.

It is noted that waste stockpile limits can be implemented through licence conditions under Part V Division 3 of the EP Act if such a condition is needed to prevent or mitigate pollution or environmental harm. Previous stakeholder feedback has indicated that some stakeholders consider licence conditions may be sufficient for regulating stockpiles, and the levy is not required.

11.3.2 Option 2: Levy liability for solid waste facilities, depots, and used tyre storage premises that stockpile waste for over 12 months

Under Option 2, it is proposed the WARR Levy Act is amended so that a levy may be prescribed for waste storage facilities (which are not waste disposal premises, such as landfills) that are licensed or required to be licensed, to minimise stockpiling.

Option 2 partially reflects the approach in NSW¹², where levy liability can be triggered in specific circumstances to prevent stockpiling and levy avoidance.

Under Option 2, it is proposed waste storage facilities that can be the subject of levy liability would include premises licensed under the following current categories:

- Category 56 – used tyre storage (tyre fitting business)
- Category 57 – used tyre storage (general)
- Category 61A – solid waste recycling and reprocessing
- Category 62 – solid waste depot.

Please note the proposed description changes in Chapter 10 relating to Categories 13, 56, 57, 61A and 62, which are to be considered when reviewing this proposal, depending on the preferred option.

The liability will become payable when:

- waste is stored¹³ at the facility for more than 12 months, unless
 - 1) processing of that waste to become a re-usable material or product has commenced and
 - 2) there is supporting evidence that the processed waste will be sold or used shortly after the 12-month time limit (e.g. supply contracts).

Guidance will be developed by the department to clarify “commencement”, “processing” and “supporting evidence” requirements

- waste is transported from the facility for unlawful disposal (e.g. illegal dumping)
- waste is transferred to another waste facility for further storage beyond the 12 months, to avoid payment of the levy for long-term stockpiling at the first waste facility
- waste is disposed of at the facility in a manner that is not lawfully authorised under their Part V licence (e.g. landfilling, incineration).

¹² Under r.10B of the Protection of the Environment Operations (Waste) Regulation 2014 (NSW)

¹³ Information on the NSW approach for stockpile management and identification is available at: www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wasteregulation/181272-waste-levy-guidelines.pdf

If the waste is re-used or recycled within 12 months on the site, or is transported from the facility for lawful landfilling, or re-use or recycling within 12 months, there will be no levy liability for that waste.

If a licensee has processed the waste, but does not have supporting evidence that indicates the waste will be sold or used shortly after the 12 months, then the levy liability will arise 12 months after the waste was received or deposited (see Chapter 8). If the waste is later lawfully sold or used, the licensee can seek a refund for this component of the levy within the following 12 months, if they provide supporting evidence (e.g. supply contracts).

Under this proposal, the waste storage facilities will be liable to pay the levy where waste is accepted on site, for facilities which are in the Perth metropolitan area or where waste originating from the Perth metropolitan area is accepted by facilities outside the regulated area. Please note the ongoing review of the scope and application of the waste levy (including the geographical area of the levy) which is not within the scope of this [consultation](#).

To address stakeholder feedback, it is not intended that the waste levy will apply for stockpiling at mineral processing facilities, or waste storage occurring under other licensing categories in Schedule 1.

It is proposed the waste levy will not apply more than once in the waste disposal chain. If the levy has been paid for long-term stockpiled waste, and it is disposed of to landfill at a later date, it is intended that the levy won't be payable for that disposal (see Chapter 12).

11.3.3 Option 3: Upfront levy payment for waste storage premises, with levy exemptions.

Option 3 reflects the approach in Victoria, where there is upfront levy liability and payment for waste disposal premises. The "waste storage facilities" identified in Option 2 (i.e. current Categories 56, 57, 61A and 62) are also applicable for Option 3.

The waste levy will be triggered when waste is received or deposited (see Chapter 8) at the waste storage facility, with payment due on a quarterly basis.

Where relevant to waste storage facilities, waste levy exemptions will be available under regulation 5 of the WARR Levy Regulations.

Waste levy exemptions will also be applicable for waste storage facilities if the waste is removed or supporting evidence is provided to establish that the waste will be removed from the site by:

- transporting the waste from a licensed waste storage facility for a lawful activity after being processed, recovered or recycled on site
- transporting the waste from a licensed waste storage facility to another licensed waste facility for lawful processing, recovery or recycling, or

- transporting the waste to a licensed waste disposal facility for lawful disposal, where this licensed facility will pay the levy for the waste received or deposited (e.g. landfill premises).

The timeframe for applying for an exemption under Option 3 will be limited to 12 months from when the waste is received or deposited. This aligns with the proposed waste levy exemption for re-use, recycling and reprocessing of waste at licensed landfill facilities in Western Australia under Option 3 in Chapter 12.

These levy exemptions are partially based on the NSW approach in their legislation for landfill levy deductions, and are discussed in further detail in Chapter 12.

11.3.4 Existing waste stockpiles

For Options 2 and 3, it is intended the new levy approach will only apply to waste that is received or deposited (see Chapter 8) at waste storage facilities (as defined under the WARR Levy Act and its regulations) from a specified implementation date in legislation.

Options to manage existing stockpiles of waste before this date will be investigated. This may include stricter licensing conditions to encourage the removal of the waste for appropriate disposal, or an extended timeframe for triggering levy liability for this waste (e.g. 24-36 months instead of 12 months).

Where there is an immediate environmental or health risk, compliance measures such as Environmental Protection Notices or Prevention Notices may be utilised under Part V Division 4 of the EP Act to address stockpiling (see Chapter 14 for information on compliance measures).

11.3.5 Waste levy rates

This paper assumes that existing levy rates for landfill disposal will apply to waste that is stored for more than 12 months at waste storage facilities, where the levy liability is triggered. Waste levy rates will be subject to review as part of a separate consultation process.

11.3.6 Application of the levy for waste stockpiling

Waste-derived materials

The 2017 consultation indicated some stakeholders had concerns regarding the levy applying to re-use activities and products. The department has recently consulted on legislative options to support the use of waste-derived materials in Western Australia, to determine a preferred legislative approach. Please see section 9.3.6 for more information.

CEO discretion – extended timeframes for removing waste stockpiles

As raised in the consultation feedback, a CEO discretionary power could be developed which allows specific waste facilities an extended timeframe for removing a stockpile under specific circumstances, which would be defined in legislation (e.g. emergency, unforeseen circumstances).

11.3.7 Financial assurances

In relation to Options 2 and 3, it is proposed the CEO can require a financial assurance for payment of the levy under WARR Regulations where there is stockpiling at waste storage facilities, and a risk of non-payment of the levy¹⁴.

This will ensure that the CEO can use the financial assurance for payment of the levy to the WARR Account where the waste storage facility has not removed their stockpiled waste for lawful disposal.

To manage the risk of waste stockpiles being abandoned (and requiring removal), a financial assurance may also be imposed under Part VA of the EP Act. Amendments may be required to ensure financial assurances reflect new waste management objectives, if they are included under the EP Act (see Chapter 7).

Chapter 11 - Consultation questions:

1. Please provide feedback on the proposal in Option 2, which will impose the waste levy if waste is not removed from specified waste storage facilities within 12 months if it is not processed, and it is not going to be sold or used. If you are the operator of a waste facility, what are the potential consequences or impacts of this proposal? Please provide evidence or further information.
2. Please provide feedback on the proposal in Option 3, which will impose upfront levy liability and payment, with transport related levy exemptions. If you are the operator of a waste facility, what are the potential consequences or impacts of this proposal? Please provide evidence or further information.
3. The proposals in Options 2 and 3 are intended to address long-term waste stockpiling at waste storage facilities. Will the proposals in Options 2 and 3 provide a sufficient financial incentive to remove waste stockpiles at waste storage facilities? Please provide evidence or further information.
4. If you are a local business specialising in the re-use, reprocessing or recycling of waste materials, will the proposals in Options 2 and 3 support your business, or contribute to new business opportunities in waste? Please provide evidence or further information.

¹⁴ See s.74 of the WARR Act

12 Waste levy exemptions

12.1 Key issues to address

12.1.1 Waste used for construction and maintenance works

Under regulation 5(1)(g) of the WARR Levy Regulations, licensees can apply for a levy exemption for waste used for construction or maintenance work carried out on the licensed landfill, if the amount of waste is specified in advance in a plan prepared by a registered builder or engineer, and there is no charge by the licensee for accepting the waste.

There is some uncertainty among industry concerning the scope of this exemption.

In NSW and Victoria, exemptions may be granted for waste used for roads and certain other construction works at the landfill site. In NSW, there are also levy deductions for construction works that are linked to foundational support (e.g. hardstands, building foundations and infrastructure support). Waste materials that are used for roads or construction works must meet a prescribed specification to be covered by an exemption (further information is on the NSW EPA's [website](#)).

It is also not clearly specified if the exemption in regulation 5(1)(g) applies to cell construction, such as building a containment cell or the infrastructure that is required for the landfill (e.g. gas collection, leachate management, tyres).

Further to this, this exemption has historically been utilised for waste applied as final cover at landfill premises, alongside the exemption under regulation 5(1)(a). The WARR Levy Regulations have been recently amended to clarify the [levy exemption](#) for waste used as final cover at landfill premises.

12.1.2 Waste collected or stored for re-use, reprocessing, recycling or energy recovery

Under regulation 5(1)(b) of the WARR Levy Regulations, licensees can apply for a levy exemption for waste that is not disposed of to landfill but is collected and stored at a licensed landfill for re-use, reprocessing, recycling or use in energy recovery.

The levy is currently only payable on waste received and disposed of to landfill¹⁵ or waste received for disposal to landfill.¹⁶ Therefore, when waste is received at a landfill but not disposed of, it generally does not attract the levy.

¹⁵ Category 63 licensed landfills; and Category 64 and 65 licensed landfills that do not have a weighbridge or are subject to an exemption from the requirement to use a weighbridge.

¹⁶ Category 64 and 65 licensed landfills that have a weighbridge and are not subject to an exemption from the requirement to use a weighbridge.

As a result, regulation 5(1)(b) is currently redundant. However, the provision would cease to be redundant if the WARR Levy Regulations were amended to make the levy payable for all waste received or deposited at the landfill (see legislative options in Chapter 8).

As flagged in section 4.3, a separate review of the scope and application of the waste levy is underway. That review process will consider whether the levy should apply to other waste management methods to support the Waste Strategy 2030, including waste used for energy recovery.

Any proposed legislative changes relating to the waste levy and energy recovery will be considered through that review process.

12.1.3 Collecting and storing waste at disposal premises

Under regulation 5(5) of the WARR Levy Regulations, if an exemption is granted under regulation 5(1) the exemption notice needs to specify the period for which the exemption applies.

Exemptions under regulation 5(1)(b) are no longer being granted (because that provision is currently redundant – see section 12.1.2 above). Previously, exemptions under regulation 5(1)(b) were generally issued for a period of 12 months. If waste which is the subject of a regulation 5(1)(b) exemption is not recycled or removed within the exemption period, the licensee must pay the levy for that waste (regulation 5(7)).

Under regulation 5(8), the CEO can refund or rebate levy money paid for this waste, if the waste is recycled or removed within 12 months after the exemption has expired. This discretion could lead to stockpiling of waste over more than 24 months, depending on the time period specified in the exemption.

12.1.4 No retrospective time limit for waste levy exemptions

Applications for an exemption under the WARR Levy Regulations can be made retrospectively (that is, after the levy is paid or becomes due for payment). The WARR Levy Regulations currently do not specify a time limit for making a retrospective exemption application. In the absence of a time limit, licensees can potentially apply for an exemption many years after the waste is accepted by that landfill. This undermines timely consideration of exemptions by the CEO, and the collection of waste data.

12.1.5 Licensee fails to estimate the weight or volume of exempt waste

Under regulation 18(2) of the WARR Regulations, a licensee for a licensed landfill must lodge a return in the approved form in respect of each return period setting out details of waste received, including exempt waste. The form must be completed on the basis of the details entered in the records referred to in regulation 17.

Under the WARR Levy Regulations, if a licensee fails to calculate or estimate the volume or weight of waste received at their landfill premises, the CEO can estimate the amount of that waste for the purposes of calculating the levy.

While this is a rare occurrence, it can be a highly complex and time-consuming process for the department.

The CEO's costs for estimating the levy can be included as part of the amount of levy payable, or can be claimed from a licensee's financial assurance under regulations 12C and 12 of the WARR Levy Regulations. However, further financial disincentives may be needed to curtail this option.

12.2 Consultation feedback

Changes to the waste levy exemptions were not directly discussed in the Waste Reform Paper 2017.

Select feedback that is relevant to waste levy exemptions from the 2017 paper include the following:

- Concerns that if the levy applies to broader waste disposal to land (Chapter 9), the levy will apply to the re-use of waste materials (e.g. fertiliser, treated wastewater, biosolids, mineral processing, rehabilitation of quarries).
- Consider exempting inert materials which are a low risk to the environment.
- Consider exemptions for internal movement between company sites, and onsite generation, and disposal of organisation's own waste.

12.3 Proposed legislative options

12.3.1 Option 1: Maintain existing exemptions

Under Option 1, the existing levy exemptions under regulation 5(1) of the WARR Levy Regulations are maintained. There is an ongoing risk that specific levy exemptions in the WARR Levy Regulations may be redundant or impractical.

There are concerns that the existing exemptions may not adequately support timely re-use and recycling of waste, and its transport off-site. In addition, activities that are intended to minimise health and environmental risks may be captured by the levy.

12.3.2 Option 2: Key amendments to the waste levy exemptions

The below changes are proposed to clarify existing exemptions, encourage licensees to calculate or estimate their own levy liability, and support timely applications for levy exemptions.

Cell Construction

Regulation 5(1) of the WARR Levy Regulations will be amended to clarify that exemptions may be granted for waste used for cell construction and maintenance (e.g. cell liners, bund walls, leachate management system). This may require a new exemption.

As part of this exemption, the cell construction and maintenance materials to be used **will be** assessed by the department as part of works approval and licensing requirements under the EP Act. Records of all materials used in cell construction are to be kept for verification and auditing, and available on request. The proposed exemptions reflect a landfill levy exemption operating in Victoria.

Roads and Construction Works

Regulation 5(1)(g) will be amended to focus on waste used for roads and construction works at the waste disposal premises, and align with an exemption approach in NSW. The reference to “maintenance work” in the exemption will be removed, as its intention and scope is not clear.

It is intended that “construction works” would include the construction of foundational support for infrastructure at the premises (e.g. hardstands, building foundations, roads).

The department may prepare supporting guidance to define what materials can be utilised for roads and construction works under this exemption, to protect human health and the environment.

Time limit for retrospective exemption applications – 24 months

The time limit for applying for any exemption under the WARR Levy Regulations will be 24 months after the levy becomes payable for the waste. After this time, an exemption cannot be claimed from the CEO. This will encourage licensees to apply for their levy exemptions in a timely manner.

Removing CEO obligation to estimate the quantity of exempt waste

If a licensee of a waste disposal premise has failed to calculate or estimate the weight or volume of waste received or deposited (including the exempt waste) it is proposed the licensee will not be able to claim an exemption for any leviable waste.

The CEO will be required to estimate the amount of waste received or deposited, but not the amount of exempt waste.

This proposal is intended to provide a financial incentive for the licensee to conduct their own calculations and estimates for exempt waste, and to provide this information as part of their returns. It will also minimise a financial and regulatory burden for government, where CEO estimates are required.

12.3.3 Option 3: Changes to regulation 5(1)(b) - waste levy exemptions

Option 3 builds on proposals contained in Option 2, with additional amendments to regulations 5(1)(b), 5(7) and 5(8) of the WARR Levy Regulations to simplify levy liability for specific stockpiled waste.

Under Option 3, it is assumed the WARR Levy Regulations will be amended so that the levy is payable either on all waste “received” or all waste “deposited” at a landfill premises (See Chapter 8). If that change is not made, regulation 5(1)(b) (and therefore regulations 5(7) and 5(8) will remain redundant and will be repealed (see section 12.1.2 above).

The levy liability will be triggered for the waste when it is received/deposited at the landfill facility. If the waste can be re-used, reprocessed or recycled, the licensee will be able to seek a levy exemption for the waste if the licensee provides sufficient evidence that:

- the waste will be transported from the licensed landfill for a lawful activity after being processed, recovered or recycled on site
- the waste will be transported from the licensed landfill to another facility for lawful processing, recovery and recycling, or
- the waste will be transferred to another licensed landfill for lawful disposal, where that landfill will pay the levy for the waste disposal.

As stated in section 12.1.2, the current exemption under regulation 5(1)(b) also applies to waste that is not disposed of to landfill, but is used in energy recovery. This exemption will be considered through separate consultation on the scope and application of the waste levy.

The levy exemptions under Option 3 are closely based on the NSW approach under their waste levy legislation. It is noted that in NSW, the legislative framework is framed around exemptions for waste that can be re-used or reprocessed under a legislative approach for waste derived materials.

It is intended that the waste levy will not apply to waste received at the landfill for disposal, if the waste levy has already been paid for that specific waste because of long-term waste stockpiling at another waste facility (e.g. solid waste depot). A new waste levy exemption under the WARR Levy Regulations may be developed to support this policy approach. This will address stakeholder concerns regarding the prospect of paying the levy twice under proposed waste reforms (see Chapter 8).

It is also proposed that levy exemptions will not be granted under the amended version of regulation 5(1)(b) for the following types of waste at landfill premises:

- waste received/deposited more than 12 months before the date the exemption is claimed
- landfill gas or anything derived from landfill gas

- landfill leachate or other waste derived from landfill leachate.

The above approach would replace the current waste levy exemption under regulation 5(1)(b), 5(7) and 5(8) of the WARR Levy Regulations.

This proposal will align with the approach under Option 3 for minimising stockpiling at waste storage premises (see Chapter 11).

Applications under other exemptions in regulation 5(1) will be permissible up to 24 months after the waste becomes leviable (see section 12.3.2).

12.3.4 Waste-derived materials

The 2017 consultation process indicated stakeholders had concerns regarding the levy applying to activities for the re-use of waste (e.g. biosolids). The department is investigating options to implement a legislative framework for waste-derived materials to inform the preferred approach for Western Australia. That process will be considered as part of this project to ensure legislative approaches are aligned.

Further amendments to waste legislation may be proposed, depending on the outcomes of that consultation process.

Chapter 12 - Consultation questions:

1. Please provide feedback on Option 2, which intends to clarify and strengthen existing waste levy exemptions. If you are the licensee of a waste facility, what are the expected impacts or benefits of these proposed changes? Please provide evidence or further information.
2. Please provide feedback on the proposed time limit for retrospective applications for an exemption under Option 2, including potential impacts.
3. Please provide feedback on the proposed levy exemptions relating to regulation 5(1)(b) in Option 3. Are the proposed exemptions and timeframes for removing the waste suitable? Please provide evidence or further information.
4. Please provide general feedback on the proposed waste exemptions, and if other waste levy exemptions need to be considered to support the Waste Strategy 2030. Please provide evidence or further information.

13 Improving solid waste reporting from waste facilities

13.1 Key issues to address

13.1.1 Waste disposal and recycling data is limited in Western Australia

There is currently a lack of data on solid waste volumes being transported between facilities in the Perth metropolitan region and regional areas of the state. This makes it difficult to ascertain if re-use and recycling rates for waste are improving in Western Australia, and if landfill disposal is decreasing.

Outside of waste levy reporting by metropolitan landfill premises, there is a lack of accurate information about waste disposal and recycling in Western Australia. The lack of waste data means there is incomplete information relating to:

- where the waste arises (or is being generated)
- the type and volume of waste being received at waste facilities
- where waste is being transported to
- the volumes of waste being disposed of, or recycled.

Without accurate waste data it is difficult to monitor and make informed decisions on future waste initiatives for Western Australia.

Incomplete waste data also undermines compliance and enforcement work by the Government, which can lead to opportunities for waste levy avoidance.

Jurisdictions such as NSW have already introduced [comprehensive waste data reporting](#) to ensure waste is appropriately monitored in their jurisdictions. South Australia is also [considering a mass balance reporting framework](#) for its waste sector.

13.1.2 Stockpiling or illegal diversion of waste

There are concerns that the waste levy may be driving inappropriate or illegal diversion of waste from landfill through large-scale stockpiling (e.g. construction and demolition waste, timber, green waste), illegal dumping, or disposal of waste at inappropriate or unlicensed facilities (e.g. non-metropolitan landfills).

Large-scale waste stockpiling can create health and environmental risks, including the leaching of organic and hazardous substances and fire hazards. Where there is company insolvency, or site abandonment, the large waste stockpiles may need to be removed by government, which is a cost borne by the community.

13.1.3 Waste Strategy 2030

Improving data collection and reporting systems to allow waste generation, recovery and disposal performance to be assessed in a timely manner is a key implementation

measure under the Waste Strategy 2030. Improving waste data reporting will provide key data for monitoring the effectiveness of the Waste Strategy 2030, and assist in shifting Western Australia to a circular economy.

13.2 Consultation feedback

From the Waste Reform Paper 2017, the following comments were received in relation to waste reporting and tracking:

- Select respondents recommended a universal, user-friendly and efficient record-keeping system which is publicly available (e.g. mass balance accounting).
- Further information was requested on the rationale for monthly reporting, and how waste can be tracked at storage and sorting facilities.
- Waste data collection and reporting should be focused on priority wastes based on their risk, volume and potential for diversion.

13.3 Proposed legislative options

13.3.1 Option 1: Maintain existing waste reporting approach

In Western Australia, the existing approaches for solid waste reporting include:

- mandatory tracking for specific controlled and hazardous wastes under the Environmental Protection (Controlled Waste) Regulations 2004
- mandatory waste levy reporting – Licensees of all Category 63, 64 and 65 landfills in the metropolitan area and Category 63, 64, and 65 landfills outside the metropolitan area that receive leviable waste must provide information on the weight and volume of wastes received on an annual basis (31 facilities)
- from 1 July 2019, the amended WARR Regulations introduced mandatory annual reporting of waste and recycling data from local governments, premises that sort, treat or process more than 1,000 tonnes of recycled or reprocessed product per year, and regional landfill premises that receive more than 20,000 tonnes of solid waste per year
- ad hoc reporting of waste disposal volumes via licensing under Part V Division 3 of the EP Act.

Consultation is also underway on proposed amendments to the WARR Levy Regulations to require the use of weighbridges at Category 63, 64 and 65 landfill premises to calculate leviable waste, which would be reported.

The above schemes provide key information on waste data in Western Australia. However, data gaps still remain which can undermine effective waste management,

particularly waste data from smaller regional waste facilities, and waste facilities not subject to the waste levy.

13.3.2 Option 2: Mass Balance Reporting - within 800 km of Perth metropolitan region

Under Option 2, mass balance reporting will require the licensee or occupier of specific waste facilities that are subject to the waste levy, to keep records and **report monthly** on the weight or volume of waste and other materials that a site received, disposed of, stockpiled, used on-site, or transferred from the site for sale or disposal. Further information on the detailed approach is contained in Appendix 1.

The licensee or occupier of specific waste facilities who are not subject to the waste levy will be required to keep records and **report annually** on the weight or volume of waste and other materials received, disposed of, stockpiled, used on-site, or transferred from the site for sale or disposal.

This approach is intended to align with mass balance reporting in New South Wales, and the approach being considered by [South Australia](#) as part of recent public consultation. In [New South Wales](#), the scheme was introduced to improve the reliability of data on waste facilities, and strengthen the EPA's regulatory oversight across the waste industry.

This mass balance reporting proposal is a long-term project, which would build on new mandatory reporting requirements that were introduced on 1 July 2019, for local governments, large recycling and reprocessing premises, and large regional landfill premises (see section 13.3.1 above).

Outcomes from consultation on the mandatory use of weighbridges to weigh waste at specific licensed landfills may also be incorporated in this process.

A mass balance reporting system creates an auditable framework to monitor waste and other materials when they enter and travel through the waste management process. Reporting continues until the waste and materials leave the system (e.g. disposal, recycling or re-use).

To improve the monitoring of Perth metropolitan waste, it is proposed that mass balance waste reporting is implemented within an 800 km radius of the Perth metropolitan region, with the area defined in legislation. This will ensure many waste facilities close to the Perth metropolitan region (that receive metropolitan waste) are captured.

This 800 km radius is intended to capture information on solid waste movement within the Perth metropolitan area, and where waste disposal may be occurring in major nearby regions, including Kalgoorlie and Esperance.

Option 2 proposes that mass balance reporting requirements would apply to facilities which are permitted to accept solid waste under their Part V licence. The following

specific waste facilities that are licensed under the below categories in Schedule 1 of the EP Regulations¹⁷ would be subject to the requirements:

- Category 13 – Crushing of building material
- Category 47 – Scrap metal recovery
- Category 53 – Fly ash disposal
- Category 56 – Used tyre storage (tyre fitting business)
- Category 57 – Used tyre storage (general)
- Category 58 – Biomedical waste incineration
- Category 60 – Incineration
- Category 61A – Solid waste facility
- Category 62 – Solid waste depot
- Category 63 – Class 1 inert landfill site
- Category 64 – Class II or III putrescible landfill site
- Category 65 – Class IV secure landfill site
- Category 66 – Class V intractable landfill site
- Category 67A – Compost manufacturing and soil blending.

Under the Option 2 proposal, the licensee or occupier of a landfill that is subject to the levy (currently Category 63, 64 and 65 landfills) will be required to submit monthly reports. The licensee or occupier of all other licensed facilities listed above (which are not subject to the levy) would submit an annual report on their data.¹⁸

For a number of legislative proposals outlined in this paper, mass balance reporting will be important for supporting proposals requiring the monitoring of stockpiled waste.

The proposed data that would need to be recorded and reported by the specific waste premises as part of a mass balance reporting system includes the following:

1. Waste by type arriving at a site, including weight/volume, waste streams, and where it was generated/delivered from.
2. Waste stockpiled or stored in any manner at a site.
3. Waste that is used on-site at the facility (e.g. landfill cover).
4. Waste processed at a site.

¹⁷ It is noted that this paper proposed options to amend several waste categories for landfills, solid waste storage and used tyres. Any changes to those categories would be integrated with this proposal.

¹⁸ Note, however, the proposal to amend the landfill categories in Chapter 9.

5. Waste-derived products and residual waste produced at a site.
6. Waste-derived products stockpiled at a site.
7. Waste-derived products leaving a site.
8. Waste leaving the site (including type and quantity).
9. Waste that is being transported interstate or exported overseas.
10. Waste disposed of at a site.

Additional guidance will be prepared to support the specific waste premises with waste measurement, record keeping and reporting obligations.

Reporting is likely to be supported by a modern online waste reporting portal, which would be administered by the department. It is intended that the development of this online waste reporting portal will ensure there is a streamlined, one stop shop for all waste reporting requirements to minimise reporting duplication and administrative burden, which will align with waste data reporting proposals in section 13.3.1.

Non-compliance with reporting requirements or providing incorrect information will be an offence, with financial penalties.

13.3.3 Option 3: Mass balance reporting - statewide approach

Option 3 expands the geographical scope of Option 2, and extends obligations to record and report waste data at specific waste premises across Western Australia. The proposed licensing categories subject to mass balance reporting requirements would be the same as in Option 2.

Option 3 also proposed an alternative timeframe for reporting, to ensure all specific waste facilities as outlined in Option 2 **report quarterly** on their waste data. It is anticipated this will improve the reviewing and auditing process for waste data, and assist waste compliance activities by the department. This will also align reporting obligations with waste levy return periods under the WARR Levy Regulations.

Extending mass balance reporting of waste across Western Australia acknowledges that a significant proportion of the state's construction and industrial infrastructure is in regional areas. Failing to record the waste generated by large infrastructure projects, or nearby regional centres (e.g. Karratha, Geraldton, Bunbury, Albany, and Esperance) means a large component of the waste economy in Western Australia is unaccounted for.

Establishing effective mass balance reporting of waste and other materials between licensed waste premises in Western Australia may not be achievable if only one portion of the state is regulated.

13.3.4 Cost impacts for waste industry and government

Potential cost impacts for waste stakeholders resulting from proposals in Options 2 and 3 include (but may not be limited to):

- government and industry costs to establish new record-keeping procedures, and computer software, to address mass balance reporting requirements
- government costs to develop and implement the mass balance reporting scheme, and deliver ongoing training and guidance
- industry costs associated with using a weighbridge, or implementing a survey methodology at a waste premises to calculate waste volumes (please note the [recent departmental consultation](#) for the mandatory use of weighbridges at specific landfills to calculate leviable waste)
- industry costs for additional staffing to support new mass balance obligations – e.g. unmanned landfills may require staff on-site for reporting purposes.

Costs associated with implementing a mass balance reporting framework may be significant for government and non-government stakeholders.

Chapter 13 - Consultation questions:

1. If you are a licensee or occupier of a licensed waste facility, please provide feedback (with supporting information) on your preferred option in relation to solid waste data reporting. Please provide evidence or further information.
2. Are there any other waste data reporting approaches which should be considered as an alternative for Options 1, 2 and 3? Please provide evidence or further information.
3. If you are a licensee or occupier of a licensed waste facility, do you collect information on the weight or volume of waste, and the type of waste, received by your facility? If yes, do you store this data electronically? Please provide evidence or further information.
4. What would be the expected cost impacts for licensed waste facilities to implement new reporting requirements under Options 2 and 3 (e.g. data collection, electronic record keeping, and monthly reporting)? Please provide evidence or further information.
5. Please provide feedback on the proposed timeframes and data requirements under Options 2 and 3, and if they support the collection of accurate solid waste data across the State. Please provide evidence or further information.
6. Introducing mass balance reporting will support other proposals outlined in this paper (e.g. Chapter 11 – waste stockpiling). Will Options 2 and 3 (and Appendix 1) align with other legislative proposals in this paper? Please provide evidence or further information.
7. What other factors need to be considered to establish mass balance reporting in Western Australia for solid waste, and if progressed, what should be the timeframe for its introduction? Please provide evidence or further information.

14 Compliance and enforcement measures for waste

14.1 Key issues to address

14.1.1 Unlicensed premises accepting waste subject to the levy

There have been recent incidents in the Perth metropolitan region where the occupiers of unlicensed, private premises have accepted waste (e.g. construction and demolition waste) for disposal on their property for financial gain. The receipt of waste at unlicensed premises can be a potential risk to human health and the environment because of land contamination, and it can be a potential mechanism to avoid payment of the waste levy.

14.1.2 Limited offences for large-scale waste disposal operations

The waste offences under the EP Act currently do not align with approaches in other jurisdictions for disposal at unlicensed waste facilities.

Under section 49A of the EP Act, it is an offence to discharge or abandon solid or liquid waste on or in any place, including in water to which the public has access, unless the act was done with the consent of the person who controls and manages that place. This offence is effective for targeting isolated dumping incidents but may not deter large-scale waste disposal operations at unlicensed premises.

In Victoria, under section 27A (2) of the *Environmental Protection Act 1970*, it is an offence for any person (including a waste generator, transporter or receiver) to dump, deposit, discard or abandon “industrial waste” at a place that is not a site licensed to accept the waste, or a site that is licensed to accept the waste, but without the knowledge or consent of the license holder.

In Victorian legislation, “industrial waste” means waste arising from commercial, industrial or trade activities or from laboratories; or any waste containing substances or materials which are potentially harmful to human beings or equipment.

The Victorian EPA can also require the waste generator, transporter and receiver of the waste to clean up and pay for the waste to be taken to a place where it can be lawfully disposed of.

Under section 143 of the *Protection of the Environment Operations Act 1997* (NSW) (POEO Act) if a person transports waste to a place that cannot lawfully be used as a waste facility for that waste, the person and the owner of the waste commits an offence. A waste facility is defined as “any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations)”.

Under section 144, the owner or occupier of a place who allows their place to be used as a waste facility without lawful authority also commits an offence.

These offences have been devised to target large-scale commercial disposal of waste at unlicensed premises, with significant penalties.

14.1.3 Stockpiling leviable waste above limits set in licence conditions

Long-term waste stockpiling at waste facilities can hinder timely and appropriate waste disposal, and prevent waste materials from being recycled or reprocessed (see Chapter 11).

Although a rare occurrence, if a licensee of a waste facility manages their waste volumes poorly, they could develop large waste stockpiles which exceed the limits contained in conditions of their Part V Division 3 licence. Contravening licence conditions is an offence under section 58 of the EP Act, with a penalty of \$62,500 for an individual and \$125,000 for a body corporate.

Although this penalty is significant, it may be less than the potential levy liability that may be attached to the excess waste which is stockpiled at the premises. Large waste stockpiles can also be a significant environmental and fire risk.

If a licensed premises is stockpiling large volumes of waste in contravention of its licence, this activity needs to be deterred to support effective waste management, and to minimise associated risks.

14.2 Consultation feedback

Although not directly addressed in the Waste Reform Paper 2017, the following feedback was received from stakeholders in relation to levy avoidance:

- Select respondents generally supported waste tracking to ensure material is going to a legitimate end use.
- Select respondents requested further information on how the Government intends to regulate unlicensed waste sites.
- One respondent supported GPS tracking systems for waste trucks to identify companies engaging in levy-avoidance activities.

14.3 Proposed legislative options

14.3.1 Option 1: No changes to the EP Act

Under this option, the existing waste disposal offences under the EP Act are maintained (e.g. section 49A). The disposal of waste at unlicensed premises for waste disposal may be subject to existing penalties under the EP Act.

Existing offences may not be sufficient to address large-scale waste disposal at unlicensed premises, which may create environmental and health risks at these sites.

14.3.2 Option 2: Options to minimise unlawful disposal of waste

Option 2 is the preferred legislative approach to support waste reform in Western Australia and address the key issues identified.

New Offence – waste disposal at unlicensed waste facilities

Under Option 2, it is proposed there is a **new offence** to address waste disposal at unlicensed waste facilities, to target large-scale illegal waste operations.

It will be an offence for any person (including a waste generator, transporter or receiver) to dump, deposit, discard or abandon waste, or permit the dumping, depositing, discarding or abandonment of **waste**:

- (a) at a place that is not licensed under Part V Division 3 to accept the waste, or
- (b) at a site that is licensed under Part V Division 3 to accept the waste, but without the knowledge or consent of the occupier or owner of the site.

A “waste receiver” is the owner or occupier of a place (e.g. a tenant at a rural property) who allows (or causes or permits) the dumping, depositing, discarding or abandonment of waste at a site that is not licensed under Part V Division 3 for that activity.

For the waste generator (owner of the waste), it will be a defence if they can establish the offence occurred without their knowledge, and they exercised due diligence, and took reasonable measures, to ensure the waste was transported to a lawful destination.

For example, the waste generator may be able to rely on the above defence if the waste transporter supplied credible documentation indicating the waste was to be lawfully disposed of at a licensed landfill, but instead it was taken to an unlicensed site.

Under the proposed offence, waste generators and transporters will bear the onus of proving the place where the waste is being transported is licensed to accept that waste, **and** they have consent from the occupier to dispose of the waste at the site. Similarly, for the waste receiver, under this offence they will bear the onus of proving they are licensed to accept the waste under Part V Division 3 of the EP Act¹⁹.

To support the proposed changes under Option 2, it is proposed that enforcement powers in Part V Division 4 are also strengthened to address inappropriate waste disposal operations.

¹⁹ Please see s.143(2) and 144(2) of the Protection of the Environment Operations Act 1997 (NSW)

Waste Restriction Notice

There are currently limited powers under the EP Act to compel the immediate cessation of activities where there is large-scale waste disposal occurring at an unlawful place (e.g. rural property). A prevention notice may be issued under section 73A – however, in some instances, this cannot be prepared and issued immediately, which can permit large-scale waste disposal to continue.

To support a fast response to unlawful waste disposal, it is proposed a new power is introduced into the EP Act to allow authorised officers to temporarily prohibit access to, and the importation of waste at, a place that is not licensed under Part V Division 3 to accept that waste **for a period of up to 21 days**.

Under the new provision, an inspector will be able to issue a Waste Restriction Notice to immediately cease the receipt of all waste at the site if the inspector considers the new Option 2 offence has occurred, or is currently occurring, and the notice is necessary to immediately stop the activity.

The Waste Restriction Notice may be given to the owner and/or occupier of the site or another person if the inspector considers it is practicable for that person to comply with, and give effect to the notice²⁰.

The Waste Restriction Notice will not prohibit access to the site, or a specified part of the site, by the owner or occupier.

Failure to comply with the Waste Restriction Notice will be an offence, with daily penalties for non-compliance.

In addition, where there is non-compliance with the Waste Restriction Notice, inspectors under the EP Act will have powers to take reasonable measures to enforce the terms of the notice (e.g. secure the site). The CEO will be entitled to recover any expenditure incurred by the department if the inspector has to take reasonable measures to enforce the notice.

Following the issuing of a Waste Restriction Notice, the department may consider issuing a Prevention Notice under section 73A to the owner or occupier to prevent further waste importation at the site, and require actions to reduce waste stockpiles.

To further align with the proposed new notice, it is also proposed that section 73A(1) is amended to clarify that an inspector or authorised person may issue a Prevention Notice if they reasonably suspect that waste is being unlawfully deposited or discharged at a place which is not licensed for that activity under Part V Division 3 of the EP Act.

The proposed Waste Restriction Notice is partially based on a short-term restriction notice to target illegal waste disposal in England and Wales under the [Waste](#)

²⁰ This proposal is based on the legislative approach for a vegetation conservation notice under the EP Act under s.70(3).

[Enforcement \(England and Wales\) Regulations 2018](#), which has been adapted for the Western Australian context.

CEO notice – Waste tracking through Global Position System (GPS).

Consultation feedback flagged the importance of waste tracking, and that the use of GPS devices for waste trucks may assist in identifying companies that are avoiding paying the levy. Illegal dumping and levy avoidance can financially undermine waste companies who transport waste to premises that can lawfully accept it.

Under section 144AC of the NSW POEO Act, the NSW EPA can issue a person with a notice that requires the person to install GPS tracking systems on their waste transportation vehicles. The Act imposes penalties for removing or tampering with the devices, or not complying with the notice.

To deter unlawful waste operations in WA, it is proposed that the EP Act be amended to give the CEO the power to issue a notice requiring the installation of GPS tracking systems, subject to defined criteria. For example, the CEO notice may be issued to specific persons who own waste transport vehicles, or it can apply to a defined vehicle or waste type (e.g. waste transportation vehicles carrying over 10 tonnes of waste). It will be the responsibility of the person subject to the notice to ensure the GPS device is operating at all times.

The GPS data is to be supplied to the CEO on request, so the movement of waste can be monitored.

CEO notice – Waste tracking – Record-keeping requirements

To further improve waste tracking, it is also proposed the CEO is provided with a power to issue a notice to a specific person (or company) to maintain records of their waste volumes movements, such as through the use of logbooks. It is intended this CEO notice would apply to waste transportation companies.

Non-compliance with these record-keeping requirements (or a failure to produce a logbook for a waste transport vehicle) will be an offence.

CEO notice – Video monitoring at waste premises

To complement waste tracking and record-keeping requirements, it is proposed the CEO is provided with the power to give written notice to an occupier of a licensed waste facility requiring them to install, operate and maintain a video-monitoring system. This will provide greater certainty and transparency regarding activities that occur on-site, and also the vehicles attending the premises.

The occupier will have to comply with requirements in the notice, including when the video must be operating, and how recordings should be stored. The video recordings are to be made available for inspection and copying by inspectors and authorised officers under the EP Act.

Video monitoring records are to be kept by the occupier for two years after being made.

This proposal is based on similar requirements contained in regulation 39 of the *Protection of the Environment Operations (Waste) Regulation 2014* in NSW.

New penalties for repeat waste offenders

Where a person has been convicted of a serious waste offence under the EP Act in the past five years, it is proposed that the penalty for any subsequent waste offence be the maximum monetary penalty for the commission of the subsequent offence, or imprisonment for the offence for two years, or both. This proposal will provide an additional deterrent for illegal waste disposal in Western Australia, and will target serial offenders.

These penalties are based on section 144AB under the *Protection of the Environment Operations Act 1997* (NSW).

It is intended this provision will only apply to serious waste offences specified in the EP Act, including pollution or environmental harm resulting from waste. Other serious waste offences will include section 49A (Dumping of waste) and the proposed new offence relating to unlawful waste disposal under Option 2.

New penalties for contravening licence conditions for waste stockpiles

New penalties are proposed to deter excessive and unlawful waste storage at licensed premises under the EP Act, which can undermine waste management, and be an environmental and fire risk.

Where a waste facility is storing leviable waste (or waste which may become leviable) and the stockpiles of this waste exceed limits specified under a condition of a Part V Division 3 licence, it is proposed an additional penalty is attached to a breach of this licence condition under section 58 of the EP Act.

The penalty would be only applicable to the waste which exceeds the stockpile limit under the licence, and it will reflect the amount of levy which would have to be paid for long-term stockpiling of this waste (see Chapter 11). This penalty would be additional to any levy that may become payable for this waste under the WARR legislative framework.

New infringement notices for unlawful waste disposal

To enable a quick response to illegal waste disposal activities, it is proposed the EP Act is amended to permit inspectors to issue on-the-spot infringement notices for offences that have been committed under the new Option 2 offence or section 49A.

An inspector can issue an infringement notice to the alleged offender if they have a reason to believe that a person has committed the relevant waste offence (e.g. waste transporters illegally dumping waste)²¹.

New powers to identify persons in charge of vehicles

To support investigations into waste-related offences, it is proposed authorised persons under the EP Act are provided with additional powers to identify the person(s) in charge of a vehicle that is involved in illegal activity.

A vehicle owner, or person in charge of a vehicle, shall if required by an authorised officer, provide any information within their power which may lead to the identification of the person in control of the vehicle at the time of an offence relating to waste (e.g. new Option 2 offence, section 49A). Non-compliance with this request for information will be an offence.

In addition, where an offence under the EP Act has occurred because of waste disposed or deposited from a vehicle, and the authorised officer is unable to establish who committed the offence, it is proposed the person in charge or responsible for the vehicle at the relevant time, will be deemed to have committed the waste offence.

This person will be provided with an opportunity via written statement on oath, or by statutory declaration, to explain if they are not responsible for the offence, and to identify the driver or person responsible for the waste offence.

These new powers will be modelled on existing powers for litter offences under sections 27(1a) and 27A of the *Litter Act 1979* (WA).

Signage where there is unlawful waste disposal at a site

To improve public awareness regarding unlawful waste disposal, it is proposed the CEO be able to require the installation of a sign at the front of a property which states the site is subject to a Prevention Notice under section 73A, or a new CEO Waste Restriction Notice for a waste-related offence. The sign is to be installed by authorised persons under the EP Act.

The sign will ensure that waste transporters visiting the site will be aware that the continual disposal of their waste at that premises is not permitted.

Under the Prevention Notice or Waste Restriction Notice, the occupier or owner of the site must ensure the sign is maintained, and not removed or defaced, or they will commit an offence.

²¹ Please see s.99J of the EP Act on infringement notices.

Chapter 14 - Consultation questions

1. Please provide feedback on the compliance measures to address unlawful waste disposal under Option 2. What are the potential benefits and impacts for waste stakeholders? Please provide evidence or supporting information.
2. Please provide feedback on the proposed GPS and record-keeping requirements for vehicles carrying leviable waste in the Perth metropolitan region under Option 2. What types of trucks, and which waste streams, should be tracked by GPS to minimise unlawful waste disposal in Western Australia? Do all waste transportation vehicles require tracking? Please provide evidence or further information.
3. Please provide feedback on the proposed imprisonment option for serial waste offenders committing multiple breaches of the EP Act under Option 2, and whether this penalty be a suitable deterrent for illegal waste activity.
4. Please provide information on any other compliance and enforcement proposals which could be considered to address illegal waste disposal in Western Australia.

15 Improving the administration and collection of the waste levy

15.1 Key issues to address

15.1.1 Improving the administration and collection of the levy

Under regulation 18(1) of the WARR Regulations, a levy is to be paid by the holder of a licence in respect of a licensed landfill.

A licensee must also keep the records set out in regulation 17 of the WARR Regulations. From the details entered in those records the licensee must in respect of each return period, prepare and lodge a return in the approved form, together with the amount of the levy payable in respect of the waste to which the return relates. The licensee is to pay the levy no later than 28 days after the end of a return period. This is a self-assessment process.

A person who is not a licensee may also be required to pay the levy if the CEO issues a written notice to that person specifying the amount of levy payable by that person. Payment of the levy is required no later than 28 days after the date of the written notice.

Under regulation 15 of the WARR Regulations, payment of the levy is to be secured by way of a financial assurance provided by a licensee to the CEO in an approved manner and form. The financial assurance secures or guarantees payment of an amount determined by the CEO as equivalent to the average levy to be paid in a return period.

Where the levy is due and payable, the amount is recoverable by the Minister for Environment in a court of competent jurisdiction as a debt due to the Minister. A penalty may also be imposed for non-payment of the levy.

Although the current legislative provisions have been sufficient there is an opportunity to make improvements to ensure the collection of the levy is efficient and effective which will be of benefit to both government and licensees.

15.2 Consultation feedback

This is a new proposal which was not included in the 2017 consultation process.

15.3 Proposed legislative options

15.3.1 Option 1: Maintain existing levy return system

Under this option, the current levy return process (as outlined in section 15.1.1) will be retained.

Although the CEO will review the information provided in levy returns submitted by licensees, there is no formal mechanism for the CEO to issue a notice outlining the levy to be paid by licensees.

15.3.2 Option 2: Reforming the waste levy return framework

Option 2 is the preferred legislative approach to support waste reform in Western Australia, and to address the key issue identified.

It is proposed that the current process for lodgement of returns and payment of the levy be amended to provide an appropriate means to more efficiently administer and collect the levy.

The obligation on a licensee to prepare and lodge a levy return would continue. The CEO would be able to request further information to enable verification of information contained in returns.

It is proposed that a notice of assessment would be issued by the CEO based on information provided by a licensee and setting out a date for payment of the levy. In the event of a failure to provide a return, the CEO would be able to issue a notice of assessment based on an estimate. The CEO would be able to amend assessments of the levy and determine under and overpayments of levy.

Under this proposal, there would be a process to allow a review of a notice of assessment. The consequences of late payment of the levy would also be specified. These may include provisions similar to that found in the *Taxation Administration Act 2003 (WA)*.

The proposal partially reflects the approach taken in Victoria where the Victorian EPA has a discretion to issue a notice where a levy estimate is considered to be inaccurate.²²

It is noted that the majority of licensees prepare and lodge levy returns and pay levy owed in a timely manner.

Chapter 15 - Consultation questions

1. If you are the licensee of a landfill that submits levy returns, please provide feedback on Option 2, including the proposal to issue a notice of assessment. Please provide evidence or further information.
2. What other changes should be considered to improve the administration and collection of the levy? Please provide evidence or further information.

²² Section 50X of the *Environmental Protection Act 1970 (Vic)*

16 How to make a submission

Written submissions

Submissions can be lodged (preferred) at
consult.dwer.wa.gov.au/waste-policy/closing-the-loop

Hard copies can be mailed to:

Closing the Loop Review
Department of Water and Environmental Regulation
Locked Bag 10, Joondalup DC, WA 6919
Closing date: **May 15, 2020, 5pm (WST)**

For further information:

Telephone: (08) 6364 7000

Email: closingtheloop.queries@dwer.wa.gov.au

17 Glossary

CEO: means chief executive officer of the department of the public service principally assisting in the administration of this Act.

Diversion: waste diversion or landfill diversion is the process of diverting waste from landfills to other purposes (for example, re-use, recycling or recovery).

Landfill premises: means —

- (a) a licensed landfill, or
- (b) premises that would, if the occupier of the premises held a licence in respect of the premises as required under the EP Act, be a licensed landfill.

Levy: means a levy imposed under the *Waste Avoidance and Resource Recovery Levy Act 2007* on the disposal of waste.

Licensed landfill: means premises specified in Category 63, 64 or 65 of the Environmental Protection Regulations 1987 Schedule 1 in respect of which a licence is held.

Licensee: means the holder of a licence in respect of a licensed landfill.

Occupier: an occupier of a premises is a person who is in occupation or control of those premises, whether or not that person is the owner of those premises.

Recovery: recovery refers to mechanical, thermal, biological, or chemical actions that recover all or some of the materials that may otherwise be disposed to landfill.

Recycling: recycling refers to using recovered waste materials substituted for raw materials.

WARR Account: means the Waste Avoidance and Resource Recovery Account established by section 79 of the *Waste Avoidance and Resource Recovery Act 2007*.

Waste: waste as defined under the *Waste Avoidance and Resource Recovery Act 2007* includes matter whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment or prescribed by the Waste Avoidance and Resource Recovery Regulations 2008 to be waste.

Waste Strategy: means the Western Australian Waste Strategy approved and in force under Part 4, Division 1 of the *Waste Avoidance and Resource Recovery Act 2007*.

Appendix 1 - Details of mass balance reporting approach

The Western Australian proposal for mass balance reporting is primarily based on the proposed South Australian approach outlined in their consultation paper – [Explanatory paper: mass balance reporting](#), published in 2017.

For the purposes of Appendix 1, "specific waste premises" refers to premises that are licensed under specific licensing categories in Schedule 1 of the EP Regulations, which are listed in Chapter 13.

Waste reporting requirements

The licensee or occupier of specific waste premises must provide the CEO with:

- the total weight or mass of waste received at the premises each month in accordance with current requirements
- the waste streams received at the premises each month, including information on where it was generated/delivered from
- the total weight or mass of material transferred from the premises each month (and whether transferred elsewhere in Western Australia, interstate or overseas)
- the total weight or mass of material remaining stockpiled on-site each month
- the total weight or mass of material used on-site each month
- the total weight or mass of material disposed on-site each month
- the waste types transferred from, stockpiled, used or disposed by the premises each month.

Periodic volumetric surveys

The licensee or occupier of specific waste premises who are required to pay the waste levy may be subject to additional requirements for volumetric surveys, carried out by a qualified surveyor, with the results provided to the CEO.

The occupier must keep a copy of the results of each survey for a period of at least six years after the date on which the survey is carried out, and make those results available for inspection and copying by an authorised officer on request.

If required and specified in writing at any other time by the CEO, the occupier of a specific waste premises must also have a volumetric survey of the premises carried out by a qualified surveyor and provide the results to the CEO as specified.

Topographical surveys

If required and specified in writing by the CEO, the occupier of a specific waste premises must have a topographical survey of the facility carried out by a qualified surveyor and provide the results to the CEO as specified.

The occupier must keep a copy of the results of each survey for a period of at least six years after the date on which the survey is carried out, and make those results available for inspection and copying by an authorised officer on request.

Record keeping*Waste types and waste streams*

The waste type is to be determined in accordance with published regulatory guidance by the department.

Waste and other material received at specific waste premises

The licensee or occupier must record the following information in relation to each delivery of waste or other material received at the premises:

1. The weight or amount of any waste delivered, its waste type and its waste stream, and where it has been generated/delivered from.
2. The weight or amount of any other material delivered and a description of the nature of that other material.
3. The weight or amount of any waste delivered, or has been collected, that is subject to an approved waste levy exemption under the WARR Levy Regulations.
4. The date and time the delivery is made.
5. The registration number of the vehicle used to make the delivery.
6. Where the waste has been transported from another specific waste facility:
 - a) the name and address of the other premises
 - b) the code or number of any licence for the other premises.
7. Particulars of where any waste or other material delivered is placed at the premises.

Waste and other materials transported for use, recovery, recycling, processing or disposal

The occupier of a specific waste premises must record the following information in relation to each load of waste or other material transported from the premises for use, recovery, recycling, processing or disposal at another place:

1. The weight or amount of any waste contained in the load, its waste type and its waste stream.
2. The weight or amount of any other material contained in the load and a description of the nature of that other material.
3. The weight or amount of any waste delivered that has been subject to an approved waste levy exemption under the WARR Levy Regulations.
4. The date and time the load is transported from the premises.
5. The registration number of the vehicle used to transport the load.
6. The name and address of the place to which the load is transported and the code or number of any licence for that place.
7. In the case of waste or other material in the load that is removed from a stockpile required to have a unique identification number — the unique identification number (see below for discussion on unique identification numbers).
8. Details of any recycling, mixing, blending or processing of any waste in the load, including the composition as a proportion of waste and other material in any waste-derived material in the load.

Other records relating to vehicles

The occupier of a specific waste premises must record the following particulars in relation to vehicles that enter the premises for a purpose related to the operation of that premise (whether or not the vehicle is being, or is intended to be, used to deliver or transport waste):

1. The date and time on which the vehicle enters the waste premises.
2. The date and time on which the vehicle leaves the waste premises.
3. The registration number of the vehicle.
4. The purpose of entry (for disposal or on-site use).
5. The weight of the vehicle upon entry and departure

Material used for operational purpose at specific waste premises

The occupier of a specific waste premises must record the following information in relation to any material used for prescribed operational purposes:

1. The weight or amount of waste and its waste type.
2. The nature of the purpose.
3. The date the waste is used.
4. Particulars of any EP Act or WARR legislation approvals relating to the use of waste for the purpose.

Closing the loop – waste reforms for a circular economy

Waste and other material stockpiled at specific waste premises

The occupier of a specific waste premise must record the following information in relation to any waste and any other material stockpiled at the site:

1. A unique identification number for each stockpile.
2. The weight or quantity of any waste (and its waste type) or other material held in each stockpile at the end of each month.

Keeping, retention and availability of records

The occupier of a specific waste premises who is required to record information under these proposals must record the information in accordance with requirements, and ensure the records are retained for at least six years.

Any of the records are to be available for inspection and copying by an inspector or authorised officer on request.

Measurement of waste

To support any proposal for new mass balance reporting requirements, legislation and departmental guidance on measuring and reporting waste would be prepared.

Information will need to be submitted in a CEO approved form. Unless otherwise specified, it is intended the weight or mass will be required to be reported in tonnes and reflect how the measurement was undertaken (e.g. weighbridge or conversion).

Online resources

Waste Strategy 2030:

www.wasteauthority.wa.gov.au/images/resources/files/2019/10/Strategic_Direction_-_Waste_Avoidance_and_Resource_Recovery_Strategy_2030.pdf

Waste Reform Project:

www.der.wa.gov.au/images/documents/our-work/consultation/warr-act-review/Waste-Project-Reform-consultation-paper.pdf

Waste Strategy Action Plan:

<https://www.wasteauthority.wa.gov.au/publications/view/strategy/waste-avoidance-and-resource-recovery-strategy-2030-action-plan>

2018 National Waste Strategy:

www.environment.gov.au/system/files/resources/d523f4e9-d958-466b-9fd1-3b7d6283f006/files/national-waste-policy-2018.pdf

Let's not draw the short straw - reduce single-use plastics issues paper:

www.dwer.wa.gov.au/single-use-plastic-issues-paper

Our priorities: sharing prosperity:

www.wa.gov.au/government/our-priorities-sharing-prosperity

Australian Government waste export ban timetable:

www.environment.gov.au/protection/waste-resource-recovery/waste-export-ban

Waste levy review: www.dwer.wa.gov.au/consultation

Community Grants Scheme:

www.wasteauthority.wa.gov.au/programs/view/community-grants-scheme-cgs

Community and Industry Engagement:

www.wasteauthority.wa.gov.au/programs/view/cie

Consultation summary report - Waste level and waste management:

www.der.wa.gov.au/images/documents/our-work/consultation/Waste_levy_and_waste_management_proposed_approaches_for

Closing the loop – waste reforms for a circular economy

[legislative reform/Final Consultation summary report -
Waste levy and management.pdf](#)

Food Organics and Garden Organics (FOGO) – position statement:
www.wasteauthority.wa.gov.au/publications/view/position-statement/food-organics-and-garden-organics

Environmental Protection Act 1986 amendments consultation:
consult.dwer.wa.gov.au/strategic-policy/enviro-protect-act-amendments-consultation/

DWER consultation on the mandatory use of weighbridge to calculate leviable waste:
www.der.wa.gov.au/our-work/consultation/69-closed-consultations/525-open-consultation-mandatory-use-of-weighbridges-to-calculate-leviable-waste



Consultation Paper

Response to DWER Consultation Paper: Closing the Loop- Waste Reforms for a circular economy

The City of Wanneroo (The City) welcomes the opportunity to comment on the Waste Reform Project (WRP) which is primarily concerned with legislative changes to the Environmental Protection Act 1986, the Waste Avoidance and Resource Recovery Act 2007 and the Waste Avoidance and Resource Recovery Levy Act 2007 and associated regulations to support the implementation of the Waste Strategy 2030. The City also supports and participates in a move towards a reduction in waste consumption and creating a closed loop system for waste management.

Chapter 7 – Align the Environmental Protection (EP) Act with the Waste Avoidance and Resource Recovery Objectives	
	City's Response
Option 1: No change to the EP Act	The City is not supportive of this option - refer to No. 1 below.
Option 2: Amend the EP Act to incorporate waste avoidance and resource recovery objectives	The City is supportive of this option - refer to No.1 below
Consultation Questions	
1. If you are the operator of a licensed waste facility under the EP Act, please provide feedback on Options 1 and 2. Please describe potential benefits or costs from these changes, and any unintended consequences which may occur.	Under Option 1 if there is no change to the EP Act it may be difficult to issue licence conditions relating to important waste management issues such as stockpiling and diverting waste from landfill for re-use and recycling. Under Option 2 a change to the EP Act would clarify that licence conditions could potentially be developed to require the management of waste in accordance with the waste hierarchy and Waste Strategy. Conditions may be attached to licences to prevent waste stockpiling related to avoidance of the waste levy which is prevalent in WA.
2. If Option 2 is progressed, what support, guidance or infrastructure will be required by waste stakeholders to implement new licence conditions?	DWER would need to confirm exactly what the implications and changes to the EP Act are and how this would affect local governments. Some local governments could potentially require financial assistance to implement new licence conditions. The range of programs that can access funding collected from the waste levy could potentially be expanded to allow local governments access funds that require capital for new/existing infrastructure or upgrades to infrastructure.
3. Are there any other policy approaches which will support better alignment between the EP Act, WARR legislation and the Waste Strategy 2030?	A key issue with the implementation of the Waste Strategy, relates to funding. The passage of the WARR Act and the <i>Waste Avoidance and Resource Recovery Levy Act 2007</i> (WARRL Act) were accompanied by an understanding that the primary rationale for the Levy was to provide funds for relevant strategic activities. Specifically, implementation of the <i>"Strategic Direction, and the administration costs directly associated with its implementation"</i> . WARR Account funds should be used to address critical issues, such as market development and infrastructure needs.

Chapter 8 – Clarifying the application of the waste levy	
Option 1: No change - maintain existing terminology in waste legislation	The City is not supportive of this option, to maintain existing terminology as it may facilitate large scale stockpiling of waste materials particularly at inert landfills. Also existing terminology may undermine the implementation of the Waste Strategy.
Option 2: Amend the WARR Levy Act and WARR Levy Regulations in relation to waste <i>received</i> at relevant waste premises	The City is supportive of this option – refer to No.1 below.
Option 3: Amend WARR Levy Act and WARR levy Regulations in relation to waste <i>deposited</i> at relevant waste premises	The City is not supportive of this option as it would mean that any material generated on site could potentially attract the waste levy. What are the implications of this?
Consultation Questions	
1. If you are the licensee of a waste facility, please provide feedback on your preferred option for modernising key terms in waste legislation, and when the waste levy will apply.	Modernising key waste legislative terms would resolve the issue of material being received on site and stockpiled. Once material is <i>received</i> on site it would automatically be subject to the waste levy. Stockpiling of waste material undermines the market value of C&D waste and does not maintain a level playing field in the industry.
2. What are the potential benefits or cost impacts that may result from the proposed legislative options?	Previously the licensee would only pay the levy when waste was disposed of (hence stockpiling occurred) whereas now the levy is payable on receipt of waste which will prevent excessive stockpiling.
3. Please provide any further suggestions to improve terminology under WARR legislation and the application of the waste levy in Western Australia.	Further clarification is required on category definitions to include the application of waste to land particularly when considering organic material. Considerable time and resources is being spent on source separation and use of recycled products. There needs to be a process to clarify at what stage of processing organic material is viewed by the DWER as a product that does not require a licence to use/dispose to land. Without this clarification a significant impediment exists to the use and consequent diversion of these products from landfill.
Chapter 9 – Modernising landfill licensing and levy liability for waste disposal	
Option 1: No change - Maintain five landfill categories	The City is not supportive of this option. Currently Western Australia has five categories of landfills (63, 64, 65, 66, 89) which are differentiated by the type of material that can be accepted at each site. Currently the licencing descriptions potentially undermine waste management and do not capture disposing of waste onto land adequately and can undermine the operation of the waste levy by facilitating indefinite stockpiling of materials.
Option 2: Three landfill categories – waste disposal to land	The City is supportive of this option – refer to No. 1 below
Option 3: Single landfill category – waste disposal to land	The City is not supportive of this option – refer to No. 3 below
Consultation Questions	
1. If you are a waste stakeholder, what is your preferred option for the landfill licensing categories under the EP Act?	The City is supportive of the following three landfill categories: Category 63 relates to inert landfills, Categories 64, 65 and 89 are consolidated as putrescible landfills and Category 66 remains as an intractable landfill. Three categories of landfill

	simplify the licencing regime. Three categories also reflect similar potential risks to the environment and human health.
2. Should Category 89 landfills be required to be licensed under the EP Act to improve the management of environmental and health risks, or for the effective implementation of the waste levy?	Yes some Category 89 landfills but not all should be licenced. Category 89 landfills mainly relate to rural putrescible landfills of which there are currently 140 sites in Western Australia. Previously these sites were regulated under the EP Rural Landfill Regulations 2002 but will now be subjected to formal licencing requirements. This could potentially have a significant financial impact for many rural local governments. However the Department should apply a risk based approach to this category when assessing its suitability for licencing as a small rural landfill may not have the same environmental risks as a large metropolitan landfill.
3. If you are a local government with a Category 89 landfill, please provide information on the benefits or costs associated with the licensing of Category 89 landfills under Options 2 and 3.	The City does not have a Category 89 landfill; however one benefit of licencing Category 89 landfills is accurate recording of waste data. Currently most rural landfills visually estimate the quantity of waste disposed to landfill or utilise volumetric surveys. Financial costs would include infrastructural upgrades (weighbridges), appropriate data retrieval software and increased resources in an administrative capacity.
4. If a licensing exclusion is available for Category 89 landfills, please comment on a proposed scope of the exclusion, and a justification for the approach.	In other Australian jurisdictions such as Victoria local government owned and operated landfills which serve a population <5000 people are except from licencing requirements. A similar approach coupled with a risk assessment of the activity could potentially be adopted in WA. However, clear guidance would be required from the DWER to assist proponents to ensure these landfills are correctly sited and constructed to minimise potential environmental or health risks.
5. Should operators of Category 66 landfill premises that accept hazardous wastes be liable to pay the waste levy as “waste disposal premises”?	Where no suitable alternative to landfill disposal exists hazardous waste should be liable to the waste levy. Hazardous waste could potentially be split into three categories to reflect the level of hazard posed. The aim of categorisation is to improve treatment standards and achieve greater waste separation to help identify further avoidance, reuse or recycling opportunities. This is the case in Victoria where Category A wastes are banned from landfill, Category B & C wastes can be accepted at best practice landfills that are licenced to accept hazardous waste. There are differential levies for each category of hazardous waste. Categorisation of hazardous waste would ensure the most appropriate management option for the protection of human health and the environment. The DWER would need to engage with industry further on this issue and provide clear guidance on how to manage hazardous waste destined for landfill in WA.
6. Please provide feedback on the proposed approach for Category 53 (fly ash disposal) outlined in section 9.1.5 – Should fly ash disposal be regulated as a separate process, or should it be regulated as a licensed landfill?	Fly ash should be regulated as a separate process. For example, if a facility is not disposing of the fly ash on site but rather transferring it off site for use in cement manufacturing then <i>Category 53: Fly ash disposal</i> is the incorrect Category for this process. A Category 62: Solid Waste Depot would be more appropriate

Chapter 10 – Simplifying the solid waste licencing categories	
Option 1: Maintain existing category descriptions	The City is not supportive of this option as it maintains the ongoing confusion regarding the regulatory purpose of Categories 61A and 62.
Option 2: Clarifying solid waste licencing categories 61A and 62	The City is supportive of this option – refer to No. 1 below.
Option 3: Merging solid waste categories and used tyre storage categories	The City is not supportive of this option. Further clarification is required on the impact this would have on other facility categories where recycling and reprocessing of solid waste occurs i.e. Construction & Demolition sites and Organic Processing facilities. If it is the intention that these facilities all fall under the same category, guidance will be required by the industry to ensure that consistent approaches to risk assessments and licences are taken by the sector and the DWER in its licencing and regulatory role.
Consultation Questions	
1. Please identify a preferred option for regulating solid waste storage premises outlined in Options 1, 2 and 3.	The preference is option is 2: Clarifying solid waste licencing categories. Currently Category 61 A (solid waste facility) and Category 62 (solid waste depot) both permit waste storage as part of their licenced activity. Both categories have overlapping activities which is confusing for proponents when applying for a licence while also creating regulatory complexity. Category 61A permits discharge to land which was never the intent of a solid waste facility and potentially overlaps with the landfill licencing categories 63, 64, 65, 66 & 89. Category 62 should be revised to 'storage of waste' and not 'sorting of waste'. Categories should be aligned to reflect actual industry practice and planning. Better Practice Guidance for different industry types is also required.
2. Will the proposed changes to the solid waste categories (Categories 56, 57, 61A, 62) support further re-use and reprocessing of solid waste and used/waste tyres?	Further re-use and reprocessing of waste will only occur when there is a focus on alternative solutions to processing at a local and domestic level and not just storing waste or shipping overseas for reprocessing.
3. Under Option 3, the proposed licensing threshold for the new category which merges Categories 13, 61A and 62 will be 1000 tonnes or more per year. What are the impacts of this proposed threshold?	The City is not supportive of this option. A transfer station could potentially have a different risk profile to a construction and demolition crushing facility. What guidance is available to proponents should all solid waste categories be merged?
4. Please provide feedback on the proposal to regulate large MRFs under Options 2 and 3.	MRFs are already regulated under the EP Act, however clarity needs to be provided as currently there is inconsistency in the regulation as some MRFs are regulated under Category 61A and Category 62. Having all MRFs regulated under a single category is easier to regulate.
5. If you are the occupier of a used tyre storage facility, what will be the potential benefits or costs impacts if Option 3 is implemented? Should tyre storage premises which store	The City does not have a used tyre storage facility. However, here are a lot of small businesses (tyre changing facilities) where 100-500 tyres (new and used) could potentially be stored on site. If these premises were regulated through the EP Act it may potentially be an administrative burden. However, as tyres do pose fire risk guidance is required in relation to

more than 100 used or waste tyres (but less than 500 used or waste tyres) and less than five tonnes of tyres, be subject to licensing?	storage separation distances.
6. Please provide feedback on whether metal scrap yards in Western Australia should be licensed under Category 47 because of potential risks to human health and the environment.	Scrap metal yards should be regulated under the EP Act. These facilities have the potential to contaminate groundwater and cause environmental pollution. Currently in WA some facilities are regulated under Category 47 (scrap metal recovery) and Category 62 (solid waste depot). Clearer guidance is required on what category best suits these facilities. These facilities also potentially pose a fire risk if they are defragmenting material onsite.
Chapter 11: Minimising stockpiling at waste facilities	
Option 1: No levy for stockpiling at solid waste storage premises	The City is supportive of this option. Long term stockpiling can be regulated by imposing a condition in the licence limiting the amount of material that can be stockpiled on site at any one time. If the licence holder is in breach of a licence condition then fines should be imposed.
Option 2: Levy liability for solid waste facilities, depots, and used tyre storage premises that stockpile waste for over 12 months	If Option 1 is applied (licence conditions and fines for breach of licence) there is no requirement for imposing a levy on waste stockpiled for over 12 months.
Option 3: Upfront levy payment for waste storage premises, with levy exemptions	The City is not supportive of this option – refer to No.2 below.
Consultation Questions	
1. Please provide feedback on the proposal in Option 2, which will impose the waste levy if waste is not removed from specified waste storage facilities within 12 months if it is not processed, and it is not going to be sold or used. If you are the operator of a waste facility, what are the potential consequences or impacts of this proposal?	Long term stockpiling can be regulated by imposing a condition in the licence based on a risk assessment which limits the amount of material that can be stockpiled on site at any one time. Recycling markets for some wastes are linked to commodity cycles and prices (for example plastics/paper). Consequently, the economic viability of recycling certain materials can change significantly over time and it may take longer than 12 months for certain recycling markets to experience an upswing. If waste storage is to be captured by the levy, there must be a process for exemptions, so those materials that can be safely stored in an easily recoverable manner are not required or incentivised to be landfilled. Proposed amendments will need to carefully consider the balance between reducing levy avoidance through “storage” and sterilising resources with potential future value.
2. Please provide feedback on the proposal in Option 3, which will impose upfront levy liability and payment, with transport related levy exemptions. If you are the operator of a waste facility, what are the potential consequences or impacts of	Under this option the levy will be triggered when waste is received or deposited at the waste storage facility with payment due on a quarterly basis. The timeframe for applying for an exemption is 12 months. It would be difficult to assess exactly how long material has been on site as the material is not date stamped on arrival. This option also appears to be an additional administrative burden for the licence holder. Also the upfront payment of the levy will result in negative cash flow impacts for stakeholders.

this proposal?	
3. The proposals in Options 2 and 3 are intended to address long-term waste stockpiling at waste storage facilities. Will the proposals in Options 2 and 3 provide a sufficient financial incentive to remove waste stockpiles at waste storage facilities?	As mentioned previously waste stockpiling can be regulated through a condition of the waste licence. However in certain instances stockpiling may occur for legitimate reasons i.e. currently global recycling crisis as a result of China Sword saw a lot of MRF's stockpiling recyclables as there was no market for the product. To prevent reliance on overseas markets investment is required in local/domestic reprocessing infrastructure.
4. If you are a local business specialising in the re-use, reprocessing or recycling of waste materials, will the proposals in Options 2 and 3 support your business, or contribute to new business opportunities in waste?	N/A
Chapter 12: Waste levy exemptions	
Option 1: Maintain existing exemptions	The City is not supportive of this option as the existing exemptions are vague, unclear and create confusion.
Option 2: Key amendments to the waste levy exemptions	The City is supportive of this Option – refer to No. 1 below.
Option 3: Changes to regulation 5(1)(b) waste levy exemptions	The City is not supportive of this option – refer to No. 3 below.
Consultation questions	
1. Please provide feedback on Option 2, which intends to clarify and strengthen existing waste levy exemptions. If you are the licensee of a waste facility, what are the expected impacts or benefits of these proposed changes?	Key amendments to waste levy exemptions include: <ul style="list-style-type: none"> For waste used in landfill cell construction, maintenance of cell liners, bund walls, leachate systems, hardstands, building foundations, haul roads. This supports greater reuse and recycling of waste materials A time limit of 24 months for applying for an exemption after which time the levy becomes payable. This encourages timely application for waste exemptions relating to waste stockpiles Removing CEO obligation to estimate the quantity of exempt waste. This puts the onus on the licensee to conduct their own calculations and estimates for exempt waste
2. Please provide feedback on the proposed time limit for retrospective applications for an exemption under option 2, including potential impacts.	The WARR levy regulations currently do not specify a time limit for making a retrospective exemption application. By not having a time limit in place licences can potentially apply for an exemption many years after the waste is accepted by a landfill. The proposed time limit of 24 months supports reuse of materials and hinders stockpiling.
3. Please provide feedback on the proposed levy exemptions relating to regulation 5(1)(b) in Option 3. Are the proposed exemptions and timeframes for removing the waste suitable?	Under the proposed levy exemptions the levy will be payable when waste is received/deposited at a landfill facility. In instances where the licensee can prove that this waste can be re-used, reprocessed or recycled an exemption can be granted but is limited to 12 months from when the waste was first received/deposited at the site. The proposed levy exemptions will create an incentive to shift waste for re-use and

	reprocessing for a circular economy in a timely manner.
4. Please provide general feedback on the proposed waste exemptions and if other waste levy exemptions need to be considered to support the Waste Strategy 2030.	Litter and illegally dumped waste collected by local governments, non-profit organisations should be considered for exemption from the landfill levy and charged a reduced gate fee to dispose of this material at licenced facilities.
Chapter 13:Improving solid waste reporting from waste facilities	
Option 1: Maintain existing waste reporting approach	The City is not supportive of this option.
Option 2: Mass balance reporting within 800km of Perth metropolitan region	The City is supportive of mass balance reporting for the following reasons: <ul style="list-style-type: none">• Greater transparency provided in relation to the volume and quantities of waste generated and reported on• Waste can be tracked more easily• Improves data accuracy and eliminates data gaps.
Option 3: Mass balance reporting state-wide approach	
Consultation Questions	
1. If you are a licensee or occupier of a licensed waste facility, please provide feedback (with supporting information) on your preferred option in relation to solid waste data reporting.	The City holds a waste licence Category 67A (Composting manufacturing and soil blending) for its Wangara Greens Recycling Centre. A condition of this licence is that all waste entering and leaving the site is recorded and report on annually via DWERs Annual Audit and Compliance Report Form.
2. Are there any other waste data reporting approaches which should be considered as an alternative for Options 1, 2 and 3?	The City supports the collection of useful and consistent data however the effort required to obtain the data must be proportionate to the value obtained by DWER or licensee for that data. DWER should justify why it requires mandatory monthly/quarterly reporting of waste data and how it intends to utilise this data to achieve its waste management objectives.
3. If you are a licensee or occupier of a licensed waste facility, do you collect information on the weight or volume of waste, and the type of waste, received by your facility? If yes, do you store this data electronically?	The City captures information relating to waste inputs and outputs electronically via weighbridge. The proposed online waste reporting portal must interface smoothly with existing weighbridge software providers enabling very simple push button monthly reporting/uploads.
4. What would be the expected cost impacts for licensed waste facilities to implement new reporting requirements under Options 2 and 3 (e.g. data collection, electronic record keeping, and monthly reporting)?	The additional cost to implement and administer is a concern and a potential barrier to compliance. There is also a lack of clarity of the cost to implement the proposed system (weighbridges, software, fencing/security, video monitoring, and reporting mechanism). The waste levy fund should be available to assist local governments with these costs implementing mass balance reporting.
5. Please provide feedback on the proposed timeframes and data requirements under Options 2 and 3, and if they support the collection of accurate solid waste data across the State.	The proposed timeframes of monthly/quarterly reporting on the weight or volume of waste received, stockpiled, used on site or transferred from site is an additional administrative burden for local governments who already have limited financial resources and staff. The majority of the data required is already captured under the methods outlined in Option 1. What is the rationale for monthly/quarterly reporting? Local

	governments will also incur additional costs due to periodic volumetric and topographical surveys. Industry should be afforded a transition period of 2-3 years to implement the required reporting changes.
6. Introducing mass balance reporting will support other proposals outlined in this paper (e.g. Chapter 11 – waste stockpiling). Will Options 2 and 3 (and Appendix 1) align with other legislative proposals in this paper?	Mass balance reporting will not prevent material from being stockpiled. This can only be controlled through licence conditions based on a risk assessment which limits the amount of material that can be stockpiled on site at any one time.
7. What other factors need to be considered to establish mass balance reporting in Western Australia for solid waste, and if progressed, what should be the timeframe for its introduction?	<p>Consideration should be given to exempting small facilities < 1,000 tpa given that their volumes and catchment as well as capital and administrative cost far exceed the benefit of the reporting system.</p> <p>The number of materials to be reported on should be appropriate and minimised for the individual sites where appropriate, i.e. it would not be beneficial for smaller transfer stations to report on individual whitegoods, tyres, mattresses, batteries, etc.</p>
Chapter 14: Compliance and enforcement measures for waste	
Option 1: No changes to the EP Act	The City is not supportive of this option.
Option 2: Options to minimise unlawful disposal of waste	The City is supportive of this option – refer to No. 1 below.
Consultation Questions	
1. Please provide feedback on the compliance measures to address unlawful waste disposal under Option 2. What are the potential benefits and impacts for waste stakeholders?	<p>The City is supportive of stronger enforcement measures and powers to prevent and combat illegal waste activities. The new measures include:</p> <ul style="list-style-type: none"> • A new offence for waste disposal at unlicensed waste facilities; • Waste restriction notices which are issued by authorised officers to immediately cease the receipt of all waste, temporarily prohibit access and the importation of waste at unlicensed sites for a period of up to 21 days. In instances where the restriction notice is not complied with the site can be secured with daily penalties for non-compliance with the notice. • Waste tracking through GPS; • Record keeping; • Video monitoring at waste premises; • New penalties for repeat waste offenders; • New penalties for waste stockpiling; • New infringement notices for unlawful waste disposal; • New powers to identify persons in charge of vehicles; • Signage indicating unlawful waste disposal at a site. <p>Under these proposed new measures waste becomes a shared responsibility and the onus is on waste generators, waste transporters and waste operators to prove the end disposal point is licenced thus preventing illegal disposal of waste.</p>
2. Please provide feedback on	GPS tracking ensures waste is being disposed of legitimately

the proposed GPS and record-keeping requirements for vehicles carrying leviable waste in the Perth metropolitan region under Option 2. What types of trucks, and which waste streams, should be tracked by GPS to minimise unlawful waste disposal in Western Australia? Do all waste transportation vehicles require tracking?	<p>whilst also facilitating waste to be tracked more quickly and accurately. Utilising modern surveillance devices puts a greater focus on industry responsibility and proactively manages risks to human health and the environment. Any vehicle that transports waste regardless of waste stream or quantity should be tracked. From a local government perspective Illegal dumping expends a lot of resources and finances through clean-up activities. GPS tracking could prove useful in gathering intelligence on licenced operators ensuring they are compliant with conditions of their waste licence and also for repeat offenders.</p> <p>In relation to record keeping ensuring that reporting does not become onerous or resource intensive for waste operators and for DWER to monitor automated online systems should be explored instead of paper based log books.</p> <p>For smaller businesses the installation of GPS and additional record keeping could become very onerous and cost prohibitive. A risk based approach could potentially be adopted in these instances.</p>
3. Please provide feedback on the proposed imprisonment option for serial waste offenders committing multiple breaches of the EP Act under Option 2, and whether this penalty be a suitable deterrent for illegal waste activity.	<p>There is a need to enforce strict laws relating to illegal dumping to ensure those involved pay heavy penalties for potentially harming human health and the environment. In other jurisdictions (UK, Ireland, Victoria, NSW) under waste legislation a holder of a waste licence must demonstrate that they are a 'fit and proper person' which comprises of three components:</p> <ul style="list-style-type: none"> • That the person holding the waste licence must not have been convicted of a waste offence; • That the person managing the waste must be technically competent; and • That the person holding the waste licence must have adequate financial provision to discharge the obligations arising from the licence. <p>These three elements should also be taken into consideration for repeat offenders to prevent them from holding a waste licence.</p>
4. Please provide information on any other compliance and enforcement proposals which could be considered to address illegal waste disposal in Western Australia.	<p>A percentage of funding from the waste levy should be allocated to local governments to assist with illegal dumping compliance and enforcement. Many local governments have limited finances and resources, but if financial assistance was available from the state this could facilitate prevention activities, behaviour change programs, infrastructure development, education projects, and surveillance projects. The collection of comprehensive data for the identification of illegal dumping hotspot locations would also be identified.</p>
Chapter 15: Improving the administration and collection of the waste levy	
Option 1: Maintain existing levy return system	The City not supportive of this option.
Option 2: Reforming the waste levy return framework	The City is supportive of this option – refer to No.1 below.
Consultation questions	
1. If you are the licensee of a	The City does not have an active landfill and does not submit

<p>landfill that submits levy returns, please provide feedback on Option 2, including the proposal to issue a notice of assessment.</p>	<p>levy returns. However, it appears that this option is a DWER administrative change to ensure if organisations paying the levy don't provide sufficient information DWER can request additional information. The consultation paper acknowledges that the majority of licensees prepare and lodge levy returns in a timely manner. Payment of the levy within a certain timeframe could potentially be regulated via a licence condition and failure to pay the levy within the required timeframe would constitute a breach of licence and be subject to a financial fine.</p>
<p>2. What other changes should be considered to improve the administration and collection of the levy?</p>	<p>Should DWER seek additional information from licensees in relation to the waste levy this could potentially be a condition of the licence which would ensure consistence across the sector.</p>

as

Corporate Strategy & Performance

Business & Finance

CS01-06/20 Financial Activity Statement for the period ended 31 May 2020

File Ref:	30724V05 – 20/233340
Responsible Officer:	Director Corporate Strategy & Performance
Disclosure of Interest:	Nil
Attachments:	6

Issue

To consider the Financial Activity Statement for the period ended 31 May 2020.

Background

In accordance with *Local Government (Financial Management) Regulations 1996*, the Financial Activity Statement has been prepared in compliance with the following:

“Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, which requires a local government to prepare a statement of financial activity each month, presented according to nature and type, by program, or by business unit. For the 2019/20 financial year the statement of financial activity will be presented by nature and type.

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, which requires a local government to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in statements of financial activity for reporting material variances. For the 2019/20 financial year 10% and a value greater than \$100,000 will be used for the reporting of variances.”

Detail

Financial Activity for the period ended 31 May 2020

Council adopted the Annual Budget for the 2019-20 financial year on 28 June 2019 (SCS01-06/19). The Mid Year Review (MYR) was conducted in January and adopted by Council on 10 February 2020 (SC01-02/20). The figures in this report are compared to the MYR Revised Budget.

The budget changes proposed in the Financial Activity Statement for the period ended 30 April 2020 have not been included in the May 2020 Statement as the report was adopted on 2 June 2020.

Overall Comments Month-to-Date

Results from Operations

The Financial Activity Statement report for the month of May 2020 shows an overall favourable variance from Operations before Non Operating Revenue and Expenses of \$4.8m.

The favourable variance is due to early receipt of 2020/21 Federal Assistance Grants; underspend in Materials & Contracts and Employee Costs partially offset by lower income from Fees & Charges as a result of many City of Wanneroo recreational, community based activities, libraries and hall hire services have been temporarily closed or suspended as a response plan to minimising the spread of COVID-19 within the community.

Description	Current Month - May 2020				Comments
	Actual \$m	Budget \$m	Variance \$m	Variance %	
Operating Revenue	6.7	3.2	3.4	105.8	The favourable variance relates to early receipt of 2020/21 Federal Assistance Grants to assist Local Governments stimulate economic activity and offset by lower income from Fees & Charges and Rates. Please refer to note 1, 2, 3 and 4 for further details.
Operating Expense	(15.3)	(16.7)	1.4	8.2	The favourable variance mainly arising due to lower Employee costs, Materials & Contracts, Utilities and Insurance. Please refer to note 5, 6, 7, 8 and 9 for further details.
Result from Operations	(8.7)	(13.5)	4.8	35.6	

Capital Program

During May 2020, \$6.6m was spent on various capital projects of which \$3.7m was spent on roads and sport facilities (Refer to **Attachment 3** for more details).

Description	Month Actual \$m	Month Budget \$m	% Complete of Month Budget
Expenditure	6.6	8.3	79.0%

Overall Comments on Year-to-Date (YTD) Figures

Results from Operations

The Financial Activity Statement report for the year-to-date of May 2020 shows an overall favourable variance from Operations before Non-Operating Revenue and Expenses of \$4.9m.

The favourable variance is due to early receipt of 2020/21 Federal Assistance Grants partially offset by lower income from Fees and Charges, Rates and Other Revenue and an underspend in Materials & Contracts and Employee costs partially offset by higher Depreciation charge.

Description	Year-To-Date May 2020				Comments
	Actual \$m	Budget \$m	Variance \$m	Variance %	
Operating Revenue	197.1	195.3	1.8	0.9	The favourable variance relates to early receipt of 2020/21 Federal Assistance Grants to assist Local Governments stimulate economic activity and offset by lower income from Fees & Charges and Rates. Please refer to note 1, 2, 3 and 4 for further details.
Operating Expense	(178.2)	(181.3)	3.1	1.7	The favourable variance mainly arising due to underspend in Materials & Contracts, Employee costs, Insurance expense, and partially offset by higher Depreciation charge. Please refer to note 5, 6, 8 and 9 for further details.
Result from Operations	18.9	14.0	4.9	35.3	

Capital Program

At the end of May 2020, \$64.8m was expended on various capital projects of which \$46.3m was spent on roads and sport facilities (Refer **Attachment 4 – Top Projects 2019-20** for more details).

Description	YTD Actual \$m	YTD Budget \$m	% Complete of YTD Budget	Annual Revised Budget \$m	% Complete of Annual Budget
Expenditure	64.8	76.6	84.5%	90.1	71.9%

Investment Portfolio Performance

Portfolio Value \$m	Monthly Weighted Return	Comments
391.6	1.47%	Portfolio balance has decreased by \$11.5m from April 2020 due to operating and capital requirements during the month. Return is 0.5% above benchmark (12 months UBS Australia Bank Bill Index). (Refer to Attachment 5 for more details)

*Detailed Analysis of Statement of Comprehensive Income (**Attachment 1**)*

Comments relating to the Statement of Comprehensive Income are provided under the following two sections:

- a) Current month comparison of Actuals to Budgets; and
- b) Year to date of Actuals to Budgets;

where the variance is higher than reporting threshold or item of interest to Council.

CITY OF WANNEROO
STATEMENT OF COMPREHENSIVE INCOME BY NATURE OR TYPE
FOR THE PERIOD ENDED 31 MAY 2020

Description	Current Month				Year to Date				Notes	
	Actual \$	Revised Budget \$	Variance		Notes	Actual \$	Revised Budget \$	Variance		
			\$	%				\$		%
Revenues										
Rates	165,768	215,707	(49,939)	(23.2)	1	134,246,818	134,639,896	(393,078)	(0.3)	1
Operating Grants, Subsidies & Contributions	5,239,535	1,326,703	3,912,832	294.9	2	11,310,017	7,450,134	3,859,883	51.8	2
Fees & Charges	785,387	1,260,802	(475,415)	(37.7)	3	43,567,315	45,185,191	(1,617,876)	(3.6)	3
Interest Earnings	428,934	392,109	36,825	9.4		7,483,256	7,296,517	186,739	2.6	
Other Revenue	48,965	45,337	3,628	8.0	4	478,460	720,431	(241,971)	(33.6)	4
Total Operating Revenue	6,668,589	3,240,658	3,427,931	105.8		197,085,866	195,292,169	1,793,697	0.9	
Expenses										
Employee Costs	(5,365,773)	(6,378,509)	1,012,736	15.9	5	(68,607,661)	(69,768,746)	1,161,085	1.7	5
Materials & Contracts	(5,165,016)	(5,644,748)	479,732	8.5	6	(56,900,705)	(60,054,291)	3,153,586	5.3	6
Utility Charges	(690,379)	(798,193)	107,814	13.5	7	(8,407,619)	(8,723,700)	316,081	3.6	7
Depreciation	(3,671,592)	(3,410,909)	(260,683)	(7.6)	8	(39,408,025)	(37,519,999)	(1,888,026)	(5.0)	8
Interest Expenses	(347,325)	(350,009)	2,684	0.8		(3,776,811)	(3,849,319)	72,508	1.9	
Insurance	(98,863)	(126,087)	27,224	21.6	9	(1,062,600)	(1,392,169)	329,569	23.7	9
Total Operating Expenditure	(15,338,949)	(16,708,455)	1,369,506	8.2		(178,163,420)	(181,308,224)	3,144,804	1.7	
RESULT FROM OPERATIONS	(8,670,360)	(13,467,797)	4,797,437	35.6		18,922,446	13,983,945	4,938,501	35.3	
Non Operating Revenue & Expenses										
Non Operating Grants, Subsidies & Contributions	3,136,496	1,178,873	1,957,623	166.1	10	17,267,393	14,302,406	2,964,987	20.7	10
Contributed Physical Assets	1,526,296	1,356,209	170,087	12.5	11	8,422,837	14,918,295	(6,495,458)	(43.5)	11
Profit on Asset Disposals	0	48,749	(48,749)	(100.0)	12	720,355	639,197	81,158	12.7	12
Loss on Assets Disposals	(65,386)	(34,260)	(31,126)	(90.9)	12	(184,300)	(14,075,925)	13,891,625	98.7	12
Town Planning Scheme (TPS) Revenues	634,844	426,270	208,574	48.9	13	9,145,836	9,690,685	(544,849)	(5.6)	13
Town Planning Scheme (TPS) Expenses	(57,597)	(125,081)	67,484	54.0	14	(5,372,179)	(7,554,054)	2,181,875	28.9	14
Total Non Operating Revenue and Expenses	5,174,654	2,850,760	2,323,894	81.5		29,999,942	17,920,604	12,079,338	67.4	
NET RESULT (OPERATING & NON OPERATING)	(3,495,706)	(10,617,037)	7,121,331	67.1		48,922,388	31,904,549	17,017,839	53.3	
Other Comprehensive Income	0	0	0	0.0		0	0	0	0.0	
TOTAL COMPREHENSIVE INCOME	(3,495,706)	(10,617,037)	7,121,331	67.1		48,922,388	31,904,549	17,017,839	53.3	

Revenues**Note 1 Rates*****Month to Date - (Actual \$166k, Revised Budget \$216k)***

The variance is unfavourable by \$50k due to lower Interim Rates raised in the month and the Ex-Gratia rates paid by the State Government for the Dampier to Bunbury Gas Pipeline (DBGP) was received in previous month, however it was anticipated to be received during May 2020.

Year to Date - (Actual \$134.2m, Revised Budget \$134.6m)

The unfavourable variance of \$393k is mainly due to lower Interim Rates than anticipated.

Note 2 Operating Grants, Subsidies & Contributions***Month to Date - (Actual \$5.2m, Revised Budget \$1.3m)***

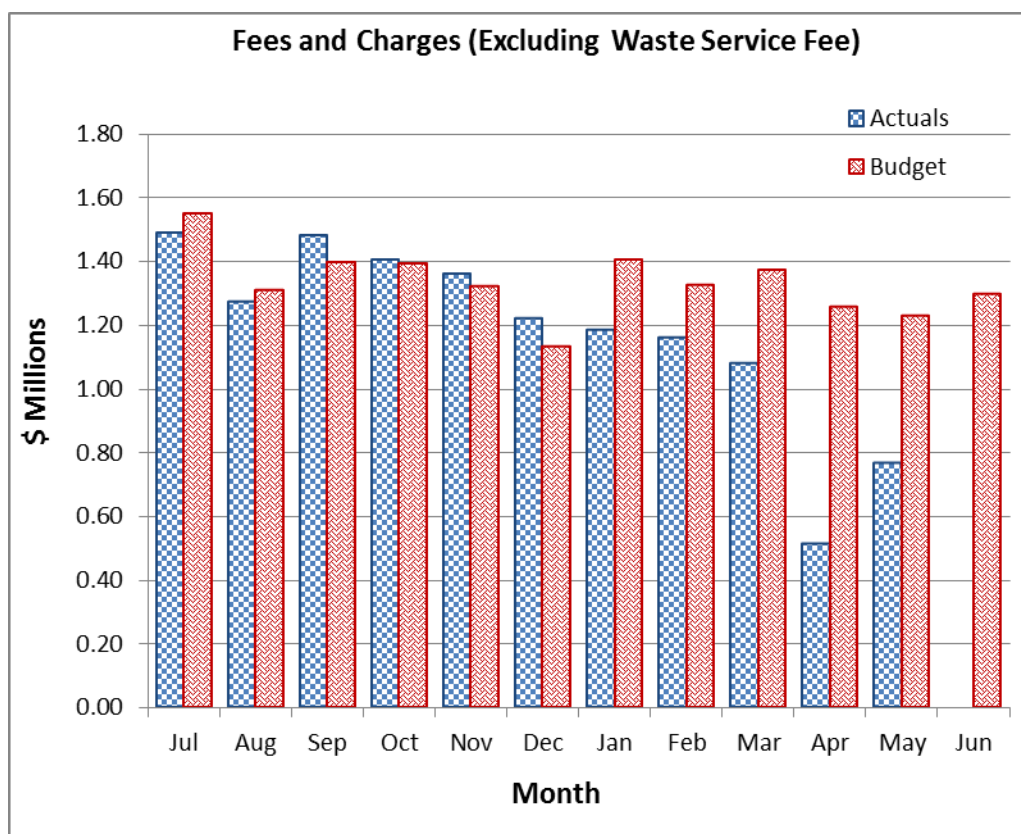
The variance is favourable by \$3.9m mainly relates to early receipt of 2020/21 Federal Assistance Grants to assist Local Governments stimulate economic activity. The Federal Government has brought forward \$1.3m billion of the 2020/21 Financial Assistance Grants to support Councils to manage the impact of the measures imposed by the State and Federal Governments to deal with the COVID-19 pandemic..

Year to Date - (Actual \$11.3m, Revised Budget \$7.5m)

The variance is favourable by \$3.8m mainly due to the reason noted above.

Note 3 Fees and Charges***Month to Date - (Actual \$785k, Revised Budget \$1.3m)***

As a response plan to minimising the spread of COVID-19 within the community, many City of Wanneroo services, programs and facilities have been temporarily closed, modified or suspended. The closure of Wanneroo Aquamotion, Kingsway Indoor Stadium, Libraries, Hall hire and other facilities effective from 23rd of March 2020 resulted in unfavourable variance by \$475k related to lower user or entry fee and facility booking fees income.



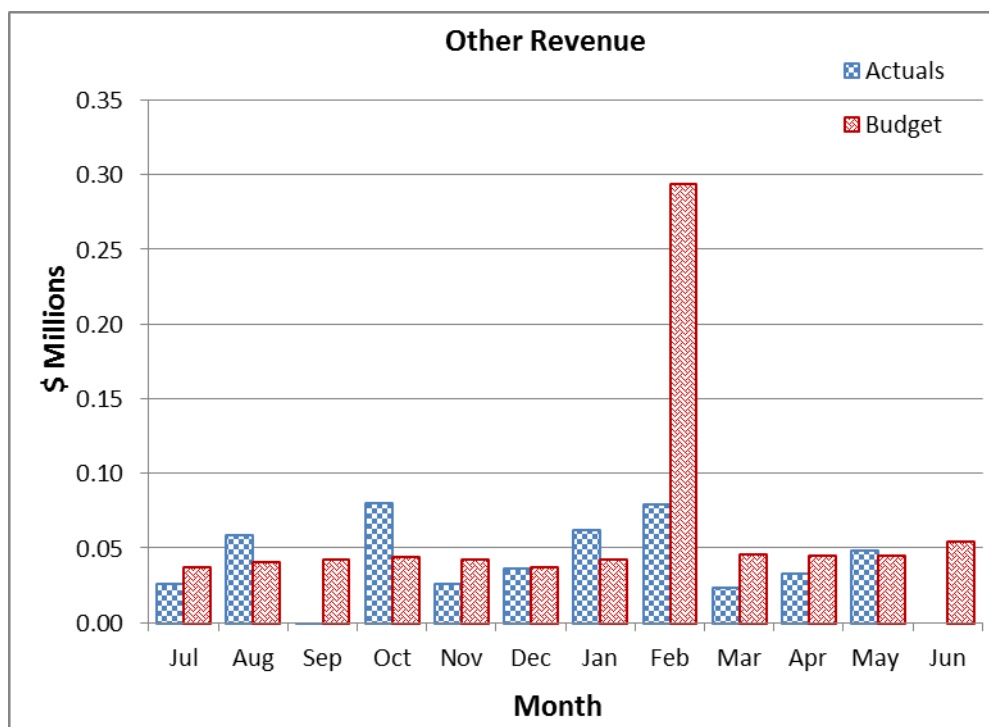
Year to Date - (Actual \$43.6m, Revised Budget \$45.2m)

The variance is unfavourable by \$1.6m mainly due to the reason noted above.

Note 4 Other Revenue

Month to Date - (Actual \$49k, Revised Budget \$45k)

The variance is favourable by \$4k but within the reporting threshold.

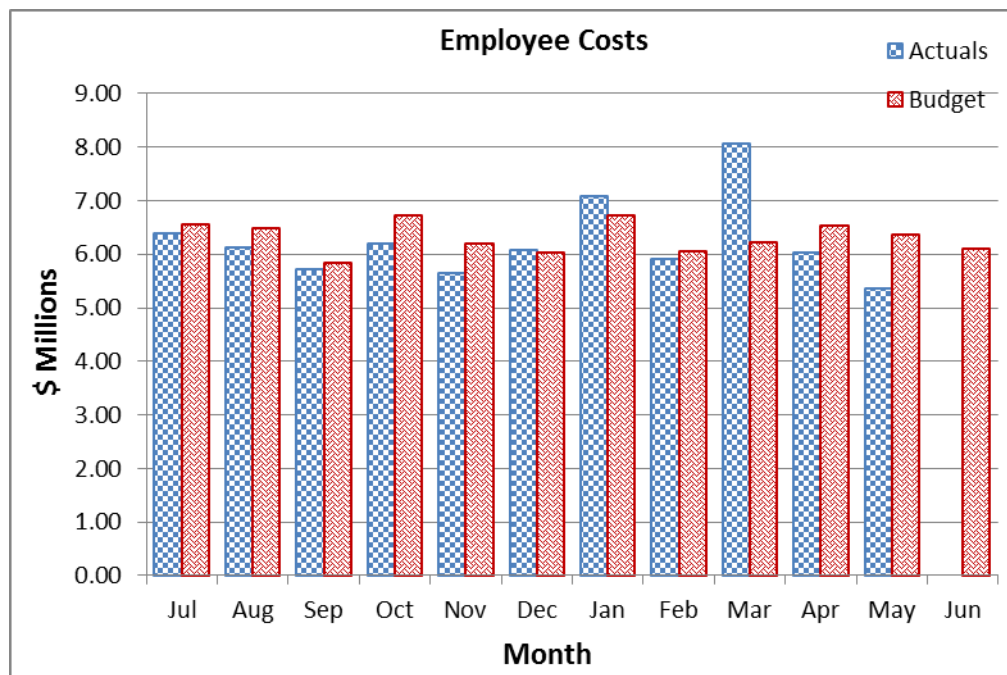


Year to Date - (Actual \$478k, Revised Budget \$720k)

The variance is unfavourable by \$242k relates to delay in receiving insurance reimbursement of \$250k from Local Government Insurance Scheme (LGIS).

Expenses**Note 5 Employee Costs****Month to Date - (Actual \$5.4m, Revised Budget \$6.4m)**

The favourable variance of \$1.0m for the month is mainly due to reduced need for casual and temporary staff as result of the COVID-19 situation and staff utilised \$461k of their Long Service Leave during the month of May 2020.

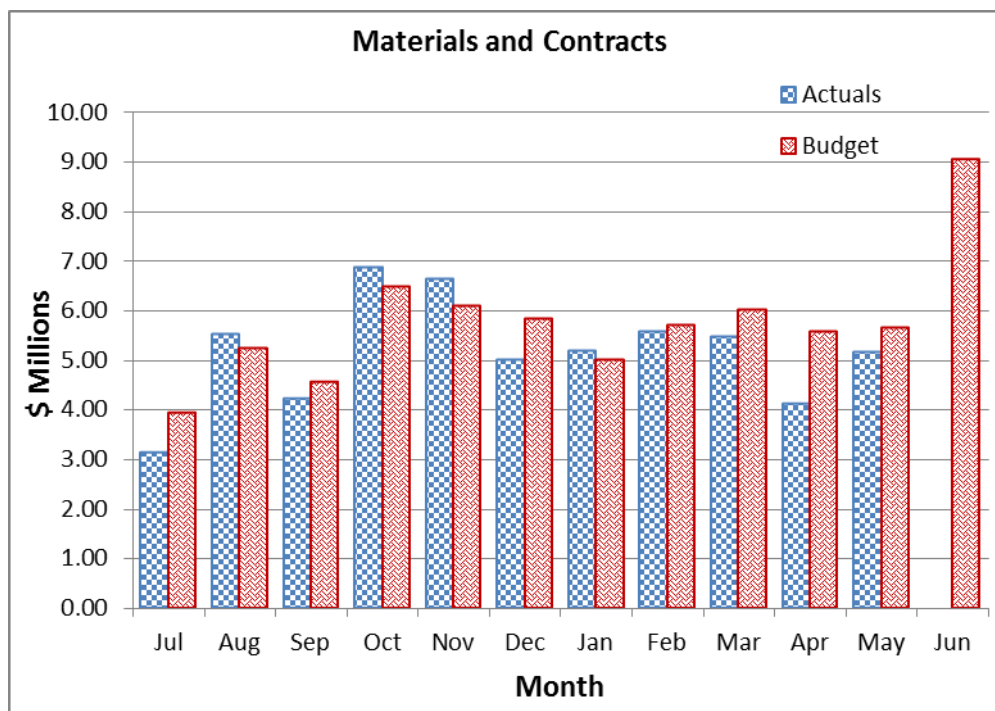
**Year to Date - (Actual \$68.6m, Revised Budget \$69.8m)**

Although the year to date variance is favourable by \$1.2m, the actual expenditure includes a \$1.5m COVID-19 leave provision made in March 2020 for eligible employees.

Note 6 Materials and Contracts**Month to Date - (Actual \$5.1m, Revised Budget \$5.6m)**

The variance is favourable by \$0.5m mainly relates to:

- Lower contract & material expenses of \$442k due to closure of recreational centres and community facilities; and
- Lower lease /rental fee expenses of \$87k due to reclassification of lease liability for Spin Bike and Yanchep Hub lease as per AASB 16 to reflect them as a right of use asset as at 31st of May.



Year to Date - (Actual \$56.9m, Revised Budget \$60.1m)

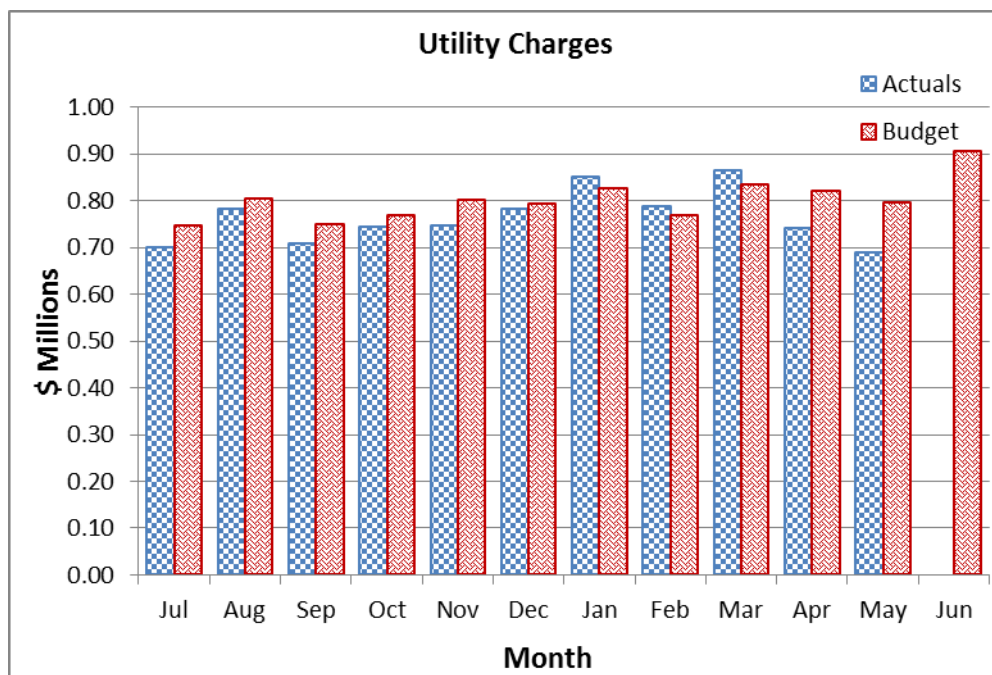
The favourable variance of \$3.2m mainly relates to:

- Lower consulting fees of \$1.2m due to underspend on various projects;
- Lower refuse removal expenses of \$623k due to lower than expected collection of waste tonnage;
- With the closure of some City facilities as a result of the COVID-19 pandemic measures has resulted in lower material expenses of \$405k and contract expenses of \$178k;
- Lower advertising expenses of \$160k;
- Lower lease/rental fee expenses of \$135k due to reclassification of lease liability for Spin Bike and Yanchep Hub Lease as per AASB 16 to reflect the right of use asset as at 31 May;
- Lower external equipment hire expenses of \$129k;
- Lower donation sponsorship expenses of \$128k;
- Lower software maintenance support fees of \$77k;
- Lower membership subscription expenses of \$74k; and
- Lower external catering expenditure of \$73k.

Note 7 Utility Charges

Month to Date - (Actual \$690k, Revised Budget \$798k)

The variance is favourable by \$108k due to lower electricity usage.



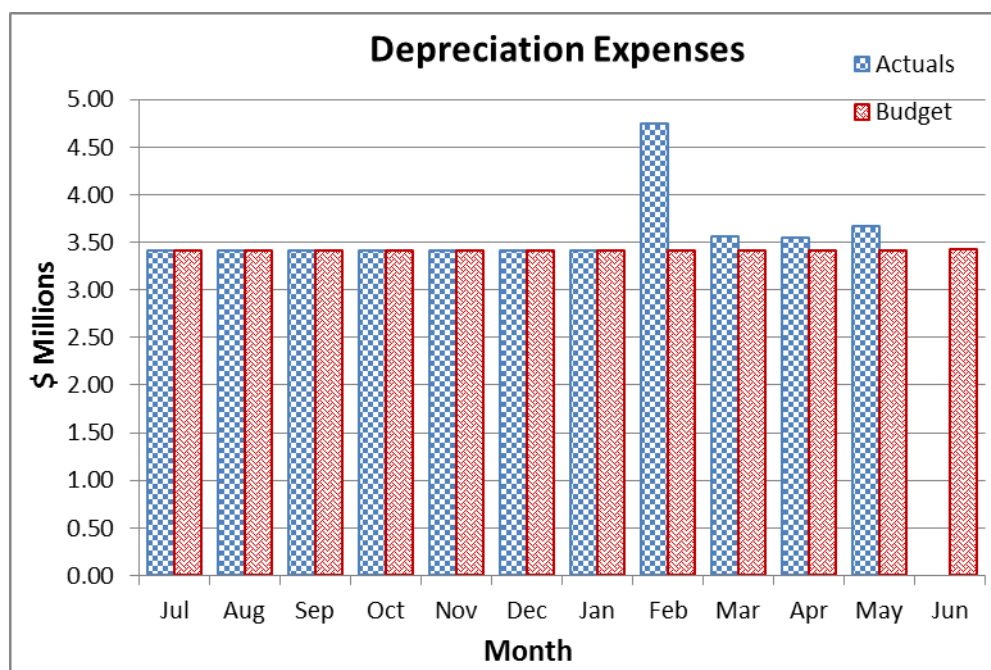
Year to Date - (Actual \$8.4m, Revised Budget \$8.7m)

The variance is favourable by \$316k mainly coming from lower electricity usage as some of the City's Recreational facilities have been in partial shutdown as a result of the COVID-19 pandemic measures.

Note 8 Depreciation

Month to Date - (Actual \$3.7m, Revised Budget \$3.4m)

The variance is unfavourable by \$261k mainly due to depreciation on new assets acquired during the period and Plant & Equipment revaluation at the end of financial year 2018/19, which had not been considered in calculating the depreciation budget for the 2019/20.

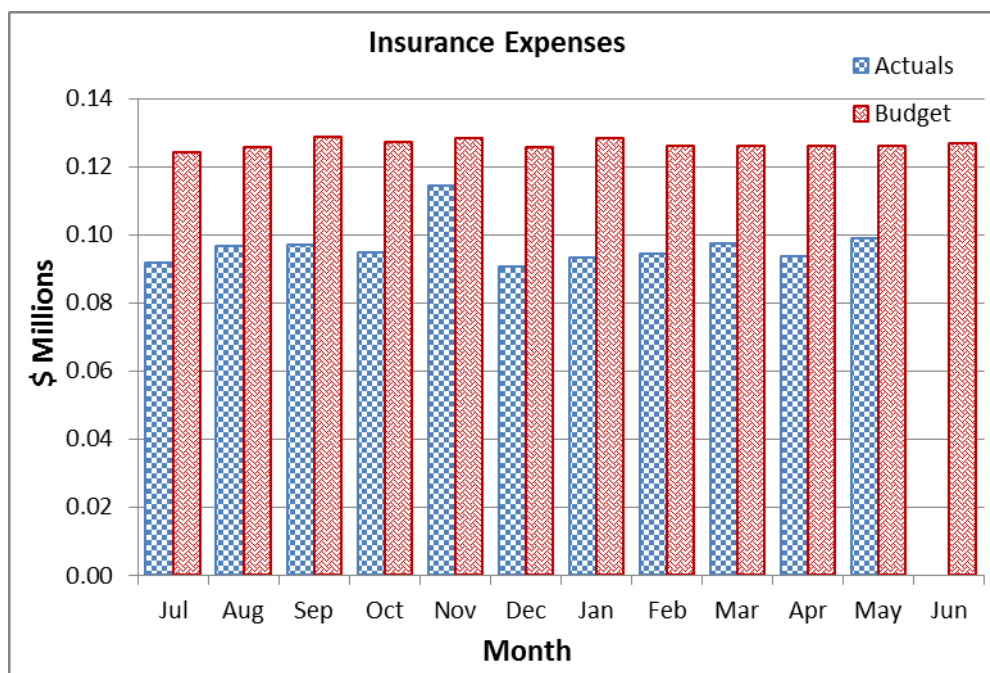


Year to Date - (Actual \$39.4m, Revised Budget \$37.5m)

The variance is unfavourable by \$1.9m mainly due to the reasons noted above.

Note 9 Insurance**Month to Date - (Actual \$99k, Revised Budget \$126k)**

The favourable variance of \$27k reflects improved claims experience.

**Year to Date - (Actual \$1.1m, Revised Budget \$1.4m)**

The favourable variance of \$330k reflects improved claims experience.

Non Operating Revenue & Expenses**Note 10 Non Operating Grants, Subsidies & Contributions****Month to Date – (Actual \$3.1m, Revised Budget \$1.2m)**

The variance is favourable by \$1.9m predominantly due to receipt of following State Government's Grant of \$1.1m:

- State Government Grant of \$973k for MRRG Road Improvement - for Connolly Drive dual carriageway. Delayed receipt of funds, budgeted in November 2019.
- State Government Grant of \$150k for Foreshore Reserve Structures – Coastal Protection Works, budgeted over May/Jun, but received in one payment.

And offset by budget correction to reflect a reduction in State Government Grant for Hartman Drive of \$950k.

Year to Date – (Actual \$17.3m, Revised Budget \$14.3m)

The favourable variance of \$3m year to date reflects the early recognition of restricted cash to income for various projects.

Note 11 Contributed Physical Assets***Month to Date – (Actual \$1.5m, Revised Budget \$1.35m)***

The variance is favourable by \$170k due to higher than anticipated level of asset handover from developers. The actual asset recognition is recorded as and when assets are handed over to the City.

Year to Date – (Actual \$8.4m, Revised Budget \$14.9m)

The unfavourable variance of \$6.5m is due to lower than anticipated level of asset handover from developers. As noted in the comment above, the actual asset recognition is recorded as and when assets are handed over to the City.

Note 12 Profit / Loss on Asset Disposals***Month to Date – (Combined Actual -\$65k, Combined Revised Budget \$14k)***

The unfavourable variance is a result of lower proceeds relating to Tamala Park Regional Council (TPRC) than anticipated.

Year to Date – (Combined Actual \$536k, Combined Revised Budget -\$13.4m)

The variance is favourable by \$13.9m mainly due to delay in land disposal in relation to Main Roads WA taking over ownership of Ocean Reef Road and Gngangara Road.

Note 13 Town Planning Scheme (TPS) Revenues***Month to Date – (Actual \$635k, Revised Budget \$426k)***

The favourable variance of \$208k is due to increased income of \$279k for headworks levy and offset by lower than anticipated interest income of \$70k for Town Planning Scheme (TPS).

Year to Date – (Actual \$9.1m, Revised Budget \$9.7m)

The unfavourable variance of \$545k relates to delay in receipt of headworks levy year to date for Cell 8, 9 and DCP's of \$257k and \$288k for associated interest income from both TPSs and DCPs.

Note 14 Town Planning Scheme (TPS) Expenses***Month to Date – (Actual \$58k, Revised Budget \$125k)***

The variance is favourable by \$67k and mainly due to lower than anticipated interest expense for Yanchep/Two Rocks Town TPS. The reason for lower interest expense is contributable to the delay in drawn down on loan facility from Western Australian Treasury Corporation (WATC) for purchasing a land in Yanchep for Splendid Park Skate Park which was scheduled to take place in April. The purchase of the land is anticipated to take place in June.

Year to Date – (Actual \$5.4m, Revised Budget \$7.6m)

The favourable result of \$2.2m is mainly due to several Public Open Space (POS) land acquisition are awaiting finalisation; and the City negotiations with affected landowners for the acquisition of some land relates to Cell 8 has been deferred pending a determination on the detailed design with a significant portion of the remaining expenditure is still likely to occur this financial year.

Statement of Financial Position (Attachment 2)

CITY OF WANNEROO
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 31 MAY 2020

Description	30 June 2019 Actual \$	31 May 2020 Actual \$	Variance		30 June 2020 Revised Budget \$	Notes
			\$m	%		
Current Assets	403,439,106	410,527,621	7,088,515	1.8	356,756,446	
Current Liabilities	(56,239,311)	(70,000,375)	(13,761,064)	(24.5)	(50,034,382)	
NET CURRENT ASSETS	347,199,795	340,527,246	(6,672,549)	(1.9)	306,722,064	1
Non Current Assets	2,365,909,512	2,400,055,742	34,146,230	1.4	2,509,043,661	2
Non Current Liabilities	(80,786,864)	(86,359,671)	(5,572,807)	(6.9)	(78,068,455)	3
NET ASSETS	2,632,322,443	2,654,223,317	21,900,874	0.8	2,737,697,270	
TOTAL EQUITY	(2,632,322,443)	(2,654,223,317)	21,900,874	0.8	(2,737,697,270)	

Note 1 - Net Current Assets

When compared to the opening position at 30 June 2019 Net Current Assets have decreased by \$6.7m, which is predominately due to the impact of 2019/20 Rates and Waste Service Fees levied offset by increase in Payables and Interest Bearing Liabilities.

Within the Current Assets, Current Receivables of \$17m are mainly comprised of collectable Rates and Waste Service Fees debtors of \$12.7m and Emergency Services Levy of \$1.1m, with the remaining balance attributed to General Debtors of \$3.2m.

Note 2 - Non-Current Assets

Non-Current Assets as at 31 May 2020 have increased by \$34.1m from 30 June 2019 Actuals. The movement is due to increase in Work in Progress and Asset Acquisition of \$34.1m partially offset by accumulated depreciation of \$39.4m.

Note 3 - Non-Current Liabilities

Non-Current Liabilities as at 31 May 2020 have increased by \$5.6m due to change in the Australian Accounting Standards Board (**AASB**) Standard 15 for Revenue from Contracts. The revised AASB 15 requires the City to recognise Grants and Contributions as liability when performance obligations have not yet been met.

The existing loan with the Western Australia Treasury Corporation remains unchanged making up 81% of total Non-Current Liabilities.

Financial Performance Indicators

The table below presents data on relevant financial ratios, comparing the minimum standard expected as per the Department of Local Government, Sport and Cultural Industries (**DLGSCI**) status at the beginning of the financial year, and year to date figures (where relevant).

A green highlight is used where the minimum standard is met or exceeded. Highlighted in red are below the standard for financial year end 30 June 2019.

Details	DLGSCI Minimum Standard	30 June 2019 Actual	As at 31/05/2020	For the month - Minimum Standard Met
Current Ratio				
The ability to meet short term financial obligations from unrestricted current assets.				
Current Assets - Restricted Current Assets (RCA)	=>1.00:1	0.80 : 1	0.92:1	NO
Current Liabilities (CL) - CL Associated with RCA		Note 1		
Debt Service Cover Ratio				
The ability to produce enough cash to cover debt payments.				
Operating Surplus before Interest & Depreciation	=>2.00:1	6.71 : 1	19.82:1	YES
Principle & Interest Repayments				
Own Source Revenue Coverage Ratio				
The ability to cover costs through own revenue efforts.				
Own Source Operating Revenue	=>0.40:1	1.03 : 1	1.06:1	YES
Operating Expense				
Operating Surplus Ratio				
The ability to cover operational costs and have revenues available for capital funding or other purposes.				
Operating Revenue - Operating Expense	=>0.01:1	0.08 : 1	0.12:1	YES
Own Source Operating Revenue				
Asset Consumption Ratio				
by comparing their written down value to their replacement cost.				
Depreciated Replacement Cost of Depreciable Assets	=>0.50:1	0.69 : 1	Calculated at year end	N/A
Current Replacement Cost of Depreciable Assets				
Asset Sustainability Ratio				
Indicates whether assets are replaced or renewed at the same rate that overall assets are wearing out.				
Capital Renewal & Replacement Expenditure	=>0.90:1	0.44 : 1	Calculated at year end	N/A
Depreciation Expense		Note 2		
Asset Renewal Funding Ratio				
The ability to fund projected asset renewal/replacements in the future.				
NPV of Planned Capital Renewal over 10 Years	=>0.75:1	0.96 : 1	Calculated at year end	N/A
NPV of Required Capital Renewal over 10 Years				

DLGSCI - Department of Local Government, Sport and Cultural Industries

The following comments with regard to Ratios relates to the benchmarks not met for the period 30 June 2019.

Note 1 - Current Ratio

The Standard was not met primarily as a result of the internal restrictions of municipal funds. Most of the municipal funds are kept in special purpose cash backed Reserves.

Note 2 – Asset Sustainability Ratio

The DLGSCI Asset Management Framework and Guidelines publication provides the following explanation in respect to the Asset Sustainability Ratio (**ASR**):

"If capital expenditure on renewing or replacing assets is at least equal to depreciation on average over time, then the local government is ensuring the value of its existing stock of physical assets is maintained. If capital expenditure on existing assets is less than depreciation then, unless a local government's overall asset stock is relatively new, it is likely that it is underspending on renewal or replacement."

A large percentage of the City's assets are in new to very good condition with approximately 85% of the total asset base at or below condition 2, (a rating of '0' represents a new asset and a '10' represents an asset that has failed). Less than 1% of the asset base is at or above condition 8, which represents assets that require intervention.

With the City's current mix of old and new assets and continued high growth, a lower than average ASR is expected, and the current condition of assets and level of renewal expenditure confirms this position. As the stock ages and renewal expenditure incrementally increases the ratio should increase, however continued growth may keep it relatively lower than the industry standard.

Taking a long term outlook, the level of asset stock and renewal demand necessitates the development of strategies to address the future impact and ensure that the City can continue to grow and maintain its assets in a financially sustainable manner. Given that renewal expenditure is lower than the depreciation being charged and that certain years' experience significant spikes in demand, a specific Asset Renewal Reserve has been established.

Capital Works Program

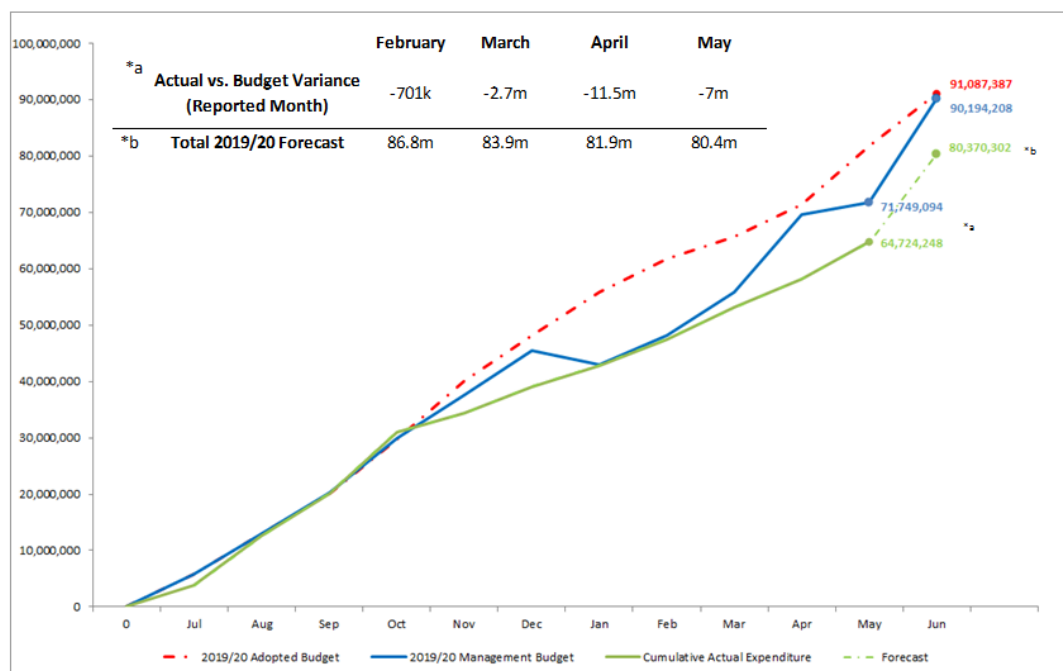
The status of the Capital Works Program is summarised by Sub-Program in the table below:

Sub-Program	No. of Projects	Current Month Actual	YTD Actual	Revised Budget	% Spend
		\$	\$	\$	
Community Buildings	16	164,819	820,517	1,347,723	60.9%
Community Safety	2	28,709	247,731	292,242	84.8%
Conservation Reserves	4	9,591	325,459	430,600	75.6%
Corporate Buildings	3	29,925	346,810	404,493	85.7%
Environmental Offset	6	10,739	471,252	687,600	68.5%
Fleet Mgt - Corporate	6	411,906	2,593,619	4,339,068	59.8%
Foreshore Management	9	97,053	2,385,074	3,021,743	78.9%
Golf Courses	2	9,011	3,882	50,000	7.8%
Investment Projects	7	94,950	522,571	1,717,090	30.4%
IT Equipment & Software	16	973,665	2,986,142	7,209,460	41.4%
Parks Furniture	13	73,369	2,509,525	2,590,175	96.9%
Parks Rehabilitation	1	347,723	987,880	1,500,000	65.9%
Passive Park Development	11	58,817	1,293,790	1,465,439	88.3%
Pathways and Trails	7	147,877	1,079,372	1,068,500	101.0%
Roads	16	2,479,048	34,095,829	37,195,674	91.7%
Sports Facilities	57	1,258,645	11,891,458	22,457,351	53.0%
Stormwater Drainage	5	123,965	346,822	719,936	48.2%
Street Landscaping	5	116,941	296,972	1,045,720	28.4%
Traffic Treatments	19	146,772	1,360,208	2,119,254	64.2%
Waste Management	3	-	196,355	390,600	50.3%
Grand Total	208	6,583,527	64,761,268	90,052,668	71.9%

During May 2020, \$6.6m was spent. Details of significant expenditure for the month are included in **Attachment 3**. As at 31 May 2020, the City has spent \$64.8m, which represents 71.9% of the \$90.1m Capital Works Budget.

The City forecasts spend of \$80,370,302 which represents 89.1% of the 2019/20 revised Capital Works Budget (Which includes the MYR adjustments), including contingencies and savings.

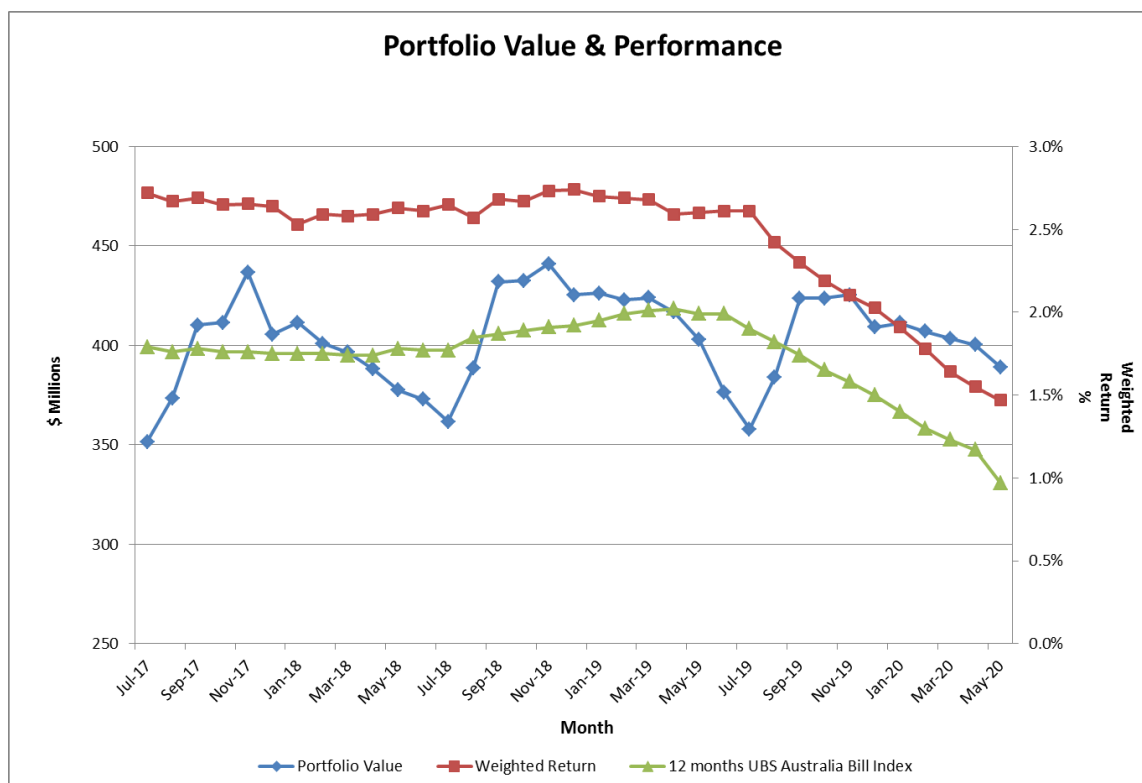
Capital Expenditure to May 2020 – Portfolio View Only



To further expand on the Capital Works Program information above, updates in key capital projects are selected to be specifically reported on, is provided in the Top Capital Projects attachment to this report (**Attachment 4**).

Investment Portfolio (Attachment 5)

In accordance with the *Local Government (Financial Management) Regulations 1996* (and per the City's Investment Policy), the City invests solely in Authorised Deposit taking Institutions (**ADI's**):



At the end of May 2020, the City held an investment portfolio (cash & cash equivalents) of \$389m (Face Value), equating to \$391.6m inclusive of accrued interest. The City's year to date investment portfolio return has exceeded the UBS Australia Bank Bill rate index benchmark by 0.50% pa (1.47% pa vs. 0.97% pa), however it is noted that Interest Earnings were budgeted at a 2.25% yield.

As global equities tumble and markets contemplate the economic impact of the COVID-19, markets have begun ramping up rate cut expectations across all major economies. This is affecting the City's ability to attract higher interest rates from ADI's.

Rate Setting Statement (Attachment 6)

The Rate Setting Statement represents a composite view of the finances of the City, identifying the movement in the Surplus/ (Deficit) based on the Revenues (excluding Rates), Expenses, Capital Works and Funding Movements, resulting in the Rating Income required. It is noted that the closing Surplus/ (Deficit) will balance to the reconciliation of Net Current Assets Surplus/ (Deficit) Carried Forward (detailed below):

NET CURRENT ASSETS SURPLUS/(DEFICIT) CARRIED FORWARD

FOR THE PERIOD ENDED 31 MAY 2020

Description	30 June 2019 Actual \$	31 May 2020 Actual \$	30 June 2020	
			Adopted Budget \$	Revised Budget \$
Current Assets				
Cash & Cash Equivalents - Unrestricted	21,430,249	46,790,920	22,376,948	22,235,828
Cash & Cash Equivalents - Restricted	358,285,089	346,347,324	308,449,131	308,590,251
Receivables	23,409,420	17,031,394	25,595,130	22,176,752
Inventory	314,348	357,984	335,237	314,347
TOTAL CURRENT ASSETS	403,439,106	410,527,622	356,756,446	353,317,178
Current Liabilities				
Payables	(38,897,068)	(50,473,475)	(34,523,724)	(39,079,751)
Provisions	(17,342,243)	(19,526,900)	(15,510,658)	(17,342,241)
TOTAL CURRENT LIABILITIES	(56,239,311)	(70,000,375)	(50,034,382)	(56,421,992)
Net Current Assets	347,199,795	340,527,247	306,722,064	296,895,186
Adjustments for Restrictions				
Cash & Cash Equivalents - Restricted	(358,285,089)	(346,347,324)	(308,449,131)	(308,590,251)
Restricted Unspent Grants*	-	19,006,811	-	-
Provisions Cash Backed	11,085,294	2,424,171	1,727,067	11,695,065
TOTAL RESTRICTED ASSETS	(347,199,795)	(324,916,342)	(306,722,064)	(296,895,186)
Surplus/(Deficit) Carried Forward	-	15,610,905	-	-

**The change in the AASB Standard 15 has resulted in the City now recognising Grants and Contributions received as a liability when performance obligations have not yet been met.*

Consultation

This document has been prepared in consultation with Responsible Officers for review and analysis.

Comment

In reference to Statement of Comprehensive Income in the report, the following colours have been used to categorise three levels of variance:

Revenues:

- Green > 0%;
- Amber -0% to -10%; and
- Red < -10%.

Expenses:

- Green > 0%;
- Amber -0% to -10%; and
- Red < -10%.

Statutory Compliance

This monthly financial report complies with *Section 6.4 of the Act and Regulations 33A and 34 (5) of the Local Government (Financial Management) Regulations 1996.*

Strategic Implications

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

“4 Civic Leadership

4.2 Good Governance

4.2.2 *Provide responsible resource and planning management which recognises our significant future growth”*

Risk Management Considerations

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

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

Policy Implications

- Accounting Policy;
- Investment Policy;
- Reserves Policy; and
- Strategic Budget Policy.

Financial Implications

As outlined in the report and detailed in **Attachments 1 to 6.**

Voting Requirements

Absolute Majority

Recommendation

That Council, BY ABSOLUTE MAJORITY, RECEIVES the Financial Activity Statement and commentaries on variances year to date Budget for the period ended 31 May 2020 consisting of:

- a) May 2020 year to date Financial Activity Statement;**
- b) May 2020 year to date Net Current Assets Position; and**
- c) May 2020 year to date Material Financial Variance Notes 2.**

Attachments:

<u>1</u>	Attachment 1 - Statement of Comprehensive Income May 2020	20/238465	Minuted
<u>2</u>	Attachment 2 - Statement of Financial Position May 2020	20/238760	Minuted
<u>3</u>	Attachment 3 - Significant Capital Expenditure May 2020	20/238767	Minuted
<u>4</u>	Attachement 4 - Top Projects 2019-20 May 2020	16/151914[v51]	Minuted
<u>5</u>	Attachment 5 - Investment Report May 2020	20/238770	Minuted
<u>6</u>	Attachment 6 - Rate Setting Statement May 2020	20/238776	Minuted

CITY OF WANNEROO
STATEMENT OF COMPREHENSIVE INCOME BY NATURE OR TYPE
FOR THE PERIOD ENDED 31 MAY 2020

Attachment 1

Description	Current Month				Year to Date				Annual			
	Actual	Revised Budget	Variance		Actual	Revised Budget	Variance		Original Budget	Revised Budget	Variance	
	\$	\$	\$	%	\$	\$	\$	%	\$	\$	\$	%
Revenues												
Rates	165,768	215,707	(49,939)	(23.2)	134,246,818	134,639,896	(393,078)	(0.3)	135,581,907	134,639,896	(942,011)	(1)
Operating Grants, Subsidies & Contributions	5,239,535	1,326,703	3,912,832	294.9	11,310,017	7,450,134	3,859,883	51.8	10,860,681	11,691,244	830,563	7
Fees & Charges	785,387	1,260,802	(475,415)	(37.7)	43,567,315	45,185,191	(1,617,876)	(3.6)	46,787,670	46,550,152	(237,518)	(1)
Interest Earnings	428,934	392,109	36,825	9.4	7,483,256	7,296,517	186,739	2.6	8,715,234	7,579,269	(1,135,965)	(15)
Other Revenue	48,965	45,337	3,628	8.0	478,460	720,431	(241,971)	(33.6)	627,194	774,792	147,598	19
Total Operating Revenue	6,668,589	3,240,658	3,427,931	105.8	197,085,866	195,292,169	1,793,697	0.9	202,572,686	201,235,353	(1,337,333)	(1)
Expenses												
Employee Costs	(5,365,773)	(6,378,509)	1,012,736	15.9	(68,607,661)	(69,768,746)	1,161,085	1.7	(76,825,787)	(75,872,298)	953,489	1
Materials & Contracts	(5,165,016)	(5,644,748)	479,732	8.5	(56,900,705)	(60,054,291)	3,153,586	5.3	(68,528,997)	(69,104,375)	(575,378)	(1)
Utility Charges	(690,379)	(798,193)	107,814	13.5	(8,407,619)	(8,723,700)	316,081	3.6	(9,695,193)	(9,631,498)	63,695	1
Depreciation	(3,671,592)	(3,410,909)	(260,683)	(7.6)	(39,408,025)	(37,519,999)	(1,888,026)	(5.0)	(40,947,313)	(40,947,295)	18	0
Interest Expenses	(347,325)	(350,009)	2,684	0.8	(3,776,811)	(3,849,319)	72,508	1.9	(4,111,186)	(4,111,186)	0	0
Insurance	(98,863)	(126,087)	27,224	21.6	(1,062,600)	(1,392,169)	329,569	23.7	(1,510,000)	(1,518,848)	(8,848)	(1)
Total Operating Expenditure	(15,338,949)	(16,708,455)	1,369,506	8.2	(178,163,420)	(181,308,224)	3,144,804	1.7	(201,618,476)	(201,185,500)	432,976	0
RESULT FROM OPERATIONS	(8,670,360)	(13,467,797)	4,797,437	35.6	18,922,446	13,983,945	4,938,501	35.3	954,210	49,853	(904,357)	(1,814)
Non Operating Revenue & Expenses												
Non Operating Grants, Subsidies & Contributions	3,136,496	1,178,873	1,957,623	166.1	17,267,393	14,302,406	2,964,987	20.7	28,798,613	37,661,841	8,863,228	24
Contributed Physical Assets	1,526,296	1,356,209	170,087	12.5	8,422,837	14,918,295	(6,495,458)	(43.5)	16,274,500	16,274,500	0	0
Profit on Asset Disposals	0	48,749	(48,749)	(100.0)	720,355	639,197	81,158	12.7	585,217	688,175	102,958	15
Loss on Assets Disposals	(65,386)	(34,260)	(31,126)	(90.9)	(184,300)	(14,075,925)	13,891,625	98.7	(14,110,346)	(14,110,346)	0	0
Town Planning Scheme (TPS) Revenues	634,844	426,270	208,574	48.9	9,145,836	9,690,685	(544,849)	(5.6)	15,288,167	11,865,712	(3,422,455)	(29)
Town Planning Scheme (TPS) Expenses	(57,597)	(125,081)	67,484	54.0	(5,372,179)	(7,554,054)	2,181,875	28.9	(8,031,975)	(10,183,546)	(2,151,571)	(21)
Total Non Operating Revenue and Expenses	5,174,654	2,850,760	2,323,894	81.5	29,999,942	17,920,604	12,079,338	67.4	38,804,176	42,196,336	3,392,160	8
NET RESULT (OPERATING & NON OPERATING)	(3,495,706)	(10,617,037)	7,121,331	67.1	48,922,388	31,904,549	17,017,839	53.3	39,758,386	42,246,189	2,487,803	6
Other Comprehensive Income	0	0	0	0.0	0	0	0	0.0	0	0	0	0
TOTAL COMPREHENSIVE INCOME	(3,495,706)	(10,617,037)	7,121,331	67.1	48,922,388	31,904,549	17,017,839	53.3	39,758,386	42,246,189	2,487,803	6

CITY OF WANNEROO

Attachment 2

STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 31 MAY 2020

Description	30/06/2019 Actual \$	30/05/2020 Actual \$	Annual	
			Adopted Budget \$	Revised Budget \$
Current Assets				
Cash at Bank	3,489,483	1,556,435	3,308,261	3,308,261
Investments	376,225,855	391,581,808	327,517,818	373,157,395
Receivables	23,409,420	17,031,394	25,595,130	22,176,752
Inventories	314,348	357,984	335,237	314,347
	403,439,106	410,527,621	356,756,446	398,956,755
Current Liabilities				
Payables	(38,897,068)	(50,473,475)	(34,523,724)	(39,079,751)
Provisions	(17,342,243)	(19,526,900)	(15,510,658)	(17,342,241)
	(56,239,311)	(70,000,375)	(50,034,382)	(56,421,992)
NET CURRENT ASSETS	347,199,795	340,527,246	306,722,064	342,534,763
Non Current Assets				
Receivables	3,421,480	3,225,626	3,061,000	3,407,870
Investments	19,669,497	20,165,864	19,017,000	19,669,497
Inventories	22,117,151	22,117,151	22,117,151	22,117,151
Land	132,838,474	133,001,842	158,428,604	134,227,006
Buildings	172,425,478	176,745,138	185,505,768	183,333,456
Plant	17,419,406	16,360,853	23,721,259	23,631,444
Equipment	82,634,639	81,721,547	69,002,438	58,957,695
Furniture & Fittings	7,419,363	7,407,439	17,020,429	14,941,825
Infrastructure	1,871,272,395	1,868,465,535	1,974,478,383	1,955,678,328
Work in Progress	36,691,629	70,844,747	36,691,629	-
	2,365,909,512	2,400,055,742	2,509,043,661	2,415,964,272
Non Current Liabilities				
Interest Bearing Liabilities	(69,078,188)	(69,913,168)	(76,341,388)	(73,641,388)
Provisions & Payables	(11,708,676)	(16,446,503)	(1,727,067)	(11,695,065)
	(80,786,864)	(86,359,671)	(78,068,455)	(85,336,453)
NET ASSETS	2,632,322,443	2,654,223,317	2,737,697,270	2,673,162,582
Equity				
Retained Surplus	(1,241,456,854)	(1,274,592,294)	(1,376,417,279)	(1,289,517,450)
Reserves - Cash/Investment Backed	(229,713,212)	(222,038,897)	(209,195,371)	(237,336,812)
Reserves - Asset Revaluation	(1,064,248,225)	(1,064,248,225)	(1,060,339,858)	(1,064,248,263)
Town Planning Schemes	(96,904,152)	(93,343,901)	(91,744,762)	(82,060,057)
TOTAL EQUITY	(2,632,322,443)	(2,654,223,317)	(2,737,697,270)	(2,673,162,582)

Attachment 3**Significant Capital expenditure for May 2020**

- \$1.06m Hartman Drive, Upgrade to Dual Carriageway from Hepburn Ave to Gnangara Rd
- \$856K Recurring Program, Renew IT Equipment and Software
- \$745K Marmion Ave, Upgrade to Dual Carriageway from Butler Blvd to Yanchep Beach Rd
- \$412K Recurring Program, Renew Light Vehicles
- \$348K Recurring Program, Renew Irrigation Infrastructure and Upgrade Installations
- \$311K Shelvock Park, New Sports Amenities Building
- \$296K Connolly Drive, Butler, Upgrade to Dual Carriageway from Lukin Dr to Benenden Ave
- \$229K Hepburn Avenue, Marangaroo, Upgrade Intersection at Highclere Blvd
- \$166K Recurring Program, Renew Sporting Structures
- \$155K Hainsworth Park, Girrawheen, Upgrade Sports Floodlighting
- \$132K Hudson Park, Refurbish and Extend Sports Amenities Building
- \$128K Recurring Program, Renew Community Building Assets
- \$120K Quinns rocks Catchment, Quinns Rocks, Upgrade Road Drainage System Program
- \$120K Koondoola Park, Koondoola, Upgrade Sports Floodlighting
- \$107K Kingsway Olympic Clubrooms, Madeley, New Changerooms and Grandstand

Significant (LTD) commitments in the Capital Works Program as at 31 May 2020

- \$2.53m Hartman Drive, Upgrade to Dual Carriageway from Hepburn Ave to Gnangara Rd
- \$2.02m Recurring Program, Renew Domestic Waste Vehicles
- \$1.89m Renew Finance System
- \$1.41m Leatherback Park, Alkimos, New Sports Amenities Building
- \$583K Shelvock Park, New Sports Amenities Building
- \$559K Recurring Program, Renew Transport Infrastructure Assets
- \$497K Marmion Ave, Upgrade to Dual Carriageway from Butler Blvd to Yanchep Beach Rd
- \$440K Recurring Program, Renew Light Vehicles
- \$407K Recurring Program, Renew Irrigation Infrastructure and Upgrade Installations
- \$390K Hudson Park, Refurbish and Extend Sports Amenities Building
- \$388K Splendid Park, Yanchep, New Skate Park
- \$296K Connolly Drive, Butler, Upgrade to Dual Carriageway from Lukin Dr to Benenden Ave
- \$251K Recurring Program, Renew Heavy Trucks
- \$237K Neerabup Industrial Area, Neerabup, New Development
- \$207K Joondalup Dr, Banksia Grove, Upgrade Intersection at Tumbleweed Dr and Joseph Banks Blvd
- \$186K Recurring Program, Renew Park Assets
- \$163K Recurring Program, Upgrade Disability Access to Buildings and Facilities
- \$155K Marmion Avenue, Upgrade Street Landscaping
- \$155K Coastal Dual Use Path, Burns Beach to Mindarie, New Pathway
- \$155K Recurring Program, Renew IT Equipment and Software
- \$143K Quinns Beach, Quinns Rocks, New Long Term Coastal Management Works
- \$134K Recurring Program, Renew Community Building Assets
- \$130K Wanneroo City Soccer Clubrooms, Madeley, New Change Rooms and Store Room
- \$108K Recurring Program, Renew Plant
- \$104K Halesworth Park, Butler, New Sports Facilities
- \$101K Recurring Program, Renew Conservation Reserves

LTD – Life to Date

Attachment 3

As at 31 May 2020, the City has spent \$10.04m (80%) of the revised \$12.58m carry forward budget from 2018/2019 (originally \$14.24m). Significant Actual (YTD) expenditure against carry forward projects include (% shown as Actual expenditure against revised Carry Forward budget only):

- \$3.36m Marmion Ave, Upgrade to Dual Carriageway from Butler Blvd to Yanchep Beach Rd (100%)
- \$948K Pinjar Road, Banksia Grove, Upgrade to Dual Carriageway from Blackberry Dr to Joondalup Dr (100%)
- \$651K Recurring Program, Renew Domestic Waste Vehicles (100%)
- \$461K Recurring Program, Renew IT Equipment and Software (100%)
- \$426K Kingsway Aquatic Play Space (100%)
- \$381K Renew Finance System (100%)
- \$353K Recurring Program, New IT Equipment and Software (34%)
- \$333K Belhaven Park, Quinns Rocks, New Sports Amenities Building (100%)
- \$311K Coastal Protection Works, Quinns Rocks Beach (100%)
- \$273K Recurring Program, Renew Heavy Trucks (100%)
- \$227K John Moloney Park, Marangaroo, Upgrade Sports Floodlighting (80%)
- \$215K Renew Assets Management System (74%)
- \$205K Recurring Program, Renew Corporate Building Assets (85%)
- \$169K Abbeville Park, Mindarie, Upgrade Storage Rooms (100%)
- \$169K Recurring Program, Renew Plant (95%)
- \$132K New Human Resource Systems (100%)
- \$114K Connolly Drive, Butler, Upgrade to Dual Carriageway from Lukin Dr to Benenden Ave (100%)

Top Capital Projects 2019/20 - May 2020																	
PMO Project Registration				Financial Summary (Annual Funding)				Total Project Budget			Project Indicators				Project Progress		
PMO Code	Finance Code	Container	Project Name	Project Budget Current Year	Actual Expenditure	Forecast to End of Year	Budget Variance Under/(Over)	Total Project Budget	Estimate at Completion	Total Budget Variance Under/(Over)	Schedule	Current Year Budget	Total Budget	Overall Risk Rating	Work % Complete	Stage	Capital Works Steering Group Comments
PMO1523	PR-2561	24684	Quinns Beach, Quinns Rocks, New Long Term Coastal Management Works	2,114,387	1,958,568	98,225	57,594	11,946,580	11,913,987	32,593					89	Delivery	Stage 3 works completed.
PMO16050	PR-3098	23725	Hepburn Avenue, Marangaroo, Upgrade Intersection at Highclere Blvd	1,390,000	1,402,083	40,714	(52,797)	1,425,000	1,475,247	(50,247)					99	Close-out	Works completed.
PMO16061	PR-2955	23756	Halesworth Park, Butler, New Sports Facilities	1,492,500	161,086	241,411	1,090,003	20,824,936	20,812,858	12,078					40	Delivery	RFT 20019 for construction of ovals and landscaping awarded. Carry forward current year budget for multi-year project.
PMO16064	PR-2621	23809	Kingsway Olympic Clubrooms, Madeley, New Changerooms and Grandstand	1,147,246	1,118,666	26,199	2,381	3,104,749	3,108,629	(3,880)					98	Defects Liability Period	Works completed.
PMO16135	PR-4010	24615	Edgar Griffiths Park, Wanneroo, New Sports Amenities Building	800,248	691,811	102,303	6,134	1,712,500	1,697,739	14,761					99	Defects Liability Period	Works completed.
PMO17006	PR-4111	24676	Belhaven Park, Quinns Rocks, New Sports Amenities Building	1,308,223	1,217,204	84,283	6,736	1,399,000	1,398,982	18					92	Delivery	Works completed.
PMO17008	PR-4031	24879	Kingsway Netball Clubrooms, Madeley, Upgrade Building	1,560,915	1,518,916	41,998	1	3,010,216	3,010,216	(0)					95	Defects Liability Period	Works completed.
PMO17021	PR-4145	25887	Splendid Park, Yanchep, New Skate Park	698,779	246,153	220,000	232,626	719,800	719,800	0					72	Delivery	Works progressing. Carry forward current year budget for multi-year project.
PMO17143	PR-4034	28576	Hudson Park, Girrawheen, Upgrade Dennis Cooley Pavilion	1,560,770	1,043,972	426,798	90,000	1,670,270	1,767,717	(97,447)					80	Delivery	Works progressing.
PMO18051	PR-4108	28879	Wanneroo City Soccer Clubrooms, Madeley, New Change Rooms and Store Room	1,062,666	987,077	153,903	(78,314)	1,185,500	1,201,314	(15,814)					86	Delivery	Works progressing.
PMO18063	PR-4088	30136	Neerabup Industrial Area, Neerabup, New Development	750,000	236,796	53,938	459,266	15,855,000	15,855,002	(2)					17	Delivery	Works to commence in July 2020. Carry forward current year budget for multi-year project.
PMO18093	PR-4098	30925	Pinjar Road, Banksia Grove, Upgrade to Dual Carriageway from Blackberry Dr to Joondalup Dr	4,798,407	4,313,689	100,000	384,718	6,150,000	5,765,282	384,718					95	Defects Liability Period	Works completed.

Top Capital Projects 2019/20 - May 2020																	
PMO Project Registration				Financial Summary (Annual Funding)				Total Project Budget			Project Indicators				Project Progress		
PMO Code	Finance Code	Container	Project Name	Project Budget Current Year	Actual Expenditure	Forecast to End of Year	Budget Variance Under /(Over)	Total Project Budget	Estimate at Completion	Total Budget Variance Under /(Over)	Schedule	Current Year Budget	Total Budget	Overall Risk Rating	Work % Complete	Stage	Capital Works Steering Group Comments
PMO18098	PR-4102	31842	Shelvock Park, Koondoola, New Sports Amenities Building	1,838,080	1,114,961	473,119	250,000	1,943,080	1,946,142	(3,062)					70	Delivery	Works progressing. Carry forward current year budget for multi-year project.
PMO18104	PR-4140	31839	Marmion Ave Upgrade to Dual Carriageway from Butler Bvd to Yanhep Beach Rd	19,833,443	18,975,583	583,574	274,286	29,174,113	29,174,113	0					94	Delivery	Works progressing.
PMO18122	PR-2930	34057	Warradale Park, Landsdale, New Skate Park	616,212	608,158	8,054	0	650,000	649,999	1					96	Delivery	Works completed.
PMO19040	PR-2797	34171	Connolly Dr, Butler, Upgrade to Dual Carriageway from Lukin Dr to Benenden Ave	2,943,463	2,651,848	290,455	1,160	3,541,000	3,253,173	287,827					93	Delivery	Works progressing.
PMO19041	PR-3018	34175	Hartman Dr, Wangara, Upgrade to Dual Carriageway from Hepburn Ave to Gngara Rd	2,430,865	1,544,829	502,000	384,036	4,700,000	4,421,964	278,036					66	Delivery	Works progressing. Carry forward current year budget for multi-year project.
				46,346,204	39,791,399	3,446,974	3,107,831	109,011,744	108,172,165	839,579							

Schedule Status-Indicator	Budget Indicators (Annual & Total)	Overall Risk Indicator
On Target-Baseline (<10%time increase)	On Target (Variance <10%)	Low
Behind Schedule (10 - 20%time increase)	Almost on Budget (Variance of 10 - 20%)	Medium
Behind Schedule (>20%time increase)	Under / Over Budget (Variance > 20%)	High

Attachment 5

INVESTMENT SUMMARY - As At 31 May 2020										
Face Value \$	Interest Rate %	Borrower	Rating	Maturity Date	Purchase price	Deposit Date	Current Value \$	YTD Accrued Interest \$		Accrued Interest
Current Account Investment Group										
28,986,000.00	0.20	Commonwealth Bank of Australia Perth	A1	N/A		N/A	28,986,000.00			
10,000,000.00	2.40	Westpac Banking Corporation	A1	17-June-2020	10,000,000.00	17-June-2019	10,229,479.45	220,931.51		229,479.45
5,000,000.00	2.40	Westpac Banking Corporation	A1	01-July-2020	5,000,000.00	01-July-2019	5,110,136.99	110,136.99		110,136.99
5,000,000.00	2.00	Westpac Banking Corporation	A1	08-June-2020	5,000,000.00	08-July-2019	5,089,863.01	89,863.01		89,863.01
5,000,000.00	1.90	National Australia Bank	A1	23-June-2020	5,000,000.00	17-July-2019	5,083,027.40	83,027.40		83,027.40
15,000,000.00	1.80	National Australia Bank	A1	07-July-2020	15,000,000.00	06-August-2019	15,221,178.08	221,178.08		221,178.08
10,000,000.00	1.05	Westpac Banking Corporation	A1	19-May-2021	10,000,000.00	19-May-2020	10,003,452.05	3,452.05		3,452.05
10,000,000.00	1.80	Westpac Banking Corporation	A1	08-June-2020	10,000,000.00	15-August-2019	10,143,013.70	143,013.70		143,013.70
5,000,000.00	1.80	Westpac Banking Corporation	A1	15-July-2020	5,000,000.00	15-August-2019	5,071,506.85	71,506.85		71,506.85
10,000,000.00	1.62	Westpac Banking Corporation	A1	24-August-2020	10,000,000.00	23-August-2019	10,043,052.05	125,161.64		43,052.05
5,000,000.00	1.65	Members Equity Bank Melbourne	A2	28-July-2020	5,000,000.00	28-August-2019	5,062,609.59	62,609.59		62,609.59
5,000,000.00	1.61	Westpac Banking Corporation	A1	28-July-2020	5,000,000.00	28-August-2019	5,061,091.78	61,091.78		61,091.78
10,000,000.00	1.60	Members Equity Bank Melbourne	A2	11-August-2020	10,000,000.00	04-September-2019	10,118,356.16	118,356.16		118,356.16
5,000,000.00	1.60	Members Equity Bank Melbourne	A2	18-August-2020	5,000,000.00	04-September-2019	5,059,178.08	59,178.08		59,178.08
10,000,000.00	1.60	Bank of Queensland	A2	06-August-2020	10,000,000.00	04-September-2019	10,118,356.16	118,356.16		118,356.16
10,000,000.00	1.67	Westpac Banking Corporation	A1	07-September-2020	10,000,000.00	06-September-2019	10,039,347.95	122,619.18		39,347.95
5,000,000.00	1.76	Westpac Banking Corporation	A1	15-September-2020	5,000,000.00	16-September-2019	5,018,323.29	62,202.74		18,323.29
5,000,000.00	1.65	Members Equity Bank Melbourne	A2	22-September-2020	5,000,000.00	24-September-2019	5,056,506.85	56,506.85		56,506.85
5,000,000.00	1.65	Members Equity Bank Melbourne	A2	07-October-2020	5,000,000.00	01-October-2019	5,054,924.66	54,924.66		54,924.66
5,000,000.00	1.55	Bank of Queensland	A2	13-October-2020	5,000,000.00	08-October-2019	5,050,109.59	50,109.59		50,109.59
5,000,000.00	1.55	Bank of Queensland	A2	20-October-2020	5,000,000.00	14-October-2019	5,048,835.62	48,835.62		48,835.62
5,000,000.00	1.58	Westpac Banking Corporation	A1	28-October-2020	5,000,000.00	28-October-2019	5,007,142.46	46,750.68		7,142.46
10,000,000.00	1.63	Westpac Banking Corporation	A1	06-November-2020	10,000,000.00	06-November-2019	10,011,164.39	92,441.10		11,164.39
10,000,000.00	1.58	Suncorp	A1	05-June-2020	10,000,000.00	14-November-2019	10,086,142.47	86,142.47		86,142.47
10,000,000.00	1.50	Bendigo Bank	A2	27-November-2020	10,000,000.00	29-November-2019	10,075,616.44	75,616.44		75,616.44
10,000,000.00	1.55	Rural Bank	A2	07-December-2020	10,000,000.00	05-December-2019	10,075,589.04	75,589.04		75,589.04
10,000,000.00	1.60	Members Equity Bank Melbourne	A2	21-December-2020	10,000,000.00	20-December-2019	10,071,452.05	71,452.05		71,452.05
10,000,000.00	1.55	Members Equity Bank Melbourne	A2	11-January-2021	10,000,000.00	09-January-2020	10,060,726.03	60,726.03		60,726.03
10,000,000.00	1.55	Bank of Queensland	A2	11-January-2021	10,000,000.00	09-January-2020	10,060,726.03	60,726.03		60,726.03
10,000,000.00	1.55	National Australia Bank	A1	14-January-2021	10,000,000.00	13-January-2020	10,059,027.40	59,027.40		59,027.40
10,000,000.00	1.55	Rural Bank	A2	21-January-2021	10,000,000.00	20-January-2020	10,056,054.79	56,054.79		56,054.79
5,000,000.00	1.55	Rural Bank	A2	28-January-2021	5,000,000.00	29-January-2020	5,026,116.44	26,116.44		26,116.44
10,000,000.00	1.50	Bendigo Bank	A2	04-February-2021	10,000,000.00	05-February-2020	10,047,671.23	47,671.23		47,671.23
5,000,000.00	1.52	Rural Bank	A2	11-February-2021	5,000,000.00	12-February-2020	5,022,695.89	22,695.89		22,695.89
10,000,000.00	1.53	Members Equity Bank Melbourne	A2	15-February-2021	10,000,000.00	14-February-2020	10,044,852.05	44,852.05		44,852.05
15,000,000.00	1.52	Rural Bank	A2	23-February-2021	15,000,000.00	24-February-2020	15,060,591.78	60,591.78		60,591.78
10,000,000.00	1.40	Bank of Queensland	A2	09-March-2021	10,000,000.00	09-March-2020	10,031,835.62	31,835.62		31,835.62
10,000,000.00	1.40	Bank of Queensland	A2	09-March-2021	10,000,000.00	11-March-2020	10,031,068.49	31,068.49		31,068.49
5,000,000.00	1.60	Suncorp	A1	18-March-2021	5,000,000.00	19-March-2020	5,016,000.00	16,000.00		16,000.00
10,000,000.00	1.38	Suncorp	A1	07-April-2021	10,000,000.00	06-April-2020	10,020,794.52	20,794.52		20,794.52
10,000,000.00	1.38	Suncorp	A1	07-April-2021	10,000,000.00	06-April-2020	10,020,794.52	20,794.52		20,794.52
10,000,000.00	1.30	Suncorp	A1	16-April-2021	10,000,000.00	17-April-2020	10,015,671.23	15,671.23		15,671.23
20,000,000.00	1.07	National Australia Bank	A1	10-May-2021	20,000,000.00	11-May-2020	20,011,726.03	11,726.03		11,726.03
	Weighted Return									
388,986,000.00	1.47%	Totals					391,581,808.22	2,917,405.48		2,595,808.22

0.97% 12 month UBS Australia Bank Bill Index for 31 May 2020

0.50% Differential between Council's Weighted Return and UBS Australia Bank Bill Index

Notes: Face Value - refers to the principal amount invested.

Interest Rate - refers to the annual interest rate applicable to the investment.

Borrower - refers to the institution through which the City's monies are invested.

Rating - refers to the Standard & Poor Short Term Rating of the Borrower which, per Council Policy, must be a minimum of A2.

Current Value - refers to the accumulated value of the investment including accrued interest from time invested to current period.

INDIVIDUAL ADI LIMITS - As At 31 May 2020

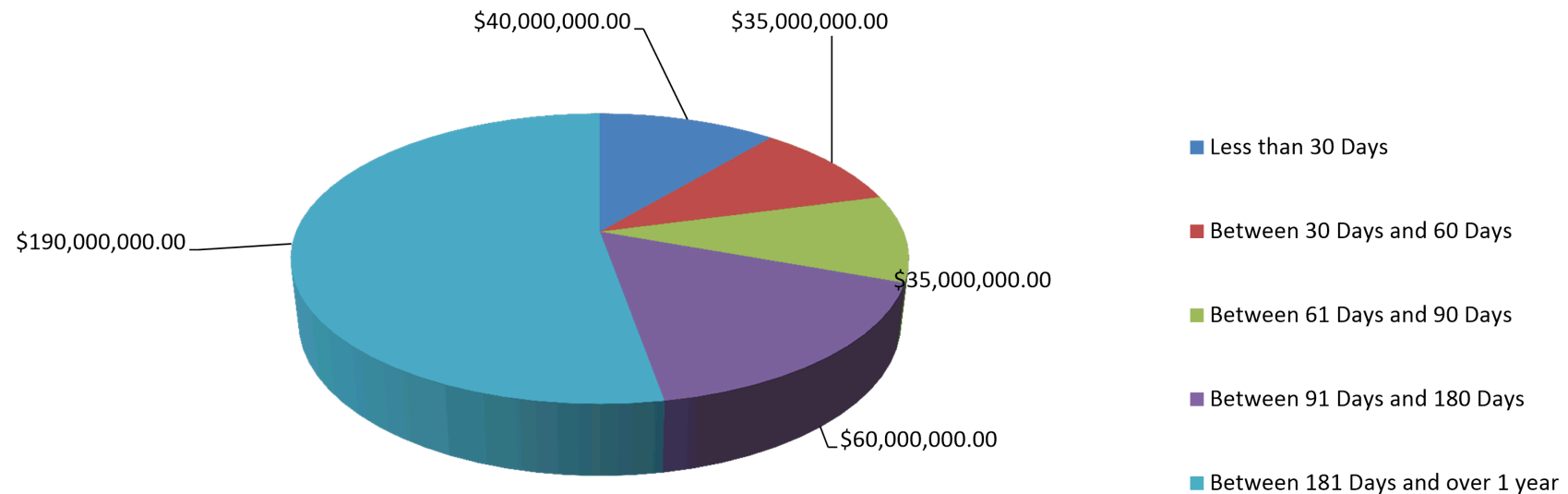
BORROWER	INVESTMENT RATING	FACE VALUE (\$)	MAXIMUM LIMIT PER INVESTMENT POLICY (\$)	INVESTMENT BALANCE (%)	MAXIMUM LIMIT PER INVESTMENT POLICY (%)
Commonwealth Bank of Australia Perth	A1	28,986,000.00	194,493,000.00	7.45	50.00
National Australia Bank	A1	50,000,000.00	194,493,000.00	12.85	50.00
Westpac Banking Corporation	A1	90,000,000.00	194,493,000.00	23.14	50.00
Suncorp	A1	45,000,000.00	194,493,000.00	11.57	50.00
Bank of Queensland	A2	50,000,000.00	97,246,500.00	12.85	25.00
Bendigo Bank	A2	20,000,000.00	97,246,500.00	5.14	25.00
Members Equity Bank Melbourne	A2	60,000,000.00	97,246,500.00	15.42	25.00
Rural Bank	A2	45,000,000.00	97,246,500.00	11.57	25.00
Totals		388,986,000.00		100.00	

OVERALL CREDIT PROFILE - As At 31 May 2020

	INVESTMENT RATING	FACE VALUE (\$)	MAXIMUM LIMIT PER INVESTMENT POLICY (\$)	INVESTMENT BALANCE (%)	MAXIMUM LIMIT PER INVESTMENT POLICY (%)
Subtotal of Securities	A1	213,986,000.00	388,986,000.00	55.01	100.00
Subtotal of Securities	A2	175,000,000.00	311,188,800.00	44.99	80.00
Totals		388,986,000.00		100.00	

Maturity Breakdown - As At 31 May 2020

Maturity Profile	Face Value	% Portfolio	Number of Investments	Lowest Amount Invested per Investment	Highest Amount Invested per Investment
Current Account	\$28,986,000.00	7.45%	1.00	\$28,986,000.00	\$28,986,000.00
Less than 30 Days	\$40,000,000.00	10.28%	5.00	\$5,000,000.00	\$10,000,000.00
Between 30 Days and 60 Days	\$35,000,000.00	9.00%	5.00	\$5,000,000.00	\$15,000,000.00
Between 61 Days and 90 Days	\$35,000,000.00	9.00%	4.00	\$5,000,000.00	\$10,000,000.00
Between 91 Days and 180 Days	\$60,000,000.00	15.42%	9.00	\$5,000,000.00	\$10,000,000.00
Between 181 Days and over 1 year	\$190,000,000.00	48.84%	19.00	\$5,000,000.00	\$20,000,000.00
Totals	\$388,986,000.00	100.00%	43.00		



**RATE SETTING STATEMENT
(FINANCIAL ACTIVITY STATEMENT)
FOR THE PERIOD ENDED 31 MAY 2020**

Attachment 6

Description	Year To Date				Annual			
	Actual	Revised Budget	Variance		Adopted Budget	Revised Budget	Variance	
	\$	\$	\$	%	\$	\$	\$	%
Opening Surplus/(Deficit)	0	(19,585,667)	19,585,667	0	(19,585,667)	(19,585,667)	0	0
OPERATING ACTIVITIES								
Revenues								
Operating Grants, Subsidies & Contributions	11,310,017	7,450,134	3,859,883	52	10,860,681	11,691,244	830,563	7
Fees & Charges	43,567,315	45,185,191	(1,617,876)	(4)	46,787,670	46,550,152	(237,518)	(1)
Interest Earnings	7,483,256	7,296,517	186,739	3	8,715,234	7,579,269	(1,135,965)	(15)
Other Revenue	478,460	720,431	(241,971)	(34)	627,194	774,792	147,598	19
	62,839,048	60,652,273	2,186,775	4	66,990,779	66,595,457	(395,322)	(1)
Expenses								
Employee Costs	(68,607,661)	(69,768,746)	1,161,085	2	(76,825,787)	(75,872,298)	953,489	1
Materials & Contracts	(56,900,705)	(60,054,291)	3,153,586	5	(68,528,997)	(69,104,375)	(575,378)	(1)
Utility Charges	(8,407,619)	(8,723,700)	316,081	4	(9,695,193)	(9,631,498)	63,695	1
Depreciation	(39,408,025)	(37,519,999)	(1,888,026)	(5)	(40,947,313)	(40,947,295)	18	0
Interest Expenses	(3,776,811)	(3,849,319)	72,508	2	(4,111,186)	(4,111,186)	0	0
Insurance	(1,062,600)	(1,392,169)	329,569	24	(1,510,000)	(1,518,848)	(8,848)	(1)
	(178,163,420)	(181,308,224)	3,144,804	2	(201,618,476)	(201,185,500)	432,976	0
Non-Cash Amounts Excluded								
Depreciation	39,408,025	37,519,999	1,888,026	5	40,947,313	40,947,295	18	0
	(75,916,348)	(83,135,952)	7,219,604	9	(93,680,384)	(93,642,748)	37,636	0
INVESTING ACTIVITIES								
Non Operating Grants, Subsidies & Contributions	17,267,393	14,302,406	2,964,987	21	28,798,613	37,661,841	8,863,228	24
Contributed Physical Assets	8,422,837	14,918,295	(6,495,458)	(44)	16,274,500	16,274,500	0	0
Profit on Asset Disposals	720,355	639,197	81,158	13	585,217	688,175	102,958	15
Loss on Assets Disposals	(184,300)	(14,075,925)	13,891,625	99	(14,110,346)	(14,110,346)	0	0
TPS & DCP Revenues	9,145,836	9,690,685	(544,849)	(6)	15,288,167	11,865,712	(3,422,455)	(29)
TPS & DCP Expenses	(5,372,179)	(7,554,054)	2,181,875	29	(8,031,975)	(10,183,546)	(2,151,571)	(21)
Capital Expenditure	(64,761,268)	(76,620,572)	11,859,304	15	(91,087,387)	(90,052,668)	1,034,719	1
Proceeds From Disposal Of Assets	675,421	1,454,941	(779,520)	(54)	1,484,250	1,587,208	102,958	6
	(34,085,905)	(57,245,027)	23,159,122	40	(50,798,961)	(46,269,124)	4,529,837	10
Non-Cash Amounts Excluded								
Contributed Physical Assets	(8,422,837)	(14,918,295)	6,495,458	44	(16,274,500)	(16,274,500)	0	0
Profit on Asset Disposals	(720,355)	(639,197)	(81,158)	(13)	(585,217)	(688,175)	(102,958)	(15)
Loss on Assets Disposals	184,300	14,075,925	(13,891,625)	(99)	14,110,346	14,110,346	0	0
	(8,958,892)	(1,481,567)	(7,477,325)	(505)	(2,749,371)	(2,852,329)	(102,958)	(4)
	(43,044,797)	(58,726,594)	15,681,797	27	(53,548,332)	(49,121,453)	4,426,879	9
FINANCING ACTIVITIES								
Contributions from New Loans	700,000	6,657,933	(5,957,933)	(89)	7,263,200	7,263,200	0	0
Transfers from Restricted Grants, Contributions & Loans	1,114,968	20,260,091	(19,145,123)	(94)	21,836,335	22,101,917	(265,582)	(1)
Transfers to Restricted Grants, Contributions & Loans	(502,930)	0	(502,930)	(100)	0	0	0	0
Transfers from Reserves	7,674,317	53,560,397	(45,886,080)	(86)	35,094,989	58,429,524	23,334,535	40
Transfers to Reserves	0	(63,152,590)	63,152,590	100	(41,382,138)	(68,893,734)	(27,511,596)	(66)
Transfers from Schemes	0	21,647,904	(21,647,904)	(100)	20,847,432	23,615,895	2,768,463	13
Transfers to Schemes	(8,661,123)	(13,572,928)	4,911,804	36	(12,427,342)	(14,806,830)	(2,379,488)	(19)
	325,232	25,400,808	(25,075,576)	(99)	31,232,476	27,709,972	(3,522,504)	(13)
BUDGET DEFICIENCY	(118,635,914)	(136,047,406)	17,411,492	13	(135,581,907)	(134,639,896)	942,011	1
Amount To Be Raised From Rates	134,246,818	134,639,896	(393,078)	(0)	135,581,907	134,639,896	(942,011)	(1)
Closing Surplus/(Deficit)	15,610,905	(1,407,510)	17,018,414	(1,209)	0	0	0	0

Transactional Finance

CS02-06/20 Warrant of Payments for the Period to 31 May 2020

File Ref: 1859V02 – 20/232886
 Responsible Officer: Director Corporate Strategy & Performance
 Disclosure of Interest: Nil
 Attachments: Nil

Issue

Presentation to the Council of a list of accounts paid for the month of May 2020, including a statement as to the total amounts outstanding at the end of the month.

Background

Local Governments are required each month to prepare a list of accounts paid for that month and submit the list to the next Ordinary Meeting of the Council.

In addition, it must record all other outstanding accounts and include that amount with the list to be presented. The list of accounts paid and the total of outstanding accounts must be recorded in the minutes of the Council meeting.

Detail

The following is the Summary of Accounts paid in May 2020:

Funds	Vouchers	Amount
Director Corporate Services Advance A/C Accounts Paid – May 2020		
Cheque Numbers	119598 - 119668	\$280,461.85
EFT Document Numbers	3822 - 3848	<u>\$19,155,378.70</u>
TOTAL ACCOUNTS PAID		<u>\$19,435,840.55</u>
Less Cancelled Cheques		(\$1,778.64)
Manual Journals		\$2,590.00
Town Planning Scheme		<u>(\$883,881.01)</u>
RECOUP FROM MUNICIPAL FUND		<u>(\$18,552,770.90)</u>
Municipal Fund – Bank A/C Accounts Paid – May 2020		
Recoup to Director Corporate Services Advance A/C		\$18,552,770.90
Direct Payments		\$5,608.65
Payroll – Direct Debits		<u>\$3,445,570.67</u>
TOTAL ACCOUNTS PAID		<u>\$22,003,950.22</u>
Town Planning Scheme Accounts Paid – May 2020		
Cell 1		\$845,113.67
Cell 2		\$207.59
Cell 3		\$207.59
Cell 4		\$37,070.59
Cell 5		\$372.04
Cell 6		\$207.59
Cell 7		\$207.59
Cell 8		\$286.76
Cell 9		<u>\$207.59</u>
TOTAL ACCOUNTS PAID		<u>\$883,881.01</u>

At the close of May 2020 outstanding creditors amounted to \$1,582,913.94.

Consultation

Nil

Comment

The list of payment (cheques and electronic transfers) and the end of month total of outstanding creditors for the month of May 2020 is presented to the Council for information and recording in the minutes of the meeting, as required by the Local Government (Financial Management) Regulations 1996.

Statutory Compliance

Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to list the accounts paid each month and total all outstanding creditors at the month end and present such information to the Council at its next Ordinary Meeting after each preparation. A further requirement of this Section is that the prepared list must be recorded in the minutes of the Council meeting.

Strategic Implications

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

“4 *Civic Leadership*

4.3 *Progressive Organisation*

4.3.2 *Ensure excellence in our customer service”*

Risk Management Considerations

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

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council RECEIVES the list of payments drawn for the month of May 2020, as summarised below:-

Funds	Vouchers	Amount
Director Corporate Services Advance A/C		
Accounts Paid – May 2020		
Cheque Numbers	119598 - 119668	\$280,461.85
EFT Document Numbers	3822 - 3848	<u>\$19,155,378.70</u>
TOTAL ACCOUNTS PAID		\$19,435,840.55
Less Cancelled Cheques		(\$1,778.64)
Manual Journals		\$2,590.00
Town Planning Scheme		<u>(\$883,881.01)</u>
RECOUP FROM MUNICIPAL FUND		(\$18,552,770.90)
Municipal Fund – Bank A/C		
Accounts Paid – May 2020		
Recoup to Director Corporate Services Advance A/C		\$18,552,770.90
Direct Payments		\$5,608.65
Payroll – Direct Debits		<u>\$3,445,570.67</u>
TOTAL ACCOUNTS PAID		\$22,003,950.22
Town Planning Scheme		
Accounts Paid – May 2020		
Cell 1		\$845,113.67
Cell 2		\$207.59
Cell 3		\$207.59
Cell 4		\$37,070.59
Cell 5		\$372.04
Cell 6		\$207.59
Cell 7		\$207.59
Cell 8		\$286.76
Cell 9		<u>\$207.59</u>
TOTAL ACCOUNTS PAID		\$883,881.01

WARRANT OF PAYMENTS MAY 2020			
PAYMENT	DATE	DESCRIPTION	AMOUNT
00119598	05/05/2020	Rates Refund	\$256.52
00119599	05/05/2020	Rates Refund	\$360.00
00119600	05/05/2020	Rates Refund	\$8,565.01
00119601	05/05/2020	Wanchee Koh	\$185.70
		Refund - Copies Of Plans - Not Available	
00119602	05/05/2020	Glen Smith	\$64.40
		Refund - Copies Of Plans - Not Available	
00119603	05/05/2020	Emma Downing	\$110.40
		Refund - Swimming Lessons - Covid 19	
00119604	05/05/2020	Manawai Hammond	\$94.05
		Refund - Swimming Lessons - Covid 19	
00119605	06/05/2020	Telstra	\$24,899.60
		Phone Charges For The City	
00119606	06/05/2020	Clarkson Library Petty Cash	\$113.60

		Petty Cash	
00119607	06/05/2020	Ashby Operations Centre Petty Cash	\$247.80
		Petty Cash	
00119608	12/05/2020	Primewest (Bewick Street) Pty Ltd	\$250.00
		Refund - CTF Levy - BP2019/1147	
00119609	12/05/2020	Kaydin Oakes	\$61.65
		Refund - Building Services Levy - Cancelled	
00119610	12/05/2020	Nicole Barnes	\$166.65
		Refund - Building Application - Certificate	
00119611	12/05/2020	James Millward	\$1,000.00
		Refund - Street And Verge Bond	
00119612	12/05/2020	Laurence J Chantry Planning Solutions	\$295.00
		Refund - Development Application - New Development Application Is Required	
00119613	12/05/2020	Mrs Jodie Goodwin	\$255.00
		Refund - Austswim Renewal To Maintain Current Role - Aquamotion	
00119614	12/05/2020	Alzheimers WA	\$660.00
		Training - Memory Cafe - Social Inclusion	
00119615	12/05/2020	Capital Finance Australia Limited	\$993.76
		Spin Bikes Rental - March 2020 - Aquamotion	
00119616	12/05/2020	Code Group Pty Ltd	\$495.00
		Consultative Advice - Changing Places Installation - Social Inclusion	
00119617	12/05/2020	Close The Loop Ltd	\$2,372.15
		1001 Pens With Logo - Waste Education	
00119618	12/05/2020	Get Home Safe Limited	\$371.03
		Subscription - ICT	
00119619	12/05/2020	Vishva Hindu Parishad of Australia	\$200.00
		Cultural Display - Hindu Society - Cultural Services	
00119620	12/05/2020	Organisation of African Community of Western Australia Incorporated	\$1,000.00
		Performance - Rwandan Traditional Dance - Australia Day 2020 - Events	
00119621	12/05/2020	Crown Leadership International Group	\$878.90
		Webinar - Employment Law On Covid-19 For Employers - People & Culture	
00119622	12/05/2020	APS Lighting & Safety Products Company	\$482.30
		5 Dual Radio Chest Harness - Emergency Services	
00119623	19/05/2020	Rates Refund	\$160.77
00119624	19/05/2020	Rates Refund	\$813.52
00119625	19/05/2020	Rates Refund	\$253.67
00119626	19/05/2020	Rates Refund	\$418.63
00119627	19/05/2020	Cornelis Franciscus De Villiers	\$406.00
		Reimbursement - Performance Solution Application - Refused	
00119628	19/05/2020	Vaughan Puccinelli	\$147.00

		Refund - Building Application - Duplicate Payment	
00119629	19/05/2020	Complete Outdoor Living Carpentry	\$61.65
		Refund - BSL Levy - Refund	
00119630	19/05/2020	Robson & Sons Electrical	\$166.65
		Refund - Building Application - Rejected	
00119631	19/05/2020	Jessica Holmes	\$166.65
		Refund - Building Application - Rejected	
00119632	19/05/2020	George Funk	\$153.75
		Partial Refund - Building Application - Overpayment	
00119633	19/05/2020	Rates Refund	\$37.36
00119634	19/05/2020	Department of Defence	\$7,027.21
		Refund - Overpayment Of Property Debtors Account - Finance	
00119635	19/05/2020	Bolinda Publishing Pty Ltd	\$3,274.43
		Book Purchases - Library Services	
00119636	19/05/2020	Wacker Neuson Pty Ltd	\$491.08
		Vehicle Spare Parts - Fleet	
00119637	19/05/2020	Legal Practice Board WA	\$1,250.00
		Practising Certificate - Property Manager	
00119638	19/05/2020	Bizlink Incorporated	\$8,000.00
		Grant Expenditure - Lighthouse	
00119639	19/05/2020	Get Home Safe Limited	\$371.03
		Monthly Software - ICT	
00119640	19/05/2020	Bore Stain West	\$600.00
		Removal Of Bore Stain - Luisini Park - Parks	
00119641	19/05/2020	Cr F Cvitan	\$4,435.74
		Monthly Allowance	
00119642	19/05/2020	Telstra	\$115.61
		Communications Link To Hainsworth Community Centre - ADSL - ICT	
00119643	19/05/2020	Finance Services Petty Cash	\$527.55
		Petty Cash	
00119644	19/05/2020	Cr X Nguyen	\$2,596.56
		Monthly Allowance	
00119645	26/05/2020	Alison Ninyett	\$218.36
		Refund - Group Fitness Membership - Stadium Closed	
00119646	26/05/2020	Shokofa Abbasi	\$147.60
		Refund - Skin Penetration Inspection/Licence Fee - Withdrawn	
00119647	26/05/2020	Alexandra Kohlmann	\$20.00
		2 x Cat Registration Refunds - Overpaid	
00119648	26/05/2020	Rates Refund	\$257.00
00119649	26/05/2020	Cristian Moraru	\$10.00
		Refund - School Holiday Program - Darklight	
00119650	26/05/2020	Yanchep Two Rocks RSL Sub-branch	\$1,873.00

		Community Funding Program October 2019 Hallmark Event Revised Funding 2020 Events	
00119651	26/05/2020	Quinns Rocks RSL Sub-Branch	\$1,630.33
		Community Funding Program October 2019 Anzac Day Vietnam Veterans Day Services And Remembrance Day	
00119652	26/05/2020	Lindsay Paul Nicholson	\$251.43
		Refund - Bush Fires Infringement Notice	
00119653	26/05/2020	Rachael Connor	\$47.85
		Refund - Swimming Lessons - Covid 19	
00119654	26/05/2020	Kris Cvitan	\$10.80
		Refund - Copies Of Plans - Not Available	
00119655	26/05/2020	Cr F Cvitan	\$1,022.41
		Travel Allowance And Parking Fees 18.11.2019 - 12.03.2020	
00119656	26/05/2020	Health Services Petty Cash	\$158.95
		Petty Cash	
00119657	26/05/2020	Telstra	\$20,310.48
		Internet/Phone Charges For The City	
00119658	26/05/2020	Cancelled	
00119659	26/05/2020	Bolinda Digital Pty Ltd	\$5,335.00
		2019 / 2020 - Ebook & Eaudiobook - Library Services	
00119660	26/05/2020	Lifeline	\$6,094.00
		3 x Accidental Counsellor Sessions - Customer Relations	
00119661	26/05/2020	Mintox Media	\$2,244.00
		Video Production - Mayor's Address - Communication & Brand	
00119662	26/05/2020	Rexel Electrical Supplies Pty Ltd	\$36.62
		Vehicle Spare Parts - Fleet	
00119663	26/05/2020	Suez Recycling & Recovery (Perth) Pty Ltd	\$143,137.37
		Process Recyclables - Waste	
00119664	26/05/2020	The Honda Shop	\$776.00
		Vehicle Spare Parts - Fleet	
00119665	26/05/2020	Total Turf	\$1,122.00
		Tee Markers - Carramar Golf Course - Parks	
00119666	26/05/2020	Town of Victoria Park	\$5,928.77
		Long Service Leave Recoup - Payroll	
00119667	26/05/2020	Western Australian Basketball Federation	\$733.34
		Basketball WA 3 On 3 Program - Youth Services	
00119668	29/05/2020	Australia Post	\$13,243.16
		Postage Charges For The City	
		Total Director Corporate Services Advance - Cheques	\$280,461.85
ELECTRONIC FUNDS TRANSFER			
00003822	04/05/2020		

		Officeworks Superstores Pty Ltd	\$182.00
		4 Widescreen Privacy Filters - Rangers	
00003823	05/05/2020		
		Synergy	\$521,539.11
		Power Supplies For The City	
00003824	05/05/2020		
		Advanced Traffic Management	\$21,400.23
		Traffic Control Services For The City	
		Aslab Pty Ltd	\$2,156.00
		Sub-base Testing - Hepburn Avenue - Assets	
		Asphalt Sampling & Testing - Hartman Drive/Motivation Drive - Construction	
		Atom Supply	\$738.36
		Stock - Stores Issues	
		Austraffic WA	\$2,376.00
		Surveys - Intersection Turning Movements - Transport & Traffic	
		Binley Fencing	\$497.97
		Temporary Fencing - Ridgewood Park - Parks	
		Boral Construction Materials Group Ltd	\$1,828.51
		Concrete Mix - Various Locations - Engineering	
		Boya Equipment	\$183.98
		Lance & Jugs - Parks	
		Bridgestone Australia Limited	\$206.80
		Tyre Fitting Services For The City	
		Bucher Municipal Pty Ltd	\$10,855.77
		Vehicle Spare Parts - Fleet/Stores	
		Bunnings Pty Ltd	\$242.46
		Hardware Purchase - Community Safety	
		Car Care Motor Company Pty Ltd	\$2,313.30
		Vehicle Services For The City	
		Carramar Resources Industries	\$1,057.22
		Disposal Of Waste - Construction	
		CDM Australia Pty Ltd	\$2,400.20
		100 Keyboards/Mouses - IT	
		Challenge Batteries WA	\$93.50
		Vehicle Batteries - Fleet	
		Climate Change Response Pty Ltd	\$3,960.00
		Electricity Bill Review - 28 Sites - Contracts & Procurement	
		Coates Hire Operations Pty Ltd	\$1,953.10
		Equipment Hire - Hepburn Avenue - Construction	
		Corsign (WA) Pty Ltd	\$6,103.90
		Replace Street Signs - Various Locations - Engineering	

		Sign - Claytons Beach Access - Parks	
		500 Corflute Signs - Community Facilities Closure - Parks	
		Cossill & Webley Consulting Engineers	\$3,091.00
		Consultancy - Mirrabooka Avenue Bus Stops - Construction	
		CS Legal	\$550.00
		Court Fees For The City	
		Diamond Plumbing & Gas	\$218.10
		Plumbing Maintenance For The City	
		Dowsing Group Pty Ltd	\$80,559.81
		Kerbing Works - Various Locations - Construction	
		Drainflow Services Pty Ltd	\$2,958.38
		Drain Cleaning/Road Sweeping - All Suburbs - Engineering	
		Elliotts Irrigation Pty Ltd	\$7,773.39
		Modify Pipework - Hudson Park - Assets	
		Reticulation Items - Parks	
		Forrest And Forrest Games	\$15,483.60
		Soil & Tissue Analysis - 51 Active Parks - Parks	
		Frontline Fire & Rescue Equipment	\$2,655.08
		Equipment Purchases - Fire Services	
		Gen Connect Pty Ltd	\$89.10
		Signs - Warning - New Civic Centre	
		Geoff's Tree Service Pty Ltd	\$12,330.29
		Pruning Works - Various Locations - Parks	
		Globe Australia	\$10,780.00
		Kikuyu Seed - Ashby - Parks	
		Hanson Construction Materials Pty Ltd	\$383.90
		Concrete Mix - Linto Way - Engineering	
		Hickey Constructions Pty Ltd	\$9,372.00
		Replace Steps - Queenscliff Park - Engineering	
		Horizon West Landscape Constructions	\$175,907.05
		Park Redevelopment - Casserley Park - Assets	
		Passive Park Redevelopment - Casserley Park - Assets	
		Humes Concrete Products	\$2,408.16
		Drainage Upgrade - Quinns Rock - Assets	
		Hydroquip Pumps	\$363.00
		Inspect/Clean Filters - Fleming Park - Parks	
		Imagesource Digital Solutions	\$330.00
		4 Corflutes - Call And Collect - Library Services	
		Sign - Neerabup Extraction Project - Economic Development	
		Integrity Industrial Pty Ltd	\$7,588.68
		Casual Labour For The City	

		Iron Mountain Australia Group Pty Ltd	\$5,297.67
		Document Management Services For The City	
		Kerb Direct Kerbing	\$17,016.45
		Progress Claim 2 - Lay Kerb - Hepburn/Highclere - Assets	
		Kleenit	\$541.55
		Graffiti Removal - Fishermans Hollow - Parks	
		Kyocera Document Solutions	\$2,859.11
		Printer - Construction - ICT	
		Printing Meter Reading For The City	
		Landcare Weed Control	\$3,364.78
		Weed Control Services For The City	
		LD Total	\$3,606.61
		Landscaping Services For The City	
		Linemarking WA Pty Ltd	\$7,501.52
		Pathway Linemarking - Butler - Assets	
		Chevron Linemarking - Bollard - Blackmore Avenue - Assets	
		Major Motors	\$80.14
		Vehicle Spare Parts - Fleet	
		Manheim Pty Ltd	\$1,819.04
		Processing Fees - Abandoned Vehicles - Community Safety	
		Marindust Sales & Ace Flagpoles	\$4,598.00
		Senior Soccer Goals - Olympic One - Parks	
		Marketforce Pty Ltd	\$1,707.49
		Advertising Services For The City	
		Mayday Earthmoving	\$19,881.40
		Heavy Equipment Hire For The City	
		Mindarie Regional Council	\$5,277.13
		Refuse Disposal For The City	
		Miracle Recreation Equipment Pty Ltd	\$6,617.60
		Playground Game Arrow - Curtis Park - Parks	
		Playground Repairs - Kingsway Dog Park - Parks	
		Install Seats - Kingsway Dog Park - Assets	
		Repair Chain Gates - Various Locations - Parks	
		Mirco Bros Pty Ltd Sound Oil Distributors	\$4,420.00
		Garden Chemicals - Parks	
		NAPA - GPC Asia Pacific Pty Ltd	\$30.69
		Silicone Maxx - Ashby - Fleet	
		Natural Area Holdings Pty Ltd	\$38,291.16
		Plant Propagation - Various Locations - Construction	
		Paperbark Technologies Pty Ltd	\$2,838.00

	Arboriculture Report - Butterworth Park - Assets	
	Perth Energy Pty Ltd	\$3,076.12
	Power Supplies For The City	
	Powerhouse Batteries Pty Ltd	\$471.06
	Vehicle Spare Parts - Fleet	
	Prestige Alarms	\$3,152.60
	Alarm/CCTV Services For The City	
	Print Smart Online Pty Ltd	\$1,175.00
	Printing - Mayoral Letterhead - Mayors Office	
	Programmed Integrated Workforce	\$3,553.76
	Casual Labour For The City	
	RAC Motoring & Services Pty Ltd	\$99.00
	Wheel Change - Yanchep - Community Safety	
	Reliable Fencing	\$23,996.42
	Replace Gate - Quinns Rock - Engineering Maintenance	
	Reweld Gate - Lake Gnangara - Parks	
	Install Conservation Fencing - Hardcastle Park - Assets	
	Install Wooden Bollard - Kingsway Dog Park - Assets	
	Roads 2000	\$336,527.82
	Asphalt Works - Koondoola - Assets	
	Traffic Signal Adjustment - Koondoola - Assets	
	Safety Tactile Pave	\$25,224.58
	Replace Pavers - Madeley - Engineering	
	Replace Pavers - Clarkson Community High School - Engineering	
	Replace Pavers - Merriwa - Engineering	
	Sanax Medical And First Aid Supplies	\$1,676.80
	First Aid Supplies - Stores	
	Scott Print	\$19,294.00
	Printing - Bin Letters & Postcards - Waste	
	Sebel Pty Ltd	\$206.91
	Chair Trolleys - Wanneroo Community Centre - Facilities	
	Security Management Australasia Pty Ltd	\$220.84
	Alarm Monitoring - New Civic Centre - Community Safety	
	Site Architecture Studio	\$3,148.20
	Professional Services - Dennis Cooley Pavilion Upgrade - Assets	
	SJ McKee Maintenance Pty Ltd	\$1,025.00
	Removal Of Asbestos - St Quentin Alexander Heights - Waste	
	Gate Repairs - The Fairways Wangara - Waste	
	Skipper Transport Parts	\$518.38

	Vehicle Spare Parts - Fleet	
	Smartbuilt Perth Pty Ltd	\$480.92
	Pest Control Services For The City	
	Softfall Guys	\$561.00
	Softfall Repairs - Swanley Park - Parks	
	Sports Surfaces	\$12,557.60
	Turf Repairs - Paloma Park - Parks	
	Cricket Wicket Repairs - John Maloney Park - Parks	
	Install Synthetic Turf - Ridgewood Park - Construction	
	Statewide Bearings	\$23.60
	Vehicle Spare Parts - Fleet	
	Stewart & Heaton Clothing Company Pty Ltd	\$4,555.59
	Staff Uniforms - Emergency Services	
	Stiles Electrical	\$25,057.02
	Progress Claim 1 - Girrawheen Complex Electrical Upgrade - Assets	
	Supreme Shades	\$5,284.84
	Install Shade Sail - Civic Centre Balcony - Assets	
	TC Precast Pty Ltd	\$3,613.50
	Wave Grate X 9 - Engineering	
	Terravac Vacuum Excavations Pty Ltd	\$1,751.15
	Linemarking - Hester & Connolly Avenue - Assets	
	The Basketball Man	\$7,645.00
	Replace Basketball Towers/Backboard - Butterworth Park - Parks	
	The Trustee for CWC Trust	\$550.00
	Site Inspection - Heath Park - Projects	
	TJ Depiazzi & Sons	\$52,192.14
	Pine Bark Mulch - Marmion Avenue - Projects	
	Triton Electrical Contractors Pty Ltd	\$330.00
	Electrical Works - Kingsbridge Park - Parks	
	Electrical Works - Mizzen Park - Parks	
	Turf Care WA Pty Ltd	\$60,756.05
	Turfing Works For The City	
	Vibra Industrial Filtration Australia	\$557.70
	Cleaning Air Filters - Stores	
	WA Limestone Company	\$4,132.34
	Proposed Roundabout - Hepburn/Highclere - Assets	
	Wanneroo Business Association Incorporated	\$990.00
	Webinar Delivery - Building And Maintaining Customer Relationships In A Crisis - Economic Development	
	Wanneroo Electric	\$1,135.20

		Electrical Maintenance For The City	
		West Coast Turf	\$35,310.00
		Turfing Works For The City	
		William Buck Consulting (WA) Pty Ltd	\$5,101.36
		Provision Of Audit And Risk Committee - Internal Audit Services	
		Final Fee - Probity Adviser Services - Tender 20037 - Contracts	
		Final Fee - Probity Adviser Services - Tender 19251 - Contracts	
		Wilson Security	\$4,257.35
		Security Services - Community Safety	
		Winc Australia Pty Limited	\$7,018.55
		Stationery - March 2020	
		Work Clobber	\$276.30
		Safety Boots - Community Safety & Assets	
		Zanotech	\$343.75
		Printer Setup - Mayor Roberts - ICT	
00003825	06/05/2020		
		Alinta Gas	\$29.05
		Gas Supplies For The City	
		Australian Services Union	\$717.20
		Payroll Deduction	
		Australian Taxation Office	\$573,597.00
		Payroll Deduction	
		Child Support Agency	\$1,801.49
		Payroll Deduction	
		City of Wanneroo - Payroll Rates	\$6,404.00
		Payroll Deduction	
		City of Wanneroo - Social Club	\$732.00
		Payroll Deduction	
		Department of Planning, Lands and Heritage	\$5,844.00
		Application Fee Accepted, Applicant - Planning Solutions, Value - \$2,500,000 Address - Lot 768 Montana Crescent Alkimos Proposal - Minor Amendments To Fuel Retailing, Parking, Access, Signage And Landscaping	
		Application Fee Accepted - Rowe Group, Value - \$3,300,000 Address - Lot 396 Kakadu Road, Proposal - Retail Development	
		Fleet Network	\$1,534.90
		Payroll Deduction	
		HBF Health Limited	\$622.90
		Payroll Deduction	
		Main Roads WA	\$12,691.22
		Installation Of Signals - Beach Road And Alexander Drive - Assets	

		Maxxia Pty Ltd	\$7,590.28
		Payroll Deduction	
		Miss Francesca Sepe	\$360.00
		Vehicle Crossing Subsidy	
		Miss Shannon Hubble	\$200.00
		Refund - Waiver Of Impound Fees For 2 Dogs - Rangers	
		Mr Cameron Porebski	\$1,000.00
		Refund - Street & Verge Bond	
		Mr Darren McCormick	\$100.00
		Dog Registration Refund - Sterilised	
		Rates Refund	\$580.00
		Mr Jamie Ferguson	\$1,000.00
		Refund - Street & Verge Bond	
		Mr Scott Watson	\$360.00
		Vehicle Crossing Subsidy	
		Rates Refund	\$239.63
		Mrs Katie Russell	\$150.00
		Dog Registration Refund - Sterilised	
		Ms Henrietta Mendoza	\$360.00
		Vehicle Crossing Subsidy	
		Ms Martine Hornsey	\$30.00
		Dog Registration Refund - Sterilised	
		Ms Susan Potter	\$2,025.00
		Reimbursement - Study Assistance - Australian Institute Of Management - People And Culture	
		Optus	\$1,313.70
		Phone Charges For The City	
		Paywise Pty Ltd	\$1,936.67
		Payroll Deduction	
		Pure Homes Pty Ltd Trading As B1 Homes	\$236.95
		Refund - Building Fee - Cancelled	
		Smartsalary	\$8,565.80
		Payroll Deductions	
		Valencia Investments Pty Ltd	\$732,407.76
		Partial Refund - Excess Funds - East Wanneroo Cell 1 - Planning & Sustainability	
		Water Corporation	\$888.26
		Water Charges For The City	
00003826	07/05/2020		
		Menchetti Consolidated Pty Ltd	\$167,259.10
		Progress Claim 3 - Warradale Skate Park - Assets	
00003827	08/05/2020		
		Menchetti Consolidated Pty Ltd	\$179,797.29
		Payment Certificate 3 - Hardcastle Park Playground - Assets	
		Solution 4 Building Pty Ltd	\$109,192.36

		Progress Claim 8 - Wanneroo City Soccer Clubrooms - Assets	
00003828	12/05/2020		
		Focus Settlements	\$754.72
		Settlement Fees - Sale Of 54 Mullingar Way Landsdale - Property Services	
00003829	12/05/2020		
		Synergy	\$10,658.28
		Power Supplies For The City	
00003830	12/05/2020		
		Australian Taxation Office	\$568,870.00
		Payroll Deductions	
		CFMEU	\$40.00
		Payroll Deductions	
		City of Wanneroo - Social Club	\$744.00
		Payroll Deductions	
		Cr Christopher Baker	\$230.99
		Travel Allowance - April	
		Cr Lewis Flood	\$1,119.28
		Travel Allowance - March/April	
		Decipha Pty Ltd	\$2,001.57
		Monthly Mailroom Service Fee - IM	
		Department of Transport	\$310.20
		Vehicle Ownership Search - Community Safety	
		Jamie Mcmeekan	\$100.00
		Bond Refund - Homestead Park - Facilities	
		Landgate	\$445.40
		Land Enquiries - Rates & Property	
		LD & D Australia Pty Ltd	\$493.60
		Milk Deliveries For The City	
		Main Roads WA	\$4,696.99
		Works - Marmion Avenue - Assets	
		Miss Alana Haxton	\$50.00
		Dog Registration Refund - Restricted Breed	
		Mr Alamgir Dewan	\$109.00
		Reimbursement - Converter - ICT	
		Mr Syed Quadri	\$360.00
		Vehicle Crossing Subsidy	
		Mrs Zelda Jansen	\$2,025.00
		Reimbursement - Study Assistance - Business Research Methods	
		Ms Jessie Kirkman	\$360.00
		Vehicle Crossing Subsidy	
		Rates Refund	\$1,137.59
		Redink Homes Pty Ltd	\$1,443.87

		Refund - Street & Verge Bond	
		Water Corporation	\$9,000.52
		Water Supplies For The City	
		Yagneshkumar Brahmhatt	\$360.00
		Vehicle Crossing Subsidy	
00003831	12/05/2020		
		Banksia Grove Development Nominees PL	\$286,336.05
		Subdivision Bond Return - Banksia Grove Stage 50 (Wapc) 156073	
00003832	12/05/2020		
		3 Monkeys Audiovisual	\$568.98
		Univox Smart Loop Portable Hearing - Customer Relations	
		ABM Landscaping	\$4,488.00
		Repair Brickpaving - Ocean Drive - Engineering	
		Action Glass & Aluminium	\$316.47
		Glazing Services For The City	
		Active Discovery	\$165.00
		Replace Seat - Nankeen Park - Parks	
		Advanced Matting	\$920.94
		Fingertip Mats & Safety Scraper - Rangers	
		Advanced Traffic Management	\$70,504.24
		Traffic Control Services For The City	
		Advanteering - Civil Engineers	\$146,882.51
		Progress Claim 2 - Splendid Park Skate Park - Assets	
		Air & Power Pty Ltd	\$6,051.10
		Air Compressor - Assets	
		Air Liquide Australia	\$575.52
		Gas Cylinder Rental - Workshop	
		Alexander House of Flowers	\$1,075.00
		Large Mixed Arrangement - 90th Birthday I Hicks - Office Of The Mayor	
		Anzac Day Wreaths - Office Of The Mayor	
		Large Floral Wreath - Black April Remembrance - Office Of The Mayor	
		Large Floral - Sympathy C Allia - Office Of The Mayor	
		Animal Pest Management Services	\$1,980.00
		Fox Trapping Permits - Conservation	
		Appliance Service Agents Pty Ltd	\$130.00
		Repair Ovens - Butler Community Centre - Building Maintenance	
		Aqua Attack Drilling	\$33,601.00
		Install Bore - Butterworth Park - Assets	
		Aslab Pty Ltd	\$8,052.00
		Asphalt Sampling And Coring - Various Locations - Assets	

		Atom Supply	\$1,705.31
		Stock - Stores Issues	
		Austraffic WA	\$1,848.00
		Turning Count Proposal - Santa Barbara - Transport And Traffic	
		Australian Airconditioning Services Pty Ltd	\$693.19
		Airconditioning Services For The City	
		Australian Communications & Media Authority	\$72.00
		Renewal Of Apparatus Licence - ICT	
		BCI Sales Pty Ltd	\$7,343.06
		Vehicle Spare Parts - Fleet	
		Better Pets and Gardens Wangara	\$539.60
		Animal Care Centre Supplies - Rangers	
		Binley Fencing	\$1,497.71
		Fencing - Butterworth Park - Parks	
		Fencing - Casserley Park - Parks	
		Bioscience Pty Ltd	\$1,650.00
		Bioprime Dicot - Parks	
		Boral Construction Materials Group Ltd	\$2,536.20
		Concrete Mix - Various Locations - Engineering	
		BP Australia Ltd	\$2,455.41
		Vehicle Oil - Stores	
		Bridgestone Australia Limited	\$7,029.03
		Tyre Fitting Services For The City	
		Bucher Municipal Pty Ltd	\$900.75
		Vehicle Spare Parts - Stores	
		Budo Group Pty Ltd	\$48,564.29
		Install New Wicket Facility - Lake Joondalup Park - Projects	
		Buggybuddys	\$121.00
		1 X Facebook Posts On Seniorcity - Libraries	
		Bunnings Pty Ltd	\$240.30
		Hardware Purchases For The City	
		Bunzl Limited	\$3,485.79
		Stock - Stores Issues	
		Call Associates Pty Ltd	\$5,454.35
		Overcalls - March 2020 - Customer Relations	
		Cameron Chisholm & Nicol (WA) Pty Ltd	\$756.25
		Professional Services - Design Review Panel - Approval Services	
		Canon Production Printing Australia Pty Ltd	\$101.62
		Scanner Charges - Assets	
		Car Care Motor Company Pty Ltd	\$2,154.68
		Vehicle Servicing - Fleet	
		Cardno (WA) Pty Ltd	\$9,647.00
		Professional Services - Quinns Beach Groyne 1 Design - Projects	

		Carramar Resources Industries	\$196,101.04
		Disposal Of Rubble - Engineering/Assets	
		Washed White Sand - Quinns Beach - Assets	
		Brickies Sand - Stores Stock	
		Cat Welfare Society Incorporated	\$1,700.00
		Daily Impound Fees - Rangers	
		Challenge Batteries WA	\$1,910.70
		Vehicle Batteries - Stores	
		Cherry's Catering	\$937.50
		Catering Services For The City	
		Chillo Refrigeration & Air-Conditioning	\$187.00
		Repairs - Ground Floor Walk In Freezer - Civic Centre - Building Maintenance	
		Civica Pty Ltd	\$440.00
		Training - Name And Address Register Changes - Customer Relations	
		CJD Equipment Pty Ltd	\$17.61
		Vehicle Spare Parts - Fleet	
		CK Maloney Surveying	\$7,568.00
		Survey Car Parking And Foreshore - Quinns Mindarie Community Centre Playgroup - Surveyors	
		Survey Road Reserve - Gumblossom - Surveyors	
		Clinipath Pathology	\$253.49
		Medical Fees For The City	
		Coates Hire Operations Pty Ltd	\$15,159.17
		Equipment Hire - Hepburn - Assets	
		Lighting Tower - Joondalup Drive - Assets	
		Coca Cola Amatil Pty Ltd	\$150.06
		Beverages - Kingsway Stadium	
		Community Greenwaste Recycling Pty Ltd	\$273.43
		Disposal Of Waste - Parks/Engineering	
		Convic Design Pty Ltd	\$1,056.00
		Design Consultancy Services - Splendid Park Facility - Facilities	
		Cossill & Webley Consulting Engineers	\$19,061.90
		Consulting - Main Roads Linemarking - Assets	
		Consulting - Hartman Drive Duplication - Assets	
		Consulting - Connolly Drive Duplication - Assets	
		Critical Fire Protection & Training Pty Ltd	\$591.07
		Fire Extinguisher Servicing - Building Maintenance	
		Crown Lift Trucks	\$465.52
		Forklift Repairs/Service - Fleet	
		CS Legal	\$495.00
		Court Fees For The City	
		CSP Group	\$133.60

		Vehicle Spare Parts - Fleet	
		Cubic Solutions Pty Ltd	\$7,171.12
		Drainage Cells - Quinns Rocks - Construction	
		Data Documents	\$2,695.00
		Signage - Edgar Griffiths Park - Assets	
		DC Golf	\$42,356.90
		Commission Fees - Carramar Golf Course	
		Commission Fees - Marangaroo Golf Course	
		Design & Construct Mechanical Services Pty Ltd	\$2,541.00
		Install Airconditioner - Clarkson Youth Centre - Building Maintenance	
		Devlyn Australia Pty Ltd	\$47,517.48
		Progress Claim 8 - Belhaven Park Sports - Assets	
		Diamond Plumbing & Gas	\$15,883.65
		Plumbing Maintenance For The City	
		Direct Communications	\$4,118.84
		Two Way Radio Works - Fleet/Rangers	
		Dowsing Group Pty Ltd	\$28,872.99
		Concrete Works - Various Locations - Engineering/Assets	
		Drainflow Services Pty Ltd	\$46,413.44
		Drain Cleaning & Road Sweeping Services For The City	
		DVA Fabrications	\$3,316.50
		Ottoman Set 3 Piece - Cultural Services	
		Edge People Management	\$1,769.37
		Case Management - Return To Work Monitoring - People & Culture	
		Elliotts Irrigation Pty Ltd	\$71,592.60
		Reticulation Items - Parks	
		Additional Irrigation System - Gumblossom Reserve - Parks	
		After Hours Service Callout - Old Nursery Park - Parks	
		Irrigation Works - Connolly Drive - Assets	
		Iron Filter Services - Various Locations - Parks	
		Redirect Mainline - Halmstad Park - Parks	
		Irrigation Works - Queenscliff Parade - Parks	
		Reinstatement Of Lateral Pipework & Sprinklers - Parks	
		Emineo Engineering Services	\$9,125.05
		Removal Of Quinns Beach Observation Tower - Facilities	
		Environmental Industries Pty Ltd	\$129,471.19
		Landscape Maintenance - Ocean Reef Road - Pinjar Road - Parks	

		Landscape Maintenance - Gngangara Road - Mirrabooka Ave - Parks	
		Landscape Maintenance - Arterial Road Streetscapes - Parks	
		EPC Technologies Pty Ltd	\$24,035.00
		Consultancy - Neerabup Industrial Area Energy Supply Feasibility - Economic Development	
		Equifax Australasia Credit Rating Pty Ltd	\$8,664.70
		Standard Financial Assessment Reports - Contracts	
		Equifax Australasia Workforce Solutions Pty Limited	\$600.60
		Criminal History Check - Rangers	
		Evoke Interior Design Pty Ltd	\$2,289.38
		Accessibility Improvements And Maintenance - Two Rocks Playgroup - Assets	
		Site Inspection - Phil Renkin Community Centre - Assets	
		Flexipole Industries Pty Ltd	\$330.00
		Install Fence Posts - Hardcastle Park - Projects	
		Flick Anticimex Pty Ltd	\$7,486.06
		Sanitary Waste Services - Various Sites - Building Maintenance	
		Focus Consulting WA Pty Ltd	\$2,277.00
		Consulting Support - Resolution Of Defect Item - Assets	
		Lighting (Electrical) Design - San Teodoro Park - Assets	
		Forch Australia Pty Ltd	\$4,513.50
		Stock - Stores Issues	
		GC Sales (WA)	\$60.50
		Bin Keys - Waste	
		Geared Construction Pty Ltd	\$10,576.52
		Progress Claim 13 - Construction Of WDNA Building Upgrade - Assets	
		Geoff's Tree Service Pty Ltd	\$35,288.59
		Pruning Works - Various Locations - Parks	
		GHD Pty Ltd	\$1,375.00
		Consultancy Services - Asset Management Plans - Kingsway - Assets	
		Global Marine Enclosures Pty Ltd	\$2,479.29
		Winter Maintenance - Coastal Projects	
		Globe Australia	\$40,746.75
		Landscape Chemicals - Parks	
		Grand Toyota	\$63,025.40
		New Vehicle Purchase - Hiace Community Bus - Fleet Assets	
		Hanson Construction Materials Pty Ltd	\$1,267.20
		Drainage Items - Various Locations	

		Hays Personnel Services	\$8,477.88
		Casual Labour For The City	
		Heatley Sales Pty Ltd	\$2,757.89
		Stock - Store Issues	
		Hickey Constructions Pty Ltd	\$2,167.00
		Replace Wooden Bench Seat - Rotary Park - Parks	
		Hitachi Construction Machinery Pty Ltd	\$600.12
		Vehicle Filters - Stores	
		Horizon West Landscape Constructions	\$60,526.40
		Monthly Progress Claim - Casserley Park - Passive Park Redevelopment - Assets	
		Hose Right	\$1,180.46
		Vehicle Hoses - Fleet	
		HS Hyde & Son	\$1,821.60
		Repairs - Cockman House - Building Maintenance	
		Hydroquip Pumps	\$1,941.50
		Clean Waterfall Pump - Bayport & Ridgewood Lakes - Parks	
		Pump Services - Avila Park - Parks	
		i3 Consultants WA	\$2,744.50
		Road Safety Inspection - Mirrabooka Avenue - Transport And Traffic	
		Imagesource Digital Solutions	\$1,534.50
		Two Signboards - Wanneroo Districts Netball Association - Assets	
		Integrity Industrial Pty Ltd	\$38,038.34
		Casual Labour For The City	
		Intercity Office Partitioning	\$2,400.00
		Reposition Partition Screens & Work Benches - Civic Centre - Projects	
		Iron Mountain Australia Group Pty Ltd	\$5,064.09
		Document Management Services	
		Ixom Operations Pty Ltd	\$163.68
		Pool Chemicals - Aquamotion	
		J Blackwood & Son Ltd	\$1,589.46
		Consumables - Fleet/Stores Stock	
		James Bennett Pty Ltd	\$6,663.37
		Book Purchases - Library Services	
		JB Hi Fi Group Pty Ltd	\$159.00
		Ethernet Cable - Cultural Development	
		JDSI Consulting Engineers	\$9,020.00
		Consulting Services - Butler North District Open Space - Assets	
		Consulting Services - Splendid Parks - Assets	
		Kennards Hire Pty Ltd	\$557.00
		Barriers - Hepburn Avenue - Assets	
		Kerb Direct Kerbing	\$2,712.60
		Kerbing - Various Locations - Assets	

		Kinetic IT Pty Ltd	\$10,541.27
		Monthly Service Fee - March 2020 - Kinetic Threat Intelligence - ICT	
		Kleenheat Gas Pty Ltd	\$120.80
		Gas Supplies For The City	
		Kleenit	\$2,704.88
		Pressure Clean Footpath & Plastic Garden Retainer - Admiralty Road Jindalee - Engineering	
		Graffiti Removal Services For The City	
		Ladybird's Plant Hire	\$314.60
		Indoor Plant Rental - Customer Relations	
		Landcare Weed Control	\$25,898.17
		Weed Control Services For The City	
		Lantern Creative Pty Ltd	\$6,600.00
		Architectural Consultancy - Wanneroo City Soccer - Assets	
		Laundry Express	\$947.04
		Cleaning Of Linen - Hospitality	
		Washing Car Seat Covers - Conservation	
		LD Total	\$55,111.23
		Landscape Maintenance For The City	
		Leamac Picture Framing	\$905.00
		Art Collection Conservation - Cultural Services	
		LearnEd Training Pty Ltd	\$1,024.98
		Refund - Booking Cancelled - 27.03.2020 - 30.04.2020	
		Lee Syminton	\$11,330.00
		Architectural Consultation - Dalvik Park - Assets	
		Ligna Construction	\$1,083.50
		Replace Bullnose Cappers - Swansea - Parks	
		Replace Limestone Blocks - Splendid Park - Parks	
		Linemarking WA Pty Ltd	\$20,309.56
		Linemarking Services For The City	
		Mackay Urban Design	\$550.00
		Professional Services - Design Review Panel - Planning & Sustainability	
		Magia Solutions Pty Ltd	\$89,100.00
		Oracle Soa Cloud Annual Licence Fee Year 3 - ICT	
		Major Motors	\$544.00
		Vehicle Spare Parts - Fleet	
		Mammoth Equipment & Exhausts Pty Ltd	\$1,526.25
		Ad Blue 1 Ltr - Stores	
		Marindust Sales & Ace Flagpoles	\$3,630.00
		Install Goal Sleeve - Kingsway - Parks	

		Preparation Works & Cancellation Fee - Install New Soccer Goals - Splendid Park - Parks	
		Marketforce Pty Ltd	\$1,321.24
		Advertising Services For The City	
		Mastec Australia Pty Ltd	\$1,708.25
		Black Bin Wheels - Waste Services	
		Mayday Earthmoving	\$52,849.50
		Heavy Equipment Hire For The City	
		McCorkell Constructions Pty Ltd	\$27,153.15
		Progress Claim 13 - Kingsway Olympic Clubroom Variation - Projects	
		McInerney Sales Pty Ltd	\$44,896.93
		New Vehicle Purchase - Ford Rangers - \$44,896.93	
		Melville Subaru	\$108,717.35
		New Vehicle Purchase - Subaru VX - \$34,823.21 - Fleet Assets	
		New Vehicle Purchase - 2 Subaru Foresters - \$36,947.07 - Fleet Assets	
		Michael Page International (Australia) Pty Ltd	\$11,000.00
		Casual Labour For The City	
		Mindarie Regional Council	\$576,271.08
		Refuse Disposal For The City	
		Mini-Tankers Australia Pty Ltd	\$2,442.39
		Fuel Issues - April 2020	
		Miracle Recreation Equipment Pty Ltd	\$9,149.36
		Playground Repairs - Various Locations - Parks	
		MNG Survey	\$21,022.03
		Beach Monitoring Surveys April 2020 - Engineering	
		NAPA - GPC Asia Pacific Pty Ltd	\$1,089.76
		Vehicle Spare Parts - Fleet	
		Stock - Stores Issues	
		Noma Pty Ltd	\$550.00
		Professional Services - Design Review Panel - Approval Services	
		Northern Lawnmower & Chainsaw Specialists	\$1,488.50
		Mower Blades - Stores	
		Atom Edger - Fleet Assets	
		Nu-Trac Rural Contracting	\$11,282.14
		Beach Cleaning - Quinns Beach Engineering	
		Nutrien Ag Solutions Limited	\$1,023.00
		Round Biactive - Conservation	
		Objective Corporation Limited	\$172.70
		Trapeze Professional Individual Licence 09.04.2020 - 30.06.2020 - ICT	

		Owen Consulting Quantity Surveyors & Construction Consultants	\$1,463.00
		Quantity Surveying - Kingsway Olympic Soccer Clubrooms - Assets	
		Paperbark Technologies Pty Ltd	\$1,880.00
		Arboricultural Reports - Various Trees - Parks/Assets	
		Pavement Analysis Pty Ltd	\$16,005.00
		Refuse Disposal - Recommendations - Joondalup Drive - Assets	
		Pavement Profile Recommendations - Badgerup Road - Assets	
		Consulting Services - Road Rehabilitation - Assets	
		Penske Power Systems Pty Ltd	\$4,768.28
		Vehicle Spare Parts - Stores	
		Perth Energy Pty Ltd	\$24,953.36
		Power Supplies For The City	
		Play Check	\$330.00
		Safety Audit - Hardcastle Park Playground Equipment - Assets	
		Poolegrave Signs & Engraving	\$3,932.50
		Signage - Kingsway Olympic Soccer Club Building - Assets	
		Vinyl Replacement - Kingsway - Assets	
		Porter Consulting Engineers	\$1,760.00
		Black Spot Project Identification - Transport And Traffic	
		Powerhouse Batteries Pty Ltd	\$447.28
		Vehicle Batteries - Fleet	
		Prestige Alarms	\$27,759.88
		Alarm/CCTV Services For The City	
		Print Smart Online Pty Ltd	\$1,471.00
		Printing - Mayoral Invites - Office Of The Mayor	
		Programmed Integrated Workforce	\$17,372.54
		Casual Labour For The City	
		Qualcon Laboratories	\$748.00
		Quinns Beach Sand PSD Tests - Engineering	
		Quinns Rock Bush Fire Brigade	\$5,577.00
		Reimbursement - Brigade Turnout - Fire Services	
		RAC Motoring & Services Pty Ltd	\$229.00
		Vehicle Callout Services For The City	
		Randal	\$64.68
		Newspaper Subscription - Office Of CEO	
		Rare Creativethinking	\$6,391.00
		City Of Wanneroo Brand Development - Communication & Brand	
		Reliable Fencing	\$67,329.79
		Fencing Works For The City	

		Rent A Dingo	\$352.00
		Dingo Hire - Houghton Park - Parks	
		Richgro	\$1,536.00
		Landscape Mix - Parks	
		RJ Vincent & Co	\$869,045.23
		Lighting Relocation - Hartman Drive Duplication - Assets	
		Payment Certificate 6 - Connolly Drive Duplication - Assets	
		Roads 2000	\$1,225.13
		Asphalt Supply - Engineering	
		Safeman WA Pty Ltd	\$550.00
		Stock - Stores Issues	
		Sanax Medical And First Aid Supplies	\$272.80
		Stock - Stores Issues	
		Scott Print	\$18,948.60
		Printing - What's Happening - Communication And Brand	
		Printing - Neighbour Leaflets - Communication And Brand	
		Shred-X	\$308.88
		Shredding Services For The City	
		Sifting Sands	\$1,992.86
		Sand Cleaning - Various Locations - Parks	
		Site Architecture Studio	\$3,148.20
		Construction Administration - Dennis Cooley Pavilion, Hudson Park Sports Amenities Upgrade - Assets	
		SJ McKee Maintenance Pty Ltd	\$1,975.00
		Repair Works - Various Locations - Waste	
		Skipper Transport Parts	\$1,832.08
		Vehicle Spare Parts - Fleet/Stores	
		Skyline Landscape Services (WA) Pty Ltd	\$5,779.95
		Landscape Maintenance For The City	
		Smartbuilt Perth Pty Ltd	\$910.85
		Pest Control Services For The City	
		Softfall Guys	\$412.50
		Repair Softfall - Butler Community Centre - Parks	
		Sonic Healthplus Pty Ltd	\$58.00
		Medical Fees For The City	
		Sports Marketing Australia Pty Ltd	\$5,445.00
		Events Placement Fee - WA Bodyboard State Titles, Badminton U17 Australasian Team And Individual Championships, Champions League Basketball 3 X 3 - Economic Development	
		Sprayline Spraying Equipment	\$62.63
		Filter Basket - Parks	
		Statewide Bearings	\$23.34
		Vehicle Spare Parts - Fleet	
		Statewide Cleaning Supplies Pty Ltd	\$1,024.14

	Cleaning Items - Stores	
	Stewart & Heaton Clothing Company Pty Ltd	\$109.73
	Uniforms - Community Safety	
	Surekleen Products	\$400.40
	Stock - Stores Issues	
	TC Precast Pty Ltd	\$4,130.50
	Drainage Items - Various Locations - Assets	
	Terravac Vacuum Excavations Pty Ltd	\$18,252.10
	Linemarking Services For The City	
	Location Of Services For The City	
	Removal Of Pothole Markers & Backfill Holes - Wanneroo Road Pathway South Of Elliot Road - Construction	
	The Basketball Man	\$7,700.00
	New Basketball System - Blackmore Park - Parks	
	Basketball System - Templeton Park - Parks	
	The Factory (Australia) Pty Ltd	\$635.80
	Storage Of Christmas Decorations 09.01.2019 - 09.10.2019 - Building Maintenance	
	The Royal Life Saving Society Australia	\$3,381.40
	Home Pool Barrier Inspections - Compliance	
	Thirty4 Pty Ltd	\$211.20
	Monthly Subscription - Qnav Mobile Data - Community Safety	
	TJ Depiazzi & Sons	\$82,302.99
	Mulching Services For The City	
	Toll Transport Pty Ltd	\$1,308.92
	Courier Services For The City	
	Total Landscape Redevelopment Service Pty Ltd	\$14,520.00
	Supply/Install Drinking Fountain - Amery Park - Assets	
	TQuip	\$530.00
	Vehicle Spare Parts - Fleet	
	Traffic Calming Australia Pty Ltd	\$5,808.00
	Replace Old Speed Cushion - Ocean Drive - Engineering	
	Tree Planting & Watering	\$5,051.20
	Turf Watering - Edgar Griffiths Park - Assets	
	Triton Electrical Contractors Pty Ltd	\$3,107.50
	Electrical Works - Various Locations - Parks	
	Trophy Shop Australia	\$27.40
	Name Badges For Employees	
	Truck Centre WA Pty Ltd	\$4,125.43
	Vehicle Spare Parts & Repairs - Fleet	

		Turf Care WA Pty Ltd	\$74,368.03
		Turfing Works For The City	
		Valvoline (Australia) Pty Ltd	\$18,013.18
		Vehicle Oil - Stores Stock	
		Viv Warren Consulting Pty Ltd	\$10,780.00
		Community Consultation - Southern Suburbs Library - Cultural Development	
		Viva Energy Australia Pty Ltd	\$51,460.34
		Fuel For The City	
		WA Limestone Company	\$13,875.63
		Limestone - Hepburn Avenue Highclere Avenue Proposed Roundabout - Assets	
		Limestone - Anchorage Park - Assets	
		WA Structural Consulting Engineers Pty Ltd	\$440.00
		Floodlight Pole Review - Ridgewood Park - Assets	
		Wanneroo Agricultural Machinery	\$1,440.10
		Vehicle Spare Parts - Fleet	
		Wanneroo Electric	\$40,064.46
		Electrical Maintenance For The City	
		Wellstrategic	\$1,512.50
		Virtual Tour - Wanneroo Museum - Cultural Services	
		West Australian Newspapers Ltd	\$375.00
		Advertising - Add Council Logo - Waste	
		Westbooks	\$3,007.36
		Book Purchases - Libraries	
		Westbuild Products Pty Ltd	\$612.48
		Kwikset Cement - Stores	
		West-Sure Group Pty Ltd	\$143.66
		Cash Collection Service - Customer Relations	
		WEX Australia Pty Ltd	\$1,497.74
		Fuel - March & April - Fleet Assets	
		Wilson Security	\$2,234.36
		Security Services For The City	
		Work Clobber	\$108.90
		Black Safety Boots - Assets	
		Workpower Incorporated	\$11,831.71
		Plant Watering & Weed Control - Various Locations - Conservation	
		Yanchep News Online	\$450.00
		Wanneroo Link Campaign - Communications & Brand	
		Zetta Group	\$9,782.37
		Managed Services - March - ICT	
00003833	13/05/2020		
		Department of Mines, Industry Regulation & Safety	\$63,004.33

		Collection Agency Fee Payments - 01.04.2020 - 30.04.2020	
00003834	14/05/2020		
		Australia Post	\$8,542.85
		Postage Charges For The City	
		City of Wanneroo - Rates	\$915.00
		Rates Payments From Monthly Allowances	
		Cr Brett Treby	\$2,371.56
		Monthly Allowance	
		Cr Christopher Baker	\$2,596.56
		Monthly Allowance	
		Cr Domenic Zappa	\$2,386.56
		Monthly Allowance	
		Cr Dot Newton	\$2,496.56
		Monthly Allowance	
		Cr Glynis Parker	\$2,596.56
		Monthly Allowance	
		Cr Huu Van Nguyen	\$2,596.56
		Monthly Allowance	
		Cr Jacqueline Huntley	\$2,596.56
		Monthly Allowance	
		Cr Lewis Flood	\$2,501.56
		Monthly Allowance	
		Cr Linda Aitken	\$2,596.56
		Monthly Allowance	
		Cr Natalie Sangalli	\$2,596.56
		Monthly Allowance	
		Cr Paul Miles	\$2,311.56
		Monthly Allowance	
		Cr Sonet Coetzee	\$2,596.56
		Monthly Allowance	
		Mayor Tracey Roberts	\$11,251.55
		Monthly Allowance	
00003835	19/05/2020		
		Synergy	\$17,983.80
		Power Supplies For The City	
00003836	19/05/2020		
		Solution 4 Building Pty Ltd	\$333,823.34
		Progress Claim 7 - Shelvock Park Sports Amenities Building - Projects	
00003837	19/05/2020		
		Alinta Gas	\$5,141.60
		Gas Supplies For The City	
		APC Constructions	\$2,000.00
		Refund - Street & Verge Bond	

	Australian Manufacturing Workers Union	\$166.80
	Payroll Deductions	
	Australian Services Union	\$717.20
	Payroll Deductions	
	Australian Taxation Office	\$567,978.00
	Payroll Deductions	
	Bacuyunjuze Patrick Bashengezi	\$2,000.00
	Refund - Street & Verge Bond	
	BGC Residential Pty Ltd	\$2,000.00
	Refund - Street & Verge Bond	
	Biagio Monte	\$56,953.51
	Partial Return Of Excess Funds - East Wanneroo Cell 1	
	Building & Construction Industry Training Board	\$34,233.63
	Collection Approved Levy Payments 01 - 30.04.2020 - Finance	
	CFMEU	\$40.00
	Payroll Deductions	
	Child Support Agency	\$1,801.49
	Payroll Deductions	
	Christopher Balazs	\$1,000.00
	Refund - Street & Verge Bond	
	City of Wanneroo - Payroll Rates	\$6,154.00
	Payroll Deductions	
	City of Wanneroo - Social Club	\$724.00
	Payroll Deductions	
	Clifford Rocke & Scott Langdon & John Bumbak As Receivers & Managers of Watson Property Group	\$176,383.00
	Bond Refund - Chianti Estate Stage 3 Woodvale WAPC 15055 - Finance	
	Fleet Network	\$1,617.90
	Input Tax Credits 12.05.2020 - Finance	
	Payroll Deductions	
	GAS Structural Pty Ltd	\$2,400.00
	Refund - Bond Assessment Fee - Paid Twice	
	HBF Health Limited	\$622.90
	Payroll Deductions	
	Home Group WA Pty Ltd	\$10,000.00
	Refund – 4 Street & Verge Bonds	
	Laceys Gym	\$500.00
	Sponsorship - 1 Member - Asia Oceania Olympic Qualification - 03 - 11.03.2020	
	Landgate	\$7,636.18
	Metro Urban UV's - 2019 / 2020 - Rates	
	LD & D Australia Pty Ltd	\$888.70
	Milk Deliveries For The City	
	LGRCEU	\$1,814.26
	Payroll Deductions	

		Maxxia Pty Ltd	\$7,599.27
		Payroll Deductions	
		Miss Daphne Vasov	\$30.00
		Dog Registration Refund – Sterilised	
		Rates Refund	\$209.58
		Rates Refund	\$1,198.01
		Mr Ronald Oostveen	\$2,000.00
		Refund – Street & Verge Bond	
		Mr Sandip Rabadiya	\$360.00
		Vehicle Crossing Subsidy	
		Mrs Melanie Hutchison	\$130.00
		Dog Registration Refund - Sterilised & Dog Already Registered	
		Mrs Ruth Wallace	\$40.00
		Dog Registration Refund - Deceased	
		Ms Faye Vines	\$360.00
		Vehicle Crossing Subsidy	
		Nautilus Building	\$1,000.00
		Refund – Street & Verge Bond	
		Paywise Pty Ltd	\$2,204.08
		Input Tax Credits For Salary Packaging - April 2020	
		Payroll Deductions	
		Smartsalary	\$8,464.92
		Payroll Deductions	
		Swancolt Pty Ltd	\$19,371.31
		Bond Refund Release - Lot 13 Kingsway Road Darch Homestead WAPC 128772	
		Rates Refund	\$360.99
		Trailer Parts Pty Ltd	\$250.36
		Vehicle Spare Parts - Fleet	
		Ventura Home Group Pty Ltd	\$1,188.24
		Reimbursement - Development Application - Withdrawn	
		Refund - BSL Levy - Cancelled	
		Vodafone Hutchinson Australia Pty Ltd	\$1,436.77
		SMS Charges - Emergency Services	
		Water Corporation	\$11,682.50
		Water Supplies For The City	
		Western Power	\$532,033.00
		Relocation Of Western Power Assets - Hartman Drive Madeley - Projects	
00003841	19/05/2020		
		ABM Landscaping	\$2,871.22
		Repair Brickpaving - Pensacola Terrace - Engineering	
		Action Glass & Aluminium	\$2,880.19
		Glazing Services For The City	
		Adelphi Apparel	\$220.00
		Uniforms - Community Safety	

		Advanced Traffic Management	\$20,352.75
		Traffic Control Services For The City	
		Alexander House of Flowers	\$115.00
		Arrangement - 90th Birthday - I Hicks - Mayors Office	
		Aslab Pty Ltd	\$1,006.50
		Asphalt Sampling And Coring - Gibbs Road - Assets	
		Atom Supply	\$1,392.21
		Stock - Stores Issues	
		Vehicle Spare Parts - Fleet	
		Austraffic WA	\$1,320.00
		Intersection Traffic Count - Gngangara/Hartman, Gngangara/Prestige & Gngangara/Mirrabooka - Traffic Services	
		Australian Airconditioning Services Pty Ltd	\$14,282.13
		Airconditioning Services For The City	
		Barra Civil & Fencing	\$770.00
		Repair Fencing - Wanneroo & Anthony Waring Park - Parks	
		BCA Consultants (WA) Pty Ltd	\$4,290.00
		Consultancy - Hydro Pool Boiler Aquamotion - Assets	
		Benara Nurseries	\$475.32
		Plants - Parks	
		Binley Fencing	\$408.54
		Temporary Fencing - Tumbleweed Drive - Assets	
		Boral Construction Materials Group Ltd	\$2,960.18
		Concrete Mix - Various Locations - Engineering	
		Bridgestone Australia Limited	\$27,718.25
		Tyre Fitting Services For The City	
		Bucher Municipal Pty Ltd	\$10,069.35
		Vehicle Spare Parts - Fleet	
		Budo Group Pty Ltd	\$801.90
		Bin Store Upgrade - Clarkson Library - Facility Projects	
		Canon Production Printing Australia Pty Ltd	\$428.80
		Printer Charges - Assets	
		Car Care Motor Company Pty Ltd	\$305.80
		Vehicle Service - Fleet	
		Castledine Gregory	\$41,460.65
		Legal Fees For The City	
		Cathara Consulting Pty Ltd	\$1,540.00
		It Support Services - ICT	
		CDM Australia Pty Ltd	\$869,785.40
		PC Replacement - ICT	
		Challenge Batteries WA	\$71.50
		Vehicle Batteries - Fleet	
		Chemistry Centre WA	\$838.26
		Sampling - Wangara Sump - Conservation	

		Clayton Utz	\$71,828.15
		Legal Fees For The City	
		Cleanaway	\$5,190.72
		Recycling Charges 20 - 25.11.2019 - Waste	
		Cleanaway Equipment Services Pty Ltd	\$517.03
		Disposal Of Oil Filters - Fleet	
		Clinipath Pathology	\$919.91
		Medical Fees For The City	
		Coates Hire Operations Pty Ltd	\$46.69
		Refuse Disposal - Hepburn Avenue And Highclere Boulevard - Engineering	
		Corsign (WA) Pty Ltd	\$3,520.55
		Park Sign - Upgrade Passive - Parks	
		Signs - Street Name Plates - Engineering	
		L Clamp - Install Street Signs - Engineering	
		Critical Fire Protection & Training Pty Ltd	\$3,263.67
		Maintenance Of Fire Detection Equipment - Building Maintenance	
		CS Legal	\$1,549.45
		Court Fees For The City	
		CSIRO	\$53.99
		Landscaping Reference Books - Land Development	
		CSP Group	\$57.00
		Vehicle Spare Parts - Fleet	
		Data #3 Limited	\$21,270.19
		Software Licences & Subscriptions - ICT	
		Department of the Premier and Cabinet	\$135.90
		Government Gazette Advertising - Planning Services	
		Diamond Plumbing & Gas	\$6,233.68
		Plumbing Maintenance For The City	
		Direct Communications	\$264.00
		Microphone - Fleet	
		Diversity Focus Pty Ltd	\$592.90
		Refund - Cancellation Of Bookings 25.03.2020 - 30.06.2020	
		Dowsing Group Pty Ltd	\$96,420.51
		Concrete Works - Various Locations - Assets	
		Drainflow Services Pty Ltd	\$31,555.45
		Drain Cleaning/Road Sweeping Services For The City	
		Drovers Vet Hospital Pty Ltd	\$297.00
		Veterinary Services For The City	
		ECO Environmental Holdings Pty Ltd	\$126.50
		Equipment Rental - Multi-Parameter Meter - Conservation	
		Ecowater WA	\$135.00

		Fujiclean System Service - Community Safety	
		Elliotts Irrigation Pty Ltd	\$43,606.50
		Irrigation Works - Connolly Drive - Assets	
		Site Reinstatement - Irrigation Modification - Wanneroo City Soccer - Parks	
		Reticulation Items - Parks	
		Fix Mainline Break - Pat Scarfo - Parks	
		Rewire Cable Under Entrance To Community Centre - Connolly Drive - Projects	
		Install Irrigation - Sandilands Circuit - Parks	
		Irrigation Alterations - Kingsway Dog Park - Projects	
		Environmental Industries Pty Ltd	\$8,523.63
		Landscape Maintenance - Ocean Reef & Pinjar Roads - Parks	
		Equifax Australasia Credit Rating Pty Ltd	\$2,949.32
		Financial Reports - Various Companies - Contracts & Procurement	
		Equifax Australasia Workforce Solutions Pty Limited	\$2,666.71
		Monthly E-Recruit Fee - ICT	
		Fire & Safety WA	\$521.71
		Safety Boots - Fire Services	
		Frontline Fire & Rescue Equipment	\$389.35
		Eflare Pack - Fire Services	
		Gen Connect Pty Ltd	\$652.30
		6 Monthly Service - Building Maintenance	
		Geoff's Tree Service Pty Ltd	\$12,335.39
		Pruning Works - Various Locations - Parks/Assets	
		GHD Pty Ltd	\$38,929.55
		Delivery Phase - Lenore Road Duplication - Assets	
		Global Spill Control Pty Ltd	\$1,059.52
		Sorbalite Zeolite - Stores	
		Grand Toyota	\$74,075.25
		New Vehicle Purchase - Commuter With Chair Lift - Fleet Assets	
		Hall & Wilcox	\$1,510.08
		Legal Fees For The City	
		Hays Personnel Services	\$6,338.12
		Casual Labour For The City	
		Heatley Sales Pty Ltd	\$5,921.13
		Stock - Stores Issues	
		Hose Right	\$792.65
		Vehicle Spare Parts - Fleet	
		HS Hyde & Son	\$2,877.60
		Servery Hatch Installation - Aquamotion - Building Maintenance	

		Hydroquip Pumps	\$9,416.44
		Replace Pump - Badgerup Waste Disposal - Parks	
		Iconic Property Services Pty Ltd	\$15,677.44
		Cleaning Services For The City	
		Indoor Gardens Pty Ltd	\$451.85
		Rental Of Indoor Plants - Customer Relations	
		Integrity Industrial Pty Ltd	\$27,228.26
		Casual Labour For The City	
		Interfire Agencies Pty Ltd	\$592.58
		Helmets - Fire Services	
		IPWEA WA	\$200.00
		Registration - Incorporating Strategic Asset Management Into Day To Day Business - June 2020 - B Whitfield - Assets	
		J Blackwood & Son Ltd	\$2,317.65
		Stock - Fleet/Stores Issues	
		Kennards Hire Pty Ltd	\$441.50
		Barrier Water Filled - Hepburn Avenue - Engineering	
		Kerb Direct Kerbing	\$2,121.90
		Install Kerbing - Mindarie - Construction	
		Kleenit	\$6,258.17
		Graffiti Removal Services For The City	
		Landcare Weed Control	\$32,357.01
		Handweeding - Various Locations - Conservation	
		Weed Control - Revegetation Sites - Conservation	
		LD Total	\$255.20
		Glyphosate Spraying - Wangara - Parks	
		Linemarking WA Pty Ltd	\$10,400.12
		Pathway Line Marking - Yellagonga Regional Park - Construction	
		Major Motors	\$4,024.43
		Vehicle Spare Parts - Fleet	
		Marketforce Pty Ltd	\$11,796.17
		Advertising Services For The City	
		Melville Subaru	\$38,214.87
		License & Plate Fee - 95614 - Fleet Assets	
		License & Plate Fee - WN 471 - Fleet Assets	
		New Vehicle Purchase - Subaru Forrester - \$37,331.07	
		Michael Page International (Australia) Pty Ltd	\$2,394.80
		Casual Labour For The City	
		Midalia Steel Pty Ltd	\$205.53
		Steel Supplies - Fleet	
		Mindarie Regional Council	\$547,746.68

		Refuse Disposal For The City	
		Miracle Recreation Equipment Pty Ltd	\$6,083.00
		Renew Play Equipment - Wanneroo Showgrounds - Projects	
		Replace Park Seat - Jundunga Park - Projects	
		Replace Arch Bridge Boards - Coldstream Park - Parks	
		Replace Music Chimes Donger - James Cook Park - Parks	
		Moharich And More Pty Ltd	\$4,803.64
		Legal Fees For The City	
		Moore Stephens (WA) Pty Ltd As Agent	\$2,851.20
		Workshop - 2020 Financial Reporting 22.05.2020 - Manager Finance & Financial Accountant	
		MP Rogers & Associates Pty Ltd	\$918.14
		Coastal Engineering Services - Claytons Beach Access - Assets	
		Ms Karyn Nelson	\$300.00
		Banner - Pixels On Yagan - Cultural Development	
		NAPA - GPC Asia Pacific Pty Ltd	\$332.70
		Vehicle Spare Parts - Fleet	
		Nastech (WA) Pty Ltd	\$5,131.50
		Consulting Services - Amendment To Reserve Boundaries - Jindalee Beach Kiosk - Property	
		Natural Area Holdings Pty Ltd	\$6,316.29
		Beach Access Maintenance X 6 Locations - Conservation	
		Neverfail Springwater Limited	\$15.60
		Bottled Water - Print Room	
		Northern Lawnmower & Chainsaw Specialists	\$95.35
		Vehicle Spare Parts - Fleet	
		Nutrien Ag Solutions Limited	\$457.93
		Access Herbicide 5L - Conservation	
		OpenCities Pty Ltd	\$2,979.04
		Seamless CMS Maintenance & Support - ICT	
		Paperbark Technologies Pty Ltd	\$510.00
		Arboricultural Report - Ollera Meander - Parks	
		Parker Black & Forrest	\$556.60
		Locking Services For The City	
		Perth Detailing Centre	\$275.00
		Cleaning Of Community Buses - Community Planning & Development	
		Perth Energy Pty Ltd	\$42,686.49
		Power Supplies For The City	
		Perth Heavy Towing	\$874.50

		Towing Services For The City	
		Play Check	\$330.00
		Playground Equipment Safety Audit - Casserley Park - Assets	
		Prestige Alarms	\$23,029.03
		Alarm Services For The City	
		Pro Crack Seal	\$330.00
		Crack Sealant - Aubrey Court - Engineering	
		Programmed Integrated Workforce	\$8,974.21
		Casual Labour For The City	
		PT Hydraulics	\$9,592.92
		Single Acting Rescue Kit - Emergency Services	
		Reliable Fencing	\$2,346.30
		Fencing Works For The City	
		RJ Vincent & Co	\$1,210,296.56
		Payment Certificate 14 - Marmion Avenue Duplication - Assets	
		Roads 2000	\$17,050.14
		Roadworks - Various Locations - Assets/Engineering	
		Royal Wolf Trading Australia Pty Ltd	\$1,201.17
		Hire - Cabin Unit Container - Community Safety	
		Safety And Rescue Equipment	\$6,378.35
		Height Safety Works - Various Locations - Building Maintenance	
		SAI Global Ltd	\$3,371.50
		Surveillance Audit - Building Maintenance	
		Security Management Australasia Pty Ltd	\$6,219.40
		Solar CCTV Trailer Repair - Community Safety	
		Shaun Nannup	\$850.00
		Welcome To Country - Live In The Amphitheatre - Shaun Nannup	
		Sherwood Flooring Pty Ltd	\$17,521.90
		Refurbish Timber Floors - At 6 Community Centres - Building Maintenance	
		Sign A Rama	\$1,472.54
		Floor Graphics - Easy Dot - Building Maintenance	
		Site Environmental & Remediation Services Pty Ltd	\$143.00
		Test For Asbestos - Hainsworth Leisure Centre - Building Maintenance	
		SJ McKee Maintenance Pty Ltd	\$3,640.00
		Repair Works - Various Locations - Waste	
		Skipper Transport Parts	\$3,085.90
		Vehicle Spare Parts - Stores/Fleet	
		Smartbuilt Perth Pty Ltd	\$8,342.94
		Pest Control Services For The City	

		Softfall Guys	\$368.50
		Repair Rubber Softfall - Ormiston Park - Parks	
		Sonic Healthplus Pty Ltd	\$972.00
		Medical Fees For The City	
		Southern Metropolitan Regional Council	\$129,204.90
		Mixed Recyclables - Waste	
		Statewide Bearings	\$469.51
		Vehicle Spare Parts - Fleet	
		Stewart & Heaton Clothing Company Pty Ltd	\$4,044.87
		Uniforms & Freight - Community Safety	
		Suez Recycling & Recovery Pty Ltd	\$4,894.51
		Emptying Of Confidential Shredding Bin - Cr Cvitan - Corporate Support	
		Process Recyclables - Waste	
		Super Cheap Auto Pty Ltd	\$272.64
		Tyre Deflator & Recovery Air Bag - Rangers	
		Taldara Industries Pty Ltd	\$1,166.00
		Disposable Cups - Stores	
		TC Precast Pty Ltd	\$792.00
		Round Concrete Inserts - Engineering	
		Technology One Limited	\$3,487.00
		Go Live Support, Install 2019B Prod Environment & Consulting - ICT	
		Terravac Vacuum Excavations Pty Ltd	\$468.88
		Location Of Services - Wanneroo Road - Construction	
		The Rigging Shed	\$350.44
		Equipment Supply - Ashby - Building Maintenance	
		The Workwear Group Pty Ltd	\$534.05
		Uniforms - Stores Stock	
		Toll Transport Pty Ltd	\$620.68
		Courier Services	
		TQuip	\$3,039.40
		Vehicle Spare Parts - Stores	
		Tree Planting & Watering	\$56,035.94
		Tree Watering Services - Various - Trees & Conservation	
		Triton Electrical Contractors Pty Ltd	\$4,377.45
		Irrigation Electrical Works - Various Locations - Parks	
		Turf Care WA Pty Ltd	\$2,722.50
		Broadleaf Spraying - Alexander Heights & Wangara - Parks	
		Two Rocks Volunteer Bush Fire Brigade	\$23.09
		Reimbursement - Zoom Subscription - 1 Month - Fire Services	
		Tyrecycle Pty Ltd	\$917.45
		Removal Of Tyres - Waste Services	

		Valvoline (Australia) Pty Ltd	\$1,656.69
		Vehicle Oil - Stores Stock	
		WA Hino Sales & Service	\$2,305.51
		Vehicle Spare Parts - Stores	
		Wanneroo Agricultural Machinery	\$1,634.50
		Vehicle Spare Parts - Fleet	
		Wanneroo Central Bushfire Brigade	\$840.69
		Reimbursement - Operational Charges - Fire Services	
		Wanneroo Electric	\$35,581.01
		Electrical Maintenance For The City	
		Wanneroo Smash Repairs Pty Ltd	\$1,000.00
		Excess Payment - WN 34316 - Parks	
		Wanneroo Towing Service	\$132.00
		Towing Services For The City	
		West Coast Turf	\$3,815.90
		Turfing Works For The City	
		Western Australian Treasury Corporation	\$922,309.00
		Loan Interest Payment Due 02.06.2020 - Finance	
		Western Resource Recovery Pty Ltd	\$4,141.50
		Service Grease Traps - New Civic Centre - Building Maintenance	
		Empty Washdown Bay - Ashby Operations Centre Fleet Workshop - Building Maintenance	
		Service Grease Trap - Grandis Park Sports Pavilion - Building Maintenance	
		Western Tree Recyclers	\$55,292.53
		Removal Of Greenwaste - Motivation Drive & Wesco Road - Waste	
		William Buck Consulting (WA) Pty Ltd	\$4,400.00
		Probity Adviser Services - Contracts	
		Work Clobber	\$290.70
		Safety Boots - Parks	
		Workpower Incorporated	\$40,910.56
		Weed Control, Watering, Rubbish Pickup - Various Locations - Conservation	
		Yanchep Beach Joint Venture	\$8,946.25
		Yanchep Hub - Rent, Outgoings, Rates And Taxes For April 2020 - Property	
		Zetta Group	\$8,359.26
		Server Infrastructure Setup - ICT	
00003842	19/05/2020		
		RJ Vincent & Co	\$1,102,485.61
		Payment Certificate 13 - Marmion Avenue Duplication - Assets	
00003843	22/05/2020		
		Stiles Electrical	\$60,019.85

		Payment Certificate 3 - Koondoola Park & Hainsworth Park Floodlighting - Assets	
00003844	25/05/2020		
		Bistel Construction Pty Ltd	\$55,834.00
		Progress Claim 1 - Leatherback Sports Amenities Building - Assets	
		McCorkell Constructions Pty Ltd	\$144,044.27
		Progress Claim 5 - Dennis Cooley Pavilion Upgrade - Assets	
00003845	26/05/2020		
		Synergy	\$565,526.70
		Power Supplies For The City	
00003846	26/05/2020		
		Department of Fire & Emergency Services	\$920.00
		False Fire Alarm Attendance - Aquamotion - Building Maintenance	
		JCorp Pty Ltd	\$2,000.00
		Refund - Street & Verge Bond	
		LD & D Australia Pty Ltd	\$333.70
		Milk Deliveries For The City	
		LGRCEU	\$1,814.26
		Payroll Deductions	
		Rates Refund	\$550.86
		Mr Ben Coburn	\$1,000.00
		Refund - Street & Verge Bond	
		Mr Jason Jackson	\$260.00
		Refund - Cracked Windscreen For Waste Vehicle - Waste	
		Mr Jonce Poposki	\$222.20
		Refund - Cracked Rear Brake Light Caused By Waste Truck - Waste	
		Mrs Stephanie Dumaguin	\$360.00
		Vehicle Crossing Subsidy	
		Satterley Property Group	\$150,298.50
		Subdivision Bond Refund - Eden Beach Stage 17B Jindalee WAPC 155357 & 157558 - Finance	
		Smartsalary	\$325.97
		Input Tax Credits For Salary Packaging - April 2020	
		Water Corporation	\$24,933.82
		Water Supplies For The City	
		Western Power	\$3,659.00
		Install Street Lights - Pinjar Road - Assets	
00003847	26/05/2020		
		BP Australia Ltd	\$69,798.55
		Fuel Issues For The City	

		Lantern Architecture	\$1,716.00
		Architectural Consultancy - Changeroom Extension - Wanneroo City Soccer - Assets	
00003848	26/05/2020		
		ABM Landscaping	\$28,219.40
		Brickpaving Services - Hepburn Avenue - Assets	
		Advanced Traffic Management	\$5,996.93
		Traffic Control Services For The City	
		Allaboutxpert Technologies Pty Ltd	\$171.88
		Consulting Services - HRP Post Go Live Support - ICT	
		Applied Design	\$792.00
		Install Entry Door Glazing Graphics And Window Film - Cultural Development	
		Archival Survival Pty Ltd	\$747.60
		Stationery Items - Cultural Services	
		Associated Shopfitters Pty Ltd	\$7,227.00
		Supply Reception Desk - WLCC - Cultural Services	
		Replace Desk Tops - Clarkson Library - Cultural Services	
		Atom Supply	\$2,066.32
		Stock - Stores Issues	
		Australian Airconditioning Services Pty Ltd	\$18,409.46
		Airconditioning Services For The City	
		AV Truck Service Pty Ltd	\$1,646.04
		Vehicle Spare Parts - Fleet/Stores	
		Azure Painting Pty Ltd	\$9,889.00
		Re-oil The Board Walk - Mindarie Key - Engineering	
		Baileys Fertilisers	\$445.50
		Fertiliser - Parks	
		Ball & Doggett Pty Ltd	\$1,055.20
		Paper Supplies - Print Room	
		BCI Sales Pty Ltd	\$1,616.19
		Vehicle Repairs - Fleet	
		Better Pets and Gardens Wangara	\$242.85
		Animal Care Centre Supplies	
		Big Wheels Truck Alignment	\$343.64
		Vehicle Repairs - Fleet	
		Binley Fencing	\$453.71
		Temporary Fencing - Anchorage Drive - Parks	
		Bolinda Publishing Pty Ltd	\$2,196.48
		CD Audiobook Purchases - Libraries	
		Boral Construction Materials Group Ltd	\$2,635.20
		Concrete Mix - Various Locations - Engineering	
		Bridgestone Australia Limited	\$9,362.88
		Tyre Fitting Services For The City	

		Bring Couriers	\$1,024.72
		Courier Services - Health Services	
		Bucher Municipal Pty Ltd	\$13,392.28
		Vehicle Spare Parts - Fleet/Stores	
		Budo Group Pty Ltd	\$11,289.85
		New Cricket Wicket Practice Facility - Assets	
		Bunzl Limited	\$1,123.10
		Cleaning Supplies - Stores	
		Call Associates Pty Ltd	\$5,565.18
		Call Centre Services - April 2020 - Customer Relations	
		Car Care Motor Company Pty Ltd	\$3,053.60
		Vehicle Services For The City	
		Carramar Resources Industries	\$632.63
		Reinforced Concrete - Joondalup Drive - Construction	
		Disposal Of Materials - Construction	
		Castledex	\$570.90
		Stationery Cupboard - Community	
		Cathara Consulting Pty Ltd	\$1,925.00
		Casual Labour For The City	
		CDM Australia Pty Ltd	\$31,526.45
		Network Equipment - Yanchep Hub - ICT	
		Centre For Pavement Engineering Education Incorporated	\$495.00
		Training - Online - Understanding Pavement Defects & Maintenance Essentials - 16.06.2020 - 1 Attendee - Assets Maintenance	
		Challenge Batteries WA	\$1,909.60
		Vehicle Batteries - Stores/Fleet	
		Cherry's Catering	\$8,094.92
		Catering Services For The City	
		Cineads Australia	\$1,833.33
		Cinema Advertising - Communications & Brand	
		Civica Pty Ltd	\$117,597.58
		Trim Licences - ICT	
		Coastal Navigation Solutions	\$2,833.88
		Public Art Cleaning - Cultural Services	
		Community Greenwaste Recycling Pty Ltd	\$1,514.15
		Material Disposal - Engineering	
		Corpvote Pty Ltd	\$1,542.82
		Electronic Voting Services - People And Culture	
		Corsign (WA) Pty Ltd	\$209.00
		Sign - Do Not Feed The Ducks - Conservation	
		Critical Fire Protection & Training Pty Ltd	\$6,618.79
		Service Fire Detection Equipment For The City	

		CS Legal	\$4,955.40
		Court Fees - Rating Services	
		CSP Group	\$1,285.10
		Vehicle Spare Parts - Fleet/Stores	
		Curtin University of Technology	\$6,500.00
		Curtin Ignition - 2020 Sponsorship Program - Economic Development	
		CW Brands Pty Ltd	\$1,154.67
		Stock - Stores Issues	
		Data #3 Limited	\$447.33
		Acrobat Pro Licence X 1 - ICT	
		Datavoice Communications Pty Ltd	\$1,023.00
		Audiocodes, PABX Configuration & Updating Messages On Hold - ICT	
		David Gray & Company Pty Ltd	\$536.80
		Rat Poison - Health	
		Department of the Premier and Cabinet	\$105.70
		Advertising - Planning	
		Diamond Lock & Security	\$1,477.50
		Locking Services - Stores	
		Diamond Plumbing & Gas	\$520.99
		Plumbing Maintenance For The City	
		Different By Design	\$700.00
		Graphic Design Services - It's All About Play/It's All About You & Me Booklet - Youth Services	
		Graphic Design Services - Corflute Sign Design - It's All About Play For Grown-Ups - Youth Services	
		Direct Communications	\$1,615.90
		Microphone, Cable And Repair Radio - Rangers	
		Dowsing Group Pty Ltd	\$5,148.64
		Concrete Works - Rosso Meander - Engineering	
		Install Footpath - Highclere Boulevard - Engineering	
		Drainflow Services Pty Ltd	\$506.00
		Sweeping - Anchorage Drive - Parks	
		Educated By Nature	\$682.00
		Nature Play Videos Covid 19 - Youth Services	
		Elliotts Irrigation Pty Ltd	\$22,476.94
		Irrigation Works - Various Locations - Assets	
		Emerge Environmental Services Pty Ltd	\$1,639.00
		Consultancy Services - Stormwater Monitoring - Yellagonga Catchment - Assets	
		Emineo Engineering Services	\$10,694.68
		Remove Observation Tower - Yanchep Beach - Facilities	

		Environmental Industries Pty Ltd	\$186,536.06
		Landscape Maintenance Services For The City	
		Equifax Australasia Credit Rating Pty Ltd	\$921.80
		Financial & Performance Assessments - Contracts	
		Evoke Interior Design Pty Ltd	\$6,930.00
		Accessibility Improvement - Two Rocks Playgroup - Assets	
		Recurring Program - Renew Community Building - Assets	
		Focus Consulting WA Pty Ltd	\$9,075.00
		Investigation - Floodlighting Specifications - Assets	
		Electrical Consultancy - Paloma Park & Ferrara Reserve - Assets	
		Electrical Consulting - Girrawheen Hub - Assets	
		Forch Australia Pty Ltd	\$1,868.46
		Stock - Stores Issues	
		Forrest And Forrest Games	\$207.90
		Plant Parasite And Nematode Test - Leatherback Park - Parks	
		Frontline Fire & Rescue Equipment	\$271.70
		Vulcan Lite Boots - Fire Services	
		G And G Towing & Transport	\$495.00
		Towing Services - Community Safety	
		Globe Australia	\$2,090.00
		2Spec Establish Fertiliser - Parks	
		Hays Personnel Services	\$3,961.32
		Casual Labour For The City	
		Headset ERA	\$984.50
		Plantronics Headset - Compliance & ICT	
		Heatley Sales Pty Ltd	\$1,578.72
		Stock - Store Issues	
		Heavy Automatics	\$462.00
		Vehicle Spare Parts - Fleet	
		Hickey Constructions Pty Ltd	\$70,292.20
		Replace Decking - Brampton Park - Construction	
		Hitachi Construction Machinery Pty Ltd	\$104.82
		Vehicle Filters - Stores	
		Hose Right	\$450.92
		Vehicle Hoses - Fleet	
		Humes Concrete Products	\$5,143.60
		Drainage Items - Well Liner - Construction	
		Hydroquip Pumps	\$2,431.00
		Investigate/Replace Water Meter Fault - Portsmouth Park - Parks	
		Hydrosteer Pty Ltd	\$8,806.58
		Vehicle Spare Parts - Fleet	
		Iconic Property Services Pty Ltd	\$2,242.75

	Cleaning Services For The City	
	Imagesource Digital Solutions	\$847.00
	Replacement Panels - Walter Cupboard - Library Services	
	Replacement Banners X 3 - Girrawheen Koondoola - Library Services	
	IMCO Australasia Pty Ltd	\$1,705.00
	Concrete Repair Kit - Engineering	
	Integrity Industrial Pty Ltd	\$39,347.40
	Casual Labour For The City	
	Intercity Office Partitioning	\$8,780.00
	Install Signage - Marangaroo Golf Course - Assets	
	Interfire Agencies Pty Ltd	\$3,182.38
	Led Light Box - Stores Stock	
	Helmets & Hose Ramp - Fire Services	
	J Blackwood & Son Ltd	\$551.43
	Stock - Stores Issues	
	James Bennett Pty Ltd	\$634.01
	Book Purchases - Library Services	
	Kleenheat Gas Pty Ltd	\$0.85
	Gas Supplies For The City	
	Konecranes Pty Ltd	\$800.90
	Maintenance - Quarterly Service - Fleet	
	Landcare Weed Control	\$5,826.28
	Spray Biactive X 24 Locations - Parks	
	LD Total	\$119,740.28
	Landscape Maintenance Services For The City	
	Leamac Picture Framing	\$613.00
	Art Collection Conservation - Cultural Services	
	Lee Syminton	\$1,925.00
	3D Drawings - Leatherback Park - Facilities	
	Linemarking WA Pty Ltd	\$4,047.66
	Linemarking Services For The City	
	Marketforce Pty Ltd	\$2,915.00
	Advertising Services For The City	
	Michael Page International (Australia) Pty Ltd	\$13,742.44
	Casual Labour For The City	
	Mindarie Regional Council	\$269,641.73
	Refuse Disposal For The City	
	Miracle Recreation Equipment Pty Ltd	\$4,086.50
	Playground Repairs - Cinnabar Park - Parks	
	Replace Swing - Foundation Park - Parks	
	Moore Stephens (WA) Pty Ltd As Agent	\$660.00
	2020 WALGA Tax Workshop - 1 Attendee - People & Cultural	
	MPS Architects	\$3,625.05

		Consultancy Services - Upgrade Soccer Pitch - St Andrews Park - Assets	
		NAPA - GPC Asia Pacific Pty Ltd	\$114.00
		Vehicle Spare Parts - Stores/Fleet	
		Natural Area Holdings Pty Ltd	\$17,737.50
		Slashing - Lake Gnangara - Assets	
		Weed Mapping - Mather Drive/ Wattle Avenue - Advocacy & Economic Development	
		Navman Wireless Australia Pty Ltd	\$286.00
		Fit GPS - 95485 - Fleet Assets	
		Netsight Pty Ltd	\$218.90
		Myosh Development Work - Injury Management	
		Nutrien Ag Solutions Limited	\$9.41
		Interest Charges - Conservation	
		OEM Group Pty Ltd	\$828.05
		Vehicle Spare Parts - Fleet	
		Officeworks Superstores Pty Ltd	\$418.98
		Floor Standing Water Cooler & Bluetooth Keyboard - Community Safety	
		Dymo Label Writer - Customer Relations	
		On Road Auto Electrics	\$752.40
		Vehicle Repairs - Fleet	
		Paperbark Technologies Pty Ltd	\$10,888.75
		Tree Surveys & Reports - Various Locations - Assets/Parks	
		Parker Black & Forrest	\$132.00
		Key Cutting - Belhaven Park Sports Amenities - Building Maintenance	
		Perth Energy Pty Ltd	\$44,987.58
		Power Supplies For The City	
		Perth Heavy Towing	\$1,058.75
		Towing Services - Fleet	
		Plan E	\$3,687.75
		Landscaping - Marmion Avenue - Assets	
		Play Check	\$1,980.00
		Playground Monthly Inspection - Parks	
		Prestige Alarms	\$891.00
		CCTV/Alarm Services For The City	
		Pritchard Francis Consulting Pty Ltd	\$23,274.63
		Consultancy - Water Management Engineering - Neerabup Industrial - Advocacy & Economic Development	
		Programmed Integrated Workforce	\$13,883.47
		Casual Labour For The City	
		Proton Promotional Advertising	\$2,180.75
		Deposit - 100 Aboriginal Scarves - Events	
		RAC Motoring & Services Pty Ltd	\$189.00
		Battery WN 33864 - Health	
		Reliable Fencing	\$9,474.97

	Fencing Works For The City	
	Reliansys Pty Ltd	\$21,210.00
	Annual Software Fee - ICT	
	Repco	\$438.90
	Stock - Store Issues	
	Resource Furniture	\$2,814.31
	2 Armchairs - Girrawheen Library - Libraries	
	Roads 2000	\$193,675.25
	Asphalt Supply - Various Locations - Assets/Engineering	
	Roy Gripske & Sons Pty Ltd	\$967.96
	Vehicle Spare Parts - Fleet/Stores	
	RSEA Pty Ltd	\$187.00
	Safety Equipment - Stores	
	RW Quantity Surveyors	\$1,760.00
	Surveying & Cost Management Services - Leatherback Park Sports Amenities Building - Projects	
	Scatena Clocherty Architects	\$5,243.15
	Architectural Consultancy - Shelvock Sports Amenities - Construction	
	Scoop Digital Pty Ltd	\$770.00
	Upgrade - Discover Wanneroo Website - Economic Development	
	SJ McKee Maintenance Pty Ltd	\$725.00
	Debris Removal - Pederick - Waste	
	Clean Driveway - Lante - Waste	
	Skipper Transport Parts	\$13,136.31
	Vehicle Spare Parts - Stores/Fleet	
	Skyline Landscape Services (WA) Pty Ltd	\$12,870.22
	Landscaping Services For The City	
	Smartbuilt Perth Pty Ltd	\$3,626.52
	Pest Control Services For The City	
	Softfall Guys	\$1,149.50
	Repair Softfall - Various Locations - Parks	
	Sonic Healthplus Pty Ltd	\$320.00
	Medical Fees For The City	
	Sphere Architects	\$880.00
	Design & Superintendent Services - Jenolan Way Community Centre - Assets	
	Sports Surfaces	\$385.00
	Cricket Wicket Repair - Dalvik Park - Parks	
	Repair Wicket - Richard Aldersea Park - Parks	
	St John Ambulance Western Australia Ltd	\$405.90
	First Aid Supplies - OSH	
	Statewide Cleaning Supplies Pty Ltd	\$868.32
	Cleaning Supplies For Depot Store	
	Statewide Pump Services	\$5,434.00

		Install Pump - Yanchep Beach Kiosk Septic - Building Maintenance	
		Stewart & Heaton Clothing Company Pty Ltd	\$4,371.00
		Uniforms - Fire Services	
		Sunny Industrial Brushware	\$1,958.00
		Brooms - Fleet Assets/Stores	
		Surekleen Products	\$880.88
		Stock - Stores Issues	
		Tamala Park Regional Council	\$4,192.00
		GST Payable For March & April 2020 Pursuant To Section 153B Of Agreement	
		TC Precast Pty Ltd	\$1,606.00
		Drainage Lids - Engineering	
		Tenancy Consulting	\$1,320.00
		Consultancy - Hydraulics Services - Phil Renkin Community Centre - Assets	
		Consultancy - Hydraulic Services - Two Rocks Early Learning Centre - Assets	
		Tenco Engineers Pty Ltd	\$1,320.00
		Design - Brampton Park - Parks	
		Terravac Vacuum Excavations Pty Ltd	\$2,095.50
		Location Of Services - Bennett Road - Construction	
		The Trustee for IST UNIT TRUST	\$44.00
		Server Installation - Collections Mosaic - ICT	
		TJ Depiazzi & Sons	\$71,596.91
		Pine Bark Mulch - Depot - Parks	
		Pine Bark Mulch - Ocean Falls Boulevard - Parks	
		Landscaping - Marmion Avenue - Assets	
		Toll Transport Pty Ltd	\$237.16
		Courier Services For The City	
		Total Eden Pty Ltd	\$215.54
		Reticulation Items - Parks	
		Total Landscape Redevelopment Service Pty Ltd	\$9,207.00
		Landscape Maintenance Services For The City	
		Triton Electrical Contractors Pty Ltd	\$880.00
		Electrical Works - Various Locations - Parks	
		Turf Care WA Pty Ltd	\$12,819.40
		Turfing Works For The City	
		Two Rocks Volunteer Bush Fire Brigade	\$82.54
		Reimbursement - Fuel - James Neylon 12.05.2020 - Emergency Services	
		Reimbursement - Zoom Subscription - Fire Services	
		Vocus Communications	\$247.50

		NBN Connection - Wire Track YTRAC - ICT	
		WA Garage Doors Pty Ltd	\$220.00
		Repair Roller Door - Girrawheen Hub - Building Maintenance	
		WA Hino Sales & Service	\$38.59
		Vehicle Spare Parts - Fleet	
		Wanneroo Agricultural Machinery	\$3,306.20
		Vehicle Spare Parts - Stores/Fleet	
		Wanneroo Electric	\$27,641.36
		Electrical Maintenance For The City	
		Wanneroo Towing Service	\$576.40
		Towing Services - Rangers	
		Water Technology Pty Ltd	\$8,819.71
		Professional Services - Mindarie Breakwater - Coastal Projects	
		West Coast Shade Pty Ltd	\$126.50
		Repair Shade Sail - Fred Stubbs Park - Parks	
		West Coast Turf	\$33,598.40
		Turfing Works For The City	
		William Buck Consulting (WA) Pty Ltd	\$660.00
		Probity Adviser Services - WRC - Waste	
		Winc Australia Pty Limited	\$3,481.55
		Stationery - April 2020	
		Work Clobber	\$102.60
		Pants - Parks	
		Workpower Incorporated	\$10,649.22
		Landscape Maintenance Services For The City	
		Yanchep Beach Joint Venture	\$191.40
		YTRAC Internet Service - Place Management	
		Yanchep News Online	\$400.00
		Eight-Week Wanneroo Link Ad Campaign April - May - Communications And Brand	
		Zetta Group	\$9,782.37
		Managed Service Fees - April 2020 - ICT	
00003849	28/05/2020		
		City of Wanneroo - Municipal Bank Account	
		Credit Cards April 2020 & Bank Fees May 2020 \$5,608.65 - Breakdown On Page 49	
		Total Director Corporate Services Advance - EFTs	\$19,155,378.70
CANCELLED CHEQUES FROM PREVIOUS PERIOD			
119465	27.03.2020	Organisation Of African Community Of Western Australia Incorporated	-\$1,000.00
119441	25.03.2020	Jaimie Mcmeekan	-\$100.00

119471	27.03.2020	Super Cheap Auto Pty Ltd	-\$272.64
119143	25.02.2020	Cornelis Franciscus Marti Jansen	-\$406.00
		Total	-\$1,778.64
MANUAL JOURNAL			
11134/2020	14.05.2020	FER Lodgement Fee 08.05.2020 - 37 Unpaid Infringements	\$2,590.00
		Total	\$2,590.00
Town Planning Scheme			
		Cell 1	
		ASIC Company Search	\$43.00
		Strategic DCP Consulting	\$207.59
		Marketforce Pty Ltd	\$1,445.89
		Biagio Monte Return Excess Funds	\$111,009.43
		Valencia Investments Return Excess Funds	\$732,407.76
		Cell 2	
		Strategic DCP Consulting	\$207.59
		Cell 3	
		Strategic DCP Consulting	\$207.59
		Cell 4	
		Strategic DCP Consulting	\$207.59
		Castledine Gregory	\$36,863.00
		Cell 5	
		Strategic DCP Consulting	\$207.59
		McLeods	\$164.45
		Cell 6	
		Strategic DCP Consulting	\$207.59
		Cell 7	
		Strategic DCP Consulting	\$207.59
		Cell 5	
		Strategic DCP Consulting	\$207.59
		McLeods	\$79.17
		Cell 7	
		Strategic DCP Consulting	\$207.59
		Total	\$883,881.01
GENERAL FUND BANK ACCOUNT			

		Payroll Payments - May 2020	
		05.05.2020	\$19,711.75
		05.05.2020	\$1,709,232.37
		05.05.2020	\$6,839.68
		19.05.2020	\$5,893.72
		19.05.2020	\$11,126.07
		19.05.2020	\$14,879.35
		19.05.2020	\$1,677,887.73
		Total	\$3,445,570.67
00003849	28/05/2020		
		City of Wanneroo - Municipal Bank Account	
		Bank Fees May 2020	
		GLF Trans Fee	\$50.00
		CBA Merchant Fee	\$5,999.43
		Bpay Fee Debtors	\$18.48
		Bpay Fee Rates	\$8,329.72
		Bpoint Debtors	\$1.09
		Bpoint Rates	\$105.80
		Commbiz Fee	\$187.65
		Commbiz Fee	\$31.00
		Account Service Fee	\$183.70
		Total	\$14,906.87
		Credit Cards April 2020	
		N Jennings	
		Urban Development - Refund Accommodation - National Conference In Sydney	-\$2,600.00
		D Simms	
		The Local Government Planners Association - Refund - Registration Local Government Planners Association Breakfast Forum - 19.03.2020 - Cancelled Due To Covid 19 Situation	-\$170.00
		N Smart	
		Mailchimp - Monthly Subscription - Wanneroo Wrap	\$15.29
		Qantas Airways - Refund - 2 UIDA National Congress Flights	-\$2,920.32
		Urban Development - Partial Refund - UIDA National Congress Booking	-\$5,490.00
		The Good Guys Web Store - Mayors Printer	\$434.00
		M Dickson	

		LEDA Electronics - Thermal Imaging Camera	\$588.50
		H Singh	
		SP Changeology - Enabling Change - Online Facilitation Skills Workshop - 20 - 21.04.2020 - 2 Attendees	\$704.00
		M Yildiz	
		Hot Toner - Ink Cartridge	\$53.66
		Australia Post - Wanneroo - Registered Post Envelops And Fees	\$52.65
		ASIC - Company Search	\$34.00
		Total	-\$9,298.22
		Total Bank Fees And Credit Cards	\$5,608.65
		Recoup to Director Corporate Services Advance A/C	\$18,552,770.90
		Direct Payments Total (Includes Payroll, Advance Recoup, Credit Cards And Bank Fees)	\$22,003,950.22

Attachments: Nil

Property Services

CS03-06/20 Proposed new Lease to The Patricia Giles Centre Inc. at the Merriwa Hub

File Ref:	40552 – 20/228331
Responsible Officer:	Director Corporate Strategy & Performance
Disclosure of Interest:	Nil
Attachments:	1
Previous Items:	CP08-04/16 - Merriwa Integrated Services Community Hub - Ordinary Council - 26 Apr 2016 7.00pm

Issue

To consider a new lease to The Patricia Giles Centre Inc. over the Merriwa Administration Building, 16 Jenolan Way, Merriwa.

Background

The Merriwa Administration Building (known as the **Merriwa Hub**) is situated on a portion of 16 Jenolan Way, Merriwa (**Attachment 1** refers). The land is owned in freehold by the City, and is more particularly described as Swan Location 1370 on Diagram 83356, and being the whole of the land comprised in Certificate of Title Volume 1955 Folio 575.

16 Jenolan Way has two buildings situated on it, one facing Jenolan Way being the Jenolan Way Community Centre, and other being the Merriwa Hub which faces and is accessible from Lansdowne Place.

The Merriwa Hub is zoned 'Civic and Cultural' under District Planning Scheme No. 2 (**DPS 2**) and 'Urban' under the MRS.

Prior lease – MercyCare

The Merriwa Hub has been subject to various lease arrangements over the years, the most recent being a lease of portion of the eastern side of the building to Mercy Community Services Ltd (trading as **MercyCare**).

MercyCare ceased all program delivery at the Merriwa Hub on the 24 March 2020 due to social distancing and safety concerns due to the Covid-19 pandemic.

Subsequently, MercyCare elected for an early surrender of its lease, in accordance with a break right under the lease. The surrender of lease took effect on 30 April 2020. But for the surrender by MercyCare, the lease would have expired on 10 July 2020, with MercyCare having an option to renew the lease for a further term of one year (not exercised due to the surrender).

In the weeks before MercyCare decided to surrender its lease, Administration met with Pat Giles Centre (**PGC**) to advocate for their increased service provision or relocation within the City of Wanneroo in order to respond to the service needs of the community. This then led to discussions between MercyCare and PGC regarding PGC sharing or taking over responsibility for the Merriwa Hub (potentially with MercyCare becoming a sublessee or licensee of PGC). PGC has subsequently confirmed its interest in leasing the Merriwa Hub.

Detail

Pat Giles Centre Inc.

PCG delivers a range of quality services and programs that respond to family violence and homelessness. It is a not-for-profit group that is government funded and receives support from the corporate partners such as Rio Tinto.

PCG has advised it is the lead agency in the northern corridor for tertiary and secondary service provision. Its community vision is to work alongside City of Joondalup and City of Wanneroo to end family and domestic violence which is a leading cause of homelessness. By bringing together a holistic service provision for the Wanneroo community and beyond, it aims to develop a hub model to showcase an integrated approach that benefits families across a range of co-existing supports that are required, including alcohol and other drugs related work, mental health, women's health, family law, housing support and trauma informed clinical service provision.

Lease proposal

Administration progressed with lease negotiations with PGC once it became clear that MercyCare intended to surrender its lease.

As PGC is a not-for-profit group that receives government funding, the City's Leasing Policy determines the rent should be determined by a commercial rental valuation and a 50% discount be applied. However, the inclusion of rent incentives to PGC means that the proposed effective rent is discounted by more than 50%, which means that the lease requires Council approval (rather than approval under delegation).

Administration and PGC have negotiated the new lease on the following terms, subject to Council approval:

Premises:	The entire floor plan of the Merriwa Hub with an area of approximately 553m ² (Attachment 1 refers)
Building	Merriwa Hub
Permitted Purpose:	Offices
Lease Term:	Two years, commencing on the Commencement Date
Commencement Date:	The date of execution of the lease
Option Term 1:	One year, commencing on the second anniversary of the Commencement Date
Option Term 2:	Two years, commencing on the third anniversary of the Commencement Date
Lease Rental:	<p>\$49,770 per annum plus GST, payable in monthly instalments, and subject to annual review by 3% fixed increases. This equates to \$90/m² per annum plus GST (application of 50% discount on market valuation as per the Leasing Policy).</p> <p>(A market valuation of the Premises on 13 February 2020 determined a value of \$180/m² per annum plus GST – equates to a rent of \$99,540 per annum plus GST.)</p>

Rental incentives:	<p>Due to the costs anticipated to be borne by PGC in completing its fitout to make the Premises suitable for its service provision, PGC was unable to agree to the full Rent originally proposed by Administration. As a compromise, Administration proposed (and PGC accepted) the following rent abatements during the initial Term and the first Option Term:</p> <p>Initial Term (Two years): 50% of the proposed Rent. This equates to an effective Rent of \$24,885.00 per annum plus GST. The same abatement would apply in the second year of the Term, subject to annual rent reviews.</p> <p>First Option Term (One year): 25% of the proposed Rent. This equates to an effective Rent of \$37,327.50 per annum plus GST, subject to annual review.</p> <p>Second Option Term (Two years): No rent abatement or other incentive. This means that the effective rent will be \$49,770.00 per annum plus GST, subject to annual review.</p> <p>The abatements do not apply to the calculation of Rent at any review.</p> <p>The incentives would be on the basis that PGC commits to completing an agreed schedule of works to the City's reasonable satisfaction within an agreed period of time, proposed to be six months after the Commencement Date. The incentives would not apply after the anticipated completion date if the works are not effected by that time.</p>
Rates & Taxes:	Lessee responsibility
Outgoings (Water, Electricity etc.):	Lessee responsibility
Lessee Fitout and Services:	<p>Lessee responsible for its own fitout, subject to the City's prior consent.</p> <p>Lessee responsible for the provision of special requirements such as telephone and internet services.</p> <p>All works must be carried out by the City's nominated contractors, or by contractors approved by the City. Works are to be approved by the City.</p>
Building Insurance:	Lessee responsibility (City will insure the building and pass on the premium costs to the Lessee – excess on any one claim is \$2,000 and is Lessee responsibility)

Public Liability Insurance (PLI):	Lessee responsibility- \$20 million (or a greater amount as required by the City)
Maintenance:	Lessee to keep and maintain every part of the internal areas of the lease premises including all ceiling panels, lighting and electrical installations, doors, windows, floor coverings and all other fixtures and fittings in good and substantial repair and condition.
Cleaning:	Lessee responsibility for whole floor plan including toilets and foyer area
Structural Maintenance:	Lessor responsibility
Property Condition Report	A report will be prepared before the Commencement Date.
Lease preparation and costs	The lease will be prepared by the City at its cost, with each party to pay its own costs for lease review and negotiation.
Assignment or subletting	<p>The City's consent would be required, in accordance with the City's usual assignment and subletting lease provisions.</p> <p>Administration understands that discussions are still ongoing between MercyCare and PGC in relation to MercyCare using a portion of the Premises, which potentially could involve MeryCare subleasing or licence a portion of the Premises. This arrangement would need to be administered in accordance with the lease.</p> <p>From the First Option Term onwards, in the event that PGC is receiving income under a sublease or licence (for a period of one month or more) and the fee is greater than the Rent (by reference to the per square metre rate for each), PGC would pay 5% of that sublease/licence fee to the City.</p>

The lease proposal remains subject to Council approval and would be subject to lease documents being finalised and executed by the parties.

A draft lease will be prepared by Administration to formalise the above essential terms, based on a City template which has been used on multiple previous leases with sporting groups and not-for-profit organisations. A sample of the template lease has already been provided to PGC to expedite its review of the document. As at the date of the present report, PGC has indicated that it is satisfied with the sample lease.

Consultation

Discussion between the relevant internal stakeholders has resulted in the proposal being supported, subject to Council approval.

In particular, the City's Community Development service unit is familiar with the services provided by PGC and is supportive of the opportunities which PGC would bring to the Merriwa Hub. The Place Management service unit is also supportive of PGC's vision for the site.

The services proposed to be delivered by PGC and other potential partners within the Merriwa Hub were identified as a local need through the development of the City's Regional Homelessness Plan.

Comment

The Cities of Joondalup and Wanneroo have recognised that homelessness is a complex and growing issue affecting people in the northern suburbs as well as more broadly across Australia. It is known that the causes of homelessness are incredibly varied with each person having a unique set of circumstances that impacts their experience of homelessness or sleeping rough. Key factors that may contribute to homelessness include domestic violence, sexual abuse, a shortage of affordable housing, unemployment, mental health issues, trauma, family breakdown, grief and loss, and hazardous drug and alcohol use.

Whilst there is no specific mandate for Local Government to play a major role in addressing homelessness, Local Government through its planning, health, community development and regulatory powers can facilitate positive local and regional responses to end homelessness.

Administration recommends that Council approves the City entering a lease with PGC on the essential lease terms described in the present report, on the basis that:

- PGC is expected to provide a high level of community service from the Merriwa Hub;
- PGC's vision for operations at the site aligns with the following actions within the Cities of Wanneroo and Joondalup's Regional Homelessness Plan;

Strategy	Action
1.4 Improve understanding and build knowledge capacity of stakeholders within the region to deliver services and focussed efforts that address homelessness in the northern suburbs	a) Explore service gaps, oversupply or duplicated effort and through a co-design approach. Advocate accordingly in an effort to create an optimal mix of service provision
2.3 Promote and facilitate opportunities that increase positive lifestyles, promote independence and address the causal factors of homelessness.	a) Advocate for initiatives that encourage and support positive lifestyles, positive behaviours and development of life skills (for example, positive parenting, anger management, grief, addiction, financial counselling).

- PGC's plans for collaboration with other agencies is critical to the success of ending homelessness and other causal factors; and
- The proposed lease offers improved commercial terms for the City from the prior lease with MercyCare.

Statutory Compliance

Under regulation 30 of the *Local Government (Functions and General) Regulations 1996* (WA), the proposed lease to PGC is an exempt disposition of property to which section 3.58 of the Act does not apply.

Strategic Implications

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

“1 Society

1.4 Connected Communities

1.4.2 Strengthen community and customer connectedness through community hubs”

Risk Management Considerations

Risk Title	Risk Rating
Relationship Management	Moderate
Accountability	Action Planning Option
Executive Management Team	Manage

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

Policy Implications

The proposed lease was negotiated in accordance with the City's Leasing Policy. However, the proposed rental incentives granted to PGC result in an effective rent which is outside the framework of the Policy. Administration notes that the incentives were necessary to finalise negotiations with PGC.

Financial Implications

The proposed lease will provide an income stream of \$24,885.00 per annum plus GST (subject to annual review), plus outgoings for the term (two years) of the lease. Further additional income will be received should PGC exercise its options.

The proposed income is an improvement on the income generated by the prior lease to MercyCare, noting that no income has been received following the surrender of the MercyCare lease.

Voting Requirements

Simple Majority

Recommendation

That Council:-

1. **APPROVES** the lease of the Merriwa Administration Building at 16 Jenolan Way, Merriwa to The Patricia Giles Centre Inc. for a term of two years, with two options for further terms of one year and two years respectively, commencing on the execution of the lease, and in accordance with the essential lease terms described in the Administration report; and
2. **AUTHORISES:**
 - a) The Chief Executive Officer to negotiate commercial terms, execute all documentation and comply with all applicable legislation as is required to effect Item 1. above; and

- b) The affixing of the Common Seal of the City of Wanneroo to a lease between the City of Wanneroo and The Patricia Giles Centre Inc. in accordance with the City's Execution of Documents Policy.**

Attachments:

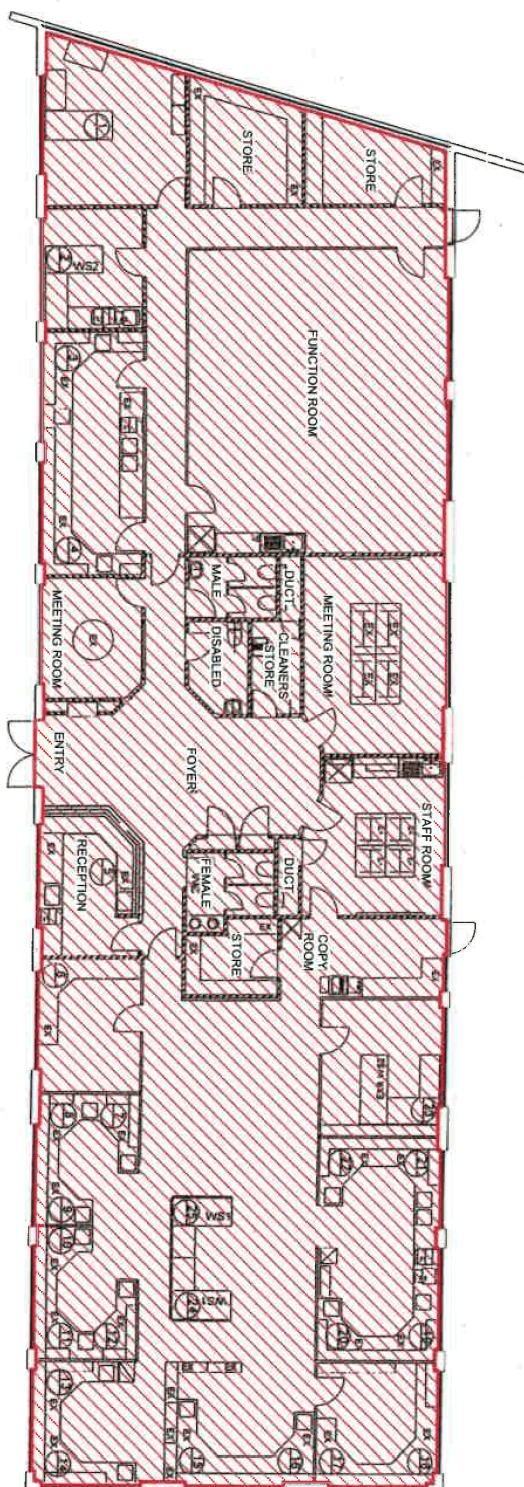


Pat Giles Centre Lease Area Plan - Merriwa Administration Office Jenolan Way 20/240576



LEASE AREA (553m²)

CAR PARK
(Access via 21 Lansdowne Place)



PAT GILES CENTRE - LEASE AREA
MERRIWA WELFARE ADMINISTRATION BUILDING
PORTION LOT 1385 (16) JENOLAN WAY, MERRIWA

SCALE: NTS

DATE: June 2020

REF: 2020-06 pat giles lease

NOTE: While the City of Wanneroo has made every effort to ensure the accuracy and completeness of data it accepts no responsibility or liability for any errors or omissions within the information presented. Based on information provided by and with the permission of the Western Australian Land Authority trading as LANDSAFTE (2012).

CS04-06/20 Proposed new Lease to Wanneroo Districts Rugby Union Football Club (Inc.) over a portion of Kingsway Regional Sporting Complex (Lot 555, Kingsway, Madeley)

File Ref:	4758V02 – 20/211856
Responsible Officer:	Director Corporate Strategy & Performance
Disclosure of Interest:	Nil
Attachments:	1
Previous Items:	CB02-02/13 - Wanneroo Districts Rugby Union Football Club Inc Clubrooms - Ordinary Council - 05 Feb 2013 7.00pm CB03-11/13 - Proposed Deed of Variation of Lease to Wanneroo Districts Rugby Union Football Club (Inc.) over a portion of Lot 555, Reserve 28058, Madeley - Ordinary Council - 12 Nov 2013 7.00pm

Issue

To consider a new lease to Wanneroo Districts Rugby Union Football Club (Inc.) (**WDRUFC**) over a portion of Kingsway Regional Sporting Complex at Lot 555 Kingsway, Madeley.

Background

Land

Kingsway Regional Sporting Complex, also known as Reserve 28058, is situated at Lot 555 (100) Kingsway, Madeley, comprising a total area of 64.6340 hectares and being the whole of the land in Certificate of Crown Land Title LR3158 Folio 501 (**Reserve 28058**).

Reserve 28058 is Crown land, as a 'C' class reserve vested in the City for 'Recreation' purposes under a Management Order with power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

Reserve 28058 is currently zoned 'Parks & Recreation' under the MRS and 'Regional Parks & Recreation' under DPS2.

Lease History

WDRUFC has been a long term lessee of a portion of Reserve 28058, under the following documents:

- A 21 year lease, commencing on 5 January 1983 and expiring 4 January 2004. Following the expiry of the lease, WDRUFC continued to occupy the premises under the holding over provisions in that lease whilst a new lease was negotiated; and
- A lease, initially for a term of five years commencing on 1 November 2006 (approved by Council on 10 October 2006, Item CS05-10/06). The lease contained an option for an additional five year term which was exercised by WDRUFC. The option commenced 1 November 2011 and expired on 31 October 2016.

WDRUFC currently occupies the premises under the holding over provisions of the expired lease, as a month-to-month tenancy.

The expired lease was negotiated under the terms of the City's former Tenancy Policy. Accordingly, the annual lease fee is \$1 (peppercorn) per annum and WDRUFC is responsible for cleaning, repairs, maintenance, rates and taxes and all outgoings associated with the facility.

The City is responsible for the structural maintenance of the main clubroom whilst WDRUFC is responsible for the structural maintenance of the additions and improvements to the premises.

Premises

The premises leased by WDRUFC (**Premises**) comprise the following:

- The main clubroom is a purpose built clubhouse and change room facility, built by WDRUFC circa 1983.
- Several building additions and improvements have been effected to the Premises:
 - In 2008, WDRUFC added an extension to the western side of the clubroom to provide a fitness conditioning room for its members. This project was funded and managed by WDRUFC. The lease was not required to be varied as the extension was documented in the lease;
 - In 2012, WDRUFC constructed and funded a major extension to the immediate north of the original clubroom to add additional change rooms, first aid room, meeting room, strappers room and a physio and umpire room. This requirement was to meet Rugby WA's 2010 Community Rugby Operations Plan which detailed the facility standards expected of clubs competing in the premier grade of competition. Council resolved at its Ordinary Council Meeting of 5 February 2013 (Item CB02-02/13) to allow WDRUFC to incorporate an additional portion of Reserve 28058 within the premises for the remainder of the term of the lease to facilitate the extension. A Deed of Variation of Lease was executed 16 April 2013 and the project was completed mid-2013; and
 - In 2013, WDRUFC constructed and funded a pre-fabricated concrete free standing brick shed (**Shed**) to the south-west of the clubroom for storage facilities. Council resolved at its Ordinary Council Meeting of 12 November 2013 (Item CB03-11/13) to allow WDRUFC to incorporate an additional portion of Reserve 28058 within its premises for the remainder of the term of the lease to facilitate the construction of the shed. A Deed of Variation of Lease was executed 28 October 2014 and the project was completed in 2014.
- A plan of the Premises is provided at **Attachment 1**.
- The area of the Premises is:
 - Clubroom: 786m² (approximate); and
 - Shed: 64m² (approximate).

Detail

Administration proposes to enter into a new five year lease with WDRUFC. It is proposed that the lease will contain a further two, five year options, to be exercised by WDRUFC in accordance with the terms of the lease.

The proposed term (including options), is longer than the five year term (with no options) which would ordinarily be permitted under the Leasing Policy. However, Administration notes the long term presence of WDRUFC at Reserve 28058 and considers that a longer term will provide security of tenure for WDRUFC.

Lease Negotiations

A draft lease was prepared by Administration, based on a City template which has been used on multiple previous leases with sporting groups and not-for-profit organisations. The lease was reviewed and approved by the City's Legal Services unit in advance of submission to WDRUFC.

WDRUFC agreed in writing on 6 May 2020 to the essential lease terms outlined below and the conditions of a draft lease that had been provided for its review.

The new lease will be entered under the City's Leasing Policy, which requires the inclusion of a building maintenance fee. WDRUFC has been advised by Administration that the building maintenance fee, based on a recent review, is \$3,971 (plus GST) per annum, which is an increase from the \$2,685 (plus GST) per annum amount estimated earlier in the lease negotiations.

WDRUFC has provided a comprehensive business plan that has been reviewed and deemed acceptable by Administration.

WDRUFC is classified as a 'Sporting' lessee in accordance with Annexure 1 of the Leasing Policy.

Essential Lease Terms

Administration and WDRUFC have negotiated the new lease on the following terms, subject to Council approval and to Ministerial approval under section 18 of the *Land Administration Act 1997* (WA) (LAA):

Lessee:	Wanneroo Districts Rugby Union Club (Inc.)
Premises:	850m ² (approximate) portion of Reserve 28058, Lot 555 (100) Kingsway, Madeley (Attachment 1 refers)
Term:	Five years, commencing on the Commencement Date
Option Term 1:	Five years, commencing on the fifth anniversary of the Commencement Date
Option Term 2:	Five years, commencing on the tenth anniversary of the Commencement Date
Commencement Date:	The date of execution of the Lease
Rent:	\$1.00 (peppercorn) per annum
Permitted Purpose:	Rugby club premises and uses reasonably ancillary thereto
Cleaning:	Lessee (WDRUFC) responsibility
Rates & Taxes:	Lessee responsible for all rates (including Council rates and water rates), taxes, assessments and impositions
Outgoings:	Lessee responsible for all outgoings (not limited to) electricity, gas, water and telephone/ broadband used in relation to the Premises whether billed directly or otherwise
Lessee Services:	Lessee responsible for the provision of special requirements such as the connection of telephone, broadband services and the like
Grease Trap Cleaning:	Lessee responsibility
Building Insurance:	Lessor (City) insures and on charges the Lessee the building insurance premium
Public Liability Insurance:	Lessee responsibility – Minimum \$20 million
Other Insurance:	Lessee responsibility
Consumables:	Lessee responsibility
Structural Maintenance:	Lessor responsibility

Quiet Enjoyment:	<p>Lessee acknowledges that its quiet enjoyment of the Premises may be affected from time to time by works or trading in public places that the Lessor or its agents may reasonably undertake or facilitate in the vicinity of the Premises that may include but are not limited to:</p> <ul style="list-style-type: none"> • Disruption to utilities; • Disruption or closure of roads, reserves and road reserves; • Pedestrian movement and access; • Vehicle movement, damage, access and parking; • Vibration and noise; and • Dust and dirt. <p>The Lessor will not be liable to compensate the Lessee in the event that the above affects the Lessee's quiet enjoyment of the Premises.</p>
Maintenance Fee:	\$3,971 (plus GST) per annum (subject to review on an annual basis).
Lessors Maintenance Works:	<p>Lessor responsibility up to the values of the Maintenance Fee:</p> <ul style="list-style-type: none"> • Height safety inspections; • Fire; • HVAC; • Controlled Waste; • Electrical; • Compliance; • Security & Keys; • Plumbing; • Pest Control; • Glazing; • Vandal; and • Graffiti.
Licence to use the Premises:	<p>The Lessee has advised that a charitable entity, 'No Limits' use the canteen in the Premises to provide Meals on Wheels for disabled members of the community. In return, No Limit pays a nominal fee of \$150 a week for the use of the Premises and also provides meals for the Lessee's members on home game events.</p> <p>The new lease will acknowledge the continuation of this arrangement, which will be at the Lessee's risk</p>
Grease Trap:	Lessee responsibility

Consultation

- Relevant service units, including Facilities and Building Maintenance, have been consulted in the course of preparation of the lease terms. Administration is supportive of the proposed long term lease;
- The essential terms of the proposed lease together with a copy of the draft lease have been presented to WDRUFC;
- WDRUFC agreed to the proposed essential terms and the draft lease agreement in writing on 6 May 2020; and
- In the event that the proposed lease terms are approved by Council, DPLH will be requested to provide its consent to the terms of the draft lease as per section 18 of the LAA.

Comment

WDRUFC has been a stable lessee for many years and is a well-funded and utilised club. Administration remains confident that WDRUFC will manage its leasing arrangement in accordance with the City's Leasing Policy.

The proposed new lease will clarify both the City's and WDRUFC responsibilities to maintain the Premises to the required standard. It will also ensure that the City and the local community continue to receive the valuable sporting service currently provided by WDRUFC at Kingsway Regional Sporting Complex.

Administration recommends that Council approves the City entering a lease with WDRUFC on the essential lease terms described in the present report.

Statutory Compliance

Under regulation 30 of the *Local Government (Functions and General) Regulations 1996* (WA), the proposed lease to WDRUFC is an exempt disposition of property to which section 3.58 of the Act does not apply.

Given that Reserve 28058 is Crown land, the lease will require the consent of the Minister for Lands under section 18 of the *Land Administration Act*.

Strategic Implications

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

“1 Society

1.1 Healthy and Active People

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

Risk Management Considerations

Risk Title	Risk Rating
Relationship Management	Moderate
Accountability	Action Planning Option
Executive Management Team	Manage

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

Policy Implications

The proposed new lease has been negotiated in accordance with the terms of the City's Leasing Policy.

Financial Implications

- WDRUFC will be charged an annual building maintenance fee of \$3,971 (plus GST) per annum in accordance with the Leasing Policy, reviewed on an annual basis; and
- The Premises are currently insured by the City's building insurance providers, LGIS, at a cost of \$3,463 (plus GST) per annum (2019/20). This premium is on-charged to WDRUFC. This arrangement will continue for the duration of the proposed new lease. The estimated annual building insurance premium for the Shed for financial year 2019/20 is unavailable at this time.

Voting Requirements

Simple Majority

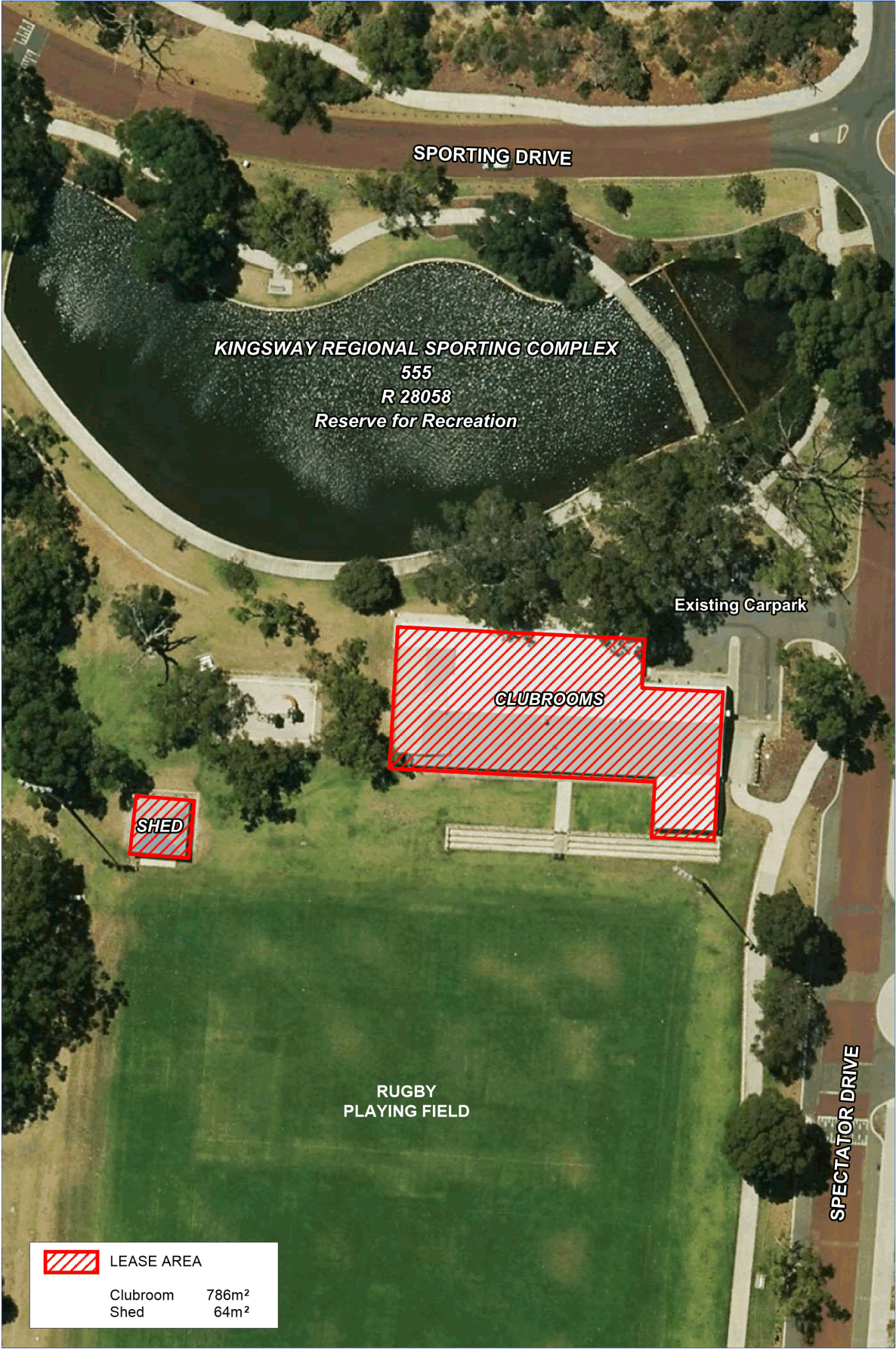
Recommendation

That Council:-

1. **APPROVES** the lease of an 850m² (approximate) portion of Kingsway Regional Sporting Complex, Reserve 28058, Lot 555 (100) Kingsway, Madeley (Attachment 1 refers) to the Wanneroo Districts Rugby Union Rugby Football Club (Inc.) for a term of five years, with two options for further terms of five years in each case, commencing on the execution of the lease, and in accordance with the essential lease terms described in the Administration report; and
2. **AUTHORISES:**
 - a) The Chief Executive Officer to negotiate commercial terms, execute all documentation and comply with all applicable legislation as is required to effect Item 1. above; and
 - b) The affixing of the Common Seal of the City of Wanneroo to a lease between the City of Wanneroo and the Wanneroo Districts Rugby Union Rugby Football Club (Inc.) in accordance with the City's Execution of Documents Policy.

Attachments:

 Plan - WDRUFC 20/220881 Minuted





**WANNEROO DISTRICTS RUGBY UNION
FOOTBALL CLUB Inc. - LEASE AREA
PORTION LOT 555 (100) KINGSWAY MADELEY**

SCALE: 1: 750 @ A4
DATE: March 2020
REF:2020-03 wdrufc lease

NOTE: While the City of Wanneroo has made every effort to ensure the accuracy and completeness of data it accepts no responsibility or liability for any errors or omissions within the information presented.
Based on information provided by and with the permission of the Western Australian Land Authority trading as LANDGATE (2011).

Chief Executive Office

Governance & Legal

CE01-06/20 Annual Delegated Authority Review 2019/2020

File Ref: 9167V05 – 20/243553
 Responsible Officer: Executive Manager Governance and Legal
 Disclosure of Interest: Nil
 Attachments: 1

Issue

To consider amendments to the City's Delegated Authority Register (the **Register**) as a result of the annual review required under the *Local Government Act 1995* (the **Act**).

Background

Sections 5.18 and 5.46(2) of the Act require that the City's delegated statutory authorities be reviewed at least once each financial year by the delegator (Council and the CEO). The last annual review of the Register was undertaken in June 2019.

Detail

To satisfy the legislative requirement to undertake an annual review, Governance, in conjunction with delegated officers and the Executive, undertook to review: -

- Relevant legislation to ensure the delegation remains current and compliant;
- Drafting of delegation instrument to ensure clarity of intent and execution;
- Whether the delegation and sub-delegation are to the appropriate officer level;
- Whether there is a requirement for new delegations to improve efficiencies and subject to satisfactory documented guidance for consistent decision making;
- One off delegations granted by Council to ascertain whether they are still required;
- Policies or procedures that support the delegation; and
- Delegation instruments against the WALGA model templates delegation instruments.

Consultation

There was no consultation with external parties in relation to the content of this report.

Comment

The following summarises the outcomes and recommendations resulting from the review. A marked-up version of the proposed changes to the Register is shown at (**Attachment 1**). The proposed amendments that relate to a Council decision are notated in the fourth column.

Del. No.	Title	Proposed Change	Council / CEO decision or Administrative
1.1.5	Powers of Entry	Removal of Operations Manager Planning and Development Services due to position ceasing to exist as at 30/06/2020.	CEO

Del. No.	Title	Proposed Change	Council / CEO decision or Administrative
1.1.9	Close Thoroughfares to Vehicles	Addition of Condition by Council and a tidy up of CEO Conditions with relocation of conditions to the compliance links.	Administrative
1.1.1 2	Tenders to be Invited for Certain Contracts	Increase to threshold as per changes to <i>Local Government (Functions and General) Regulations 1996 section 11(1)</i> on 9 April 2020 and approved amendment to the City's Purchasing Policy.	Administrative following changes to City's Purchasing Policy (CS01-05/20)
1.1.1 4	Choice of Most Advantageous Tender	<ul style="list-style-type: none"> Change to Council's Conditions on Delegation – "Subject to a provision listed in the annual budget and / or the Long Term Financial Plan....." Inclusion of a further condition whereby the CEO sub-delegates to a Director where the CEO has a conflict of interest that precludes the CEO from exercising the authority Addition of reference to the City's Execution of Documents Policy and Management Procedure in the Compliance Links. 	Council / CEO
1.1.1 6	Selecting the Next Most Advantageous Tender	<ul style="list-style-type: none"> Change to Council's Conditions on Delegation – "Subject to a provision listed in the annual budget and / or the Long Term Financial Plan....." Inclusion of a further condition whereby the CEO sub-delegates to a Director where the CEO has a conflict of interest that precludes the CEO from exercising the authority Addition of reference to the City's Execution of Documents Policy and Management Procedure in the Compliance Links. 	Council / CEO
1.1.2 0	Disposing of Property (Public Auction, Public Tender or Private Treaty)	<ul style="list-style-type: none"> Proposed that conditions from Council to the CEO are amended and clarification to distinguish between a lease and a sale. Compliance Links have been amended to include reference to the City's Strategic Land Policy and Disposal of Property other than Land and Buildings Management Procedure. 	Council / Administrative
1.1.2 1	Disposing of Property by Lease or Licence	<ul style="list-style-type: none"> Title change to include the word "Land" to provide clarity that the delegation is for land only, not other property. Proposed that conditions from Council to the CEO are amended to provide clarity to this delegation. 	Council / Administrative

Del. No.	Title	Proposed Change	Council / CEO decision or Administrative
		<ul style="list-style-type: none"> Compliance links have been amended to include reference to the City's Leasing Policy 	
1.1.2 6	Agreement as to Payment of Rates and Services Charges	<ul style="list-style-type: none"> Addition of the City's Chief Operating Officer as a sub-delegate of the CEO. Additional reference to the City's Financial Hardship – Collection of Rates and Service Charges Policy in the Compliance Links. 	CEO / Administrative
1.1.2 7	Recovery of Rates or Service Charges	Addition of the City's Chief Operating Officer as a sub-delegate of the CEO.	CEO
1.1.3 2	Private Works On, Over or Under Public Places	Relocation of reference to the Local Government Act 1995 from Conditions to Compliance Links	Administrative
1.2.6	Public Places and Local Government Property Local Law	Addition of Director Assets as a sub-delegate	CEO
2.1.1	Building Act 2011 – Building Permit	<ul style="list-style-type: none"> Addition of CEO as a delegate of Council and the Director Planning & Sustainability as a sub-delegate of the CEO. This is consistent with the WALGA Model of Delegations. Amended and additional conditions placed on Building Surveyors. 	Council / CEO
2.1.2	Building Act 2011 – Demolition Permit	<ul style="list-style-type: none"> Addition of CEO as a delegate of Council and the Director Planning & Sustainability as a sub-delegate of the CEO. Conditions have been amended in accordance with this change. This is consistent with the WALGA Model of Delegations. Building Surveyors are not sub-delegated for this function. 	Council / CEO
2.1.3	Building Act 2011 - Occupancy Permit or Building Approval Certificate	Addition of CEO as a delegate of Council and the Director Planning & Sustainability as a sub-delegate of the CEO. Conditions have been amended in accordance with this change. This is consistent with the WALGA Model of Delegations.	Council / CEO
2.1.4	Building Act 2011 – Building Orders	Addition of the Director Planning & Sustainability as a sub-delegate of the CEO. This is consistent with the WALGA Model of Delegations.	CEO

Del. No.	Title	Proposed Change	Council / CEO decision or Administrative
2.1.6	Building Regulations 2012 - Private Swimming Pool Barriers	NEW INSTRUMENT OF DELEGATION PROPOSED To approve alternative performance solutions for private swimming pool barriers.	Council
2.2.4	Bush Fires Act 1954 – Prosecutions	Removal of the ability to extend the time to pay an infringement. This is not contemplated by the legislation and although it was still included in the instrument of delegation, the conditions of the delegation require that all decisions are made based on the Infringement Notice Review Management Procedure. The procedure does not provide for an extension of time to pay in line with legislation.	Council
2.5.2	Food Act 2008 – Food Business Registrations	Removal of referenced documents in the conditions on delegation that are outdated.	Administrative
2.9.1	Strata Titles Act 1985 - Granting of A Certificate – Form 26	Amended in line with the recent change in legislation as gazetted on the 1 May 2020 (GG 59/2020). This is a legislative delegation and is presented for noting only.	Administrative
2.10.2	Planning and Development act 2005 – Direction Notices	Amendment to the requirement for Financial Interest Returns.	Administrative
2.10.3	Development Control	<ul style="list-style-type: none"> Proposed amendment to Council's Conditions on Delegation to include a 4th dot point to Condition b):- “compliance with the objectives and provisions of DPS2 and the relevant considerations under the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 67 Matters to be considered by local government.” Proposed amendment the CEO's conditions of sub-delegation b) to refer to Director Planning and Sustainability for determination rather than Council if required in the opinion of the Manager Approval Services The CEO's sub delegation conditions have also been amended under Condition c) to include the Coordinator Planning Services. 	Council / CEO

Del. No.	Title	Proposed Change	Council / CEO decision or Administrative
3.1.2	City of Wanneroo Local Laws – Administration	Addition of Manager Community Safety & Emergency Management for the Administration of the Public Places and Local Government Property Local Law 2015	CEO
4.4.2	Authorisation for Receipt of Gift, Benefit and Travel Disclosure	Reference to Local Government Act 1995 sections 5.82 and 5.83 removed as these legislative provisions have been repealed. Reference now made to Section 5.103 – Codes of Conduct	Administrative

Governance also undertook a compliance check to ensure that delegated officers were aware of their obligations relating to:-

- The requirement to record all decisions made under delegated authority;
- Declaration of gift and travel contributions;
- Disclosure of interests affecting impartiality; and
- Submission of Primary & Annual Returns where required.

Statutory Compliance

The Act provides for the delegation of certain powers and duties of Council to the CEO who may, (unless prohibited by Council's instrument of delegation or the respective legislation), further on-delegate powers and duties to employees. A power can only be delegated if it exists under legislation, and the legislation allows the delegation to take place.

- *Section 5.42* of the Act prescribes that Council may delegate functions or duties to the CEO and *Section 5.43* prescribes the limitations on such delegations.
- *Section 5.44* of the Act prescribes that the CEO may delegate powers and duties vested in their office and sub-delegate powers and duties delegated to the office of CEO to other local government employees.

All delegations made by Council must be by absolute majority as prescribed by *Section 5.42* of the Act. In accordance with *Section 59* of the *Interpretations Act 1984* and the requirements of *Sections 5.16 and 5.42* of the Act, the City is required to record statutory delegated authorities in written instruments of delegation contained in the City's Register.

Strategic Implications

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

“4 Civic Leadership

4.2 Good Governance

4.2.1 Provide transparent and accountable governance and leadership”

Risk Management Considerations

Risk Title	Risk Rating
CO-C01 Compliance Framework	Low
Accountability	Action Planning Option
Executive Manager Governance & Legal	Manage

The above risk/s relating to the issue contained within this report have been identified and considered within the City's Corporate risk register. Action plans through the development of policies and procedures have been developed to accept and manage this risk.

The City's defined risk appetite for 4.2 Good Governance is articulated through the risk appetite statement as - The City places a high priority on the importance of maintaining good governance and has no appetite for deliberate act or omission by any party that jeopardises this. The City provides appropriate systems and processes to realise its values and achieve good governance. Decisions are aligned to policy to ensure non-compliance impacts are reduced as low as reasonably practicable (**ALARP**) and reputational damage is restricted to low.

Policy Implications

Policies and Procedures will be updated where they are impacted in changes to delegations.

Financial Implications

Nil

Voting Requirements

Absolute Majority

Recommendation

That Council:-

1. **ACCEPTS** the review of the City of Wanneroo Delegated Authority Register as required in accordance with sections 5.18 and 5.46(2) of the *Local Government Act 1995*; and
2. **ADOPTS, BY ABSOLUTE MAJORITY**, the City's Delegated Authority Register as shown at Attachment 1 accepting all marked-up amendments.

Attachments:

1. [Attachment 1 - Delegated Authority Review Marked Up](#) 20/237602 Minuted



CONSOLIDATED DELEGATED AUTHORITY REGISTER

1.	LOCAL GOVERNMENT ACT 1995	1
1.1	COUNCIL TO CEO.....	1
1.1.1	AUTHORITY TO MAKE DECISIONS ON BEHALF OF THE CITY DURING COUNCIL RECESS.....	1
1.1.2	PERFORMING FUNCTIONS OUTSIDE THE DISTRICT	2
1.1.3	COMPENSATION FOR DAMAGE INCURRED WHEN PERFORMING FUNCTIONS	3
1.1.4	APPOINTMENT OF AUTHORISED PERSONS.....	4
1.1.5	POWERS OF ENTRY	6
1.1.6	DECLARING A VEHICLE TO BE AN ABANDONED VEHICLE WRECK	8
1.1.7	DISPOSING OF CONFISCATED OR UNCOLLECTED GOODS.....	9
1.1.8	DISPOSAL OF SICK OR INJURED IMPOUNDED ANIMALS	10
1.1.9	CLOSE THOROUGHFARES TO VEHICLES	11
1.1.10	CONTROL OF RESERVES AND CERTAIN UNVESTED FACILITIES.....	13
1.1.11	DETERMINING THAT TENDERS DO NOT HAVE TO BE INVITED FOR THE SUPPLY OF GOODS AND SERVICES	14
1.1.12	TENDERS TO BE INVITED FOR CERTAIN CONTRACTS	15
1.1.13	EXTENSION OF CONTRACTS.....	17
1.1.14	CHOICE OF MOST ADVANTAGEOUS TENDER.....	18
1.1.15	MINOR VARIATION IN GOODS OR SERVICES.....	19
1.1.16	SELECTING THE NEXT MOST ADVANTAGEOUS TENDER	20
1.1.17	SEEKING EXPRESSIONS OF INTEREST FOR GOODS AND SERVICES	22
1.1.18	VARIATION TO CONTRACT FOR THE SUPPLY OF GOODS AND SERVICES.....	24
1.1.19	PANELS OF PRE-QUALIFIED SUPPLIERS FOR GOODS AND SERVICES	25
1.1.20	DISPOSING OF PROPERTY (PUBLIC AUCTION, PUBLIC TENDER OR PRIVATE TREATY).....	27
1.1.21	DISPOSING OF PROPERTY BY LEASE OR LICENCE	29
1.1.22	APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER (FOR PERIODS OF 35 DAYS OR LESS) ...	32
1.1.23	PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND	33
1.1.24	WAIVER, GRANT OF CONCESSION OR WRITE OFF OF MONIES OWING	35
1.1.25	AMENDING THE RATE RECORD.....	37
1.1.26	AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES.....	38
1.1.27	RECOVERY OF RATES OR SERVICE CHARGES	40
1.1.28	RECOVERY OF RATES DEBTS - REQUIRE LESSEE TO PAY RENT	41
1.1.29	RATE RECORD - OBJECTIONS.....	42
1.1.30	PUBLIC THOROUGHFARE – DANGEROUS EXCAVATIONS.....	43
1.1.31	CROSSING – CONSTRUCTION, REPAIR AND REMOVAL	45
1.1.32	PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES.....	47
1.2	CEO TO EMPLOYEES	49
1.2.1	DETERMINATION OF THE WARD OF RATEABLE PROPERTY.....	49
1.2.2	ELECTORAL ENROLMENT ELIGIBILITY CLAIMS AND ELECTORAL ROLL	50

14/180898v3

1.2.3	DESTRUCTION OF LOCAL GOVERNMENT ELECTION MATERIAL.....	52
1.2.4	INFORMATION TO BE AVAILABLE TO THE PUBLIC.....	53
1.2.5	INFRINGEMENT NOTICE REVIEW – LOCAL GOVERNMENT ACT 1995, REGULATIONS AND LOCAL LAWS.....	55
1.2.6	PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW.....	56
2.	<u>OTHER LEGISLATION</u>	<u>58</u>
2.1	BUILDING ACT 2011	58
2.1.1	BUILDING ACT 2011 - BUILDING PERMIT	58
2.1.2	BUILDING ACT 2011 - DEMOLITION PERMIT	61
2.1.3	BUILDING ACT 2011 - OCCUPANCY PERMIT OR BUILDING APPROVAL CERTIFICATE	63
2.1.4	BUILDING ACT 2011 - BUILDING ORDERS.....	65
2.1.5	BUILDING ACT 2011 - DESIGNATE EMPLOYEES AS AUTHORISED PERSONS	67
2.1.6	BUILDING REGULATIONS 2012 – APPOINTMENT OF AUTHORISED OFFICERS – INFRINGEMENT NOTICES.....	70
2.1.7	BUILDING REGULATIONS 2012 – APPOINTMENT OF APPROVED OFFICER – INFRINGEMENT NOTICES.....	71
2.2	BUSH FIRES ACT 1954.....	73
2.2.1	BUSH FIRES ACT 1954 – POWERS, DUTIES AND FUNCTIONS OF A LOCAL GOVERNMENT	73
2.2.2	BUSH FIRES ACT 1954 - VARIATION OF RESTRICTED AND PROHIBITED BURNING TIMES	74
2.2.3	BUSH FIRES ACT 1954 - APPOINTMENT OF BUSH FIRE CONTROL OFFICERS	75
2.2.4	BUSH FIRES ACT 1954 - PROSECUTIONS.....	76
2.3	CAT ACT 2011	78
2.3.1	CAT ACT 2011 – LOCAL GOVERNMENT FUNCTIONS	78
2.4	DOG ACT 1976	79
2.4.1	DOG ACT 1976 – LOCAL GOVERNMENT FUNCTIONS	79
2.5	FOOD ACT 2008	81
2.5.1	FOOD ACT 2008 - PROHIBITION ORDERS	81
2.5.2	FOOD ACT 2008 – FOOD BUSINESS REGISTRATIONS	82
2.5.3	FOOD ACT 2008 - APPOINTMENT OF AUTHORISED AND DESIGNATED OFFICERS	83
2.5.4	FOOD ACT 2008 – DETERMINE COMPENSATION	85
2.6	GRAFFITI VANDALISM ACT 2016	86
2.6.1	GRAFFITI VANDALISM ACT 2016 – LOCAL GOVERNMENT FUNCTIONS.....	86
2.7	HEALTH (ASBESTOS) REGULATIONS 1992	87
2.7.1	HEALTH (ASBESTOS) REGULATIONS 1992 - APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS.....	87
2.8	PUBLIC HEALTH ACT 2016.....	88
2.8.1	PUBLIC HEALTH ACT 2016 – APPOINTMENT OF AUTHORISED OFFICERS.....	88
2.9	STRATA TITLES ACT 1985	89
2.9.1	STRATA TITLES ACT 1985 - GRANTING OF A CERTIFICATE – FORM 26.....	89
2.10	PLANNING & DEVELOPMENT ACT 2005.....	91
2.10.1	STRUCTURE PLANNING.....	91
2.10.2	PLANNING & DEVELOPMENT ACT 2005 - DIRECTION NOTICES	96
2.10.3	DEVELOPMENT CONTROL **	99
2.10.4	LANDSCAPE ENHANCEMENT ZONE BUILDING ENVELOPES	102
2.10.5	DISTRICT PLANNING SCHEME NO 2 – APPOINTMENT OF AUTHORISED OFFICERS	104
3.	<u>CITY OF WANNEROO LOCAL LAWS</u>	<u>105</u>
3.1.1	CITY OF WANNEROO LOCAL LAWS – APPOINTMENT OF AUTHORISED PERSONS	105
3.1.2	CITY OF WANNEROO LOCAL LAWS – ADMINISTRATION.....	107

4.	<u>APPOINTMENTS AND AUTHORISATIONS</u>	<u>110</u>
4.1	CARAVAN PARKS AND CAMPING GROUNDS ACT 1995 - APPOINTMENT OF AUTHORISED PERSONS	110
4.2	CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978 – APPOINTMENT OF AUTHORISED PERSONS	112
4.3	CRIMINAL PROCEDURES ACT 2004 – APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS – BUILDING REGULATIONS 2012 (MOVED TO 2.1.6 AND 2.1.7)	114
4.4	LITTER AT 1979 - APPOINTMENT OF PERSONS TO WITHDRAW INFRINGEMENT NOTICES...	114
4.5	LOCAL GOVERNMENT ACT 1995	115
4.5.1	AUTHORISATION TO ACKNOWLEDGE RECEIPT OF PRIMARY AND ANNUAL RETURNS	115
4.5.2	AUTHORISATION FOR RECEIPT OF GIFT, BENEFIT AND TRAVEL DISCLOSURE	116
4.5.3	AUTHORISATION FOR ATTESTING TO THE AFFIXING OF THE COMMON SEAL	117
4.5.4	AUTHORISATION FOR EXECUTION OF DOCUMENTS	118
4.5.5	AUTHORISATION FOR PRESIDING AT A COMMITTEE MEETING TO ELECT A PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER	119
4.5.6	AUTHORISATION FOR ADMINISTRATIVE CHANGES TO THE DELEGATED AUTHORITY REGISTER	120
4.5.7	AUTHORISATION FOR ADMINISTRATIVE CHANGES TO THE CODE OF CONDUCT	121
4.6	HEALTH (MISCELLANEOUS PROVISION) ACT 1911 - APPOINTMENT AND AUTHORISATION OF DEPUTY	122
4.7	CORRUPTION CRIME AND MISCONDUCT ACT 2003 – AUTHORISATION TO SUBMIT NOTIFICATIONS	124
5.	<u>DELEGATIONS TO CHIEF EXECUTIVE OFFICER AND OTHER OFFICERS FROM STATUTORY AUTHORITIES</u>	<u>125</u>
5.1	DEPARTMENT OF LANDS – DEVELOPMENT APPLICATIONS MADE UNDER THE AUSPICES OF THE PLANNING & DEVELOPMENT ACT 2005	125
5.2	DEPARTMENT OF ENVIRONMENTAL REGULATIONS – APPROVAL OF NOISE MANAGEMENT PLANS FOR OUT OF HOURS CONSTRUCTION WORK.....	128
5.3	ENVIRONMENTAL PROTECTION ACT 1986 – ENVIRONMENTAL PROTECTION NOTICE.....	130
5.4	ENVIRONMENTAL PROTECTION ACT 1986 – NOISE MANAGEMENT PLANS – KEEPING LOG BOOKS, NOISE CONTROL NOTICES, CALIBRATION AND APPROVAL OF NON-COMPLYING EVENTS	132
5.5	DEPARTMENT OF ENVIRONMENTAL PROTECTION – APPOINTMENT OF DESIGNATED PERSON - INFRINGEMENT NOTICE REVIEW.....	134
5.6	WESTERN AUSTRALIAN PLANNING COMMISSION – DELEGATION OF CERTAIN POWERS AND FUNCTIONS OF THE WESTERN AUSTRALIAN PLANNING COMMISSION RELATING TO THE METROPOLITAN REGIONAL SCHEME	135

1. LOCAL GOVERNMENT ACT 1995

1.1 COUNCIL TO CEO

1.1.1 AUTHORITY TO MAKE DECISIONS ON BEHALF OF THE CITY DURING COUNCIL RECESS.

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	To make decisions on behalf of the City during Council recess.		
Statutory Power being Delegated:	The powers and duties of the City under the Local Government Act 1995.		
Power is originally assigned to:	Local Government		
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO		
Power Delegated to:	Chief Executive Officer		
Council’s Conditions on Delegation:	The delegation is subject to any decisions being made by agreement with the Mayor (or in their absence the Deputy Mayor). Those matters prescribed in Section 5.43 of the Local Government Act 1995 are exempt.		
Statutory Power to Sub-Delegate:	Nil		
CEO’s Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A		
CEO’s Conditions on Sub-delegation:	N/A		
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	A report on those decisions made is to be provided to Council at the conclusion of the delegation period.		
Compliance Links	Financial Interest Returns Required - Yes		
Delegation Administration:			
Decision Reference		Decision Reference	
Decision Reference		Decision Reference	
1. CE06-05/17	6.	11.	
2. CE01-06/18	7.	12.	
3.	8.	13.	
4.	9.	14.	

1.1.2 PERFORMING FUNCTIONS OUTSIDE THE DISTRICT

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Statutory Power being Delegated:	Local Government Act 1995: s.3.20(1) Performing functions outside district
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	This delegation is not to be sub-delegated.
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Details of actions taken are to be recorded on the appropriate file or record and a report presented to Council at its next ordinary meeting.
Compliance Links	Financial Interest Return R required - Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. CE01-06/18	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

1.1.3 COMPENSATION FOR DAMAGE INCURRED WHEN PERFORMING FUNCTIONS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Statutory Power being Delegated:	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Details of actions taken are to be recorded on the appropriate file or record and a report presented to Council at its next ordinary meeting.
Compliance Links	Financial Interest Return <i>Required</i> - Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. CE01-06/18	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

1.1.4 APPOINTMENT OF AUTHORISED PERSONS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i> and its subsidiary legislation, including <i>Local Government Act Regulations</i> , the <i>Local Government (Miscellaneous Provisions) Act 1960</i> [s.3.24 and s.9.10].
Statutory Power being Delegated:	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Each person so authorised is to be issued a certificate stating that the person is so authorised.
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	All Directors Executive Manager Governance & Legal Manager Approval Services Manager Community Safety & Emergency Management Manager Health & Compliance
CEO's Conditions on Sub-delegation:	<ol style="list-style-type: none"> 1. The CEO (in consultation with the Executive Manager Governance & Legal) is to appoint authorised officers for the purposes of s.9.29(2) Representing Local Government in Court; 2. Executive Manager Governance & Legal is limited to the appointment of Authorised Officers for the purposes of: <ul style="list-style-type: none"> o s.9.31 Certifying documents as evidence in legal proceedings; and o s.9.38 Evidence of documents coming from the City 3. Manager Approval Services is limited to the appointment of members of the Approval Services team as Authorised Officers. The appointment of Authorised Officers for the purposes of s 9.29(2) Representing local government in court and s.9.31 Certifying documents as evidence in legal proceedings is specifically excluded. 4. Manager Community Safety & Emergency Management is limited to the appointment of members of the Community Safety & Emergency Management team as Authorised

	<p>Officers. The appointment of Authorised Officers for the purposes of s 9.29(2) Representing local government in court and s.9.31 Certifying documents as evidence in legal proceedings is specifically excluded.</p> <p><u>5.</u> Manager Health & Compliance is limited to the Appointment of members of the Health & Compliance team as Authorised Officers. The appointment of Authorised Officers for the purposes of s 9.29(2) Representing local government in court and s.9.31 Certifying documents as evidence in legal proceedings is specifically excluded.</p>	
<p>Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p>	<p>The appointments to be in writing and recorded on the appropriate record and the person's personnel record. <u>The appointment of authorised officers is to be facilitated through Governance.</u></p>	
<p>Compliance Links</p>	<ul style="list-style-type: none">• s.3.25 Certain provisions about land• s.3.39(1) Remove and impound goods• s.3.40A(1) Remove and impound an abandoned vehicle wreck• s.9.13 Onus of proof in vehicle offences may be shifted• s.9.16 Giving a notice (infringement notice)• s.9.29(2) Representing local government in court• s.9.31 Certifying documents as evidence in legal proceedings• s.9.38 Evidence of documents coming from the City <p><i>Financial Interest Returns <u>R</u>required - Yes</i></p>	
<p>Delegation Administration:</p>		
<p>Decision Reference</p>	<p>Decision Reference</p>	<p>Decision Reference</p>
<p>1. 17/17699</p>	<p>6. 18/274278</p>	<p>11.</p>
<p>2. CE06-05/17</p>	<p>7.</p>	<p>12.</p>
<p>3. CE01-06/18</p>	<p>8.</p>	<p>13.</p>
<p>4. 18/203840</p>	<p>9.</p>	<p>14.</p>

1.1.5 POWERS OF ENTRY

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of entry to enter onto land to perform any of the Local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect of entry by opening a fence [s.3.36].
Statutory Power being Delegated:	<i>Local Government Act 1995</i> Section s.3.28 – Enter Land Section s.3.32 – Notice of Entry Section s.3.33 – Entry under warrant Section s.3.34 – Entry in an emergency Section s.3.36 – Opening fences
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	All Directors Operations Manager Planning & Development Services Manager Health & Compliance Manager Community Safety & Emergency Management Manager Asset Planning Manager Parks & Conservation Maintenance Manager Asset Maintenance Manager Approval Services Manager Waste Services
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Details of the notice must be recorded in the appropriate record.

Compliance Links		Financial Interest Return Required - Yes	
Delegation Administration:			
Decision Reference		Decision Reference	Decision Reference
1. Annual Review – May 2014	6. 18/274278	11.	
2. CE06-05/17	7. 19/376416	12.	
3. 07/02/18 Administrative	8. 19/394864	13.	
4. CE01-06/18	9.	14.	

1.1.6 DECLARING A VEHICLE TO BE AN ABANDONED VEHICLE WRECK

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)]
Statutory Power being Delegated:	Local Government Act 1995: s.3.40A(4) Abandoned vehicle wreck may be taken
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.7 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Statutory Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Community & Place Manager Community Safety and Emergency Management Coordinator Community Safety
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	The declaration is to be recorded in appropriate record to meet legislative requirements.
Compliance Links	Financial Interest Return Required - Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. 14/196797	6.
2. CE01-06/18	7.
3. 18/274278	8.
4.	9.
	11.
	12.
	13.
	14.

1.1.7 DISPOSING OF CONFISCATED OR UNCOLLECTED GOODS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Statutory Power being Delegated:	<i>Local Government Act 1995:</i> s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<ol style="list-style-type: none"> 1. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable; and 2. In accordance with the Disposal of Property other than Land and Buildings Management Procedure
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Community & Place Director Planning & Sustainability Manager Health & Compliance Manager Community Safety and Emergency Management Coordinator Community Safety
CEO's Conditions on Sub-delegation:	<u>Subject to the conditions on delegation to the CEO.</u> As-above
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	The sale or disposal of goods or vehicles is to be recorded in the appropriate record.
Compliance Links	Financial Interest Return R required - Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. 14/196797	6.
2. CE01-06/18	7.
3. 18/274278	8.
	11.
	12.
	13.

4.	9.	14.
----	----	-----

1.1.8 DISPOSAL OF SICK OR INJURED IMPOUNDED ANIMALS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Statutory Power being Delegated:	Local Government Act 1995: s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Community & Place Manager Community Safety and Emergency Management Coordinator Community Safety
CEO's Conditions on Sub-delegation:	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	The details of sick or injured animals disposed of are to be recorded in the appropriate record.
Compliance Links	Financial Interest Return Required - Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. 14/196797	6. 18/274278
2. 16/254349	7.
3. CE01-06/18	8.
4. 18/203840	9.
	11.
	12.
	13.
	14.

1.1.9 CLOSE THOROUGHFARES TO VEHICLES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].
Statutory Power being Delegated:	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	The permanent closure of thoroughfares to be referred to Council for determination Nil
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s. 5 5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Assets Director Planning & Sustainability For Function 4 - Partial Closures only:- Manager Asset Maintenance Manager Infrastructure Capital Works Manager Land Development Manager Parks and Conservation Management

CEO's Conditions on Sub-delegation:	<p>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</p> <p>b. Maintain access to adjoining land [s.3.52(3)];</p> <p>c. The permanent closure of thoroughfares to be referred to Council for determination <u>As per Council's conditions to the CEO</u></p>										
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	<p>Action taken to close thoroughfares (not partial closures for repairs or maintenance) must be recorded in the appropriate register and elected members advised accordingly.</p> <p>Details of partial closures for repairs or maintenance to be recorded on the appropriate record.</p>										
Compliance Links	<ul style="list-style-type: none"> • <u>If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</u> • <u>Maintain access to adjoining land [s.3.52(3)];</u> <p>Financial Interest Return <u>R</u>required – Yes</p>										
Delegation Administration:											
Decision Reference 1. CE01-06/18 2. 18/203840 3. 18/306398 4.	<table border="1"> <thead> <tr> <th data-bbox="587 981 954 1003">Decision Reference</th> <th data-bbox="954 981 1356 1003">Decision Reference</th> </tr> </thead> <tbody> <tr> <td data-bbox="587 1003 954 1025">6.</td> <td data-bbox="954 1003 1356 1025">11.</td> </tr> <tr> <td data-bbox="587 1025 954 1048">7.</td> <td data-bbox="954 1025 1356 1048">12.</td> </tr> <tr> <td data-bbox="587 1048 954 1070">8.</td> <td data-bbox="954 1048 1356 1070">13.</td> </tr> <tr> <td data-bbox="587 1070 954 1075">9.</td> <td data-bbox="954 1070 1356 1075">14.</td> </tr> </tbody> </table>	Decision Reference	Decision Reference	6.	11.	7.	12.	8.	13.	9.	14.
Decision Reference	Decision Reference										
6.	11.										
7.	12.										
8.	13.										
9.	14.										

1.1.10 CONTROL OF RESERVES AND CERTAIN UNVESTED FACILITIES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the City of Wanneroo that the City of Wanneroo could do under s.5 of the Parks and Reserves Act 1895 . [s.3.54(1)].	
Statutory Power being Delegated:	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Nil	
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 CEO may delegate powers and duties to other employees	
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Planning and Sustainability Director Assets	
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.	
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Details of actions taken are to be recorded on the appropriate file or record and a report presented to Council at its next ordinary meeting.	
Compliance Links	<i>Parks and Reserves Act 1895</i> <i>Land Administration Act 1997</i> <i>Financial Interest Return Rrequired - Yes</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. CE01-06/18	6.	11.
2. 18/203840	7.	12.
3.	8.	13.
4.	9.	14.

1.1.11 DETERMINING THAT TENDERS DO NOT HAVE TO BE INVITED FOR THE SUPPLY OF GOODS AND SERVICES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11 (2)(f)].
Statutory Power being Delegated:	<i>Local Government Act 1995</i> s.3.57 Tenders for providing goods or services <i>Local Government (Function and General) Regulations 1996</i> Regulation r. 11(2)(f) When tenders have to be publicly invited
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	The determination is to be supported by a detailed report; and subject to the requirements and conditions of Council's Purchasing Policy.
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Nil
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	The determination is to be recorded in the appropriate record.
Compliance Links	City of Wanneroo Purchasing Policy Financial Interest Returns Required - Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. CE01-06/18	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

1.1.12 TENDERS TO BE INVITED FOR CERTAIN CONTRACTS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Prior to tenders being publicly invited, the determination, in writing, of the criteria for deciding which tender should be accepted; and 2. Publicly invite tenders before entering into a contract for the supply of goods or services if the consideration under the contract is, or is expected to be, worth more than \$150,000<u>\$250,000</u>. 3. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Statutory Power being Delegated:	<i>Local Government Act 1995</i> s.3.57(1) Tenders for providing goods or services <i>Local Government (Function and General) Regulations 1996</i> r.11(1) When tenders have to be publicly invited r.14(2a) & (5) Publicly inviting tenders, requirements for and
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<p>Tenders can only be invited for those goods and services identified in the Annual Budget, Corporate Business Plan or separately approved by Council.</p> <p>Acceptance of the most advantageous tender is subject to Section 3.57(1) of the Local Government Act 1995, Regulation 11(1) of the Local Government (Functions and General) Regulations 1996 and Delegation 1.1.14.</p> <p>Subject to the requirements and conditions of Council's Purchasing Policy.</p>
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	All Directors Manager Contracts & Procurement is appointed for the purposes of Function 3 only.
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.

Record Keeping Statement (LGA 1995) <i>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	The invitation to tender is to be entered into the Tender Register in the manner prescribed. —
Compliance Links	City of Wanneroo Purchasing Policy Financial Interest Returns Required — Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. CE01-06/18 2. 18/313146 3. 18/306398 4. 19/394864	6. 7. 8. 9. 11. 12. 13. 14.

1.1.13 EXTENSION OF CONTRACTS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Subject to the terms of the existing contract, approve an extension to a contract.	
Statutory Power being Delegated:	<i>Local Government (Function & General) Regulations 1996</i> Regulation r. 11(2)(j) When tenders have to be publicly invited	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Subject to the: <ul style="list-style-type: none">tender specifying the provisions of the option term;contract providing for the extension;extension being on the same terms and conditions as the last year of the original term but does allow for price increases in line with the contract provisions (if any) for price.	
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> Section s. 5.44 - CEO may delegate powers or duties to other employees	
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	All Directors	
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.	
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Details of the extension must be recorded in the appropriate record. —	
Compliance Links	<i>Financial Interest Return</i> R required — Yes	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. CE01-06/18	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.

1.1.14 CHOICE OF MOST ADVANTAGEOUS TENDER

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<p>1. To consider the most advantageous tender to accept by means of a written evaluation of the extent of which each tender satisfies the criteria and has not been rejected in accordance with Regulations 18(1), 18(2) or 18(3) of the Local Government (Function and General) Regulations 1996.</p> <p>2. To decline to accept any tender.</p>
Statutory Power being Delegated:	<i>Local Government (Function and General) Regulations 1996</i> r.18(4), (4a) & (5) Rejecting and accepting tenders
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer.
Council's Conditions on Delegation:	<p><u>Function Delegation</u> 1. <u>Subject to a provision in the adopted Annual Budget and / or the Long Term Financial Plan</u> and limited to:</p> <ul style="list-style-type: none"> Tenders resulting from the expiry of a recurring contract - \$5 million (life of contract); Supply of plant and equipment - to a maximum amount of \$2,000,000; All other tenders - to a maximum amount of \$1,000,000.
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	<p>All Directors (execution of contractual documents only)</p> <p><u>Where the CEO has a conflict of interest that precludes the CEO from exercising this delegation of authority, the CEO delegates to a Director the authority to exercise this function providing that the Director is not the same Director making the recommendation to the CEO.</u></p>
CEO's Conditions on Sub-delegation:	Once the tender has been accepted by the CEO <u>or Director</u> , the CEO or any Director may execute the contractual documents relating to the acceptance of the tender <u>in accordance with the City's Execution of Documents Policy</u> .
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Acceptance must be recorded in the appropriate record and in the Tender Register as required by Regulation 17 of the Local Government (Functions and General) Regulations 1996.
Compliance Links	<i>Delegation 4.5.4 – Execution of Documents</i> <u>City of Wanneroo Execution of Documents Policy and Management Procedure</u>

Financial Interest Returns <u>R</u> required - Yes		
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. CE04-12/16	6.	11.
2. 16/421025	7.	12.
3. 17/335505	8.	13.
4. CE01-06/18	9.	14.

1.1.15 MINOR VARIATION IN GOODS OR SERVICES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	With the approval of the tenderer, make a minor variation in a contract for goods or services before entering into the contract with the successful tenderer.
Statutory Power being Delegated:	Local Government (Function and General) Regulations 1996 r.20(1) Variation of requirements before entry into contract
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	That the variation is minor having regard to the total goods or services that tenderers were invited to supply
Statutory Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	All Directors - \$10,000
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Details of the minor variation must be recorded in the appropriate record. —
Compliance Links	City of Wanneroo Purchasing Policy Financial Interest Returns <u>R</u> required - Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. CE01-06/18	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

1.1.16 SELECTING THE NEXT MOST ADVANTAGEOUS TENDER

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	If the successful tenderer is unwilling or unable to accept the contract with the variation or the local government and the tenderer cannot reach agreement, select the next most advantageous tenderer.
Statutory Power being Delegated:	<i>Local Government (Function and General) Regulations 1996</i> r.20(2) Variation of requirements before entry into contract
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Subject to:- <ul style="list-style-type: none"> • Regulation r.20(2) of the Local Government (Functions and General) Regulations 1996; and • A provision in the adopted Annual Budget and / or the Long Term Financial Plan and limited to: <ul style="list-style-type: none"> ○ Tenders resulting from the expiry of a recurring contract - \$5 million (life of contract); ○ Supply of plant and equipment - to a maximum amount of \$2,000,000; ○ All other tenders – to a maximum amount of \$1,000,000
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A All Directors (execution of contractual documents only) Where the CEO has a conflict of interest that precludes the CEO from exercising this delegation of authority, the CEO delegates to a Director the authority to exercise this function providing that the Director is not the same Director making the recommendation to the CEO.
CEO's Conditions on Sub-delegation:	N/A Once the tender has been accepted by the CEO or Director, the CEO or any Director may execute the contractual documents relating to the acceptance of the tender in accordance with the City's Execution of Documents Policy.
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Acceptance must be recorded in the appropriate record and in the Tender Register as required by regulation 17 of the Local Government (Functions and General) Regulations 1996. —
Compliance Links	Delegation 4.5.4 – Execution of Documents City of Wanneroo Execution of Documents Policy and

		Management Procedure <i>Financial Interest Returns Rrequired - Yes</i>	
Delegation Administration:			
Decision Reference		Decision Reference	
1. CE06-05/17		6.	
2. CE01-06/18		7.	
3.		8.	
4.		9.	
		11.	
		12.	
		13.	
		14.	

1.1.17 SEEKING EXPRESSIONS OF INTEREST FOR GOODS AND SERVICES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Statutory Power being Delegated:	<p><i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer</p>
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<p><i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	<p><u>Sub-delegation for function 1 only:</u> Director Assets Director Corporate Strategy & Performance</p>
CEO's Conditions on Sub-delegation:	<p>If expressions of interest are sought before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.</p> <p>The notice is required to include —</p> <ol style="list-style-type: none"> (a) a brief description of the goods or services required; and (b) particulars identifying a person from whom more detailed information may be obtained; and (c) information as to where and how expressions of interest may be submitted; and (d) the date and time after which expressions of interest cannot be submitted. <p>The time specified in the notice as the time after which expressions of interest cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.</p>

Record Keeping Statement (LGA 1995) <i>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	Details of the expression of interest sought, received and accepted must be recorded in the appropriate record and in the Tender Register as required by Regulation 17 of the Local Government (Functions and General) Regulations 1996. <i>Financial Interest Returns Required – Yes</i>
Compliance Links	Financial Interest Returns <i>Required</i> - Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. CE01-06/18 2. 18/203840 3. 18/313146 4. 19/394864	6. 7. 8. 9.
	Decision Reference
	11. 12. 13. 14.

1.1.18 VARIATION TO CONTRACT FOR THE SUPPLY OF GOODS AND SERVICES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Vary a contract with the successful contractor for the supply of goods and services in accordance with Regulation 21A of the <i>Local Government (Function and General) Regulations 1996</i> .	
Statutory Power being Delegated:	<i>Local Government (Function and General) Regulations 1996</i> r Regulation 21A Varying a contract for the supply of goods or services	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Nil	
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> Section s. 5.44 - CEO may delegate powers or duties to other employees	
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	All Directors Manager Asset Maintenance Manager Infrastructure Capital Works Manager Parks & Conservation Management Manager Waste Services	
CEO's Conditions on Sub-delegation:	1. —The amount of the variation limited to the sub-delegates purchasing approval limit; and 2. —The amount of the variation must be within the approved budget.	
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	Details of the variation must be recorded in the appropriate record.	
Compliance Links	City of Wanneroo Purchasing Policy <i>Financial Interest Return Required – Yes</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. 17/102900	6.	11.
2. CE01-06/18	7.	12.
3. 19/394864	8.	13.
4.	9.	14.

1.1.19 PANELS OF PRE-QUALIFIED SUPPLIERS FOR GOODS AND SERVICES

<p>Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>	<ol style="list-style-type: none"> 1. Authority to establish a panel of pre-qualified suppliers to supply particular goods or services [F&G r.24AB]. 2. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 3. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 4. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)]. 5. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 6. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 7. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 8. Authority to decline to accept any application [F&G r.24AH(5)]. 9. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)]
<p>Statutory Power being Delegated:</p>	<p><i>Local Government (Functions and General) Regulation 1996:</i></p> <ul style="list-style-type: none"> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers r.24AJ(1) Contracts with pre-qualified suppliers
<p>Power is originally assigned to:</p>	<p>Local Government</p>

Statutory Power of Delegation	<i>Local Government Act 1995</i> Section s. 5.42 Delegation of some powers or duties to the CEO Section s. 5.43 Limits on delegations to CEO		
Power Delegated to:	Chief Executive Officer		
Council's Conditions on Delegation:	<div>a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is included in the adopted Annual Budget; and</div> <div>b. Subject to compliance with the City's Purchasing Policy</div>		
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> Section s. 5.44 CEO may delegate powers or duties to other employees		
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	All Directors Executive Manager Governance & Legal Manager Contracts & Procurement		
CEO's Conditions on Sub-delegation:	<div>a. Subject to the conditions on delegation to the CEO; and</div> <div>b. Individual contracts entered into with prequalified suppliers in accordance with function 9 not exceeding \$500,000 for Directors and \$250,000 for the Executive Manager Governance & Legal; and</div> <div>c. Manager Contracts & Procurement is only delegated the authority to undertake functions 4 and 7 vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation.</div>		
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	Details of the panel and any actions taken by the panel are to be recorded in the appropriate record.		
Compliance Links	<i>Financial Interest Return Required – Yes</i>		
Delegation Administration:			
Decision Reference		Decision Reference	
1. CS05-05/17		11.	
2. CE01-06/18		12.	
3. 18/203840		13.	
4. CE01-08/18		14.	

1.1.20 DISPOSING OF PROPERTY (PUBLIC AUCTION, PUBLIC TENDER OR PRIVATE TREATY)

<p>Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) to the highest bidder at public auction [s.3.58(2)(a)]. (b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
<p>Statutory Power being Delegated:</p>	<p>Local Government Act 1995: s.3.58(2) & (3) Disposing of Property</p>
<p>Power is originally assigned to:</p>	<p>Local Government</p>
<p>Statutory Power of Delegation:</p>	<p>Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
<p>Power Delegated to:</p>	<p>Chief Executive Officer</p>
<p>Council's Conditions on Delegation:</p>	<p>Subject to:</p> <p>— The disposal complying with the requirements of:</p> <p>a) Section 3.58 of the Local Government Act 1995; and b) The exclusions set out in Regulation 30 of the Local Government (Functions and General) Regulations 1996; a) Council Policies or Management Procedures; and</p> <p>1. The disposal of property being less than \$250,000, except for land; or</p> <p>2. The disposal of land (by sale) being:</p> <p>(a) identified in the City's Annual Budget and valued up to \$600 000 excluding GST; or</p> <p>(b) based on two independent market valuations engaged by the City, for an amount not exceeding \$250 000.</p> <p>— The disposal of land (by lease or licence) being:</p> <p>— identified in the City's Annual Budget and having an annual rental of \$100,000 excluding GST; or</p> <p>— based on an independent market valuation engaged by the City, for an annual rental of \$35,000 excluding GST.</p>

Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> <u>S5s.5.44</u> CEO may delegate powers and duties to other employees		
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Assets - \$150,000 Director Corporate Strategy & Performance - \$150,000 Manager Asset Maintenance - \$50,000 Manager Contracts & Procurement \$50,000 Manager Property Services \$150,000		
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO. The delegation to the Manager Property Services is for the disposal of land only.		
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	The full details of the transaction including copies of the advertisements to be recorded on the appropriate record and or register.		
Compliance Links	<ul style="list-style-type: none">• Section 3.58 of the Local Government Act 1995• Strategic Land Policy• Disposal of Property other than Land and Buildings Management Procedure		
Financial Interest Return Required - Yes			
Delegation Administration:			
Decision Reference		Decision Reference	
Decision Reference		Decision Reference	
1. CE06-05/17	6.	11.	
2. CE01-06/18	7.	12.	
3. 19/394864	8.	13.	
4.	9.	14.	

1.1.21 DISPOSING OF PROPERTY (LAND) BY LEASE OR LICENCE

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority for the disposal of property in accordance with section 3.58 of the Local Government Act 1995 by lease or licence. <i>NOTE: Section 3.58(1) defines: 'dispose' as includes to sell, lease, or otherwise dispose of, whether absolutely or not; and 'property' as includes the whole or any part of the interest of a local government in property, but does not include money.</i>
Statutory Power being Delegated:	Section 3.58 Local Government Act 1995 <u>s.3.58 Disposing of Property</u>
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<p>_____ and ii. The exclusions set out in Regulation 30 of the Local Government (Functions and General) Regulations 1996; _____.</p> <p>2. of land being identified in the City's Annual Budget;</p> <p>and The <u>grant of a lease or licence in relation to:</u></p> <p><u>1. freehold land owned by the City; or</u> <u>2. crown land managed/leased by the City;</u></p> <p><u>is further subject to:</u></p> <p><u>1. 1. Disposal by Lease:</u></p> <p><u>a) a) The disposal of property by lease being subject to:</u></p> <p><u>i. i. The lease being in accordance with the City's Leasing Policy (as then applicable);</u></p> <p><u>ii. ii. The term of the lease being no greater than five ten (510) years (including option periods);</u></p> <p><u>iii. iii. The rental fee payable being no greater than \$5075,000 (plus GST) per annum during the initial year of the lease term (exclusion of any rental incentives or abatements); and</u></p> <p><u>iv. iv. The area leased being no greater than 1000m2 1500m2.</u></p> <p><u>b) An agreement to vary, or an agreement arising from the terms of a lease including but not limited to</u></p>

novations, terminations, surrenders, renewal options, assignments (including consent to a deemed assignment), subletting, special conditions or payment schedules of a lease subject to:

- i. ~~i.~~ In the case of a variation, the variation being minor in nature in accordance with the City's Leasing Policy (as then applicable); and
- ii. ~~ii.~~ In the case of an extension:

- A. the lease providing for an option for extension and specifying the applicable terms of that option term;
- B. the exercise of the option for extension being in accordance with the terms of the option provisions of the original lease, and in particular that the lessee is not in a material and unremedied breach of that lease; and
- C. the extension being in accordance with the option provisions of the original lease.

2. Disposal by Licence:

a) ~~a)~~ The disposal of property by licence being subject to:

- i. The licence being in accordance with the City's Leasing Policy (as then applicable);
- ii. The granting of a licence being permitted under the City's management order or lease;
- iii. The term of the licence being no greater than ~~five~~ ten (~~5~~10) years;
- iv. The fee payable being no greater than ~~\$10~~20,000 (plus GST) per annum during the initial year of the licence term; and
- v. The area licenced being no greater than ~~1000m~~22000m².

b) ~~b)~~ An agreement to vary, or an agreement arising from the terms of a licence including but not limited to novations, terminations, surrenders, renewal options, assignments (including consent to a deemed assignment), sublicensing, special conditions or payment schedules of a licence subject to:

- i. In the case of a variation, the variation being minor in nature in accordance with the City's Leasing Policy (as then applicable); and
- ii. In the case of an extension:
 - A. the licence providing for an option for extension and specifying the applicable terms of that option term;
 - B. the exercise of the licence being in accordance with the terms of the option

	provisions of the original licence, and in particular that the licensee is not in a material and unremedied breach of that licence; and C. the extension being in accordance with the option provisions of the original licence
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> Ss.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Corporate Strategy & Performance Manager Property Services
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	The full details of the transaction including copies of the advertisements to be recorded on the appropriate record and or register.
Compliance Links	Local Government Act 1995 s. 3.58 Disposing of Property City of Wanneroo Leasing Policy Financial Interest Return R required - Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. CE03-10/17	6.
2. 17/347558	7.
3. CE01-06/18	8.
4.	9.
	11.
	12.
	13.
	14.

1.1.22 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER (FOR PERIODS OF 35 DAYS OR LESS)

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	The power to make appointments to the position of Acting Chief Executive officer for a period of 35 days or less.		
Statutory Power being Delegated:	<i>Local Government Act 1995</i> Section-s. 5.36(1)(a) local government employees		
Power is originally assigned to:	Local Government		
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO		
Power Delegated to:	Chief Executive Officer		
Council's Conditions on Delegation:	<div>1. The position of Acting Chief Executive Officer can only be conferred on an employee of the City of Wanneroo who currently holds the position of Director and is designated as a "Senior Employee" in accordance with section 5.37(1) of the Local Government Act 1995.</div> <div>2. Delegated authority is only granted for appointments to the position of Acting Chief Executive Officer covering a period of 35 days or less. In instances where an appointment is required for a period exceeding 35 days, then that proposed appointment must be presented to Council for determination prior to the appointment taking effect. The calculation of the period includes all days – business days, weekends and public holidays.</div>		
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s. 5.44 CEO may delegate powers and duties to other employees		
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Nil		
CEO's Conditions on Sub-delegation:	N/A		
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	<div>The Chief Executive Officer must advise Elected Members, on a quarterly basis, of any appointments made to the position of Chief Executive Officer under delegated authority for the ensuing three month period.</div> <div>In instances where it is necessary for an appointment to be made at short notice, then Elected Members are to be advised of that appointment as soon as possible.</div> <div>Details of appointments made under this delegation are to be retained on the appropriate file or record.</div> <div>—</div>		
Compliance Links	<i>Financial Interest Return</i> R <u>required</u> - Yes		
Delegation Administration:			
Decision Reference	Decision Reference	Decision Reference	
1. CE01-06/18	6.	11.	
2. 20/34041	7.	12.	
3.	8.	13.	
4.	9.	14.	

1.1.23 PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	The authority to make payments from the municipal fund or the trust fund.
Statutory Power being Delegated:	<i>Local Government (Financial Management) Regulations 1996</i> Regulation <u>r.12</u> (1)(a). Payments from municipal fund or trust fund, restrictions on making.
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> Section <u>s.5.42</u> – Delegation of some power or duties to the CEO Section <u>s.5.43</u> – Limitations on delegation to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Subject to the requirements of Regulation 13 of the Local Government (Financial Management) Regulations 1996. Each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month which is to be presented at the next ordinary meeting of Council.
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> Ss <u>s.5.44</u> CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Group A: Director Corporate Strategy & Performance Director Community & Place Director Assets Director Planning & Sustainability Manager Finance Coordinator Financial & Strategic Accounting Group B: Team Leader Financial Accounting Coordinator Rates & Accounts Financial Accountant Strategic Finance Business Partner Capital Analyst
CEO's Conditions on Sub-delegation:	<ul style="list-style-type: none"> Each invoice is required to be approved for payment by instigating officer and approving officer in accordance to the requirements of the Purchasing Approval Corporate Policy and Management Procedure. When authorising payments each payment voucher is to be authorised as follows before payment is processed: <ul style="list-style-type: none"> Up to \$50,000 – One signature is required (either group A or B) \$50,001- and over – Two signatures required (either 2 from group A, or 1 from group A and 1 from group B) The actual transmission of the funds by EFT is authorised

	<p>using password protected banking software by any 2 officers (either group A or B).</p> <ul style="list-style-type: none">• Internal Fund Transfers* – One signature is required (either group A or B)• Payroll Transfers** – One signature is required (either group A or B) <p>* Internal fund transfers are transfers between the City's trading accounts (excludes the City's Trust Account and the daily cash management account).</p> <p>** Subject to certification by officer preparing payroll and any 2 officers (either group A or B).</p>	
<p>Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p>	<p>As per the requirements of Regulation 13 of the Local Government (Financial Management) Regulations 1996.</p>	
<p>Compliance Links</p>	<p>Local Government (Financial Management) Regulations 1996</p> <p><u>City of Wanneroo</u> Purchasing Policy</p> <p>Financial Interest Return Rrequired - Yes</p>	
<p>Delegation Administration:</p>		
<p>Decision Reference</p> <p>1. CS05-11/14</p> <p>2. CE06-05/17</p> <p>3. CE01-06/18</p> <p>4. 18/203840</p>	<p>Decision Reference</p> <p>6. 18/313146</p> <p>7. 19/376416</p> <p>8. 19/394864</p> <p>9.</p>	<p>Decision Reference</p> <p>11.</p> <p>12.</p> <p>13.</p> <p>14.</p>

1.1.24 WAIVER, GRANT OF CONCESSION OR WRITE OFF OF MONIES OWING

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<p>1. The waiver or grant of concessions in relation to any amount of money that it is owed to the City (but specifically excludes rates and service charges); or</p> <p>2. The write off of any amount of money that it is owed to the City.</p> <p>Note that:</p> <ul style="list-style-type: none"> • section-Function 1 applies to fees and charges as they are incurred; and • section-Function 2 applies to debts owed to the City.
Statutory Power being Delegated:	<i>Local Government Act 1995</i> Section s 6.12(1) (b) & (c) Power to defer, grant discounts, waive or write off debts
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> Section s 5.42 – Delegation of some power or duties to the CEO Section s 5.43 – Limitations on delegation to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<p>Subject to:</p> <p>a) Section 6.12(2) of the Act which states that Section 6.12 (1) (b) “waive or grant concessions” does not apply to an amount of money owing in respect of rates and service charges;</p> <p>the waiver, concession or write off of money owing not exceeding \$10,000;</p> <p>b) All waivers, concessions or write offs of money owing greater than \$5001 to be reported to the Audit and Risk Committee; and</p> <p>c) Council's Accounting Policy.</p>
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> S5s 5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Corporate Strategy & Performance Director Community & Place Director Assets Director Planning & Sustainability
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the</i>	The full details of the waiver, concession or write off to be recorded on the appropriate financial record.

power or the discharge of the duty."	
Compliance Links	Financial Interest Returns Required - Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. 17/46347	6.
2. CE01-06/18	7.
3. 19/470186	8.
4.	9.
	11.
	12.
	13.
	14.

1.1.25 AMENDING THE RATE RECORD

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year
Statutory Power being Delegated:	Local Government Act 1995: s.6.39(2)(b) Rate record
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Delegates must comply with the requirements of s.6.40 of the Act.
Statutory Power to Sub-Delegate:	Local Government Act 1995 Ss 5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Corporate Strategy & Performance Manager Finance
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	The full details of the determination to be recorded in the appropriate rate record.
Compliance Links	Financial Interest Returns R required - Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. CE01-06/18	6.
2. 19/376416	7.
3. 19/394864	8.
4.	9.
	11.
	12.
	13.
	14.

1.1.26 AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to make an agreement with a person for the payment of rates or service charges.
Statutory Power being Delegated:	<i>Local Government Act 1995</i> Section s. 6.49 - Agreement as to payment of rates and service charges
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Subject to: (a) the arrangements agreed on the basis that the total debt outstanding will be extinguished 12 months from the date of the arrangement in accordance with the criteria determined by the Director Corporate Strategy and Performance in the relevant management procedure; or (b) if the Financial Hardship – Collection of Rates and Service Charges Policy applies, the arrangements agreed to being on the basis that the total debt outstanding will be extinguished 3 <u>three</u> years from the date of the arrangement.
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Corporate Strategy & Performance Manager Finance <u>Chief Operating Officer</u> Coordinator Rates & Accounts
CEO's Conditions on Sub-delegation:	Decisions under Condition (b) above are only to be exercised by the Chief Executive Officer as detailed in the Financial Hardship – Collection of Rates and Services Charges Policy.
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	The full details of the determination to be recorded in the appropriate rate record.
Compliance Links	<u>Financial Hardship – Collection of Rates and Service Charges Policy</u> <u>Financial Interest Returns</u> R <u>r</u> required - Yes

Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. CE06-05/17	6. 19/394864	11.
2. CE01-06/18	7.	12.
3. CS03-06/19 Insertion of (b) under conditions.	8.	13.
4. 19/376416	9.	14.

1.1.27 RECOVERY OF RATES OR SERVICE CHARGES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].	
Statutory Power being Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Nil	
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 CEO may delegate powers and duties to other employees	
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Corporate Strategy & Performance Manager Finance <u>Chief Operating Officer</u>	
CEO's Conditions on Sub-delegation:	N/A	
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	The full details of the determination to be recorded in the appropriate rate record.	
Compliance Links	<i>Financial Interest Returns Required - Yes</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. CE01-06/18	6.	11.
2. 19/376416	7.	12.
3. 19/394864	8.	13.
4.	9.	14.

1.1.28 RECOVERY OF RATES DEBTS - REQUIRE LESSEE TO PAY RENT

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<div>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the City of Wanneroo [s.6.60(2)].</div> <div>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].</div>	
Statutory Power being Delegated:	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Subject to section 6.60(3) of the Local Government Act 1995 – the City is to give the lessor a copy of the notice with an endorsement that the original of it has been given to the lessee.	
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 CEO may delegate powers and duties to other employees	
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Corporate Strategy & Performance	
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.	
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	The full details of the determination to be recorded in the appropriate rate record.	
Compliance Links	<i>Financial Interest Returns Rrequired - Yes</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. CE01-06/18	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.

1.1.29 RATE RECORD - OBJECTIONS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Statutory Power being Delegated:	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	An extension is not to be granted for a period exceeding six weeks. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Corporate Strategy & Performance Manager Finance
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	The full details of the determination to be recorded in the appropriate rate record.
Compliance Links	<i>Financial Interest Returns Required - Yes</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. CE01-06/18	6.
2. 19/376416	7.
3. 19/394864	8.
4.	9.
	11.
	12.
	13.
	14.

1.1.30 PUBLIC THOROUGHFARE – DANGEROUS EXCAVATIONS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)]
Statutory Power being Delegated:	Local Government (Uniform Local Provisions) Regulations 1996: r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> Ss 5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Assets Director Planning & Sustainably
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records	The permission and notice issued to be in writing and recorded on the appropriate record.

<i>in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	
Compliance Links	<i>Financial Interest Returns Required - Yes</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. CE06-05/17	6.
2. CE01-06/18	7.
3. 18/313146	8.
4. 18/306398	9.
	11.
	12.
	13.
	14.

1.1.31 CROSSING – CONSTRUCTION, REPAIR AND REMOVAL

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)]. 2. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 3. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Statutory Power being Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	<p>Function 1 only:</p> <p>Director Planning & Sustainability Manager Approval Services Manager Land Development Coordinator Building Services Senior Building Surveyors</p> <p>Function 2 only:</p> <p>Manager Health & Compliance Coordinator Compliance</p> <p>Functions 2 & 3 to be undertaken by the following delegates:</p> <p>Director Assets Manager Asset Maintenance</p>
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.

Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	The approval is to be in writing and recorded on the appropriate record.
Compliance Links	<i>Financial Interest Returns Required - Yes</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. 16/329065 & 17/47779	6. 19/241380
2. CE01-06/18	7. 19/2895800
3. 18/313146	8.
4. 18/306398	9.
	11.
	12.
	13.
	14.

1.1.32 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Statutory Power being Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> Regulation r. 17 Private works on, over, or under public places — Sch. 9.1 cl. 8
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. <p>Subject to:</p> <ul style="list-style-type: none"> • Schedule 3.1, Division 2, item 3 of the Local Government Act 1995; and • That due process for the issuing of a notice under section 3.25 of the Act is followed. •
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Assets Director Planning & Sustainability
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records"	The approval is to be in writing and recorded on the appropriate record.

<i>in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	
Compliance Links	<ul style="list-style-type: none"> • Schedule 3.1, Division 2, item 3 of the Local Government Act 1995: and • That due process for the issuing of a notice under section 3.25 of the Act is followed. <p><i>Financial Interest Returns Rrequired - Yes</i></p>
Delegation Administration:	
Decision Reference	Decision Reference
1. CE01-06/18 2. 3. 4.	6. 7. 8. 9. 11. 12. 13. 14.

1.2 CEO TO EMPLOYEES

1.2.1 DETERMINATION OF THE WARD OF RATEABLE PROPERTY

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to determine the ward for an enrolment eligibility claim in respect of rateable property situated in one ward and partly in another ward, where the ward was not nominated by the owner or occupier making the claim.
Statutory Power being Delegated:	<i>Local Government Act 1995</i> Section s.4.31(1B)(a) Rateable property: ownership and occupation
Power is originally assigned to:	CEO
Statutory Power of Delegation	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Power Delegated to: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Corporate Strategy & Performance Manager Council & Corporate Support
CEO's Conditions on Sub-delegation:	Subject to section 4.31 of the Local Government Act 1995.
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	All documentation relative to the claim is to be retained as required by legislation.
Compliance Links	<i>Local Government Act 1995</i> <i>s.4.31 Rateable property: ownership and occupation</i> Financial Interest Return R required - Yes
Delegation Administration:	
Decision Reference	Decision Reference
1. CE06-05/17	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

1.2.2 ELECTORAL ENROLMENT ELIGIBILITY CLAIMS AND ELECTORAL ROLL

<p>Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)] 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)] 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
<p>Statutory Power being Delegated:</p>	<p>Local Government Act 1995: s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election Local Government (Elections) Regulations 1995 r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)</p>
<p>Power is originally assigned to:</p>	<p>CEO</p>
<p>Statutory Power of Delegation:</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>
<p>Power Delegated to:</p>	<p>Director Corporate Strategy & Performance</p>

<i>The exercise of the delegated power does not include the power of delegation</i>	Manager Council & Corporate Support
CEO's Conditions on Sub-delegation:	Subject to the requirements of the relevant legislation
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	All documentation relative to the claim is to be retained as required by legislation.
Compliance Links	<i>Financial Interest Returns Rrequired - Yes</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. CE06-05/17	6.
2. 18/203840	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

1.2.3 DESTRUCTION OF LOCAL GOVERNMENT ELECTION MATERIAL

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].	
Statutory Power being Delegated:	<i>Local Government (Elections) Regulations 1996</i> ⁶⁷ : r.82(4) Keeping election papers – s4.84(a)	
Power is originally assigned to:	CEO	
Statutory Power of Delegation:	<i>Local Government Act 1995</i> : s.5.44 CEO may delegate some powers and duties to other employees	
Power Delegated to: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Corporate Strategy & Performance Manager Council & Corporate Support	
CEO's Conditions on Sub-delegation:	The authorisation is subject to the requirements of the State Records Act 2000 and its subsidiary legislation and with Regulation 82 of the Local Government (Elections) Regulations 1997.	
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Disposal Authority Approval to be recorded by the City's Archivist as appropriate <i>Financial Interest Returns Required – Yes</i>	
Compliance Links	<i>State Records Act 2000</i> <i>Local Government (Elections) Regulations 1996</i> ⁶⁷ <i>Financial Interest Returns</i> <i>s 4.84</i> ⁶⁷ <i>Required - Yes</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. CE06-05/17	6.	11.
2. 18/203840	7.	12.
3.	8.	13.
4.	9.	14.

1.2.4 INFORMATION TO BE AVAILABLE TO THE PUBLIC

<p>Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>	<ol style="list-style-type: none"> 1. Authority to determine the public right to inspect information does not extend to unconfirmed minutes of Council or Committee meetings, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not, unless the information to be inspected is a record of a decision made at the meeting [Admin. r.29(2)]. 2. Authority to determine the public right to inspect information in notice papers and agenda, reports and other documents which are to be tabled at a meeting or have been produced for presentation at a meeting and have been made available to members of the Council, in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)]. 4. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
<p>Statutory Power being Delegated:</p>	<p><i>Local Government (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.5.95(1)(b) & (3)(b) Limits on right to inspect local government information</p>
<p>Power is originally assigned to:</p>	<p>CEO</p>
<p>Statutory Power of Delegation:</p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<p>Power Delegated to: <i>The exercise of the delegated power does not include the power of delegation</i></p>	<p>Director Corporate Strategy & Performance Manager Council & Corporate Support</p>

CEO's Conditions on Sub-delegation:	Subject to section 5.95 of the Local Government Act 1995 and the Freedom of Information Act 1992 .		
	The manner and form by which a person may request copies of rates record information or owners and occupiers register and electoral rolls and to authority to make the information available, if satisfied, that the information will not be used for commercial purposes has been set out in the Requests for Information about Owner Occupiers, Electors & Ratepayers Management Procedure.		
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	All documentation relative to the decision to deny the person the right to inspect information is to be retained on the appropriate file and the CEO informed.		
Compliance Links	<i>Requests for Information about Owner Occupiers, Electors & Ratepayers Management Procedure</i> <i>Financial Interest Returns Rrequired – Yes</i>		
Delegation Administration:			
Decision Reference	Decision Reference	Decision Reference	
1. CE06-05/17	6.	11.	
2. 18/203840	7.	12.	
3. 18/313146	8.	13.	
4.	9.	14.	

1.2.5 INFRINGEMENT NOTICE REVIEW – LOCAL GOVERNMENT ACT 1995, REGULATIONS AND LOCAL LAWS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to consider that a vehicle that is the subject of an infringement notice has been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)] 2. Authority to extend the 28 day period within which payment of a modified penalty may be paid, whether or not the period of 28 days has elapsed. 3. Authority to withdraw an infringement notice (within one year after the date of the notice was given) whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20]
Statutory Power being Delegated:	<i>Local Government Act 1995</i> <u>Section s.9.13(6)(b)</u> Onus of proof in vehicle offences may be shifted <u>Section s.9.19</u> Extension of time <u>Section s.9.20</u> Withdrawal of notice
Power is originally assigned to:	CEO
Statutory Power of Delegation:	<i>Local Government Act 1995</i> <u>s.5.44</u> —CEO may delegate powers and duties to other employees
Power Delegated to: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Community & Place Director Planning & Sustainability Manager Community Safety & Emergency Management Manager Health & Compliance
CEO's Conditions on Sub-delegation:	Subject to the City's Infringement Notice Review and Withdrawal Management Procedure and the requirements of Section 9.20 of the <i>Local Government Act 1995</i> . <i>A delegate, who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</i>
Record Keeping Statement (LGA 1995) <i>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	<i>Details of any reviews of infringement notices needs to be recorded in the appropriate file.</i>
Compliance Links	<i>Infringement Notice Review and Withdrawal Management Procedure</i> <i>Financial Interest Returns R_equired – Yes</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. 16/396766 2. 18/274278 3. 4.	6. 7. 8. 9.
	11. 12. 13. 14.

1.2.6 PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW.

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ul style="list-style-type: none"> a) Application for a licence: An application for a licence under the Public Places and Local Government Property Local Law must be in the form determined by the CEO. (s8.1)(2)(a) b) Renewal of a licence: An application for renewal must be in the form determined by the CEO. (s8.9) c) Suspension of licence: The CEO may, subject to clause 8.12, by written notice given to the licensee, suspend a licence under the provisions of s8.11 and 8.12 of the Public Places and Local Government Property Local Law. (s8.11 & 8.12) d) Revocation of suspension: The CEO must, by written notice given to the licensee, revoke the suspension of a licence if the CEO is satisfied that the steps specified in the suspension notice have been taken; or may, by written notice given to the licensee, revoke the suspension if the CEO considers that it is appropriate to do so in the circumstances of a particular case. (s8.13 and 8.14) e) Cancellation of a licence: A licence may be cancelled by the CEO under the provisions of s8.15 of the Public Places and Local Government Property Local Law. (s8.15).
Statutory Power being Delegated:	s8.1, s8.9, s8.11, s8.12, s8.13, s8.14 and s8.15 of the Public Places and Local Government Property Local Law
Power is originally assigned to:	CEO
Statutory Power of Delegation:	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
Power Delegated to:	Director Assets Director Community and Place Manager Community Facilities Manager Place Management
CEO's Conditions on Delegation:	<ul style="list-style-type: none"> a) The licence must be signed by the applicant, provide the information required by the form and be forwarded to the CEO (or his delegate) together with any fee imposed by the Council under sections 6.16 to 6.19 of the Local Government Act 1995. b) The application for renewal must be signed by the licensee, provide the information required by the form; and be forwarded to the CEO (or his delegate) no later than 28 days before the expiry of the licence, or within a shorter period that the CEO (or his delegate) in a particular case, permits; and be accompanied by any fee imposed by the Council under section 6.16 to 6.19 of the Local Government Act 1995. c) The suspension notice must conform to the provisions of s8.11 (2) and s8.12 of the Public Places and Local Government Property Local Law.

	<p>d) The revocation of the suspension is subject to the provisions of s8.14.</p> <p>e) The cancellation of a licence is subject to the provisions of s8.15.</p>
<p>Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i></p>	<p><i>Any decision made under this delegation is to be recorded in the appropriate file or register</i></p>
<p>Compliance Links:</p>	<p><i>Financial Interest Return rRequired – Yes</i></p>

Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. 19/217438	6.	11.
2. 19/362166	7.	12.
3. 20/13521 and 20/25373	8.	13.
4.	9.	14.

2. OTHER LEGISLATION

2.1 BUILDING ACT 2011

2.1.1 BUILDING ACT 2011 - BUILDING PERMIT

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Statutory Power being Delegated:	<p><i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit</p> <p><i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))</p>
Power is originally assigned to	Local Government
Statutory Power of Delegation:	Section s.127 of the Building Act 2011 s.127 Delegation: special permit authorities and local governments
Power Delegated to:	Chief Executive Officer Director Planning & Sustainability Manager Approval Services Coordinator Building Services Senior Building Surveyors Building Surveyors
Conditions on Delegation:	In undertaking the functions of this delegation, all delegates must be employed by the City of Wanneroo in accordance with section

	<p><u>5.36 of the Local Government Act 1995.</u></p> <p><u>Business Practice Condition:</u></p> <p><u>The ability for Building Surveyors to exercise the functions of this delegation is dependent on a review being conducted by the Senior Building Surveyor or Coordinator Building Services prior to undertaking any function under this delegation.</u></p> <p><u>The ability for Building Surveyors to exercise the functions of this delegation is limited to:</u></p> <p><u>1) Certified Swimming pool barriers;</u></p> <p><u>2) Certified Applications where a Development Approval has been granted.</u></p> <p><u>In all other circumstances is dependent on a satisfactory peer review of the application being conducted by the Senior Building Surveyor or Coordinator Building Services</u></p>
Statutory Power to Sub-Delegate:	<p><u>Nil</u></p> <p><u>Building Act 2011</u></p> <p><u>s.127-(6a) Delegation: special permit authorities and local governments</u></p>
<p>CEO's Sub-Delegation:</p> <p><i>The exercise of the delegated power does not include the power of delegation</i></p>	<p><u>Director Planning & Sustainability</u></p> <p><u>Manager Approval Services</u></p> <p><u>Coordinator Building Services</u></p> <p><u>Senior Building Surveyors</u></p> <p><u>Building Surveyors</u></p> <p><u>N/A</u></p>
CEO's Conditions on Sub-delegation:	<p><u>In undertaking the functions of this delegation, all delegates must be employed by the City of Wanneroo in accordance with section 5.36 of the Local Government Act 1995.</u></p> <p><u>Business Practice Condition:</u></p> <p><u>The ability for Building Surveyors to exercise the functions of this delegation is limited to:</u></p> <p><u>3) Certified Swimming pool barriers;</u></p> <p><u>4) Certified Applications where a Development Approval has been granted.</u></p> <p><u>In all other circumstances is dependent on a satisfactory peer review of the application being conducted by the Senior Building Surveyor or Coordinator Building Services</u></p> <p><u>N/A</u></p>
<p>Record Keeping Statement (LGA 1995)</p> <p><i>s.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i></p>	<p>Details of actions taken under this delegation are to be retained on the appropriate file or record.</p>
Compliance Links	<p><u>In undertaking the functions of this delegation, all delegates must be employed by the City of Wanneroo in accordance with s.5.36 of the Local Government Act 1995</u></p> <p><u>Financial Interest Returns required - No</u></p>
Delegation Administration:	
Decision Reference	Decision Reference
1. CB02-09/11	6.
2. 16/436067	7.
	11.
	12.

3.	CE06-05/17	8.		13.	
4.	CE01-06/18	9.		14.	

2.1.2 BUILDING ACT 2011 - DEMOLITION PERMIT

<p>Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> a. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] b. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
<p>Statutory Power being Delegated:</p>	<p><i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit</p> <p><i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))</p>
<p>Power is originally assigned to</p>	<p>Local Government</p>
<p>Statutory Power of Delegation:</p>	<p>Section s.127 of the Building Act 2011 s.127 Delegation: special permit authorities and local governments</p>
<p>Power Delegated to:</p>	<p>Chief Executive Officer Director Planning & Sustainability Manager Approval Services Coordinator Building Services Senior Building Surveyors Building Surveyors</p>
<p>Conditions on Delegation:</p>	<p>Delegation does not apply to places listed on the State's Register of Heritage Places or Council's Heritage Register, or to places classified by the National Trust.</p> <p>a) In undertaking the functions of this delegation, all delegates</p>

	<p>must be employed by the City of Wanneroo in accordance with section 5.36 of the Local Government Act 1995.</p> <p><u>Business Practice Condition:</u> The ability for Building Surveyors to exercise the functions of this delegation is dependent on a review being conducted by the Senior Building Surveyor or Coordinator Building Services prior to undertaking any function under this delegation.</p>
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	<p>N/A</p> <p>Director Planning & Sustainability Manager Approval Services Coordinator Building Services Senior Building Surveyors Building Surveyors</p>
CEO's Conditions on Sub-delegation:	<p>N/A <u>Subject to the conditions on delegation to the CEO.</u></p> <p>In undertaking the functions of this delegation, all delegates must be employed by the City of Wanneroo in accordance with section 5.36 of the Local Government Act 1995.</p> <p><u>Business Practice Condition:</u> The ability for Building Surveyors to exercise the functions of this delegation is dependent on a review being conducted by the Senior Building Surveyor or Coordinator Building Services prior to undertaking any function under this delegation.</p>
Record Keeping Statement (LGA 1995) <i>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	Details of actions taken under this delegation are to be retained on the appropriate file or record.
Compliance Links	<p><u><i>In undertaking the functions of this delegation, all delegates must be employed by the City of Wanneroo in accordance with s.5.36 of the Local Government Act 1995</i></u></p> <p><i>Financial Interest Returns required - No</i></p>
Delegation Administration:	
Decision Reference	Decision Reference
1. 16/436067	6.
2. CE06-05/17	7.
3. CE01-06/18	8.
4.	9.
	11.
	12.
	13.
	14.

2.1.3 BUILDING ACT 2011 - OCCUPANCY PERMIT OR BUILDING APPROVAL CERTIFICATE

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any document or information required in order to determine an application. [s55] 2. Authority to grant or refuse to grant or modify the occupancy permit ore building approval certificate in accordance with Section 58 3. Authority to impose, add, vary or revoke conditions on an occupancy permit or building approval certificate in accordance with Section 62 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Statutory Power being Delegated:	<p><i>Building Act 2011</i> Section s.55 Further Information Section s.58 –Grant of Occupancy Permit, Building Approval Certificate Section s.62(1) and (3) Conditions imposed by Permit Authorities s.65(4) Extension of period of duration</p> <p><i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)</p>
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Building Act 2011</i> Section s.127 Delegation: special permit authorities and local governments
Power Delegated to:	Chief Executive Officer Manager Approval Services Coordinator Building Services Senior Building Surveyors
Conditions on Delegation:	In undertaking the functions of this delegation, all delegates must be employed by the City of Wanneroo in accordance with section s.5.36 of the Local Government Act 1995.
Statutory Power to Sub-Delegate:	Building Act 2011 s.127(6a) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A Director Planning & Sustainability Manager Approval Services Coordinator Building Services Senior Building Surveyors

CEO's Conditions on Sub-delegation:	In undertaking the functions of this delegation, all delegates must be employed by the City of Wanneroo in accordance with s.5.36 of the Local Government Act 1995. N/A	
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Details of actions taken under this delegation are to be retained on the appropriate file or record.	
Compliance Links	In undertaking the functions of this delegation, all delegates must be employed by the City of Wanneroo in accordance with s.5.36 of the Local Government Act 1995. <i>Financial Interest Returns required - No</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. 16/436067	6.	11.
2. CE06-05/17	7.	12.
3. CE01-06/18	8.	13.
4.	9.	14.

2.1.4 BUILDING ACT 2011 - BUILDING ORDERS

<p>Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order-; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section s.133(1) for non-compliance with a building order made pursuant to section s.110 of the Building Act 2011.
<p>Statutory Power being Delegated:</p>	<p><i>Building Act 2011</i></p> <p>s.110(1) A permit authority may make a building order</p> <p>s.111(1) Notice of proposed building order other than building order (emergency)</p> <p>s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect</p> <p>s.118(2) and (3) Permit authority may give effect to building order if non-compliance</p> <p>s.133(1) A permit authority may commence a prosecution for an offence against this Act</p>
<p>Power is originally assigned to:</p>	<p>Local Government</p>
<p>Statutory Power of Delegation:</p>	<p>Section s.127 of the Building Act 2011</p> <p>s.127 Delegation: special permit authorities and local governments</p>
<p>Power Delegated to:</p>	<p>Chief Executive Officer</p>
<p>Conditions on Delegation:</p>	<p>In undertaking the functions of this delegation, the delegate may:</p> <ul style="list-style-type: none"> • Refer notices to the City Lawyer or Executive Manager Governance & Legal where it is considered appropriate; and • Determine that an order is to remain in effect in accordance with section 117(2) of the Building Act 2011 where it is considered appropriate.
<p>Statutory Power to Sub-Delegate:</p>	<p><i>Building Act 2011:</i></p> <p>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>

CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Planning & Sustainability Manager Approval Services Manager Health & Compliance Coordinator Building Services Coordinator Compliance Services		
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.		
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	Details of actions taken under this delegation are to be retained on the appropriate file or record.		
Compliance Links	Financial Interest Returns required - No		
Delegation Administration:			
Decision Reference		Decision Reference	
1. 16/436067	6.	11.	
2. CE06-05/17	7.	12.	
3. CE01-08/17	8.	13.	
4. CF01-06/18	9.	14.	

2.1.5 BUILDING ACT 2011 - DESIGNATE EMPLOYEES AS AUTHORISED PERSONS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Statutory Power being Delegated:	Section s. 96 (3) of the <i>Building Act 2011</i>
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Building Act 2011</i> Section s. 127 Delegation: special permit authorities and local governments
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Section s.127 of the <i>Building Act 2011</i> s.127 Delegation: special permit authorities and local governments
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Planning & Sustainability Manager Health & Compliance Manager Approval Services
CEO's Conditions on Sub-delegation:	N/A#
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	<p>Appointment of Authorised Officers is to be facilitated through Governance.</p> <p>Copies of action under this appointment are to be retained on the appropriate file or record.</p> <p>—</p>
Compliance Links	<i>Financial Interest Returns</i> R required - No
Delegation Administration:	
Decision Reference	Decision Reference
1. CE06-05/17	6.
2. CE01-06/18	7.
3. 18/203840	8.
4.	9.
	11.
	12.
	13.
	14.

2.1.6 BUILDING ACT 2011 - PRIVATE SWIMMING POOL BARRIERS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926. 1 [r.51(2)] 2. Authority to approve a door for the purposes of complying with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Statutory Power being Delegated:	<u>Building Regulations 2012:</u> <u>r.51 Approvals by permit authority</u>
Power is originally assigned to:	<u>Local Government (Permit Authority)</u>
Statutory Power of Delegation	<u>Building Act 2011</u> <u>s.127(1) & (3) Delegation: special permit authorities and local government</u>
Power Delegated to:	<u>Chief Executive Officer</u>
Council's Conditions on Delegation:	<u>Nil</u>
Statutory Power to Sub-Delegate:	<u>Building Act 2011</u> <u>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</u>
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	<u>Manager Approval Services</u> <u>Coordinator Building Services</u> <u>Senior Building Surveyors</u>
CEO's Conditions on Sub-delegation:	<u>Business Practice Condition:</u> <u>In undertaking the functions of this delegation, all delegates must be employed by the City of Wanneroo in accordance with section 5.36 of the Local Government Act 1995.</u> <u>The ability to exercise the functions of this delegation is limited to:</u> <ol style="list-style-type: none"> 1) <u>The property being located on the high side of a 3m high retaining wall with a minimum 1.2m boundary barrier in lieu of a 1.8m high complaint boundary barrier;</u> 2) <u>A relaxationperformance solution to the pool barrier gate is permitted only if a person with a disability as defined by the</u>

	<u>Bbuilding rRegulations 2012 r.51(1) resides at the dwelling and no children under the age of 5 reside in the property</u> <u>In all circumstances, a review will be made of the performance solution every 4 years with the swimming pool inspection and may be subject to change.</u>	
<u>Record Keeping Statement (LGA 1995)</u>	<u>Details of actions taken under this delegation are to be retained on the appropriate file or record.</u>	
<u>Compliance</u>	<u>Financial Interest Return Required – No</u>	
<u>Delegation Administration:</u>		
<u>Decision Reference</u>	<u>Decision Reference</u>	<u>Decision Reference</u>
<u>1.</u>	<u>6.</u>	<u>11.</u>
<u>2.</u>	<u>7.</u>	<u>12.</u>
<u>3.</u>	<u>8.</u>	<u>13.</u>
<u>4.</u>	<u>9.</u>	<u>14.</u>

2.1.7 BUILDING REGULATIONS 2012 – APPOINTMENT OF AUTHORISED OFFICERS – INFRINGEMENT NOTICES

Appointment: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to appoint an authorised officer for the purposes of the Criminal Procedures Act 2004, Part 2, section 6(b) in relation to infringement notices that may be issued, a person appointed under the Local Government Act 1995 section 9.10(1) and authorised for the purpose of performing functions under section 9.16 of that Act.
Statutory Power being Appointed:	s70(2) - Building r Regulations 2012 Section s 6 and 8 – Criminal Procedures Act 2004
Power is originally assigned to:	Local Government
Statutory Power of Appointment:	Building Regulations 2012 Regulation r 70. Approved officers and authorised officers
Positions Appointed:	Coordinator Compliance Services – Authorised Officer All Compliance Officers – Authorised Officer
Council's Conditions on Appointment:	Nil
Statutory Power to Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	<u>N/A</u>
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Copies of all notices issued are to be retained on the appropriate file or record.
Compliance Links	<u>Building Regulations 2012</u> <u>Schedule 7 (format for an Infringement Notice)</u> <u>Financial Interest Returns</u> R required – No
Delegation Administration:	
Decision Reference	Decision Reference
1. CE01-05/17	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

2.1.6 2.1.8 BUILDING REGULATIONS 2012 – APPOINTMENT OF APPROVED OFFICER – INFRINGEMENT NOTICES

<p>Appointment: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>	<p>Authority to appoint of an approved officer in relation to infringement notices that may be issued for the prescribed offence for the purposes of the Criminal Procedures Act 2004, Part 2, section s 6(a) (a specified employee of the local government).</p> <p><i>“Specified employee means an employee, as defined in the Local Government Act 1995 section s 1.4, to whom power to perform a function under section s 9.19 or 9.20 of that Act is delegated under section s 5.4491) of that Act.”</i></p> <p>s S 9.19. Extension of time The CEO of a local government may, in a particular case, extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.</p> <p>s S 9.20. Withdrawal of notice (1) Within one year after the notice was given the CEO of the local government may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn. (2) Where an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.</p>
<p>Statutory Power being Appointed:</p>	<p><i>Building Regulations 2012</i> s 70(1) – <i>Building regulations 2012 Approved Officers and Authorised Officers</i> <i>Criminal Procedures Act 2004</i> Section s 6 Other matters to be prescribed by prescribed Acts s and 8 Issuing infringement notices – <i>Criminal Procedures Act 2004</i></p>
<p>Power is originally assigned to:</p>	<p>CEO</p>
<p>Statutory Power of Appointment:</p>	<p><i>Building Regulations 2012</i> Regulation r 70. Approved officers and authorised officers</p>
<p>Positions Appointed:</p>	<p>Director Planning & Sustainability Manager Health & Compliance</p>
<p>Council's Conditions on Appointment:</p>	<p>Nil</p>
<p>Statutory Power to Delegate:</p>	<p>Nil</p>
<p>CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i></p>	<p>Nil N/A</p>

CEO's Conditions on Sub-delegation:	N/A	
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Copies of all notices issued are to be retained on the appropriate file or record.	
Compliance Links	Financial Interest Returns R required – No	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. CE01-05/17	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.

|

2.2 BUSH FIRES ACT 1954

2.2.1 BUSH FIRES ACT 1954 – POWERS, DUTIES AND FUNCTIONS OF A LOCAL GOVERNMENT

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to perform all of the powers, duties and functions of the local government under the Bush Fires Act 1954 and Bush Fires Regulations 1954	
Statutory Power being Delegated:	<i>Bush Fires Act 1954:</i> <i>Bush Fire Regulations 1954:</i>	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation:	<i>Bush Fires Act 1954</i> s.48 Delegation by local government	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Excludes powers and duties that; <ul style="list-style-type: none">are subject to separate delegated authority within this Register as set out below;<ul style="list-style-type: none">Delegation 2.2.3 – Appointment of Bush Fire Control Officers;Delegation 2.2.2 – Variation of Prohibited Burning Times; andDelegation 2.2.4 - Prosecutions;are prescribed in the Act with a requirement for a resolution of the local government; andare prescribed by the Act for performance by appointed officers	
Statutory Power to Sub-Delegate:	Nil	
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A	
CEO's Conditions on Sub-delegation:	N/A	
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	All actions taken must be recorded in writing in the appropriate file or record.	
Compliance Links	<i>Financial Interest Returns <u>R</u>required - No</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. CE03-10/17	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.

2.2.2 BUSH FIRES ACT 1954 - VARIATION OF RESTRICTED AND PROHIBITED BURNING TIMES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Where considered that the seasonal conditions warrant a variation of the prohibited or restricted burning times in the local government's district, to so vary prohibited or restricted burning times and give notice of such variation. If the prohibited or restricted burning times relate to forest land in the district, only after consultation with an authorised CALM Act Officer, to so vary prohibited or restricted burning times.
Statutory Power being Delegated:	<i>Bush Fires Act 1954</i> s17(7) and (8) (vary prohibited burning times) s18(5), (5B) and (5C) (vary restricted burning times)
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Bush Fires Act 1954</i> <u>Section s</u> 17(10) (Prohibited and Restricted burning times)
Power Delegated to:	Mayor and Chief Bush Fire Control Officer jointly
Council's Conditions on Delegation:	Decisions relating to prohibited burning times must comply with the procedural requirements of s.17(7B) and (8); and Decisions relating to restricted burning times must comply with the procedural requirements of s.18 (5B) and (5C).
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A#
CEO's Conditions on Sub-delegation:	N/A#
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Copies of all notices issued are to be retained on the appropriate file or record.
Compliance Links	<i>Financial Interest Returns <u>R</u>required - No</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. CD04-10/15	6.
2. CE01-06/18	7.
3. CE05-06/19 inserted provisions for restricted burning times (Annual Review)	8.
4.	9.
	11.
	12.
	13.
	14.

2.2.3 BUSH FIRES ACT 1954 - APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<div>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and<div>a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and</div><div>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</div></div> <div>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the City of Wanneroo [s.38(5A)]'</div>
Statutory Power being Delegated:	<i>Bush Fires Act 1954</i> s38 Local government may appoint bush fire control officer
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Bush Fires Act 1954</i> s48 Delegation by local governments
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<div>Excludes powers and duties that:</div> <div><div>• are prescribed in the Act with the requirement for a resolution by the local government</div><div>• are prescribed in the Act for performance by prescribed offices; or</div><div>• are subject to separate delegated authority within this register.</div></div>
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A#
CEO's Conditions on Sub-delegation:	N/A#
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	<div>Appointment of Authorised Officers is to be facilitated through Governance.</div> <div>All actions taken must be recorded in writing in the appropriate file or record.</div>
Compliance Links	<i>Financial Interest Returns Required - No</i>
Delegation Administration:	
Decision Reference	Decision Reference
<div>1. 15/428120</div> <div>2. CE01-06/18</div> <div>3.</div> <div>4.</div>	<div>6.</div> <div>7.</div> <div>8.</div> <div>9.</div>
	<div>11.</div> <div>12.</div> <div>13.</div> <div>14.</div>

2.2.4 BUSH FIRES ACT 1954 - PROSECUTIONS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district in accordance with section 59 of the Bush Fires Act 1954; and 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)];
Statutory Power being Delegated:	<i>Bush Fires Act 1954</i> s59(3) Prosecution of Offences s59A(2), (4) & (5) Alternative Procedure – Infringement Notices
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Bush Fires Act 1954</i> <u>S48-s.48</u> Delegation by Local Government
Power Delegated to:	Chief Executive Officer Director Community & Place Manager Community Safety and Emergency Management Senior Rangers Rangers
Conditions on Delegation:	<p>a) Rangers and Senior Rangers are appointed as for the purposes of <u>42</u>) only.</p> <p>b) All requests for the extension of time to pay an infringement are to be processed in accordance with the Infringement Notice Review Management Procedure.</p> <p>c)b) The determination to institute and carry on proceedings is only to be exercised on the recommendation of the Coordinator Community Safety and with agreement of the Manager Community Safety and Emergency Management and the Director Community & Place or CEO in consultation with the Executive Manager Governance & Legal or City Lawyer.</p> <p><u>Legislative Condition</u> Regulation.4(a) of the Bush Fires (Infringements) Regulations 1958 provides that only the Mayor or the Chief Executive Officer may withdraw an infringement notice.</p>
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A

Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	Copies of all notices issued are to be retained on the appropriate file or record.																				
Compliance Links	<i>Financial Interest Returns Required - No</i>																				
Delegation Administration:																					
<table border="1"> <thead> <tr> <th colspan="2">Decision Reference</th></tr> </thead> <tbody> <tr><td>1.</td><td>14/196797</td></tr> <tr><td>2.</td><td>15/428120</td></tr> <tr><td>3.</td><td>17/46341</td></tr> <tr><td>4.</td><td>CE06-05/17</td></tr> </tbody> </table>	Decision Reference		1.	14/196797	2.	15/428120	3.	17/46341	4.	CE06-05/17	<table border="1"> <thead> <tr> <th colspan="2">Decision Reference</th></tr> </thead> <tbody> <tr><td>6.</td><td>CE02-02/18</td></tr> <tr><td>7.</td><td>07/07/18 Administrative</td></tr> <tr><td>8.</td><td>CE01-06/18</td></tr> <tr><td>9.</td><td></td></tr> </tbody> </table>	Decision Reference		6.	CE02-02/18	7.	07/07/18 Administrative	8.	CE01-06/18	9.	
Decision Reference																					
1.	14/196797																				
2.	15/428120																				
3.	17/46341																				
4.	CE06-05/17																				
Decision Reference																					
6.	CE02-02/18																				
7.	07/07/18 Administrative																				
8.	CE01-06/18																				
9.																					
	<table border="1"> <thead> <tr> <th colspan="2">Decision Reference</th></tr> </thead> <tbody> <tr><td>11.</td><td></td></tr> <tr><td>12.</td><td></td></tr> <tr><td>13.</td><td></td></tr> <tr><td>14.</td><td></td></tr> </tbody> </table>	Decision Reference		11.		12.		13.		14.											
Decision Reference																					
11.																					
12.																					
13.																					
14.																					

2.3 CAT ACT 2011

2.3.1 CAT ACT 2011 – LOCAL GOVERNMENT FUNCTIONS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	All the powers and duties of the local government under the Cat Act 2011, Cat Regulations 2012 and Cat (Uniform Local Provisions) Regulations 2013.
Statutory Power being Delegated:	Cat Act 2011 Cat Regulations 2012 Cat (Uniform Local Provisions) Regulations 2013
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	Cat Act 2011 Section s.44 Delegation by local government
Power Delegated to:	Chief Executive Officer
Conditions on Delegation:	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011 and r.11 of the Cat (Uniform Local Provisions) Regulations 2013 as applicable.
Statutory Power to Sub-Delegate:	Cat Act 2011 Section s.45 Delegation by CEO of local government
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Community & Place Manager Community Safety and Emergency Management Coordinator Community Safety
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) <i>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	Decisions made under this delegation are to be recorded in the appropriate file or register <i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i>
Compliance Links	Financial Interest Returns Required - No
Delegation Administration:	
Decision Reference	Decision Reference
1. 14/196797	6.
2. CE01-09/16	7.
3. CE01-06/18	8.
4. 18/274278	9.
	11.
	12.
	13.
	14.

2.4 DOG ACT 1976

2.4.1 DOG ACT 1976 – LOCAL GOVERNMENT FUNCTIONS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	All the powers and duties of the local government under the Dog Act 1976 and Dog Regulations 2013.
Statutory Power being Delegated:	<i>Dog Act 1976 Dog Regulations 2013</i>
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Dog Act 1976 Section s 10AA Delegation of local government powers and duties</i>
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<p>1. The CEO is authorised to sub-delegate this delegation.</p> <p>2.1. The grant of an exemption to particular premises for the keeping of more dogs than is allowed under the City's local laws pursuant to section s 26(3) of the Dog Act 1976 is subject to:</p> <p>a. Section s 2.2(2) of the City of Wanneroo Dogs Local Law 2016. All applications are assessed against the City's Guidelines and Score sheet for keeping more than two dogs;</p> <p>b. Rangers inspecting the premises to ensure means exist to effectively confine the dogs within the premises.</p> <p>3.2. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</p> <p>4.3. Notices of decisions must include advice as to Objection and Review rights in accordance with the relevant section of the Dog Act 1976.</p>
Statutory Power to Sub-Delegate:	<i>Dog Act 1976 Section s 10AA (3) Delegation of local government powers and duties</i>
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Community & Place Manager Community Safety & Emergency Management Coordinator Community Safety
CEO's Conditions on Sub-delegation:	<p>Subject to the conditions on delegation to the CEO; and</p> <ul style="list-style-type: none"> • Manager Community Safety & Emergency Management to review decisions of Coordinator Community Safety • Director Community & Place to review and determine appeals of decisions made by Manager Community Safety & Emergency Management. • CEO to review and determine appeals of decisions made by Director Community & Place.

Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	Decisions made under this delegation are to be recorded in the appropriate file or register <i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i>
Compliance Links	Financial Interest Returns R required - No
Delegation Administration:	
Decision Reference	Decision Reference
1. CD01-08/15	6. 18/274278
2. CE01-09/16	7.
3. 07/02/18 Administrative amendment	8.
4. CE01-06/18	9.
	11.
	12.
	13.
	14.

2.5 FOOD ACT 2008

2.5.1 FOOD ACT 2008 - PROHIBITION ORDERS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Statutory Power being Delegated:	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Power is originally assigned to:	Local Government (Enforcement Agency)
Statutory Power of Delegation:	<u>Section s</u> 118 of the Food Act 2008
Power Delegated to:	Manager Health & Compliance
Conditions on Delegation:	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p> <p><u>Business Practice Condition</u> The power to prosecute any person is only exercised by agreement of the Manager Health & Compliance and Director Planning & Sustainability in consultation with advice from the Executive Manager Governance & Legal.</p>
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	All actions taken must be recorded in writing in the appropriate file or record.
Compliance Links	<i>Financial Interest Returns</i> <u>s</u> <u>r</u> <u>Required</u> – No
Delegation Administration:	
Decision Reference	Decision Reference
1. CE06-05/17	6.
2. CE01-06/18	7.
	11.
	12.

3.	8.	13.
4.	9.	14.

2.5.2 FOOD ACT 2008 – FOOD BUSINESS REGISTRATIONS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Statutory Power being Delegated:	<i>Food Act 2008</i> Section s. 110 Registration of food businesses; and Section s. 112 Variation of conditions or cancellation of registration of food businesses
Power is originally assigned to:	Local Government (Enforcement Agency)
Statutory Power of Delegation:	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Power Delegated to:	Manager Health & Compliance Coordinator Health Services Senior Environmental Health Officers
Council's Conditions on Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 WA Priority Classification System Verification of Food Safety Program Guideline
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	All actions taken must be recorded in writing in the appropriate file or record.

Compliance Links		Financial Interest Returns Required - No	
Delegation Administration:			
Decision Reference		Decision Reference	
1.	CE06-05/17	6.	11.
2.	CE01-06/18	7.	12.
3.		8.	13.
4.		9.	14.

2.5.3 FOOD ACT 2008 - APPOINTMENT OF AUTHORISED AND DESIGNATED OFFICERS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Statutory Power being Delegated:	<i>Food Act 2008</i> s122 Appointment of Authorised Officers s126 Infringement Notices
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Power Delegated to:	Chief Executive Officer Director Planning & Sustainability Manager Health & Compliance
Council's Conditions on Delegation:	<p>a) In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p> <p><u>Business Practice Condition</u> The power to prosecute any person is only exercised by agreement of the Manager Health & Compliance and Director Planning & Sustainability in consultation with the City Lawyer or Executive Manager Governance & Legal.</p>
Statutory Power to Sub-Delegate:	Nil

CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	<p><i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i></p> <p>All actions taken must be recorded in writing in the appropriate file or record.</p>
Compliance Links	Financial Interest Returns R required – No
Delegation Administration:	
Decision Reference	Decision Reference
1. CE06-05/17	6.
2. CE01-06/18	7.
3. CE01-07/18	8.
4.	9.
	11.
	12.
	13.
	14.

2.5.4 FOOD ACT 2008 – DETERMINE COMPENSATION

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Statutory Power being Delegated:	<i>Food Act 2008</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Power Delegated to:	Director Planning & Sustainability
Council's Conditions on Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5000. Compensation requests above this value are to be presented to Council for determination.
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	All actions taken must be recorded in writing in the appropriate file or record. —
Compliance Links	<i>Financial Interest Returns</i> Required - No
Delegation Administration:	
Decision Reference	Decision Reference
1. CE01-08/18	6.
2.	7.
3.	8.
	11.
	12.
	13.

4.	9.	14.
----	----	-----

2.6 GRAFFITI VANDALISM ACT 2016

2.6.1 GRAFFITI VANDALISM ACT 2016 – LOCAL GOVERNMENT FUNCTIONS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	All the powers and duties of the local government under the <i>Graffiti Vandalism Act 2016</i> .
Statutory Power being Delegated:	<i>Graffiti Vandalism Act 2016</i> Part 3 Local government powers
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Graffiti Vandalism Act 2016</i> <u>S16-s.16</u> Delegation by local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Hearing or determining of an objection of a kind referred to under <u>section-s.22</u> is excepted.
Statutory Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016</i> <u>S17-s.17</u> Delegation by CEO of local government
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Assets Manager Asset Maintenance
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Copies of all notices issued are to be retained on the appropriate file or record.
Compliance Links	<i>Financial Interest Returns</i> <u>R</u> required – No
Delegation Administration:	
Decision Reference	Decision Reference
1. CE01-06/18	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

2.7 HEALTH (ASBESTOS) REGULATIONS 1992

2.7.1 HEALTH (ASBESTOS) REGULATIONS 1992 - APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	The appointment in writing of persons or classes of persons to be authorised officers or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2 in relation to infringement notices under the Health (Asbestos) Regulations 1992.	
Statutory Power being Delegated:	<i>Health (Asbestos) Regulations 1992</i> Regulation 15D(5) Appointment of authorised and approved officers for the purposes of the <i>Criminal Procedures Act 2004</i> Part 2.	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation:	<i>Health (Asbestos) Regulations 1992</i> 15D. Infringement notices (7) A local government may delegate a power or duty conferred or imposed on it by this regulation to the chief executive officer of the local government.	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Nil	
Statutory Power to Sub-Delegate:	Nil	
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A	
CEO's Conditions on Sub-delegation:	N/A	
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	<i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance.</i>	
Compliance Links	<i>Financial Interest Returns Rrequired – No</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. CE03-10/17	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.

2.8 PUBLIC HEALTH ACT 2016

2.8.1 PUBLIC HEALTH ACT 2016 – APPOINTMENT OF AUTHORISED OFFICERS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Designate a person or class of persons as authorised officers under the <i>Public Health Act 2016</i>
Statutory Power being Delegated:	<i>Public Health Act 2016</i> Section s.24 Designation of authorised officers
Power is originally assigned to:	Local Government (Enforcement Agency)
Statutory Power of Delegation:	<i>Public Health Act 2016</i> Section 21 Enforcement agency may delegate
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	The designation of authorised officers is to be in accordance with section s.25 of the <i>Public Health Act 2016</i> . Authorised officers may be appointed under the <i>Public Health Act 2016</i> for the purposes of the <i>Food Act 2008</i> .
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	<i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i>
Compliance Links	<i>Financial Interest Returns Rrequired – No</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. CE02-03/17	6.
2. CE06-05/17	7.
3. 17/313208	8.
4.	9.
	11.
	12.
	13.
	14.

2.9 STRATA TITLES ACT 1985

2.9.1 STRATA TITLES ACT 1985 - ~~GRANTING OF A CERTIFICATE OF APPROVAL- FORM 26~~

<p>Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>	<p><u>Power to determine applications for the issuing of a certificate of approval under section 15 of the <i>Strata Titles Act 1985</i>, except those applications that:-</u></p> <ul style="list-style-type: none"> <u>(a) propose the creation of a vacant lot;</u> <u>(b) propose vacant air stratas in multi-tiered strata scheme developments;</u> <u>(c) propose the creation or postponement of a leasehold scheme;</u> <u>(d) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to:-</u> <ul style="list-style-type: none"> <u>i. a type of development; and/or</u> <u>ii. land within an area,</u> <p><u>which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</u></p> <p>Power to determine applications for the issuing of a certificate of approval under section 25 of the <i>Strata Titles Act 1985</i> for a plan of subdivision, re-subdivision or consolidation, except those applications that—</p> <ul style="list-style-type: none"> a) propose the creation of a vacant lot; b) propose vacant air stratas in multi-tiered strata scheme developments; c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to— <ul style="list-style-type: none"> i. a type of development; and/or ii. land within an area, <p>which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</p>
<p>Statutory Power being Delegated:</p>	<p><i>Strata Titles Act 1985;</i> s.15: Certificates of Approval <u>25—Certificate of Commission</u></p>
<p>Power is originally assigned to:</p>	<p>Local Government</p>

Statutory Power of Delegation:	<p>Planning and Development Act 2005 Section 16(3)(e)* *DEL 202009/00301:</p> <p><u>On 19 March 2020, pursuant to section 16 of the Planning and Development Act 2005, the WAPC resolved to delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the Strata Titles Act 1985 as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.</u></p> <p>published in the Government Gazette on 9 June 2009. The Western Australian Planning Commission (WAPC) has delegated to local governments, and to members and officers of this local governments, its powers and functions under Section 25 of the Strata Titles Act 1985 as set out in Clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in Clause 2 of Schedule 1</p>		
Power Delegated to:	Director Planning & Sustainability Manager Approval Services Coordinator Building Services Senior Building Surveyors		
Conditions on Delegation:	At the conclusion of each financial year in accordance with and in the format prescribed by the WAPC, data on all applications determined under Instrument of Delegation 202009/003-01 is to be provided to the WAPC.		
Statutory Power to Sub-Delegate:	Nil		
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A		
CEO's Conditions on Sub-delegation:	N/A		
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Copies of all notices issued are to be retained on the appropriate file or record.		
Compliance Links	Financial Interest Returns Required - No		
Delegation Administration:			
Decision Reference		Decision Reference	
1. 16/436067		11.	
2. CE01-06/18		12.	
3.		13.	
4.		14.	

2.10 PLANNING & DEVELOPMENT ACT 2005

2.10.1 STRUCTURE PLANNING

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<p>The Council may require the preparation and presentation to it of a structure plan as a prerequisite to:</p> <ul style="list-style-type: none"> the Council's support for a proposal to rezone or reclassify land in the District; the Council's support for an application to subdivide or amalgamate lots; or the Council's consideration of an application for Planning Approval. <p>All decisions under Clauses 17, 18, 19, 20, 29(3), 33, 34, 35, 36, 45(3), 49, 50 and 52 relating to structure plans and local development plans pursuant to Parts 4, 5 and 6 of the deemed provisions.</p>
Statutory Power being Delegated:	<p>Decisions relating to structure plans and local development plans under Parts 4, 5 and 6 of Schedule 2 of <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions).</p>
Power is originally assigned to:	<p>Local Government</p>
Statutory Power of Delegation:	<p>Clause 82 of the <i>Planning & Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions).</p>
Power Delegated to:	<p>Chief Executive Officer</p>
Council's Conditions on Delegation:	<p>Council and Business Practice Condition</p> <p>The exercise of this delegated authority is conditional on the following:</p> <ol style="list-style-type: none"> Compliance with all applicable Local Planning Policies adopted by Council; Prior to commencement of advertising of any new structure plan or local development plan, or amendment thereto, Elected Members must be notified of the proposal in writing advising the dates when the public comment period will start and finish; the means by which the proposal will be advertised, and each Elected Member provided with copies of relevant plans and information relating to the proposal.; Advertising of an amendment to a structure plan or an activity centre plan may be waived under Clause 29(3) or 45(3), respectively, of the deemed provisions where, in the opinion of the delegate, it is of a minor nature in which the change or departure does not: <ul style="list-style-type: none"> materially alter the purpose and intent of the structure plan; change the intended lot/ dwelling yield by more than 10 per cent or adversely impact upon the amenity of adjoining landowners and occupiers; restrict the use and development of adjoining land; or

	<ul style="list-style-type: none"> significantly impact on infrastructure provision or impact upon the environment. <p><i>NOTE: Under Clauses 29(3) and 45(3) of the deemed provisions, the WAPC is also required to be of an opinion that an amendment to a structure plan / activity centre plan is of a minor nature prior to advertising being waived.</i></p> <p>d) All new structure plans shall be referred to Council for consideration after being advertised for public comment;</p> <p>e) Endorsement of a recommendation for an amendment to a structure plan or an activity centre plan under Clause 20(2) or 36(2) respectively of the deemed provisions by the delegate after being advertised for public comment provided that:-</p> <ul style="list-style-type: none"> Any objection received does not, in the opinion of the delegate, raise relevant planning considerations that cannot be specifically overcome by modification to that plan; Elected Members are notified in writing of the delegate's intention to do so and provided with a summary of submissions and Administration's recommendations in respect of those submissions; and Elected Members are provided with at least five working days in which to request that the proposal be referred to Council for consideration and recommendation. <p>f) Endorsement of a recommendation for an amendment to a structure plan or an activity centre plan under Clause 20(2) or 36(2), respectively, of the deemed provisions by the delegate where advertising has been waived</p> <p>g) This delegation allows the determination of a local development plan or amendment thereto under Part 6 of the deemed provisions, by the delegate after being advertised for public comment provided that:</p> <ul style="list-style-type: none"> Any objection received does not, in the opinion of the delegate raise relevant planning considerations that cannot be specifically overcome by modification to that plan; Elected Members have been notified in writing of the delegate's intention to do so and provided with a summary of the submissions and Administration's recommendations in respect of those submissions; and Elected Members are provided with at least five working days in which to request that the proposal be referred to Council for determination.
--	---

	h) A structure plan, detailed area plan or amendment to either such plan shall be referred to Council for consideration and recommendation or determination (whichever appropriate), where requested by the applicant in writing.
Statutory Power to Sub-Delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions) Clause 83
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	<p>Director Planning & Sustainability: All decisions under Clauses 17, 18, 19, 20, 29(3), 33, 34, 35, 36, 45(3) 49, 50 and 52.</p> <p>Manager Approval Services: All decisions under clauses 17, 18, 19, 29(3), 33, 34, 35, 45(3), 50 and 52</p> <p>Coordinator Planning Approvals All decisions under Clauses 17, 33 and 49.</p>
CEO's Conditions on Sub-delegation:	<p>The exercise of this delegated authority is conditional on the following:</p> <p>a) Compliance with all applicable Local Planning Policies adopted by Council;</p> <p>b) Prior to commencement of advertising of any new structure plan or local development plan, or amendment thereto, Elected Members must be notified of the proposal in writing, advising the dates when the public comment period will start and finish; the means by which the proposal will be advertised, and each Elected Member provided with copies of relevant plans and information relating to the proposal;</p> <p>c) Advertising of an amendment to a structure plan or an activity centre plan may be waived under Clause 29(3) or 45(3), respectively, of the deemed provisions where, in the opinion of the delegate, it is of a minor nature in which the change or departure does not:</p> <ul style="list-style-type: none"> materially alter the purpose and intent of the structure plan; change the intended lot/ dwelling yield by more than 10 per cent or adversely impact upon the amenity of adjoining landowners and occupiers; restrict the use and development of adjoining land; or significantly impact on infrastructure provision or impact upon the environment. <p><i>NOTE: Under Clauses 29(3) and 45(3) of the deemed provisions, the WAPC is also required to be of an opinion that an amendment to a structure plan / activity centre plan is of a minor nature prior to advertising being waived.</i></p>

	<p>d) All new structure plans shall be referred to Council for consideration after being advertised for public comment;</p> <p>e) Endorsement of a recommendation for an amendment to structure plan or activity centre plan under Clause 20(2) or Clause 36(2) of the deemed provisions by the delegate after being advertised for public comment provided that:-</p> <ul style="list-style-type: none"> Any objection received does not, in the opinion of the delegate, raise relevant planning considerations that cannot be specifically overcome by modification to that plan; Elected Members are notified in writing of the delegate's intention to do so and provided with a summary of submissions and Administration's recommendations in respect of those submissions; and Elected Members are provided with at least five working days in which to request that the proposal be referred to Council for consideration and recommendation. <p>f) Endorsement of a recommendation for an amendment to a structure plan or an activity centre plan under Clause 20(2) or 36(2), respectively, of the deemed provisions by the delegate where advertising has been waived.</p> <p>g) Determination of a local development plan by the delegate after being advertised for public comment provided that:-</p> <ul style="list-style-type: none"> Any objection received does not, in the opinion of the delegate, raise relevant planning considerations that cannot be specifically overcome by modification to that plan; Elected Members are notified in writing of the delegate's intention to do so and provided with a summary of submissions and Administration's recommendations in respect of those submissions; and Elected Members are provided with at least five working days in which to request that the proposal be referred to Council for determination. <p>h) A structure plan, local development plan or amendment to either such plan shall be referred to Council for consideration and recommendation or determination (whichever appropriate), where requested by the applicant in writing.</p>
--	---

Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Copies of all decisions made are to be retained on the appropriate file or record.	
Compliance Links	Local Planning Policies Financial Interest Returns R required - No	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. PS11-10/15	6.	11.
2. CE06-05/17	7.	12.
3. CE03-10/17	8.	13.
4.	9.	14.

2.10.2 PLANNING & DEVELOPMENT ACT 2005 - DIRECTION NOTICES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ol style="list-style-type: none"> 1. The authority, under section 214(2) of the Planning and Development Act 2005, to issue a written direction to stop and not recommence a development for a development, or any part of a development that is undertaken in contravention of the District Planning Scheme No. 2 or an interim development order or in contravention of planning control area requirements. 2. The authority, under section 214(3) of the Planning and Development Act 2005, to issue a written direction to remove, pull down, take up or alter the development and to restore the land as nearly practicable to its condition immediately before the development started for a development has been undertaken in contravention of the District Planning Scheme No. 2 or an interim development order or in contravention of planning control area requirements. 3. The authority, under section 214(5) of the Planning and Development Act 2005, to issue a written direction to execute work for a delay in the execution of any work to be executed under the District Planning Scheme No. 2 or an interim development order which would prejudice the effective operation of District Planning Scheme No. 2 or interim development order.
Statutory Power being Delegated:	<i>Planning and Development Act 2005</i> <u>Section s</u> .214(2), (3) and (5) Illegal development, responsible authority's powers as to
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995</i> <u>Section s</u> .5.42(1)(b) Delegation of some powers or duties to the CEO
Power Delegated to:	Chief Executive Officer

Council's Conditions on Delegation:	<p>A written direction under Section 214 of the Planning and Development Act 2005 may be issued by the delegate.</p> <p><u>Business Practice Conditions</u></p> <p>a) The authority to prosecute under Part 13 of the Planning and Development Act 2005 is only exercised on recommendation from the Manager Approval Services, Manager Health & Compliance or Director Planning & Sustainability and with the written approval of the Chief Executive Officer or his delegate in consultation with the Executive Manager Governance & Legal or City Lawyer.</p> <p>b) The authority to determine a position with respect to any prosecution action commenced in accordance with a) above may be exercised by the Chief Executive Officer or his delegate, having regard to the advice of the Director Planning & Sustainability, Manager Approval Service or Manager Health & Compliance.</p> <p>c) The authority to apply for an injunction to the Supreme Court under Section 216 of the Planning and Development Act 2005 may only be exercised by the Chief Executive Officer on recommendation from the Director Planning & Sustainability.</p> <p>d) The authority to determine a position with respect to any mediation process resulting from an appeal against a decision made under delegated authority is granted to the Chief Executive Officer or his delegate.</p>
Statutory Power to Sub-Delegate:	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions) Clause 83</p>
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	<p>Director Planning & Sustainability Manager Approval Services Manager Health & Compliance</p>

CEO's Conditions on Sub-delegation:	A written direction under Section 214 of the Planning and Development Act 2005 may be issued Director Planning & Sustainability, Manager Approval Services or Manager Health & Compliance.
	<p><u>Business Practice Conditions</u></p> <p>a) The authority to prosecute under Part 13 of the Planning and Development Act 2005 is only exercised on recommendation from the Manager Health & Compliance or Manager Approval Services and with the written approval of the Director Planning & Sustainability in consultation with the Executive Manager Governance & Legal or City Lawyer.</p> <p>b) The authority to determine a position with respect to any prosecution action commenced in accordance with a) above may be exercised by the Director Planning & Sustainability, having regard to the advice of the Manager Approval Services or Manager Health & Compliance.</p> <p>c) The authority to apply for an injunction to the Supreme Court under Section 216 of the Planning and Development Act 2005 may only be exercised by the Chief Executive Officer on recommendation from the Director Planning & Sustainability.</p> <p>d) The authority to determine a position with respect to any mediation process resulting from an appeal against a decision made under delegated authority is granted to the Director Planning & Sustainability.</p>
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Copies of all comments or recommendations made are to be retained on the appropriate file or record. <i>Financial Interest Returns Required – No</i>
Compliance Links	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Financial Interest Returns Required - No Yes</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. PS11-10/15	6.
2. CE06-05/17	7.
3. CE01-06/18	8.
4. 18/203840	9.
	11.
	12.
	13.
	14.

2.10.3 DEVELOPMENT CONTROL

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ul style="list-style-type: none"> Determination of applications for planning approval (including the exercise of discretion under District Planning Scheme No. 2 and the Residential Design Codes); and All matters which arise out of the imposition of conditions on planning approvals under the District Planning Scheme No. 2;
Statutory Power being Delegated:	The power to determine applications for planning approvals lodged pursuant to Clause 60 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions) and Clause 28 of the Metropolitan Region Scheme including all applicable decisions under the District Planning Scheme No. 2 and the Metropolitan Region Scheme.
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions) Clause 82
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<p>Council and Business Practice Condition</p> <ul style="list-style-type: none"> a) Any application will be referred to Council for determination if an Elected Member requests such referral by written request to the Manager Approval Services; b) Any application for determination by the City that has been advertised for public comment shall be referred to Council for determination if any objection has been received that, in the opinion of the Chief Executive Officer, raises relevant planning considerations that cannot be specifically addressed or overcome by: <ul style="list-style-type: none"> modification of the proposal; imposition of appropriate conditions of approval; or compliance with the applicable deemed-to-comply provisions and/or design principles of the R-Codes; <u>compliance with the objectives and provisions of DPS2 and the relevant considerations under the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 67 Matters to be considered by local government.</u> c) Any application for determination by the City will be referred to Council for determination if requested by the applicant in writing; d) Any application for an Industry – Extractive, Industry – General, Industry – Hazardous, or Concrete Batching Plant, may be determined under delegation.

Statutory Power to Sub-Delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Clause 83</i>
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	<p>Director Planning & Sustainability Manager Approval Services Coordinator Planning Services Coordinator Building Services Specialist Planner – Approval Services Specialist Project Planner Senior Planners Senior Building Surveyors</p>
CEO's Conditions on Sub-delegation:	<p>The exercise of this delegated authority is conditional on the following:</p> <ul style="list-style-type: none"> a) Any application will be referred to Council for determination if an Elected Member requests such referral by written request to the Manager Approval Services; b) Any application for determination by the City that has been advertised for public comment shall be referred to Council Director Planning and Sustainability for determination if any objection has been received that, in the opinion of the Director Planning & Sustainability Manager Approval Services, raises relevant planning considerations that cannot be specifically addressed or overcome by: <ul style="list-style-type: none"> • modification of the proposal; • imposition of appropriate conditions of approval; or • compliance with the applicable deemed-to-comply provisions and/or design principles of the R-Codes. c) Any application for determination by the City will be referred to Council for determination if requested by the applicant in writing; dc) Any application for an Industry – Hazardous or Concrete Batching Plant, may be determined by the Director Planning & Sustainability, or Manager Approval Services <u>or</u> Coordinator Planning Services. Any application for Industry – Extractive may be determined by Director Planning & Sustainability, Manager Approval Services, Coordinator Planning Services, Specialist Planner – Approval Services or Specialist Project Planner. Any application for Industry – General may be determined by Director Planning & Sustainability, Manager Approval Services, Coordinator Planning Services or Senior Planners. Sustainability <p>This delegated authority is limited for the Coordinator Building Services and Senior Building Surveyors as follows:</p> <ul style="list-style-type: none"> a) to only make decisions related to applications seeking variation/s to the deemed-to-comply requirements of the R-Codes or provisions of a relevant structure plan or local development plan for a Single House located in a Residential

	<p>Zone or any of the following on the same lot as a Single House:</p> <ul style="list-style-type: none">i) outbuildings, garages or carports;ii) patios or verandas;iii) street walls or fences; andiv) retaining walls, and <p>b) Providing that the application for development (outlined in point a) above) is not located in a place that is:-</p> <ul style="list-style-type: none">Entered in the Register of Heritage Places under the <i>Heritage of Western Australia Act 1990</i>; orIncluded on a heritage list prepared in accordance with DPS 2;Within an area designated under DPS 2 as a heritage area; orThe subject of a heritage agreement entered into under the <i>Heritage of Western Australia Act</i> section 29;	
<p>Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p>	<p>Copies of approvals given and reports of actions taken are to be retained on the appropriate file or record.</p> <p><i>Financial Interest Returns Required – No</i></p>	
<p>Compliance Links</p>	<p><i>Financial Interest Returns Required – No</i></p>	
<p>Delegation Administration:</p>		
<p>Decision Reference</p>	<p>Decision Reference</p>	<p>Decision Reference</p>
<p>1. CB01-11/14 and OC01-11/14</p>	<p>6. CE06-05/17</p>	<p>11. 19/104903</p>
<p>2. PS11-10/15</p>	<p>7. CE01-06/18</p>	<p>12.</p>
<p>3. 16/436067</p>	<p>8. 18/203840</p>	<p>13.</p>
<p>4. CE03-03/17 & 17/73467</p>	<p>9. 18/455559</p>	<p>14.</p>

2.10.4 LANDSCAPE ENHANCEMENT ZONE BUILDING ENVELOPES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	a) The power to adopt a plan defining a building envelope b) The power to approve development outside of the building envelope defined on the plan adopted under 3.26.4 of DPS 2.
Statutory Power being Delegated:	City of Wanneroo District Planning Scheme No. 2 Clause 3.26.4 Clause 3.26.5
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 – Deemed provisions for local planning schemes Clause 82 Delegations by local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	1. Compliance with all applicable Local Planning Policies adopted by Council. <u>2.</u> A proposed building envelope plan shall be referred to Council for determination: (i) where requested by an Elected Member or by the applicant in writing, or (ii) if an objection to a proposed building envelope is received by the City as part of a submission made in response to advertising of an application for planning approval, and the objection involves a relevant planning issue that cannot be specifically overcome by modification to the proposal, as determined by the Director Planning and Sustainability. <u>3.</u> A proposed development which is outside of an approved building envelope shall be referred to Council under the same conditions as b) above.
Statutory Power to Sub-Delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions) Clause 83 Local government CEO may delegate powers
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Planning & Sustainability Manager Approval Services Coordinator Planning Approvals Senior Planners
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.

Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Any decision made under this delegation is to be recorded in the appropriate file or register
Compliance Links	City of Wanneroo District Planning Scheme No. 2 Local Planning Policies Financial Interest Returns Required – No
Delegation Administration:	
Decision Reference	Decision Reference
1. PS06-08/16 2. 16/292302 3. CE06-05/17 4.	6. 7. 8. 9.
	11. 12. 13. 14.

2.10.5 DISTRICT PLANNING SCHEME NO 2 – APPOINTMENT OF AUTHORISED OFFICERS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	The appointment of officers as an authorised officer for the purposes of the Clause 79 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> within the City of Wanneroo.
Statutory Power being Delegated:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Clause 79 Entry and inspection powers
Power is originally assigned to:	CEO
Statutory Power of Delegation	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Clause 83 Local government CEO may delegate powers
Power Delegated to: <i>The exercise of the delegated power does not include the power of delegation</i>	Director Planning & Sustainability Manager Health & Compliance Manager Approval Services
CEO's Conditions on Sub-delegation:	All authorisations are to be in writing and recorded on the Governance Register of Authorised Officers and the person's personnel file.
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	<i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i>
Compliance Links	<i>Financial Interest Returns Required – No</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. 16/335215	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

3. CITY OF WANNEROO LOCAL LAWS

3.1.1 CITY OF WANNEROO LOCAL LAWS – APPOINTMENT OF AUTHORISED PERSONS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	A local government may, in writing, appoint persons or classes of persons to be authorised for the purpose of performing particular functions.
Statutory Power being Delegated:	<i>Local Government Act 1995</i> Ss.9.10 Appointment of authorised persons
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	The appointment of persons is to relate to those functions of an "authorised person" under the City of Wanneroo Local Laws.
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> Section s.5.44 CEO may delegate powers or duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	All Directors Manager Approval Services Manager Asset Maintenance Manager Community Facilities Manager Community Safety & Emergency Management Manager Health & Compliance Manager Property Manager Waste Services
CEO's Conditions on Sub-delegation:	a) Subject to the conditions on delegation to the CEO; and b) The delegation to the Manager Community Facilities applies only to the appointment of members of surf lifesaving clubs recommended by Surf Life Saving WA as sufficiently qualified and experienced, as Authorised Persons under the Public Places and Local Government Property Local Law 2015 to undertake the powers set out in section 5.6(1) in relations to beaches. c) The delegation to the Manager Property applies only to the appointment of Golf Course Controllers and subsidiary staff at the Carramar and Marangaroo golf courses under the Local Government & Public Property Local Law 2015.
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	<i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i>

Compliance Links		Financial Interest Returns <i>Required</i> - Yes	
Delegation Administration:			
Decision Reference		Decision Reference	Decision Reference
1.	14/196797	6.	18/274278
2.	16/422068	7.	
3.	CE01-06/18	8.	
4.	18/203840	9.	
		11.	
		12.	
		13.	
		14.	

3.1.2 CITY OF WANNEROO LOCAL LAWS – ADMINISTRATION

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the City's Local Laws.
Statutory Power being Delegated:	<i>City of Wanneroo Animals Local Law 1999</i> <i>City of Wanneroo Bee Keeping Local Law 2016</i> <i>City of Wanneroo Bush Fire Brigades Local Law 2001</i> <i>City of Wanneroo Cats Local Law 2016</i> <i>City of Wanneroo Dogs Local Law 2016</i> <i>City of Wanneroo Extractive Industries Local Law 1998</i> <i>City of Wanneroo Fencing Local Law 2016</i> <i>City of Wanneroo Health Local Law 1999</i> <i>City of Wanneroo Parking Local Law 2015</i> <i>City of Wanneroo Penalty Units Local Law 2015</i> <i>City of Wanneroo Private Property Local Law 2001</i> <i>City of Wanneroo Public Places and Local Government Property Local Law 2015</i> <i>City of Wanneroo Signs Local Law 1999</i> <i>City of Wanneroo Site Erosion and Sand Drift Prevention Local Law 2016</i> <i>City of Wanneroo Standing Orders Local Law 2008</i> <i>City of Wanneroo Waste Local Law 2016</i>
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995</i> <u>Section s.5.42</u> Delegation of some powers or duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Determinations and decisions under the City of Wanneroo Local Laws having regard to the relevant Council policies in force at the time.
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> <u>Section s.5.44</u> CEO may delegate powers or duties to other employees
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	<u>City of Wanneroo Animals Local Law 1999</u> Director Community & Place Director Planning & Sustainability Manager Community Safety and Emergency Management Manager Health & Compliance Coordinator Community Safety Coordinator Health Services Senior Environmental Health Officers <u>City of Wanneroo Bee Keeping Local Law 2016</u> Manager Health & Compliance Coordinator Health Services <u>City of Wanneroo Bush Fire Brigades Local Law 2001</u> Manager Community Safety and Emergency Management

	<p><u>City of Wanneroo Cats Local Law 2016</u> Director Community & Place Manager Community Safety and Emergency Management Coordinator Community Safety</p> <p><u>City of Wanneroo Dogs Local Law 2016</u> Director Community & Place Director Planning & Sustainability Manager Community Safety and Emergency Management Manager Health & Compliance Coordinator Community Safety</p> <p><u>City of Wanneroo Extractive Industries Local Law 1998</u> Director Planning & Sustainability Manager Approval Services Coordinator Planning Approvals Specialist Planner – Approval Services</p> <p><u>City of Wanneroo Fencing Local Law 2016</u> Director Planning & Sustainability Manager Health & Compliance</p> <p><u>City of Wanneroo Health Local Law 1999</u> Director Planning & Sustainability Manager Health & Compliance Coordinator Health Services</p> <p><u>City of Wanneroo Parking Local Law 2015</u> Director Assets Director Community & Place Director Planning & Sustainability Manager Community Safety & Emergency Management</p> <p><u>City of Wanneroo Penalty Units Local Law 2015</u> Nil</p> <p><u>City of Wanneroo Private Property Local Law 2001</u> Director Planning & Sustainability Director Corporate Strategy & Performance Director Assets Manager Health & Compliance</p> <p><u>City of Wanneroo Public Places and Local Government Property Local Law 2015</u> Director Assets Director Community & Place Director Planning & Sustainability Manager Asset Maintenance Manager Parks & Conservation Maintenance Manager Community Safety & Emergency Management</p> <p><u>City of Wanneroo Signs Local Law 1999</u> Director Planning & Development Manager Approval Services Coordinator Building Services Senior Building Surveyors</p> <p><u>City of Wanneroo Site Erosion and Sand Drift Prevention Local Law 2016</u> Director Planning & Sustainability Manager Health & Compliance</p> <p><u>City of Wanneroo Standing Orders Local Law 2008</u> Nil</p> <p><u>City of Wanneroo Waste Local Law 2016</u> Director Assets Manager Waste Services</p>
--	---

CEO's Conditions on Sub-delegation:	<p>Subject to the conditions on delegation to the CEO; and <u>City of Wanneroo Animals Local Law 1999</u></p> <ul style="list-style-type: none"> • The setting aside a reserve or foreshore or portion of a reserve or foreshore as an area upon which a person may ride or drive a horse or into which a person may bring a horse under Section 26(1); and • The setting of fees and charges under section 6.16 and 6.19 of the Local Government Act 1995; are excluded. <p><u>City of Wanneroo Extractive Industries Local Law 1998</u></p> <ul style="list-style-type: none"> • Subject to the City's District Planning Scheme No. 2; and • The setting of annual fees under sections 6.16 and 6.19 of the Local Government Act 1995 is excluded. <p><u>City of Wanneroo Health Local Law 1999</u></p> <ul style="list-style-type: none"> • Approvals must meet all the requirements of the Health Local Law, District Planning Scheme No. 2 and Building Code. • The setting of annual fees under sections 6.16 and 6.19 of the Local Government Act 1995 is excluded. <p><u>City of Wanneroo Parking Local Law 2015</u> Setting of fees for the amount payable for parking under Section 6.16 and 6.19 of the Local Government Act 1995 is excluded.</p> <p><u>City of Wanneroo Private Property Local Law 2001</u> Subject to:</p> <ul style="list-style-type: none"> • City's District Planning Scheme No. 2 • Dividing Fences Act 1961 • Schedule 3.1 of the Local Government Act 1995 <p><u>City of Wanneroo Public Places and Local Government Property Local Law 2015</u> Subject to Council's –</p> <ul style="list-style-type: none"> • Facility Hire and Use Policy • Circuses Policy • Local Planning Policy 4.3 Public Open Space • Sports Floodlighting Policy 																				
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	<i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i>																				
Compliance Links	Financial Interest Returns Required – Yes																				
Delegation Administration:																					
<table border="1"> <thead> <tr> <th colspan="2">Decision Reference</th></tr> </thead> <tbody> <tr><td>1.</td><td>14/196797</td></tr> <tr><td>2.</td><td>16/254349</td></tr> <tr><td>3.</td><td>CE01-08/17</td></tr> <tr><td>4.</td><td>CE01-06/18</td></tr> </tbody> </table>	Decision Reference		1.	14/196797	2.	16/254349	3.	CE01-08/17	4.	CE01-06/18	<table border="1"> <thead> <tr> <th colspan="2">Decision Reference</th></tr> </thead> <tbody> <tr><td>6.</td><td>18/203840</td></tr> <tr><td>7.</td><td>18/274278</td></tr> <tr><td>8.</td><td>18/313146</td></tr> <tr><td>9.</td><td>CO01-08/18</td></tr> </tbody> </table>	Decision Reference		6.	18/203840	7.	18/274278	8.	18/313146	9.	CO01-08/18
Decision Reference																					
1.	14/196797																				
2.	16/254349																				
3.	CE01-08/17																				
4.	CE01-06/18																				
Decision Reference																					
6.	18/203840																				
7.	18/274278																				
8.	18/313146																				
9.	CO01-08/18																				
	<table border="1"> <thead> <tr> <th colspan="2">Decision Reference</th></tr> </thead> <tbody> <tr><td>11.</td><td>18/389558</td></tr> <tr><td>12.</td><td>19/85822</td></tr> <tr><td>13.</td><td></td></tr> <tr><td>14.</td><td></td></tr> </tbody> </table>	Decision Reference		11.	18/389558	12.	19/85822	13.		14.											
Decision Reference																					
11.	18/389558																				
12.	19/85822																				
13.																					
14.																					

4. APPOINTMENTS AND AUTHORISATIONS

4.1 CARAVAN PARKS AND CAMPING GROUNDS ACT 1995 - APPOINTMENT OF AUTHORISED PERSONS

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Appointment of such persons to be authorised persons for the purposes of this Act as considered necessary;
Statutory Power being Appointed:	The powers of a “authorised person” under the Caravan Parks and Camping Grounds Act 1995 and the Caravan and Camping Grounds Regulations 1997.
Power is originally assigned to:	Local Government
Statutory Power of Appointment	Section 17(1) of the Caravan Parks and Camping Grounds Act 1995 <i>The Caravan Parks and Camping Grounds Act 1995 does not contain a head of power to delegate the appointment of authorised persons to the Chief Executive Officer.</i>
Appointment:	<p>The following persons are appointed for the purposes of Sections 22 and 23(5) and (7) of the Caravan Parks and Camping Grounds Act 1995 and Regulation 6 of the Caravan Parks and Camping Grounds Regulations 1997:-</p> <ul style="list-style-type: none"> • Director Community & Place • Director Planning & Sustainability • Manager Approval Services • Manager Health & Compliance • Manager Community Safety and Emergency Management <p>The following persons are appointed for the purposes of Part 4 of the Caravan Parks and Camping Grounds Regulations 1997:</p> <ul style="list-style-type: none"> • Senior Building Surveyors <p>The following persons are appointed for the purposes of section 23(2) of the Caravan Parks and Camping Grounds Act 1995:-</p> <ul style="list-style-type: none"> • All Environmental Health Officers • All Compliance Officers • All Rangers <p>The following persons are appointed for the purposes of sections 18 and 20 of the Caravan Parks and Camping Grounds Act 1995:</p> <ul style="list-style-type: none"> • All Building Surveyors • All Compliance Officers • All Environmental Health Officers • All Rangers <p>The following persons are appointed for the purposes of Section 21 (3) and (5) of the Caravan Parks and Camping Grounds Act 1995: -</p> <ul style="list-style-type: none"> • All Environmental Health Officers

Council's Conditions on Delegation:	<u>Business Practice Condition</u> 1. The exercise of the functions under Section 21(5) is conditional on the following: Objections lodged under s.21(4) to all or any of the works or the time period specified in the works specification notice issued under s.21(3), are to be reviewed by the Manager Health and Compliance. 2. The power to prosecute any person is only to be exercised by an officer appointed under section 22 and on agreement of the Director Planning & Sustainability or Director Community & Place in consultation with advice from the City Lawyer or Executive Manager Governance & Legal.	
Statutory Power to Sub-Delegate:	Nil	
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A	
CEO's Conditions on Sub-delegation:	N/A	
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	Any actions taken or notices issued are to be recorded on the appropriate file or record. Copies of approvals and certificates are to be retained as required by regulation 67 of the Regulations. <i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i>	
Compliance Links	<i>Financial Interest Returns Required - No</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. 14/196797	6. 07/02/17 Administrative	11.
2. 17/14800 CE01-02/17	7. CE01-06/18	12.
3. CE06-05/17	8. CE01-08/18	13.
4. CE01-08/17	9.	14.

4.2 CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978 – APPOINTMENT OF AUTHORISED PERSONS

Function Appointed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the statutory power, inclusive of conditions [see below].</i>	Powers of an authorised officer in accordance with Section 38(4) of the Control of Vehicles (Off-road Areas) Act 1978.
Statutory Power being Appointed:	Powers of an authorised officer for the purposes of the Control of Vehicles (Off-road Areas) Act 1978 and the Control of Vehicles (Off-road Areas) Regulations 1979
Power is originally assigned to:	Local Government
Statutory Power of Appointment	Section 38(3) of the Control of Vehicles (Off-road Areas) Act 1978 <u>s.38(3)</u> <i>The Act does not contain a head of power to delegate the appointment of authorised persons to the Chief Executive Officer.</i>
Appointment	The following positions have been appointed as an authorised officers under the Control of Vehicles (Off-road Areas) Act 1978 for the whole of the district of the City of Wanneroo: Director Community & Place Manager Community Safety and Emergency Management Coordinator Community Safety All Rangers
Council's Conditions on Delegation:	Withdrawal of an Infringement Notice can only to be approved by the Director Community & Place or the Manager Community Safety and Emergency Management having regard for the City's Infringement Notice Review and Withdrawal Management Procedure.
Statutory Power to Sub-Delegate:	N/A
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	The authorised officer shall be issued with a certificate of his appointment in the prescribed form, evidencing the area of jurisdiction entrusted to him under this Act, which he shall, on reasonable demand, produce for inspection by any person. <i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i> Details of exercising the delegation are to be recorded on the appropriate file or record.
Compliance Links	<i>Financial Interest Returns Required - No</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. 14/196797	6. CE01-06/18
	11.

2.	17/46341	7.	CE01-08/18	12.	
3.	CE06-05/17	8.		13.	
4.	07/02/18 Administrative	9.		14.	

4.3 CRIMINAL PROCEDURES ACT 2004 – APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS – BUILDING REGULATIONS 2012 (MOVED TO 2.1.6 AND 2.1.7)

4.44.3 LITTER ACT 1979 - APPOINTMENT OF PERSONS TO WITHDRAW INFRINGEMENT NOTICES

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	<ul style="list-style-type: none"> To determine if an infringement is to be withdrawn; and To sign withdrawal notice sent under subsection 4 of the Litter Act 1979
Statutory Power being Delegated:	<i>Litter Act 1979.</i> Section 30(4) and 30(4a)
Power is originally assigned to:	Local Government
Statutory Power of Appointment	<i>Litter Act 1979.</i> Section 30(4a)
Appointment:	Director Community & Place Manager Community Safety and Emergency Management
Council's Conditions on Delegation:	All requests for the withdrawal of an infringement are to be processed in accordance with the Infringement Notice Review Management Procedure.
Statutory Power to Sub-Delegate:	N/A
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Withdrawal notices are to be retained on the appropriate file or record.
Compliance Links	<i>Financial Interest Returns Required - No</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. 14/196797	6.
2. 17/46341	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

4.54.4 LOCAL GOVERNMENT ACT 1995**4.5.14.4.1 AUTHORISATION TO ACKNOWLEDGE RECEIPT OF PRIMARY AND ANNUAL RETURNS**

Function Authorised: <i>This text is provided as a reference only. Authorised Officers shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authorisation to provide written acknowledgement of the receipt of Primary and Annual Returns in accordance with section 5.77 of the Local Government Act 1995.	
Statutory Power being Authorised:	Local Government Act 1995 S 5.77 Acknowledging receipt of returns	
Power is originally assigned to:	CEO	
Statutory Power of Authorisation	Local Government Act 1995 s5.45(2)(b) Other matters relevant to delegations under this Division	
Positions Authorised:	Director Corporate Strategy & Performance Manager Council & Corporate Support	
CEO's Conditions on Authorisation:	Nil	
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Signed acknowledgement of receipt of Returns to be saved in the appropriate container in the City's Electronic Document Management System.	
Compliance Links	<i>Financial Interest Returns Required – N/A</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. 14/185803	6.	11.
2. CE06-05/17	7.	12.
3. 18/203840	8.	13.
4.	9.	14.

4.5.24.4.2 AUTHORISATION FOR RECEIPT OF GIFT, BENEFIT AND TRAVEL DISCLOSURE

Function Authorised: <i>This text is provided as a reference only. Authorised Officers shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authorisation to receive Gift, Benefit and Travel Disclosures		
Statutory Power being Authorised:	<i>Local Government Act 1995</i> Section 5.82 (1B) Gifts Section 5.83 (1B) Contributions to Travel s.5.103 Codes of Conduct		
Power is originally assigned to:	CEO		
Statutory Power of Authorisation	<i>Local Government Act 1995:</i> s5.45(2)(b) Other matters relevant to delegations under this Division		
Positions Authorised:	Director Corporate Strategy & Performance Manager Council & Corporate Support Coordinator Corporate Support		
CEO's Conditions on Authorisation:	Subject to the City of Wanneroo Conflict of Interest and Gifts and Benefits Policy and Management Procedure		
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	All declarations are to be recorded on the appropriate register.		
Compliance Links	<i>Financial Interest Returns Required – N/A</i>		
Delegation Administration:			
Decision Reference		Decision Reference	
1. 18/203840		11.	
2.		12.	
3.		13.	
4.		14.	

4.5.34.4.3 AUTHORISATION FOR ATTESTING TO THE AFFIXING OF THE COMMON SEAL

Function Authorised: <i>This text is provided as a reference only. Authorised Officers shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authorisation to attest to the affixing of the Common Seal to City documents in conjunction with the Mayor.		
Statutory Power being Authorised:	Local Government Act 1995 Section 9.49A (1), (2) and (3)		
Power is originally assigned to:	CEO		
Statutory Power of Authorisation	<i>Local Government Act 1995:</i> s5.45(2)(b) Other matters relevant to delegations under this Division		
Positions Authorised:	All Directors		
CEO's Conditions on Authorisation:	As per the City's Execution of Document Policy.		
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	All documentation relative to the decision is to be retained as required by legislation.		
Compliance Links	<i>Execution of Documents Policy</i> <i>Financial Interest Returns Required – No</i>		
Delegation Administration:			
Decision Reference		Decision Reference	
Decision Reference		Decision Reference	
1. 14/185803	6.	11.	
2. 18/203840	7.	12.	
3.	8.	13.	
4.	9.	14.	

4.5.44.4.4 AUTHORISATION FOR EXECUTION OF DOCUMENTS

Function Authorised: <i>This text is provided as a reference only. Authorised Persons shall only act in full understanding of the statutory power, inclusive of conditions [see below].</i>	The authority to execute various classes of documents on behalf of the local government.
Statutory Power being Authorised:	<i>Local Government Act 1995</i> Section 9.49A Execution of documents
Power is originally assigned to:	Local Government
Statutory Power of Authorisation	<i>Local Government Act 1995</i> Section 9.49A(4) Execution of documents
Authorisation:	Execution to be in accordance with the City of Wanneroo Execution of Documents Policy and Management Procedure.
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	<i>All uses of the City's common seal are to be recorded in a register maintained for this purpose.</i>
Compliance Links	<i>Execution of Documents Policy</i> <i>Financial Interest Return Required – No</i>
Administration:	
Decision Reference	Decision Reference
1.	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

4.5.54.4.5 AUTHORISATION FOR PRESIDING AT A COMMITTEE MEETING TO ELECT A PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER

Function Authorised: <i>This text is provided as a reference only. Authorised Officers shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authorisation to preside at a committee meeting until the office of presiding member and deputy presiding member (if applicable) is filled in accordance with Section 5.12 and Schedule 2.3 of the Local Government Act 1995.	
Statutory Power being Authorised:	Local Government Act 1995 Schedule 2.3 (3) CEO to Preside	
Power is originally assigned to:	CEO	
Statutory Power of Authorisation	<i>Local Government Act 1995:</i> s5.45(2)(b) Other matters relevant to delegations under this Division	
Positions Authorised:	All Directors	
CEO's Conditions on Authorisation:	The person presiding should be the Director directly involved with the Administration of the Committee	
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	Record of person presiding to be retained in meeting minutes. <i>Financial Interest Return Required – N/A</i>	
Compliance Links	<i>Local Government Act 1995</i> <i>Section 5.12 Presiding Members and deputies, election of</i> <i>Schedule 2.3 When and how mayors, presidents, deputy mayors and deputy presidents are elected by the Council</i> <i>Financial Interest Returns Required – No</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.

4.5.64.4.6 AUTHORISATION FOR ADMINISTRATIVE CHANGES TO THE DELEGATED AUTHORITY REGISTER

Function Authorised: <i>This text is provided as a reference only. Authorised Officers shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authorisation to effect administrative, non-substantive changes to the Delegated Authority Register.	
Statutory Power being Authorised:	<i>Local Government Act 1995</i> s5.46 Register of, and records relevant to, delegations to CEO and employees	
Power is originally assigned to:	CEO	
Statutory Power of Authorisation	<i>Local Government Act 1995:</i> s5.46(2)(b) Other matters relevant to delegations under this Division	
Positions Authorised:	Executive Manager Governance & Legal	
CEO's Conditions on Authorisation:	N/A	
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	A record is to be maintained of all changes authorised	
Compliance Links	<i>Financial Interest Return Required – No</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. 18/333025	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.

4.5.74.4.7 AUTHORISATION FOR ADMINISTRATIVE CHANGES TO THE CODE OF CONDUCT

Function Authorised: <i>This text is provided as a reference only. Authorised Officers shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authorisation to effect administrative, non-substantive changes to the Code of Conduct.	
Statutory Power being Authorised:	Local Government Act 1995 s5.103(1) Codes of conduct	
Power is originally assigned to:	CEO	
Statutory Power of Authorisation	Local Government Act 1995: s5.46(2)(b) Other matters relevant to delegations under this Division	
Positions Authorised:	Executive Manager Governance & Legal	
CEO's Conditions on Authorisation:	N/A	
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	A record is to be maintained of all changes authorised	
Compliance Links	Financial Interest Return Required – No	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.

4.64.5 HEALTH (MISCELLANEOUS PROVISION) ACT 1911 - APPOINTMENT AND AUTHORISATION OF DEPUTY

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	A local government may appoint and authorise any person to be its Health (Miscellaneous Provisions) Act 1911 deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.
Statutory Power being Delegated:	<i>Health (Miscellaneous Provisions) Act 1911</i> Section 26 Powers of local government
Power is originally assigned to:	Local Government
Statutory Power of Appointment	<i>Health (Miscellaneous Provisions) Act 1911</i> Section 26 Powers of local government
Power Delegated to:	Director Planning & Sustainability Manager Health & Compliance Coordinator Health Services Senior Environmental Health Officers Environmental Health Officers Health Technical Officers
Council's Conditions on Delegation:	<ul style="list-style-type: none"> • The giving of notices and certificates of approval under the Health (Miscellaneous Provisions) Act 1911 and its subsidiary legislation is only to be exercised by the Manager Health & Compliance, Coordinator Health Services and Senior Environmental Health Officers. • The power to prosecute is only to be exercised on recommendation from the Manager Health & Compliance and with the written approval of the Director Planning & Sustainability in consultation with the Executive Manager Governance & Legal or the City Lawyer. • The granting of approvals and permits under the <i>Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> is to be exercised by the Manager Health & Compliance, Coordinator Health Services, Senior Environmental Health Officers and Environmental Health Officers • Health Technical Officers are only appointed as a deputy for the purposes of administration of the Fly Eradication Regulations. The power to serve notice is to be undertaken by an authorised officer under the Public Health Act 2016.
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A

CEO's Conditions on Sub-delegation:	N/A		
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	<i>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> <i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i>		
Compliance Links	<i>Financial Interest Returns Required – No</i>		
Delegation Administration:			
Decision Reference		Decision Reference	Decision Reference
1. CE04-03/17	6.		11.
2. 18/203840	7.		12.
3.	8.		13.
4.	9.		14.

4.74.6 CORRUPTION CRIME AND MISCONDUCT ACT 2003 – AUTHORISATION TO SUBMIT NOTIFICATIONS

Function Authorised: <i>This text is provided as a reference only. Authorised persons shall only act in full understanding of the statutory power, inclusive of conditions [see below].</i>	1. Authorisation to notify the Corruption and Crime Commissioner, on behalf of the principal officer, in writing of any matter which is suspected on reasonable grounds concerns or may concern serious misconduct. 2. Authorisation to notify the Public Sector Commissioner, on behalf of the principal officer, in writing of any matter which is suspected on reasonable grounds concerns or may concern minor misconduct.
Statutory Power being Authorised:	<i>Corruption Crime and Misconduct Act 2003.</i> Section 28 Certain officers obliged to notify serious misconduct Section 45H Certain officers obliged to notify minor misconduct
Power is originally assigned to:	Principal Officer (Chief Executive Officer)
Statutory Power of Appointment	
Appointment:	Executive Manager Governance & Legal
Conditions on Appointment:	Notifications to be made in consultation with the CEO
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	All notifications are to be recorded in the appropriate file or register
Compliance Links	<i>Financial Interest Returns Required - No</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. 18/333025	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

5. DELEGATIONS TO CHIEF EXECUTIVE OFFICER AND OTHER OFFICERS FROM STATUTORY AUTHORITIES

5.1 DEPARTMENT OF LANDS – DEVELOPMENT APPLICATIONS MADE UNDER THE AUSPICES OF THE PLANNING & DEVELOPMENT ACT 2005

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the *2nd* day of *June* 2016



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1

The power to sign as owner in respect of Crown land that is:

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- the land is a road of which the local government has the care, control and management under section 55(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,

In respect of development applications being made under or referred to in:

- (i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- (ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);
- (iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- (iv) section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- (v) section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);

Column 2

City of Albany
City of Armadale
Shire of Ashburton
Shire of Augusta-Margaret River
Town of Bassendean
City of Bayswater
City of Belmont
Shire of Beverley
Shire of Boddington
Shire of Boyup Brook
Shire of Bridgetown-Greenbushes
Shire of Brooking
Shire of Broome
Shire of Broomfield-Tambellup
Shire of Bruce Rock
City of Bunbury
Shire of Busselton
Town of Cambridge
City of Canning
Shire of Capel
Shire of Carnamah
Shire of Carnarvon
Shire of Chapman Valley
Shire of Chittering
Shire of Christmas Island
Town of Claremont
City of Cockburn
Shire of Cocos (Keeling) Islands
Shire of Collie
Shire of Coolgardie
Shire of Coorow
Shire of Corrigin
Town of Collasloe
Shire of Cranbrook
Shire of Cuballing
Shire of Cue
Shire of Cunderdin
Shire of Dalwallinu
Shire of Dandaragan
Shire of Dardanup
Shire of Denmark
Shire of Derby/West Kimberley
Shire of Donnybrook-Balingup
Shire of Dowerin
Shire of Dumbleyung
Shire of Dundas
Town of East Fremantle
Shire of East Pilbara
Shire of Esperance
Shire of Exmouth
City of Fremantle
City of Greater Geraldton

Column 3

In accordance with and subject to approved Government Land policies.

Any signature subject to the following endorsement:
Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the *Planning and Development Act 2005* (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

- | | | |
|-------|---|---|
| (vi) | section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i> , or of which such a place forms part; | Shire of Gingin
Shire of Gnowangerup
Shire of Goomalling
City of Gosnells
Shire of Halls Creek
Shire of Harvey
Shire of Irwin
Shire of Jerramungup
City of Joondalup
Shire of Kalamunda
City of Kalgoorlie-Boulder
Shire of Katanning
Shire of Kellerberrin
Shire of Kent
Shire of Kojonup
Shire of Kondinin
Shire of Koorda
Shire of Kulin
City of Kalbar
Shire of Lake Grace
Shire of Laverton
Shire of Leonora
City of Mandurah
Shire of Manjimup
Shire of Meekatharra
City of Melville
Shire of Menzies
Shire of Merredin
Shire of Mingenew
Shire of Moora
Shire of Morawa
Town of Mosman Park
Shire of Mount Magnet
Shire of Mt Marshall
Shire of Mukinbudin
Shire of Mundaring
Shire of Murchison
Shire of Murray
Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjaraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan |
| (vii) | section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act). | |

Refer to TRIM 16/226784 for full details

14/180898v3

Page 127

5.2 DEPARTMENT OF ENVIRONMENTAL REGULATIONS – APPROVAL OF NOISE MANAGEMENT PLANS FOR OUT OF HOURS CONSTRUCTION WORK

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Approval of noise management plans in respect to a construction site for construction work outside the hours of 7am to 7pm Monday to Saturday in accordance with Regulation 13 of the Environmental Protection (Noise) Regulations 1997
Statutory Power being Delegated:	<i>Environmental Protection (Noise) Regulations 1997</i> 13. Construction sites (3)(c)
Power is originally assigned to:	Chief Executive Officer of the Department of Environmental Regulation
Statutory Power of Delegation:	<p><i>Environmental Protection Act 1986</i> 20. Delegation by CEO <i>Government Gazette No. 232 20 December 2013</i> Part 2 Environment Delegation No. 111</p> <hr/> <p>6282 GOVERNMENT GAZETTE, WA 20 December 2013</p> <hr/> <p>ENVIRONMENT</p> <hr/> <p>EV401*</p> <p>ENVIRONMENTAL PROTECTION ACT 1986 DELEGATION No. 111</p> <p>I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to—</p> <p>(a) the holder for the time being of the offices of—</p> <p>(i) Chief Executive Officer under the <i>Local Government Act 1995</i>;</p> <p>(ii) Director, Environmental Regulation Division, Department of Environment Regulation;</p> <p>(iii) Manager, Noise Regulation Branch, Environmental Regulation Division, Department of Environment Regulation; and</p> <p>(iv) Principal Environmental Officer, Noise Regulation Branch, Environmental Regulation Division, Department of Environment Regulation; and</p> <p>(b) to any employee of a local government under the <i>Local Government Act 1995</i> who is appointed as an Authorised Person under section 87 of the Act,</p> <p>all my powers and duties in relation to noise management plans under regulation 13 of the Environmental Protection (Noise) Regulations 1997 other than this power of delegation.</p> <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 79, gazetted 9 May 2008 is hereby revoked.</p> <p>Dated the 12th day of December 2013.</p> <p>JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by—</p> <p>JOHN DAY, Acting Minister for Environment, Heritage.</p>
Power Delegated to:	The holder for the time being of the officer of Chief Executive Officer under the Local Government Act 1995 and; any employee of a local government under the Local Government Act 1995 who is appointed as an Authorised Person under section 87 of the Act
Conditions on Delegation:	Business Practice Condition Noise Management Plans are to be approved by Coordinator Health Services and authorised by Manager Health and Compliance. A copy of the approved plan is to be forwarded to the Manager Land Development when related to subdivision works.
Statutory Power to Sub-Delegate:	Nil

CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	<i>Any noise management plan determinations will be recorded in the appropriate register or file.</i>
Compliance Links	<i>Financial Interest Returns Required – No</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. 16/238647	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

5.3 ENVIRONMENTAL PROTECTION ACT 1986 – ENVIRONMENTAL PROTECTION NOTICE

Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.
Statutory Power being Delegated:	<i>Environmental Protection (Noise) Regulations 1997</i> 13. Construction sites (3)(c)
Power is originally assigned to:	Chief Executive Officer of the Department of Environmental Regulation
Statutory Power of Delegation:	<p><i>Environmental Protection Act 1986</i> <i>Section 20</i> <i>Delegation No. 52</i> <i>Government Gazette No. 47 19 March 2004</i></p> <p>EV401</p> <p>ENVIRONMENTAL PROTECTION ACT 1986 Section 20 Delegation No. 52</p> <p>Pursuant to section 20 of the <i>Environmental Protection Act 1986</i>, the Chief Executive Officer hereby delegates as follows—</p> <p>Powers and duties delegated—</p> <p>All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.</p> <p>Persons to whom delegation made—</p> <p>This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the <i>Local Government Act 1995</i>.</p> <p>Pursuant to section 59(1)(e) of the <i>Interpretations Act 1984</i>, Delegation No. 32, dated 4 February 2000 is hereby revoked.</p> <p>Dated this 9th day of January 2004.</p> <p>Approved—</p> <p>FERDINAND TROMP, A/Chief Executive Officer.</p> <p>Dr JUDY EDWARDS MLA, Minister for the Environment.</p>
Power Delegated to:	<u>T</u> he holder for the time being of the officer of Chief Executive Officer under the Local Government Act 1995
Conditions on Delegation:	
Statutory Power to Sub-Delegate:	Nil

CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Any notices issued under this delegation are to be recorded in the appropriate container or register.
Compliance Links	Financial Interest Returns Required – No
Delegation Administration:	
Decision Reference	Decision Reference
1.	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

5.4 ENVIRONMENTAL PROTECTION ACT 1986 – NOISE MANAGEMENT PLANS – KEEPING LOG BOOKS, NOISE CONTROL NOTICES, CALIBRATION AND APPROVAL OF NON-COMPLYING EVENTS

<p>Function Delegated: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>	<p>The powers and duties of the Chief Executive Officer of the Department of Environment Regulation under the <i>Environmental Protection (Noise) Regulations 1997</i> in relation to:</p> <ol style="list-style-type: none"> Waste collection and other works – noise management plans relating to specified works under regulation 14A or 14B; Bellringing or amplified calls to worship – the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi); Community activities – noise control notices in respect of community noise under regulation 16; Motor sport venue – noise management plans in relation to motor sport venues under Part 2 Division 3; Shooting venues – noise management plans in relation to shooting venues under Part 2 Division 4; Calibration results – requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4; Sporting, cultural and entertainment venues – approval of event or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation: <ol style="list-style-type: none"> Subregulation 18(13)(b) is not delegated.
<p>Power is originally assigned to:</p>	<p>Chief Executive Officer of the Department of Environmental Regulation</p>
<p>Statutory Power of Delegation:</p>	<p><i>Environmental Protection Act 1986</i> <i>Delegation No. 112</i> <i>Government Gazette No. 232 20 December 2013</i></p> <p>EV402*</p> <p style="text-align: center;">ENVIRONMENTAL PROTECTION ACT 1986 DELEGATION NO. 112</p> <p>I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the <i>Local Government Act 1995</i>, my powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation, in relation to—</p> <ol style="list-style-type: none"> waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B; bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi); community activities—noise control notices in respect of community noise under regulation 16; motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3; shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4; calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4; sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation— <ol style="list-style-type: none"> Subregulation 18(13)(b) is not delegated. <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.</p> <p>Dated the 12th day of December 2013.</p> <p style="text-align: right;">JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by—</p> <p style="text-align: right;">JOHN DAY, Acting Minister for Environment, Heritage.</p>

Power Delegated to:	<u>T</u> he holder for the time being of the officer of Chief Executive Officer under the Local Government Act 1995	
Conditions on Delegation:	Business Practice Condition	
Statutory Power to Sub-Delegate:	Nil	
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A	
CEO's Conditions on Sub-delegation:	N/A	
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	<i>Any notices issued or determinations made under this delegation are to be recorded in the appropriate register or file.</i>	
Compliance Links	<i>Financial Interest Returns R<u>r</u>required – No</i>	
Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.

5.5 DEPARTMENT OF ENVIRONMENTAL PROTECTION – APPOINTMENT OF DESIGNATED PERSON - INFRINGEMENT NOTICE REVIEW

Function Authorised: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authorised to accept payments and exercise those powers in relation to modified penalties relating to infringement notices served under Section 99J of the Act by an Inspector authorised under section 88 of the Act and employed by the relevant local government.
Statutory Power being Delegated:	<i>Environmental Protection Act 1986</i> 99K Content of infringement notice 99M Extending time to pay modified penalty 99N Withdrawing infringement notice
Power is originally assigned to:	Chief Executive Officer of the Department of Environmental Regulation
Statutory Power of Delegation:	<i>Environmental Protection Act 1986</i> 20. Delegation by CEO <i>Government Gazette No. 28 11 February 2000</i> Part 2 Environmental Protection Designation No. 01
Power Delegated to:	Any person for the time being holding or acting in the Office of the Chief Executive Officer of a local government
Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: <i>The exercise of the delegated power does not include the power of delegation</i>	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	<i>Any infringements reviewed under this delegation are to be recorded in the appropriate register or file.</i>
Compliance Links	<i>Financial Interest Returns Required – No</i>
Delegation Administration:	
Decision Reference	Decision Reference
1. 16/427246	6.
2.	7.
3.	8.
4.	9.
	11.
	12.
	13.
	14.

5.6 WESTERN AUSTRALIAN PLANNING COMMISSION – DELEGATION OF CERTAIN POWERS AND FUNCTIONS OF THE WESTERN AUSTRALIAN PLANNING COMMISSION RELATING TO THE METROPOLITAN REGIONAL SCHEME

PL403

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2017/02 Powers of Local Governments and Department of Transport

Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme

Preamble

Under section 18 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to an officer of a public authority or to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

30 May 2017

GOVERNMENT GAZETTE, WA

2739

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B.
- B. To delegate to the Managing Director, Policy, Planning and Investment—Transport, of the Department of Transport, and the person or persons from time to time holding or acting in that office, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clause 3, Section A, subject to the conditions set out in clause 5 of Section B.
- C. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled "DEL 2011/02 Powers of local governments (MRS)" published in the *Government Gazette* on 10 June 2014, to give effect to this delegation.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005 INSTRUMENT OF DELEGATION

SECTION A—Types of Development

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- (b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest; or
- (e) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.

3. Large Format Digital Signage applications

Applications from any public authority for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a Primary Regional Road.

SECTION B—Conditions

1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning (DoP), as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

2740

GOVERNMENT GAZETTE, WA

30 May 2017

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
 - **Category 1 road** means that frontage access is not allowed (control of access);
 - **Category 2 road** means that frontage access may be allowed subject to approval; and
- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
 - **Category 3 road** means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road

“**Category 1 road**” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“**Category 2 road**” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“**Category 3 road**” applies where regional road reservation is not accurately defined or is under review

For enquiries and assistance regarding—

- (a) PRR Category 1, 2 and 3—call Main Roads WA on 138 138.
- (b) ORR Category 1, 2 and 3—call Department of Planning on (08) 6551 9000.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves direct vehicle access to and/or from the regional road reservation. 	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or 	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

30 May 2017

GOVERNMENT GAZETTE, WA

2741

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
(c) Development, which involves the retention of more than one existing access, or additional, relocated or new access between the subject land and the road reservation; or (d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or (e) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • all or part of the proposed development is within the regional road reservation; and • has a construction value greater than \$20 000; or (f) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • none of the proposed development is within the regional road reservation; and • has a construction value greater than \$150 000 	

Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local government first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS

Notes—

- (1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<http://www.planning.wa.gov.au/1212.asp>)
- (2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's D C Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.
(<http://www.planning.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/Standards/Technical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)
- (3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. (<http://www.planning.wa.gov.au/publications/1197.asp>)
- (4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.planning.wa.gov.au/publications/1182.asp>)
- (5) With regard to development application for the display of advertisements on land reserved under the MRS local government should have regard to the Commission's DC Policy 5.4 *Advertising on Reserved Land*. (<http://www.planning.wa.gov.au/publications/825.asp>)

2. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

3. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.

4. For the purpose of this Instrument of Delegation (excluding applications under clause 3, Section A)–

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

5. Referral Requirements for applications from a public authority for large format digital signage development on land within a Primary Regional Road reservation

Where applications for large format digital signage development relate to land that is reserved as Primary Regional Roads (PRR) reservation in the MRS, the following shall apply–

- (a) DoT shall refer the application to the relevant local government and Main Roads WA for comment and recommendation;
- (b) the local government and Main Roads WA shall provide their comments and recommendations, if any, to the delegate within 30 days of receipt of the application;
- (c) Once the 30 day period has elapsed, the delegate may determine the application, even in the absence of comments and recommendations; and
- (d) the delegate is not bound to follow any recommendation received.

Interpretation

In this Instrument of Delegation, unless the context otherwise requires–

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including–
 - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - (b) the carrying out on the land of any excavation or other works;
 - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that–
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building".
- "DoT" means the Department of Transport.
- "Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m² "local government" means a local government within the area covered by the MRS.
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "Public authority" means any of the following–
 - (a) a Minister of the Crown in right of the State;

30 May 2017 GOVERNMENT GAZETTE, WA 2743

- (b) a department of the Public Service, State trading concern, State instrumentality or State public utility;
- (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility;
- "regional road" means any road designated under the region Scheme as follows—
 - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
 - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- "reserved land" means land reserved under Part II of the MRS.
- "road reservation" means land reserved for the purposes of a regional road in the MRS.
- "significant increase in traffic" means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission's *Transport Impact Assessment Guidelines*

Extract from Government Gazette #104 30 May 2017 page 2738 18/187735

PLANNING

PL101

CORRECTION

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2017/02 Powers of Local Governments and Department of Transport
Metropolitan Region Scheme

Certain typographical errors were recorded in the Instrument of Delegation, made under the *Planning and Development Act 2005*, and published on 30 May 2017 from page 2738 to 2743 of the *Government Gazette*.

The errors are corrected as follows—

1. On page 2739, the text of Resolution C is deleted and replaced with the following words—
"TO REVOKE its delegation of powers and functions to local governments and the Department of Transport as detailed in the notice entitled "DEL 2015/02 Powers of local governments and Department of Transport (MRS)" published in the *Government Gazette* on 18 December 2015, to give effect to this delegation."

Extract from Government Gazette #105 2 June 2017 page 2761 18/187738

18 December 2018 GOVERNMENT GAZETTE, WA 4825

PLANNING

PL402

PLANNING AND DEVELOPMENT ACT 2005

AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF LOCAL GOVERNMENT AND DoT

Notice of amendment to the Instrument of Delegation, Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 12 December 2018, pursuant to section 16 of the Act, the WAPC resolved—

- A. To amend the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme as gazetted on 30 May 2017, as set out in Schedule 1 below.

SAM FAGAN, Secretary,
Western Australian Planning Commission.

Schedule 1

1. Instrument of delegation amended

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017 and as amended.

2. Amendment to Section A

1. The word "but excluding any application relating to large format digital signage" are deleted from clause 2.

2. Clause 3 is deleted.

3. Amendments to Section B

1. The words in brackets "(excluding applications under clause 3, Section A)" are deleted from the title to clause 4.

2. Clause 5 is deleted.

3. In the interpretation section the terms "Large format digital signage" and "Public Authority" and their respective definitions, are deleted.

PL403**PLANNING AND DEVELOPMENT ACT 2005****AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF OFFICERS**

Notice of amendment to the Instrument of Delegation to committees of certain functions of the Western Australian Planning Commission, as gazetted on 16 October 2015 and as amended.

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 12 December 2018, pursuant to section 16 of the Act, the WAPC resolved—

- A. To amend the Instrument of Delegation 2018/01 Delegation to officers of certain powers and functions of the Western Australian Planning Commission as gazetted on 3 October 2018, as set out in Schedule 1 below.

SAM FAGAN, Secretary,
Western Australian Planning Commission.

Schedule 1**1. Instrument of delegation amended**

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2018/01—Delegation to officers of certain powers and functions of the Western Australian Planning Commission as gazetted on 3 October 2018.

2. Amendment to Schedule 9

Any reference to the title "Manager, Strategic Property Unit" is deleted and replaced with the title "Chief Property Officer."

Any reference to the "Property Operations Manager" is deleted and replaced with the title "Manager; Acquisitions, Management, Disposals."

3. Amendment to Schedule 9

The following row is inserted into to Schedule 9 after item 9.25 on page 3843 of the *Gazette*—

9.26. All powers and functions of the WAPC, pursuant to regulation 1 of the <i>Power of Entry and Inspection Regulations</i> .	<ul style="list-style-type: none"> Any Compliance Officer Any other Officer of the Department 	Subject to the statutory limitations prescribed under regulation 1. With respect to any other Officer of the Department, only if accompanying a Compliance Officer
--	---	--

[Extract from Government Gazette #193 18 December 2018 page 4825 20/190775](#)

Power Delegated to:	Director Planning & Sustainability Manager Approval Services
----------------------------	---

	Coordinator Planning Implementation Services Specialist Planner – Approval Services Specialist Project Planner Senior Planners
Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Nil
Record Keeping Statement (LGA 1995) <i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i>	<u><i>Any determinations made under this delegation are to be recorded in the appropriate register or file.</i></u>
Compliance Links	<u><i>Financial Interest Return required – No</i></u>
Delegation Administration:	
<u>Decision Reference</u>	<u>Decision Reference</u>
1. 2. 3. 4.	6. 7. 8. 9.
	11. 12. 13. 14.

REVISIONS

Review	Council Item	Trim Ref	Details
15.12.09	CE01-12/09	10/4539	
14.12.10	CS04-12/10	10/70284	
13.12.11	CS04-12/11	11/141585v1-2	
11.12.12	CS04-12/12	11/141585v3	
30.04.13	CS08-04/13	11/141585v4	
28.05.13	CS03-05/13	11/141585v4	
24.06.14	CS04-06/14	14/141221	
23.06.15	CS06-06/15	14/141221	
08.12.15	CS08-12/15	14/180898	
08.12.15	CS07-12/15	14/180898	
28.06.16	CE02-06/16	14/180898	
06.12.16	CE04-12/16	14/180898	
07.02.17	CE01-02/17	14/180898	
07.02.17	CE02-02/17	14/180898	
07.03.17	CE03-03/17	14/180898	Amendment to Delegation 8.3 - District Planning Scheme No. 2 - Development Control
07.03.17	CE02-03/17	14/180898	New Delegation of Authority - Public Health Act 2016 – Appointment of Authorised Officers
09.05.17	CE01-05/17	14/180898	New Delegation – Criminal Procedure Act 2004 – Appointment of Authorised and Approved Officers – Building Regulations 2012
09.05.17	CE04-05/17	14/180898	New Delegation – Health (Miscellaneous Provisions) Act 1911 – Appointment and Authorisation of Deputy
09.05.17	CS05-05/17	14/180898	New Delegations – Pre-Qualified Supplier Panels (Delegations 6.11 – 6.14)
30.05.17	CE06-05/17	14/180898	Annual Review see 17/134814 for details
15.09.17	Administrative	14/180898	Administrative amendment to Delegation 7.29 – Public Health Act 2016 – Appointment of Authorised Officers
19.09.17	CE02-09/17	14/180898	Amendment to Delegation 7.30 – Health (Miscellaneous Provisions) Act 1911

09.10.17	Administrative	14/180898	Review of sub-delegations for Delegation 5.2 – Crossing from Public Thoroughfare to private land or private thoroughfare see 16/329065 for details
10.10.17	CE03-10/17	14/180898	Changes and Amendments to Delegations
13.10.17	Administrative	14/180898	Minor Amendment to Delegation 6.4 - Choice of Most Advantageous Tender
07.02.18	CE02-02/18	14/180898	Amendment to Delegation 7.10 – Bush Fires Act 1954 – Prosecutions
	Administrative	14/180898	Changes to position titles see 18/48479 for details
25.06.18	CE01-06/18	14/180898	Council Approval of Annual Review
20.07.18	18/203840	14/180898v2	CEO approval of annual review and renumbering of sub-delegations
20.02.18	18/274278	14/180898v2	Extension of sub-delegations to Operations Manager Community Service Delivery and Coordinator Community Safety
24.07.18	CE01-07/18	14/180898v2	Amendment to delegation Food Act 2008 – appointment of Authorised and Designated Officers
03.08.18	Administrative	14/180898v2	Administrative amendments. See 18/313146 for details
16.08.18	Administrative	14/180898v2	Administrative amendments. See 18//33025 for details
21.08.18	CE01-08/18	14/180898v2	Amendments to delegations
28.08.18	18/333701	14/180898v2	Removal of sub-delegations to Operations Manager Community Service Delivery
21.09.2018	18/389558	14/180898v2	Extension of sub-delegations for administration of the City of Wanneroo Bee Keeping Local Law 2016
Review	Council Item	Trim Ref	Details
18.10.2018	18/306398	14/180898v2	Amendments to delegations
24.10.2018	18/455559	14/180898v2	Administrative amendment to Delegation 2.10.3 Development Control
04/06/2019	19/197120	14/180898V2 14/180898V3	Annual Review Amended Version (Current)
12/07/2019	CEO	19/217438	Addition of Delegation 1.2.6 Public Places and Local Government Property Local Law
26/09/2019	Administrative	19/376416	Changes to position titles
11/10/2019	Administrative	19/394864	Removal of Operations Manager Business and Finance and removal of Operations Manager Asset Operations and Services
25/10/2019	CEO	19/362166	Additional sub-delegation to Delegation 1.2.6 Public Places and Local Government Property Local Law
2/12/2019	CEO	19/470186	Additional sub-delegation to Delegation 1.1.24 Waiver, Grant of Concession or Write Off of Monies Owing
22/01/2020	CEO	20/13521	Change of Delegation 1.2.6 from Manager Communications and Brand to Manager Place Management following restructure of respective service units.
29/01/2020	Administrative	20/34041	Clarification of how 35 days is calculated.

Item 9 Motions on Notice**Item 10 Urgent Business****Item 11 Confidential****CR01-06/20 Senior Officer Appointment**

File Ref: 5642V03 – 20/254096
Responsible Officer: Chief Executive Officer

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

Item 12 Date of Next Meeting

The next Briefing Session has been scheduled for 6:00pm on Tuesday, 21 July 2020, to be held in Council Chambers (Level 1), Civic Centre, 23 Dundobar Road, Wanneroo.

Item 13 Closure



COUNCIL CHAMBERS SEATING DIAGRAM

