



City of
Wanneroo

BRIEFING PAPERS
FOR ELECTED MEMBERS'
BRIEFING SESSION

Draft Only

to be held at
the Civic Centre
Dundebar Road, Wanneroo
on 27 March, 2012 commencing at 6.00PM

PROCEDURE FOR FULL COUNCIL BRIEFING

PRINCIPLES

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

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

PROCESS

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

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

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

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

AGENDA CONTENTS

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

AGENDA DISTRIBUTION

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

DEPUTATIONS

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

RECORD OF BRIEFING

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

LOCATION

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

Briefing Papers for Tuesday 27 March, 2012

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Draft

AGENDA

Item 1 Attendances

Item 2 Apologies and Leave of Absence

Item 3 Reports

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

Planning and Sustainability

Town Planning Schemes & Structure Plans

3.1 Proposed Amendment 6 to Agreed Structure Plan 44 – Capricorn Village Structure Plan

File Ref: 3718 – 12/19507
Responsible Officer: Director, Planning and Sustainability
Disclosure of Interest: Nil
Attachments: 7

Issue

To consider the submissions received during the public advertising of Amendment No. 6 to the Capricorn Coastal Village Agreed Structure Plan No. 44 (ASP 44) and adoption of the amendment.

Applicant	Roberts Day Town Planners
Owner	Capricorn Investments Group Pty Ltd & Yanchep Sun City Pty Ltd
Location	Lot 9018 (602) Two Rocks Road, Yanchep; Lot 215 (55) Beachhaven Drive, Yanchep; and Lot 216 (59) Beachhaven Drive, Yanchep
Site Area	34.53 Hectares (Lot 9018) 0.20 Hectares (Lot 215) and 0.20 Hectares (Lot 216)
MRS Zoning	Urban
DPS 2 Zoning	Urban Development

Background

On 14 October 2011, the City received a request from Roberts Day Town Planners on behalf of Capricorn Investments Group Pty Ltd & Yanchep Sun City Pty Ltd to amend ASP 44 by changing the road layout of lot 9028 and residential density for a portion of Lot 9028 Two Rocks Road, Yanchep and Lot 215 and 216 Beachhaven Drive, Yanchep. The subject sites are located north of Yanchep Beach Road between Two Rocks Road to the east and the coast to the west. **Attachment 1** contains the location plan depicting the subject sites.

On 4 November 2011, the Director Planning and Sustainability sent a memorandum to the Elected Members advising of Administration's intention to advertise the proposed amendment under delegated authority and providing the opportunity for Elected Members to request referral of the proposal to Council for consent to advertise.

No such requests were received and advertising of Amendment 6 to ASP 44 subsequently commenced in accordance with Clause 9.5 of District Planning Scheme No. 2 (DPS 2) on 29 November 2011 for a period of 42 days, closing on 17 January 2011.

Detail

The key elements of the Amendment are:

- Reconfiguration of the local road network and lot configuration.
- Increase in density of lots from predominantly R10, with portions of R30 and R40, to predominantly R25 and R40 lots. This will result in an overall increase of approximately 100 dwellings.
- Increase of density of lots south of Beachhaven Drive from R5 to R20.
- Amalgamation of three smaller public open spaces (POS) into one 3.5 ha POS for landscape protection and active open space.
- The minor reconfiguration of two POS areas due to realigned road layout;
- Minor reconfiguration of the Neighbourhood Centre Zone boundary and Coastal Node Centre due to realigned road layout.

Attachment 2 shows the previously agreed residential density code plan while **Attachment 3** shows the proposed residential density code plan. The proposed Structure Plan and Zoning Map are intended to be altered to reflect the changes proposed above and are shown in **Attachments 4** and **5**.

The applicant has provided three main justification points for the amendment which are:

- 1) The area is located in proximity to the Capricorn Coastal Node Activity Centre and increasing the density of this area in line with the objectives of Directions 2031;
- 2) The existing larger lots are not economically feasible with a lack of market for lots requiring custom build solutions; and
- 3) The existing structure plan does not cater for an appropriate response to the landscape whilst the proposed amendment would strengthen orientation and vistas to the coast whilst retaining vegetation and public open space.

Consultation

The amendment was advertised for public comment for a period of 42 days by means of on-site signage; an advertisement in the Wanneroo Times newspaper and on the City's website; and letters to nearby landowners. The submission period opened on 29 November 2011 and closed on 17 January 2011, with a total of three submissions received. One submission was received in support of the proposed amendment with two submissions objecting to the proposal. A summary of submissions received together with Administration's response to each is included as **Attachment 6**.

All three submissions received related to the proposed increased density from R5 to R20 for Lots 215 & 216 Beachhaven Drive. This matter is discussed further in the comment section below.

Comment

Through public consultation and Administration's assessment of the proposal, the following issues were raised.

Structure Plan Map Level of Detail

ASP 44 was first 'agreed' on 20 December 2005. Structure Plans prepared at that time typically depicted a very high level of detail with regard to the road and lot layout and specific density of individually proposed lots. The depiction of this level of detail at the structure planning stage created an inflexible planning framework, where any minor changes to lot or road configuration that result from detailed design at latter stages of the planning process required a structure plan amendment.

Since ASP 44 was first 'agreed', planning has evolved to provide greater design flexibility by requiring a lesser level of detail on the Structure Plan Maps, R Code Maps and Zoning Maps, than was previously the case. This contemporary approach has been formalised through Council's adoption of Local Planning Policy 4.2: Structure Planning (LPP 4.2). LPP 4.2 requires (among other things) R-Code ranges to be provided for areas along with indicative location of the necessary transport links, and locational criteria to determine where areas of low, medium and high density are located. The Department of Planning has also embraced this approach. In view of the above, Administration recommends that R-code ranges be applied to ASP 44 as part of proposed Amendment No. 6, in accordance with LPP 4.2.

Residential Density

The proposed increase in density surrounding the Capricorn Coastal Node to R25 and R40 will result in an overall increase of approximately 100 dwellings.

Due to the location in close proximity to the Capricorn Coastal Node and the Capricorn Neighbourhood Centre this increase in density is supported as it will provide increased dwellings within a walkable catchment of these two centres, ultimately meeting the objectives of Directions 2031.

Retention of Topography

The increased density and proposed road layout would ultimately create a terrace towards the ocean. This configuration would permit more dwellings to have views over the ocean whilst also creating pedestrian friendly vistas from the top of the dunes. However, this proposal would lead to a loss of the individual site responsiveness of the R10 lots. To keep the landform response, retaining walls would be required to be installed. Preliminary earth works plans have identified that, due to the terraced lot layout, retaining would be minimised and that any retaining walls would be less than the maximum 3 m as stipulated by the City's Subdivision Retaining Wall Policy.

Administration considers that, whilst the larger lots associated with the existing R10 density coding would provide an opportunity to retain some of the existing landform within private properties, there is no guarantee that future development on those lots would achieve the same. Furthermore, opportunities do still exist to retain landform in higher density areas, with several examples of this existing across the metropolitan region. As such, the proposed density ranges are supported.

Public Open Space

The proposed amendment to LSP 44 incorporates the consolidation of three smaller public open space areas into one larger public open space (3.5ha). This modification results in an additional 0.85 ha of public open space. The removal of smaller pocket parks into larger, more usable spaces is consistent with the City's Public Open Space Policy and will incorporate increased retention of vegetation in the current Capricorn campsite area.

The Yancheop – Two Rocks District Structure Plan (DSP) does, however, identify that an east-west social/pedestrian/cycle linkage should be provided along Lookout Drive.

Attachment 7 identifies the location of this linkage, connecting east–west across the ASP 44 area into the POS corridor created to the south-west of the amendment area. By identifying this as a social/pedestrian/cycle linkage there will be a capability for non vehicular transport to the Capricorn Coastal node and this will result in the retention of the natural topography along these linkages.

Residential R25 Density

The proposal incorporates a large portion of the subject area to be recoded to Residential 'R25'. Within the current structure plan text, Clause 9.0 dot point 8, variations are granted to the acceptable development provisions of the residential design codes for lots coded "R20, R30 or R40", however, remain silent for any variations permitted for R25 lots.

The matter was raised with the proponent who has now sought to also amend the structure plan text to vary the acceptable development standards of R25 lots to be consistent with those of R20 and R30 lots. It is proposed that the modified structure plan text would state;

"The following variations to the Residential Design Codes constitute Acceptable Development with respect to all lots coded R20, R25, R30 or R40. The intention of the provisions is to maximise the opportunity for passive surveillance and passive solar design and improve the relationship between the private realm of the dwelling and the public realm of the street, whilst not being overly prescriptive to ensure the lots can accommodate a range of standard housing designs and remain affordable."

By amending the text to also include R25 code this will enhance the flexibility of the R-Code ranges as identified above.

Lot 215 (55) and Lot 216 (59) Beachhaven Drive, Yanchep

The proposal incorporates the recoding of Lots 215 and 216 Beachhaven Drive from Residential R5 to Residential R20, effectively reducing the minimum lot size required per lot from 2000m² (allowing up to two lots) to 500m² (allowing up to eight lots). The applicant has provided justification for the increased density by indicating that the lots will reflect the Residential R20 lots immediately to the north and that there is currently no market for the sales of larger vegetation/landscape responsive lots.

During advertising, a submission was received from the owner of Lot 214 Beachhaven Drive in support of the proposed increased coding and recommended that the amendment also include Lot 214.

Administration does not support this aspect of the proposed Amendment for the following reasons:

- If Lot 214 were also included, this recoding could potentially result in the creation of 12 lots (and dwellings) where only three presently exist. This would significantly compromise (and most likely remove altogether) any possibility of continuing the retention of landform and vegetation that has been achieved on the 13 other R5 dune lots;
- The proposed recoding request appears to be primarily motivated by the apparent lack of sales interest in the remaining dunal lots in the developer's ownership and represents an opportunity to add financial value and further development potential to that land. However, that cannot be given any weight as a valid planning consideration;
- Lots 214, 215 and 216 represent a logical 'rounding off' of the R5 dune lots and directly adjoin a coastal reserve to the south and west.

Whilst recoding of these three lots to R20 would reflect the density coding of the land on the opposite side of the road, doing so would not represent a logical or graduated increase in density from the adjoining dune lots to the substantially smaller, conventional housing lots proposed. The difference in housing, environment and built form (including fencing) that would result from this is not considered to be an appropriate or desirable planning response to the particular circumstances.

Conclusion

Roberts Day Town Planners on behalf of Capricorn Investments Group Pty Ltd & Yanchep Sun City Pty Ltd has requested to the City to consider amendment No. 6 to the Capricorn Coastal Village Agreed Structure Plan No. 44. The proposal is generally in keeping with intent of the structure plan that was originally adopted and aims to retain the dune systems whilst providing increased density around the coastal activity centres.

Administration supports the proposal to amend the structure plan in accordance with **Attachments 3, 4 and 5** subject to the following modifications:

- The proposed density ranges (as included in **Attachment 7**) are represented on the R – Code Plan with the detailed road layout being removed from the amendment area of **Attachments 3, 4 and 5**.
- The proposed amendment removes the recoding of lots 215 and 216 Beachhaven Drive, Yanchep; and
- The Part 1 text is amended to include variations to the acceptable development standards of the R25 density as detailed above as well as including the provision of text for locational criteria.

Statutory Compliance

This amendment proposal has been processed in accordance with the requirements of DPS 2. Clause 9.6.1 of DPS 2 provides that following advertisement of a Structure Plan amendment, Council may refuse to adopt the amendment or resolve that the amendment is satisfactory with or without modifications. It is recommended that Amendment No. 6 to ASP 4 be approved with modifications.

Strategic Implications

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

“1 *Environment*

1.4 *Improve the quality of the built environment*”

Policy Implications

The proposal has been assessed under and accords with the provisions of the City's Local Planning Policy 4.2: Structure Planning.

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

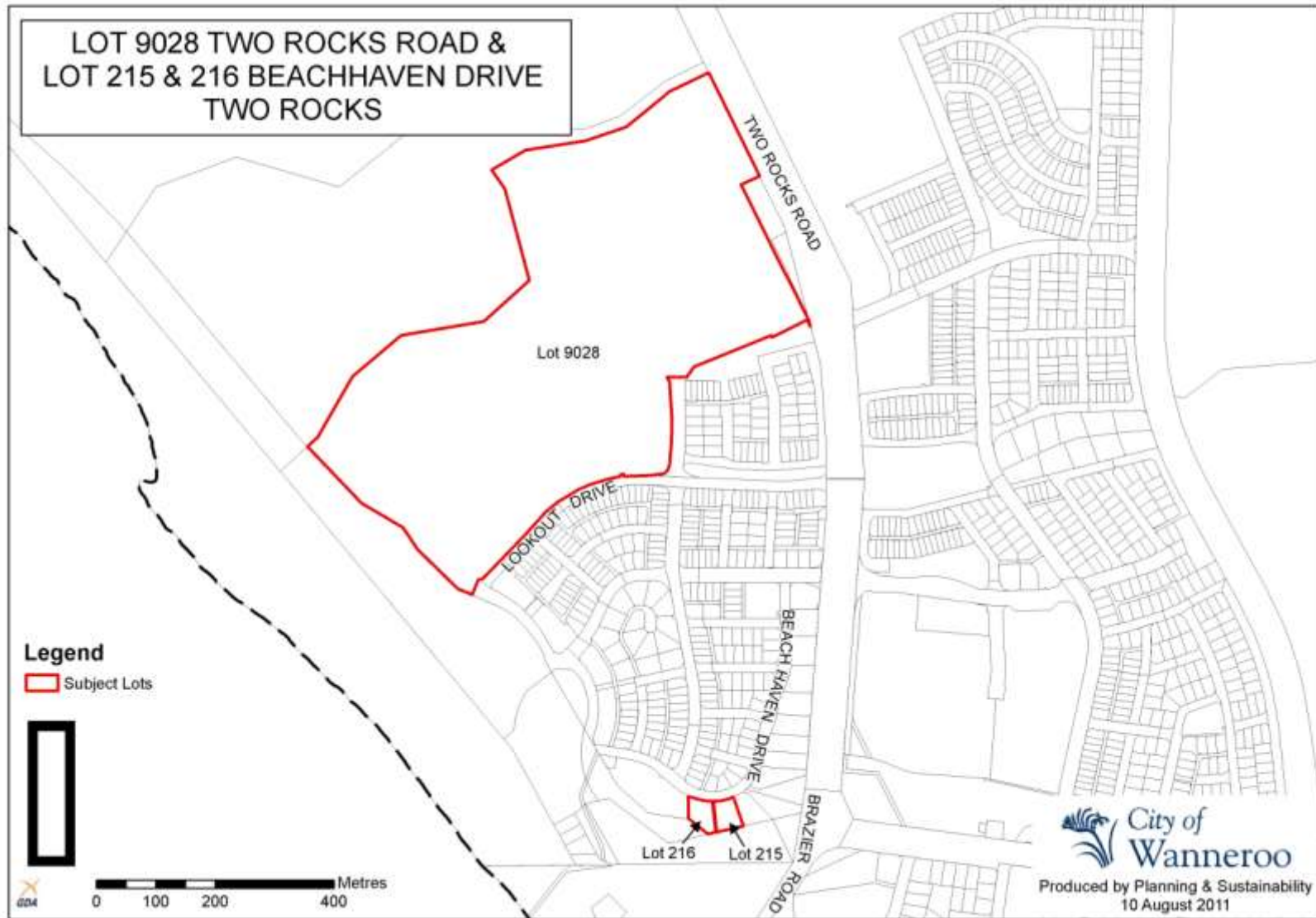
That Council:-

1. Pursuant to Clause 9.6.1 of District Planning Scheme No.2 RESOLVES that Amendment No. 6 to the Capricorn Village Agreed Structure Plan No. 44, as submitted by Roberts Day Town Planners on behalf of Capricorn Investments Group Pty Ltd & Yanchep Sun City Pty Ltd to undertake the points listed below is satisfactory, subject to the following modifications being undertaken to the satisfaction of the Director, Planning and Sustainability;
 - a) Modify the existing Part 1 R-Code Map in accordance with Attachment 7 to remove detail within the amendment area, replace the R25 and R40 density code with a R25 – R40 density range and include a social/pedestrian/cycle linkage;
 - b) Modify the existing Part 1 Zoning Map to remove detail, including lot layout and local roads, within the amendment area;
 - c) Modify the existing Part 1 Structure Plan Map to remove detail, including lot layout and local roads, within the amendment area;
 - d) Amend the Part 1 text, Clause 9.4 - dot point 9 to read;

“The following variations to the Residential Design Codes constitute Acceptable Development with respect to all lots coded R20, R25, R30 or R40. The intention of the provisions is to maximise the opportunity for passive surveillance and passive solar design and improve the relationship between the private realm of the dwelling and the public realm of the street, whilst not being overly prescriptive to ensure the lots can accommodate a range of standard housing designs and remain affordable.”; and
 - e) Amend the Part 1 text to include locational criteria for the allocation of density ranges in accordance with the City’s Local Planning Policy 4.2: Structure Planning;
2. SUBMITS three copies to the Western Australian Planning Commission for its adoption and certification;
3. Pursuant to Clause 9.6.5 of the City of Wanneroo District Planning Scheme No. 2, AUTHORISES the Mayor and Chief Executive Officer to ADOPT, SIGN and SEAL Amendment No. 6 to the Capricorn Village Agreed Structure Plan No. 44 once Adopted by the Western Australian Planning Commission; and
4. NOTES the Summary of Submissions received in respect of Amendment No. 6 to the Capricorn Village Agreed Structure Plan No. 44 included as Attachment 6 and ENDORSES Administration’s comments and recommended responses to those submissions and FORWARDS the same to the Western Australian Planning Commission and ADVISES the submitters of its decision.

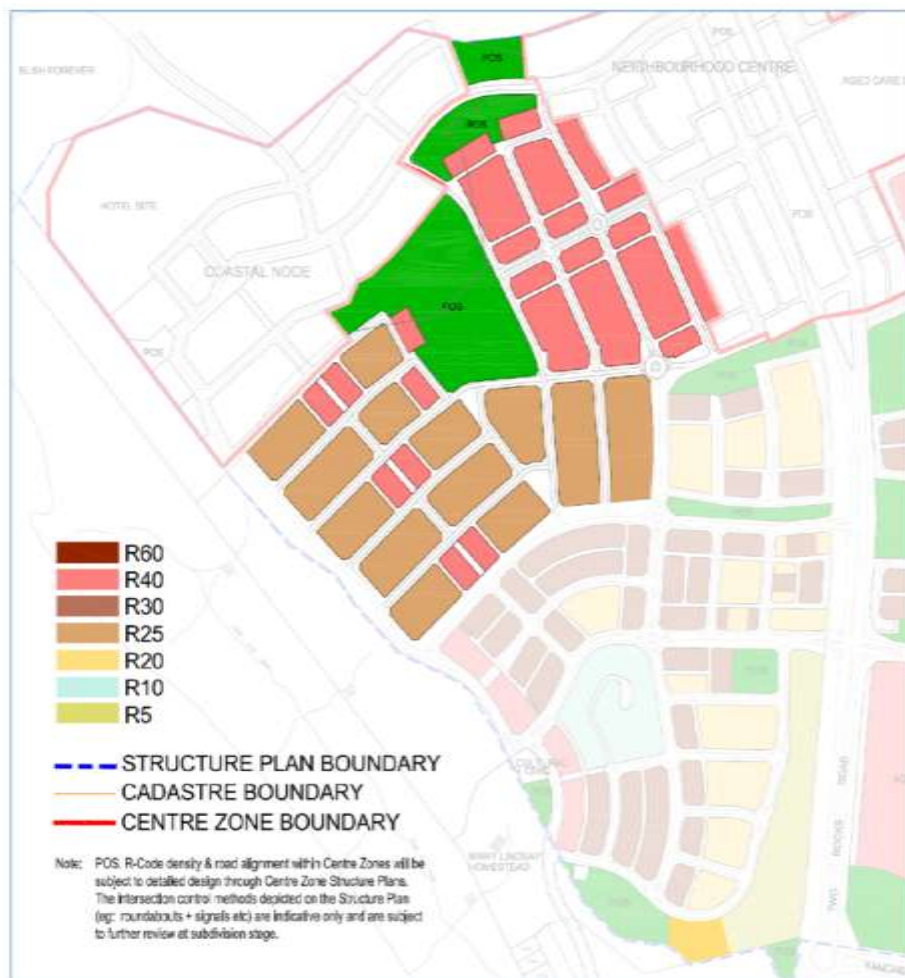
Attachments:

- | | | |
|--------------------------------|----------|---------|
| 1. Location Plan | 12/22563 | |
| 2. Existing R Code Plan | 12/28181 | |
| 3. Proposed R Code Plan | 12/28182 | |
| 4. Proposed Structure Plan Map | 12/28183 | |
| 5. Proposed Zoning Plan | 12/28184 | |
| 6. Schedule of Submissions | 12/31407 | Minuted |
| 7. R-Code Range Plan | 12/28185 | Minuted |

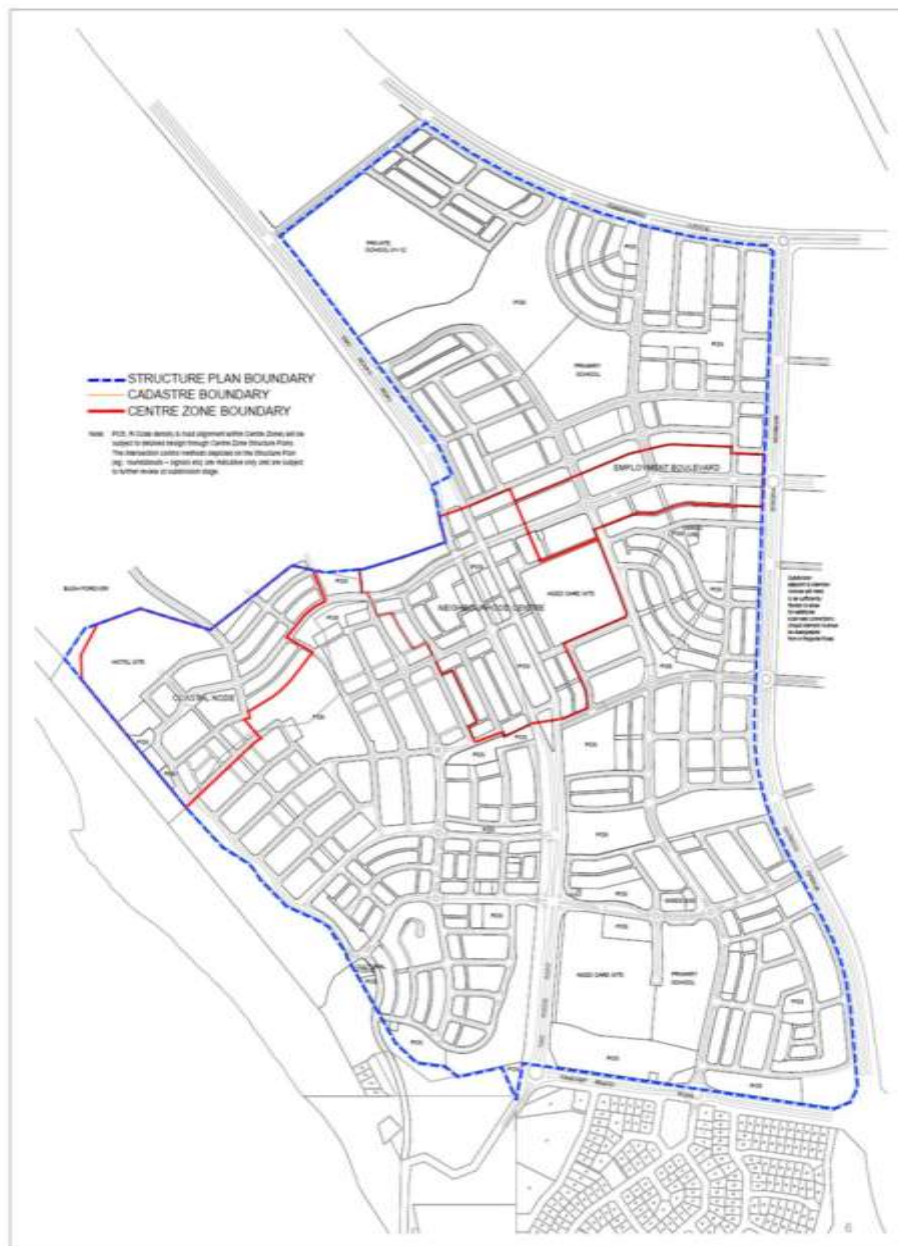




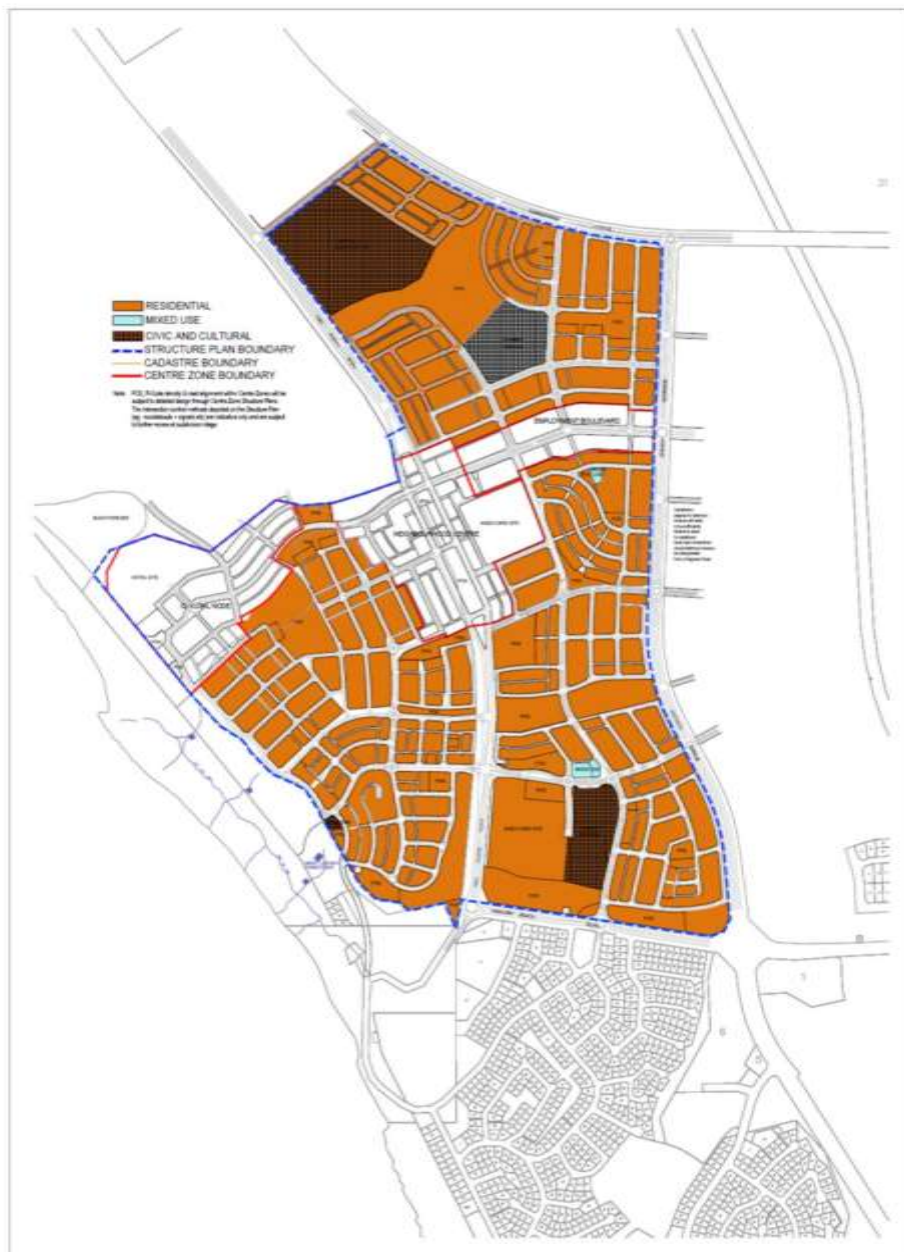
Existing R-Code Plan



Proposed R-Code Plan



Proposed Structure Plan



Proposed Zoning Plan

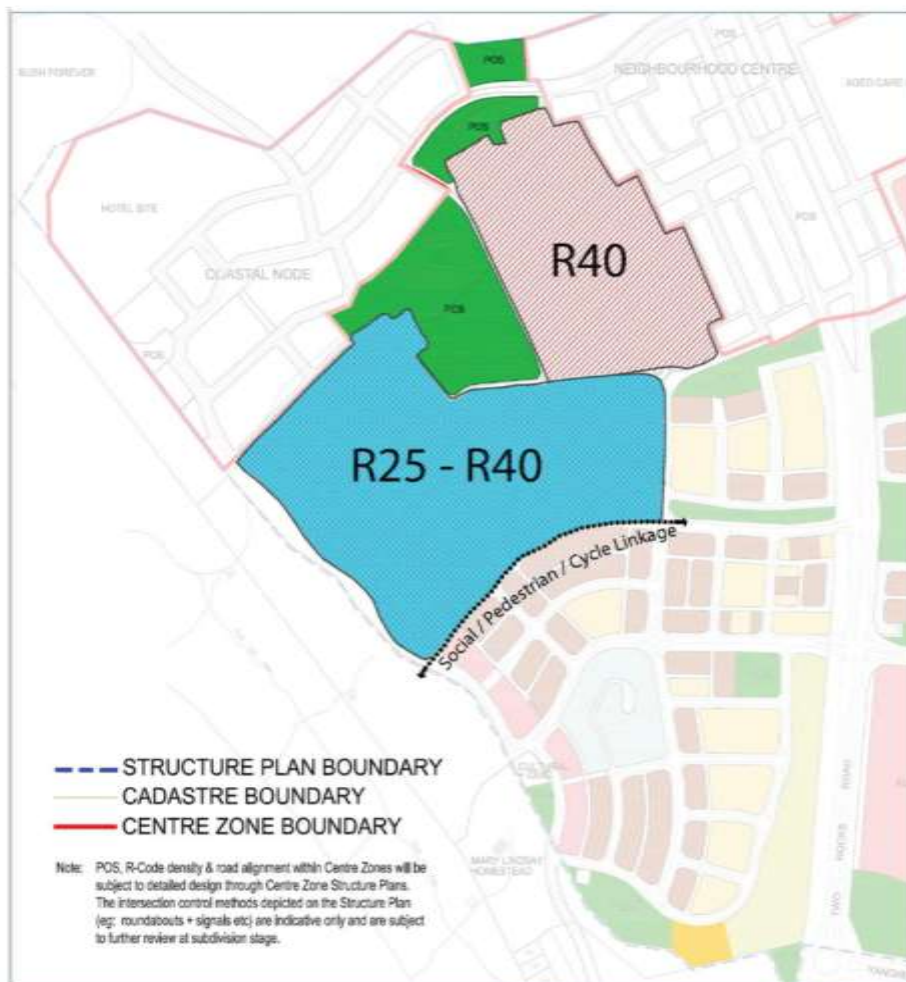
Amendment No. 6 to Capricorn Coastal Village 1 Agreed Structure Plan No. 44

No.	Name.	Summary of Submission	Administration Response/Comment	Recommended Modification
1.0	C Waddell 51 (Lot 214) Beachhaven Drive, Yanchep			
1.1		The proposed rezoning of the Yanchep area (including surrounding the Capricorn Centre) and dunal ridge is supported .	Noted	None
1.2		Lot 214 Beachhaven Drive (Adjoining property to Lot 215 and Lot 216 Beachhaven Drive which are proposed to be rezoned to R20 as part of this amendment) should also be included and be rezoned from R5 to R20.	Disagree. The inclusion of an extra lot would have a greater impact on the loss of vegetation and topography of the dune.	None
1.3		The increased density along the dunal ridge will allow greater number of houses to have direct ocean views or direct views and access over the public reserve.	Disagree. The proposed increase in opportunity for views from a small number of dwellings does not outweigh the amendments as the loss of vegetation and topography would have a greater impact on the natural setting.	None
1.4		The increased density along the dunal ridge will allow more dwellings/residents to have access to surrounding attractions.	Noted.	None
2.0	T Loftus (Address Not Given)			
2.1		The proposed amendment for Lots 215 and 216 Beachhaven Drive, from R5 to R20, is not supported .	Noted.	None
2.2		Documentation submitted with the proposal states that the rezoning is a result in a lack of interest from purchasers however Lot 216 has recently exhibited a 'Sold' sign.	Noted. The economic feasibility of a site would have little impact on the proposition to rezone the lots.	None
2.3		The lots (approximately 2000sqm) were created as a buffer between the Public Open Space (POS) and	Noted.	None

Trim # - 12/14597

No.	Name.	Summary of Submission	Administration Response/Comment	Recommended Modification
		Two Rocks Road with all lots having challenging topography allowing a variety of different/larger homes.		
2.4		Lot sizes of 500sqm would require 'battle axe' blocks which are a blight and should not be permitted in the estate.	Disagree. The detail of lot design/configuration is not something which is determined at the structure plan stage.	None
2.5		The construction of 500sqm lots would result in the destruction of the natural significant dunes and these should be preserved.	Noted. This issue is dealt with in the body of the report.	Modify Plan 1 to alter lots 215 & 216 Beachhaven Drive to R5
2.6		The financial viability is not an acceptable reason to make a planning decision.	Agree. This issue is dealt with in the body of the report.	None
2.7		The developer is not complying with their own criteria for the development of these lots.	Noted. The purpose of the amendment is to propose alternative criteria for the development of the subject lots.	None
3.0	H Watson (Address not Given)			
3.1		The proposed amendment for Lots 215 and 216 Beachhaven Drive, from R5 to R20, is not supported .	Noted.	None
3.2		The larger lots are welcomed and offer a sense of space differentiating the area from standard urban sprawl.	Noted.	None
3.3		The proposal will flatten the dunes for increased profit for the developer and offer no benefit to the community.	Agree. This issue is dealt with in the body of the report.	None
3.4		The proposed amendment is inconsistent with the objectives for the Capricorn Coastal Node including responsiveness to existing landforms.	See response to 2.7 above.	None

Trim # - 12/14597



Proposed R-Code Range Plan

3.2 Proposed Amendment 1 to Agreed Structure Plan 52 – Brighton West Village Centre

File Ref:	6197-01 – 12/21011
Responsible Officer:	Director, Planning and Sustainability
Disclosure of Interest:	Nil
Attachments:	9

Issue

To consider the submissions received during the public advertising of Amendment No. 1 to the Brighton West Village Centre Agreed Structure Plan No. 52 (ASP 52) and adoption of the amendment.

Applicant	Greg Rowe and Associates
Owner	MQI Land Syndicate
Location	Lot 9034 (84) Jindalee Boulevard, Jindalee and Lot 1868 (10) Clew Way, Jindalee
Site Area	2066m ² (Lot 9034) 466m ² (Lot 1868)
MRS Zoning	Urban
DPS 2 Zoning	Urban Development

Background

On 28 September 2011, the City received a request from Greg Rowe and Associates on behalf of MQI Land Syndicate to amend ASP 52 (Amendment No. 1) by rezoning Lot 9034 from 'Business' zone to 'Commercial' zone and Lot 1868 from 'Business' and 'Residential' zones to 'Commercial' zone. The subject sites are located south of Jindalee Boulevard and west of Marmion Avenue. **Attachment 1** contains the location plan depicting the subject sites.

On 4 November 2011, the Director Planning and Sustainability sent a memorandum to Elected Members advising of Administration's intention to advertise the proposed amendment under delegated authority and providing the opportunity for Elected Members to request referral of the proposal to Council for consent to advertise. No such requests were received and advertising of Amendment No. 1 to LSP 52 subsequently commenced in accordance with Clause 9.5 of District Planning Scheme No. 2 (DPS 2) on 29 November 2011 for a period of 42 days, closing on 17 January 2011.

Detail

Attachments 2, 3 and 4 show the existing ASP 52 zoning plan, residential density code plan and structure plan respectively. **Attachments 5, 6 and 7** show the proposed Amendment No. 1 zoning plan, residential density code plan and structure plan respectively.

The key elements of Amendment No. 1 to ASP 52 are as follows:

- Rezoning Lot 9034 from 'Business' to 'Commercial' zone and rezoning Lot 1868 from 'Business' and 'Residential' zones to 'Commercial' zone, to allow uses not currently permitted within the 'Business' zone and to extend these zones to the southern part of Lot 1868;
- Reconfiguring the Zoning and Residential Density Maps to match the existing subdivision layout approved by (the Western Australian Planning Commission) (SD140532) allowing Lot 1868 to have one single zoning rather than its current split Business/Residential zoning;

- Including an annotation on the structure plan to permit on street car parking on Clew Way;
- Including a maximum retail net lettable area (NLA) of 1,000 m² for the 'Commercial' zoned area; and
- Inserting provisions relating to the 'Commercial' zoned area, as included in **Attachment 8**, into Clause 8.2 of ASP 52, and renumbering subsequent provisions accordingly.

Consultation

The amendment was advertised for public comment for a period of 42 days by means of on-site signage; an advertisement in the Wanneroo Times newspaper and on the City's website; and letters to nearby landowners. The submission period opened on 29 November 2011 and closed on 17 January 2011, with a total of two submissions received, both objecting to the proposal. A summary of submissions received together with Administration's response to each is included as **Attachment 9**.

The main issues raised in the submissions relate to:

- Retail NLA;
- Increased Traffic; and
- Potential for anti-social behaviour and noise pollution.

A detailed discussion of the abovementioned issues is provided in the Comment section of this report.

A third submission was received on 6 March 2012, well after the end of the advertising period. This submission raised many of the same issues as raised by the two submissions received during the advertising period as well as other issues, such as car parking layout and bin store location which would be dealt with during a more detailed assessment at development application stage.

Comment

Submissions received raised concerns that the proposed rezoning from 'Business' to 'Commercial' would have a significant impact on the traffic at the intersection of Jindalee Boulevard and Investigator Parade. Submissions also raised concerns relating to the existing restaurants and taverns located east of Marmion Avenue and that the anti-social behaviour and noise pollution in the area could be duplicated to the west of Marmion Avenue.

Rezoning the ASP 52 centre area from 'Business' to 'Commercial' would only allow 12 additional uses to become permissible, as follows:

- Bed & Breakfast;
- Club (Non Residential);
- Dry Cleaning Premises;
- Reception Centre;
- Video Hire;
- Hardware Store;
- Liquor Store;
- Pharmacy;

- Cinema Complex;
- Restricted Premises;
- Shop; and
- Supermarket

The ability to incorporate the above 12 additional uses will not, in itself, increase traffic volumes or anti-social behaviour or noise pollution within the area. The uses of Restaurant and Tavern, which were identified through submissions as a concern, do not change permissibility between the 'Business' zone and 'Commercial' zone. Nevertheless, the impact of the proposed uses on surrounding areas, including traffic and amenity, would be considered as a part of any development application, and would be determined appropriately to minimise any impacts.

Retail NLA

Amendment No. 1 to ASP 52 includes a maximum retail NLA for the proposed 'Commercial' zone, in accordance with the requirements of subclauses 3.7.3 and 3.7.4 of DPS 2. Amendment No. 1 proposes a maximum retail NLA of 1,000m² for the 'Commercial' zoned area. The Butler-Jindalee District Structure Plan (DSP) Centres Strategy Study identifies 500 m² for this ASP 52 centre, however, as the area was never zoned 'Commercial' there was never any requirement for a maximum retail NLA to be applied to the centre.

Justification for the proposed 1000m² retail NLA was provided by Shrapnel Urban Planning, on behalf of the applicant, who identified that increasing the retail NLA by 500m² would allow a 'main street' centre development and that the DSP Centres Strategy Study set floorspace guidelines that may be reviewed as part of the detailed planning of an area. Administration considers that increasing the proposed retail size of the centre by 500 m² is minor and would not have a significant impact on the surrounding area or other future centres identified in the DSP.

On Street Car Parking

The proposal includes an amendment to the structure plan map, including relevant hatching and a notation stating 'Carparking to be included along portion of Clew Way'. The proponent has included indicative development application plans in support of the proposed amendment which depict the intended layout of the proposed on-street bays. Whilst the plans are indicative only, they incorporate the reduction in width of Clew Way to 6m to accommodate 90 degree parking on both the north (18 bays) and south (16 bays) side and five angle parking bays located on Jindalee Boulevard.

Administration does not object to the inclusion of the notation regarding on street car parking, however, the ASP amendment is not the appropriate planning stage for including the specific location of on street parking bays. Any proposal for on-street parking would need to be applied for and assessed in detail at the development application stage, together with a traffic impact assessment of any proposed commercial development

Other Matters

Upon further review of the wording proposed in the Part 1 (Statutory) ASP text (**Attachment 8**) it has become apparent that the wording for the 'Commercial' zone has been taken from the requirements for the 'Business' zone in the existing ASP. Whilst this is not an issue in itself as the provisions are consistent over both zones, the original provisions included a text error with the inclusion of the word 'advice' in provision iii.

The current wording is inaccurate and it is therefore recommended that the word 'advice' be removed from both the existing structure plan text and the proposed amendment text.

Advertising of such a minor wording correction is not required, pursuant to clause 9.7.2 of DPS 2.

Statutory Compliance

This amendment proposal has been processed in accordance with the requirements of DPS 2. Clause 9.6.1 of DPS 2 provides that following advertisement of a Structure Plan amendment, Council may refuse to adopt the amendment or resolve that the amendment is satisfactory with or without modifications. It is recommended that Amendment No. 1 to ASP 52 be approved with only a minor modification to correct the text error in Part 1, clause 8.1 and 8.2 Provision iii (deleting the word advice).

Strategic Implications

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

"1 Environment

1.4 Improve the quality of the built environment"

Policy Implications

The proposal has been assessed under and accords with the provisions of the City's Local Planning Policy 4.2: Structure Planning.

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council:-

- 1. Pursuant to Clause 9.6.1 of District Planning Scheme No.2 RESOLVES that Amendment No. 1 to the Brighton West Village Centre Agreed Structure Plan No. 52, included as Attachments 5, 6 and 7 and 8 to this report is satisfactory subject to the following modification being undertaken to the satisfaction of the Director, Planning and Sustainability;**

"Modify the Part 1 text, Clause 8.1, Provision iii of the existing Agreed Structure Plan and the proposed Clause 8.2, Provision iii to remove the word 'advice'.

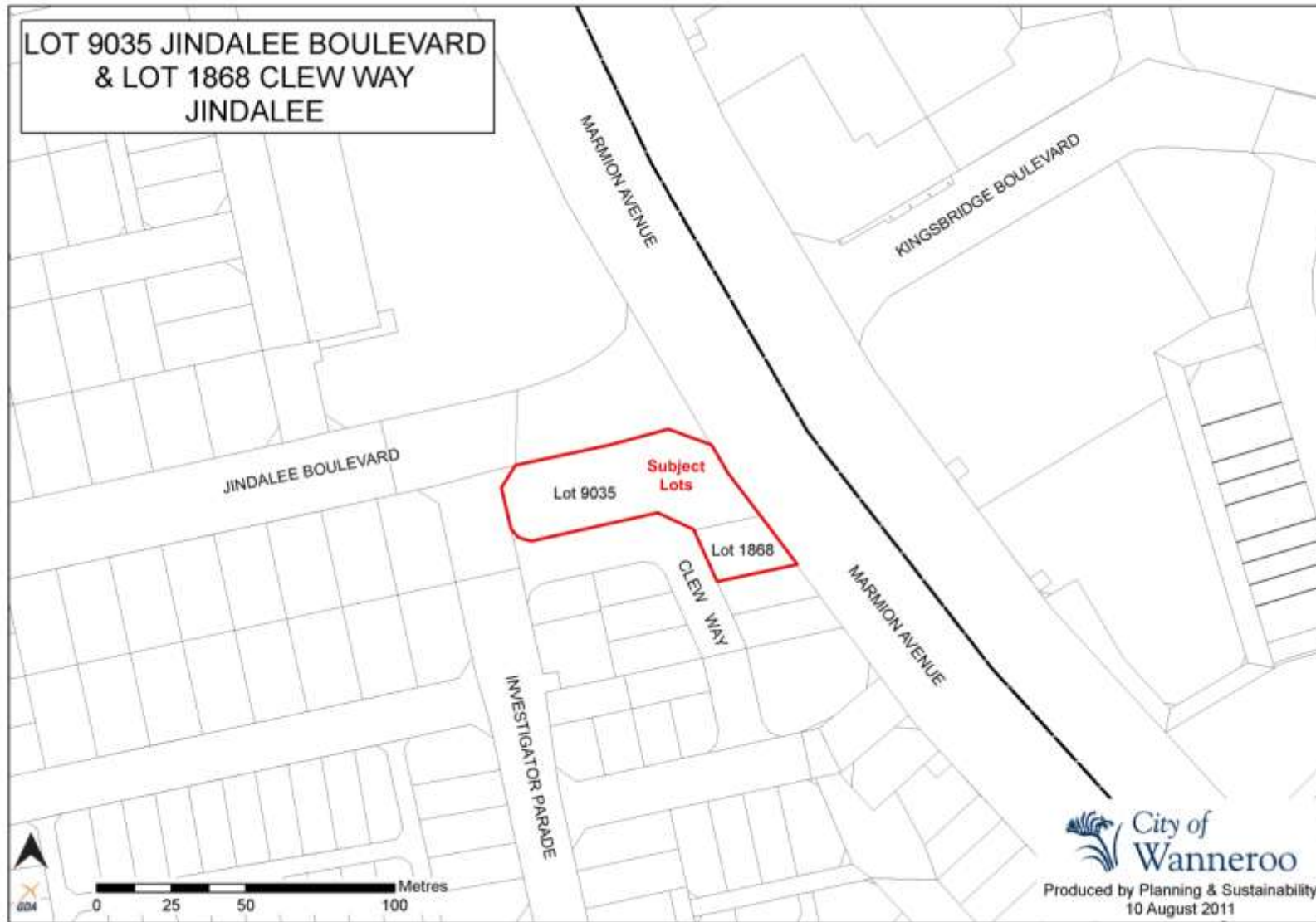
and SUBMITS three copies to the Western Australian Planning Commission for its adoption and certification;

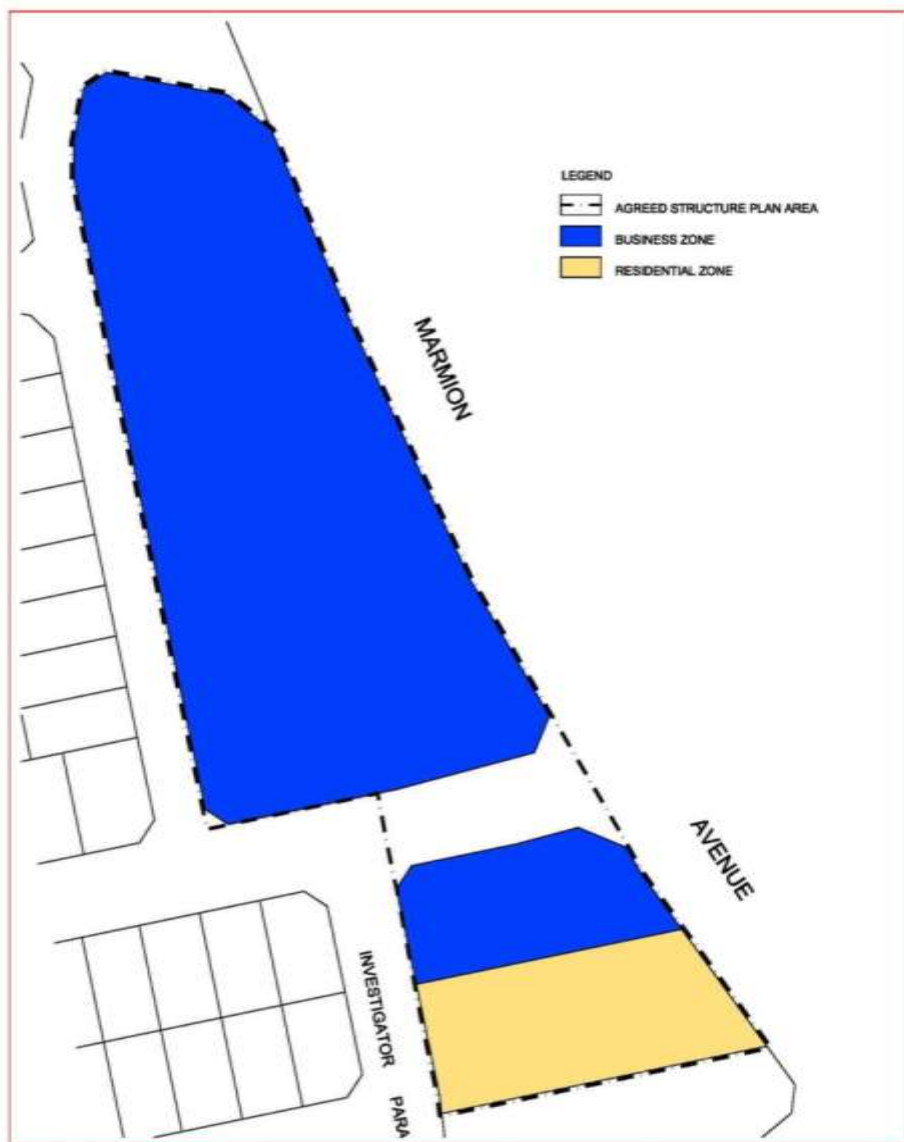
- 2. Pursuant to Clause 9.6.5 of the City of Wanneroo District Planning Scheme No. 2, ADOPTS the Brighton West Village Centre Agreed Structure Plan No. 52 once amended in accordance with Attachments 5, 6, 7 and 8 and the modification outlined in 1 above and adopted by the Western Australian Planning Commission;**

3. **AUTHORISES** the Mayor and Chief Executive Officer to **SIGN** and **SEAL** the documents once certified by the Western Australian Planning Commission; and
4. **NOTES** and **ENDORSES** the comments made in this report regarding the submissions received on this structure plan amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission and **ADVISES** the submitters of its decision.

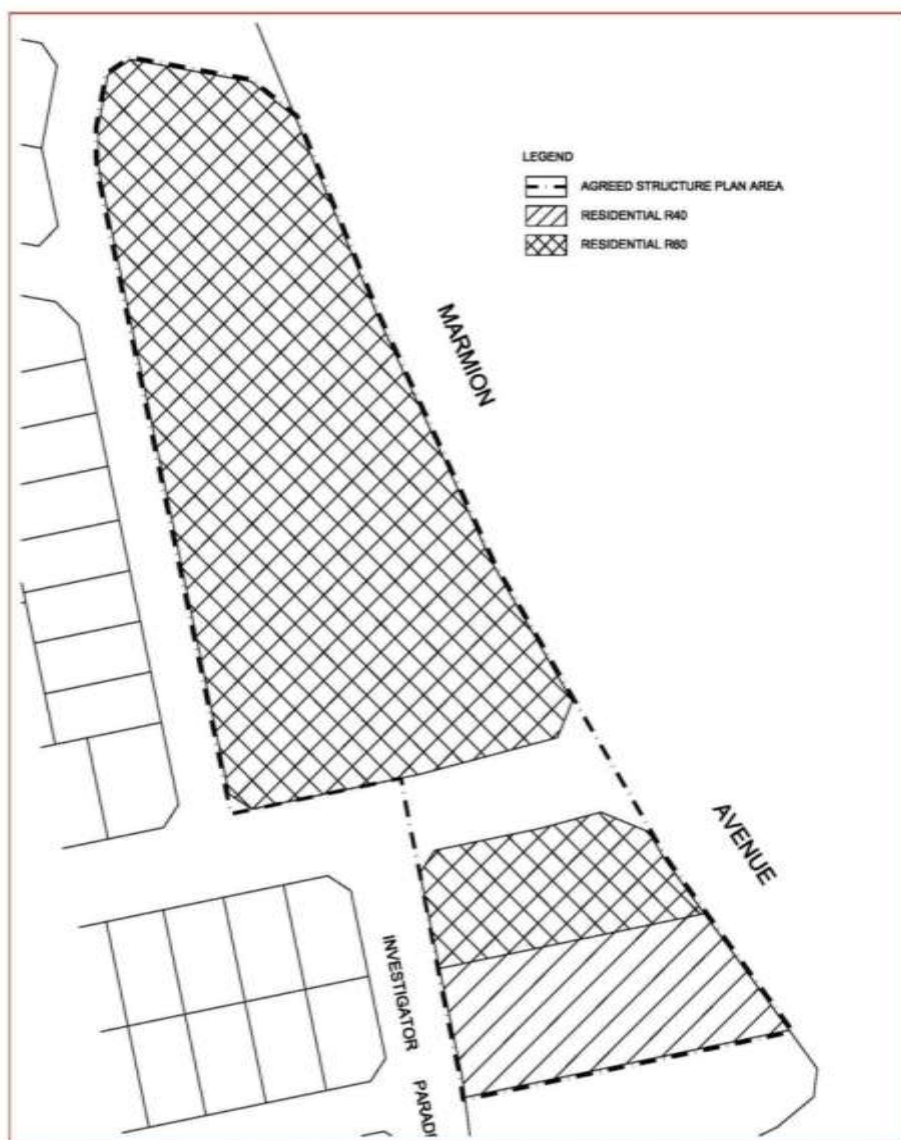
Attachments:

- | | | |
|---------------------------------------|----------|----------------|
| 1. <i>Location Plan</i> | 12/27517 | |
| 2. <i>Existing Zoning Plan</i> | 12/27520 | |
| 3. <i>Existing R Code Plan</i> | 12/27529 | |
| 4. <i>Existing Structure Plan</i> | 12/27530 | |
| 5. <i>Proposed Zoning Plan</i> | 12/27531 | <i>Minuted</i> |
| 6. <i>Proposed R Code Plan</i> | 12/27532 | <i>Minuted</i> |
| 7. <i>Proposed Structure Plan</i> | 12/27533 | <i>Minuted</i> |
| 8. <i>Text amendments to Part 8.2</i> | 12/21127 | <i>Minuted</i> |
| 9. <i>Summary of Submissions</i> | 12/31215 | |

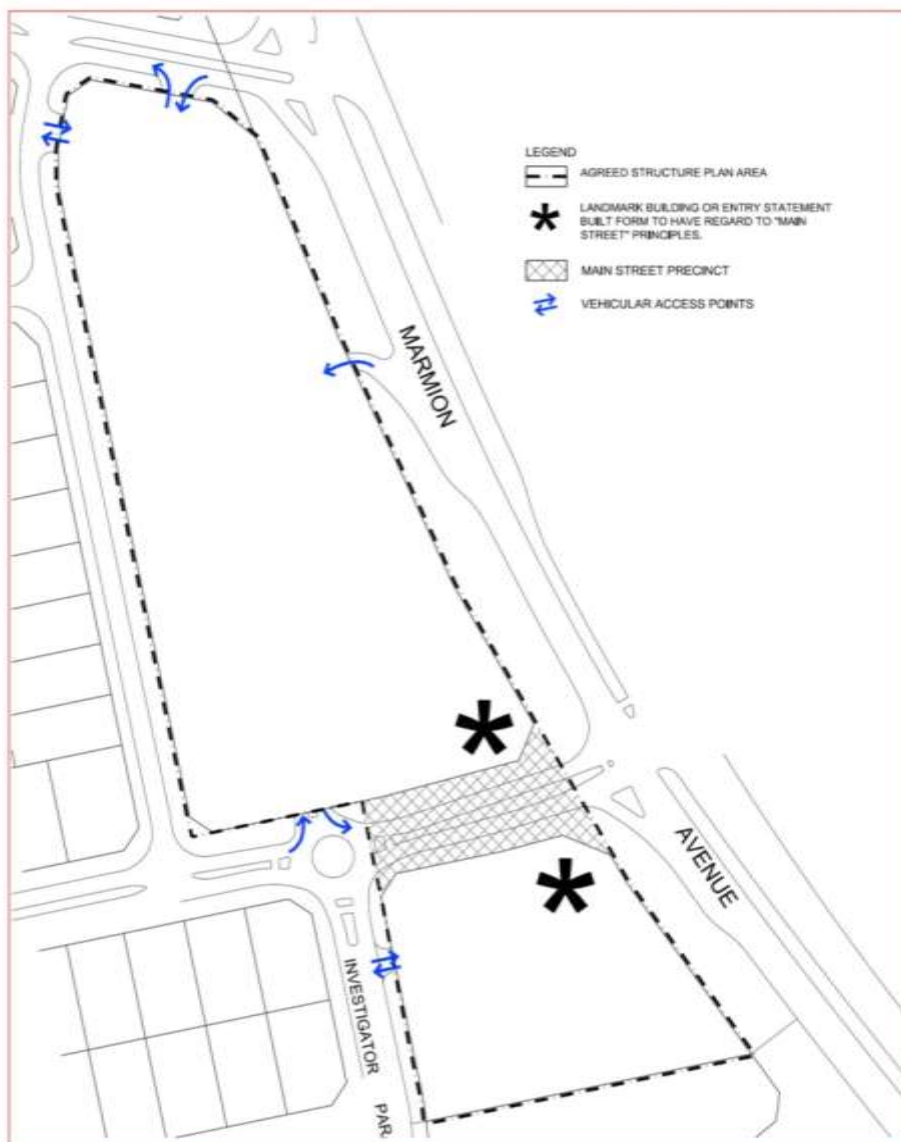




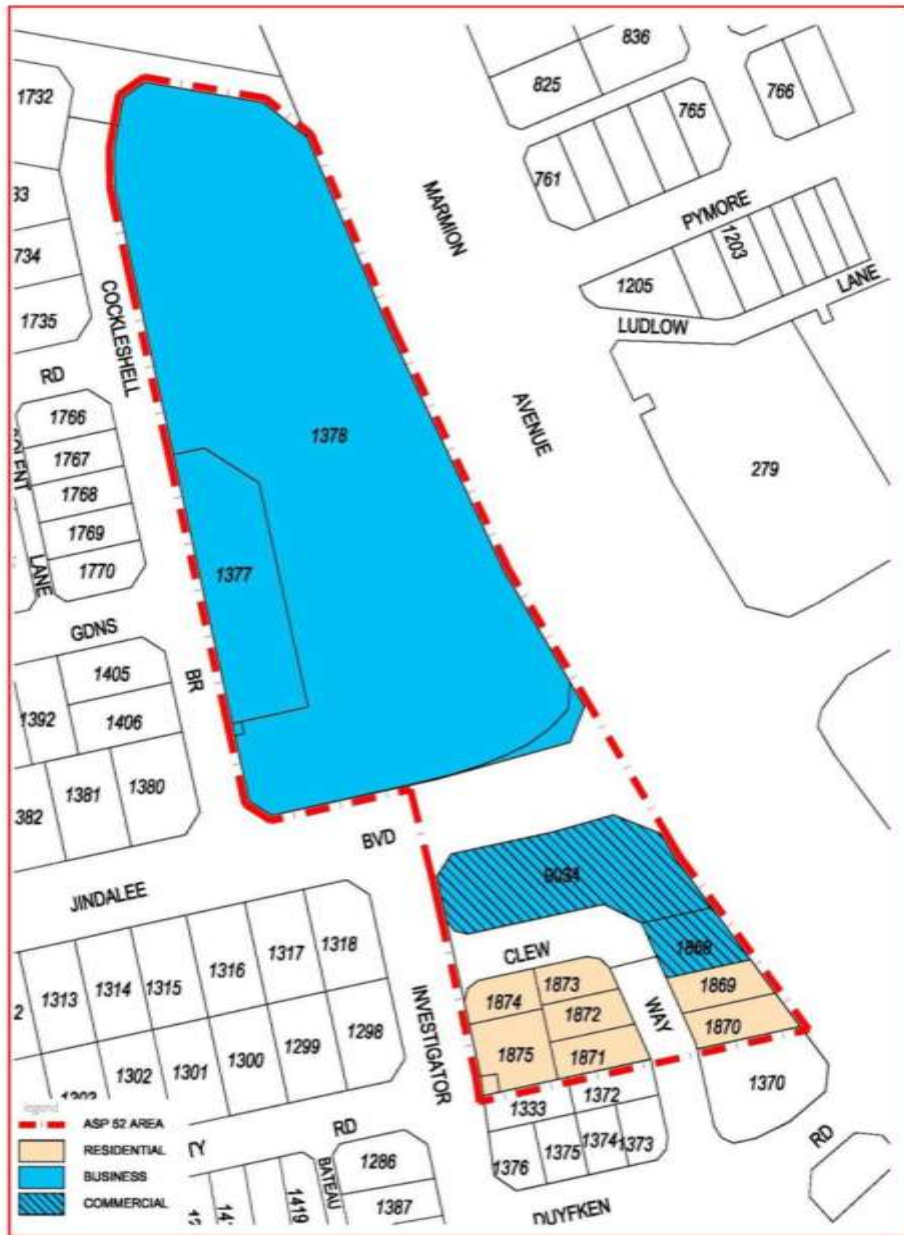
Existing Zoning Plan



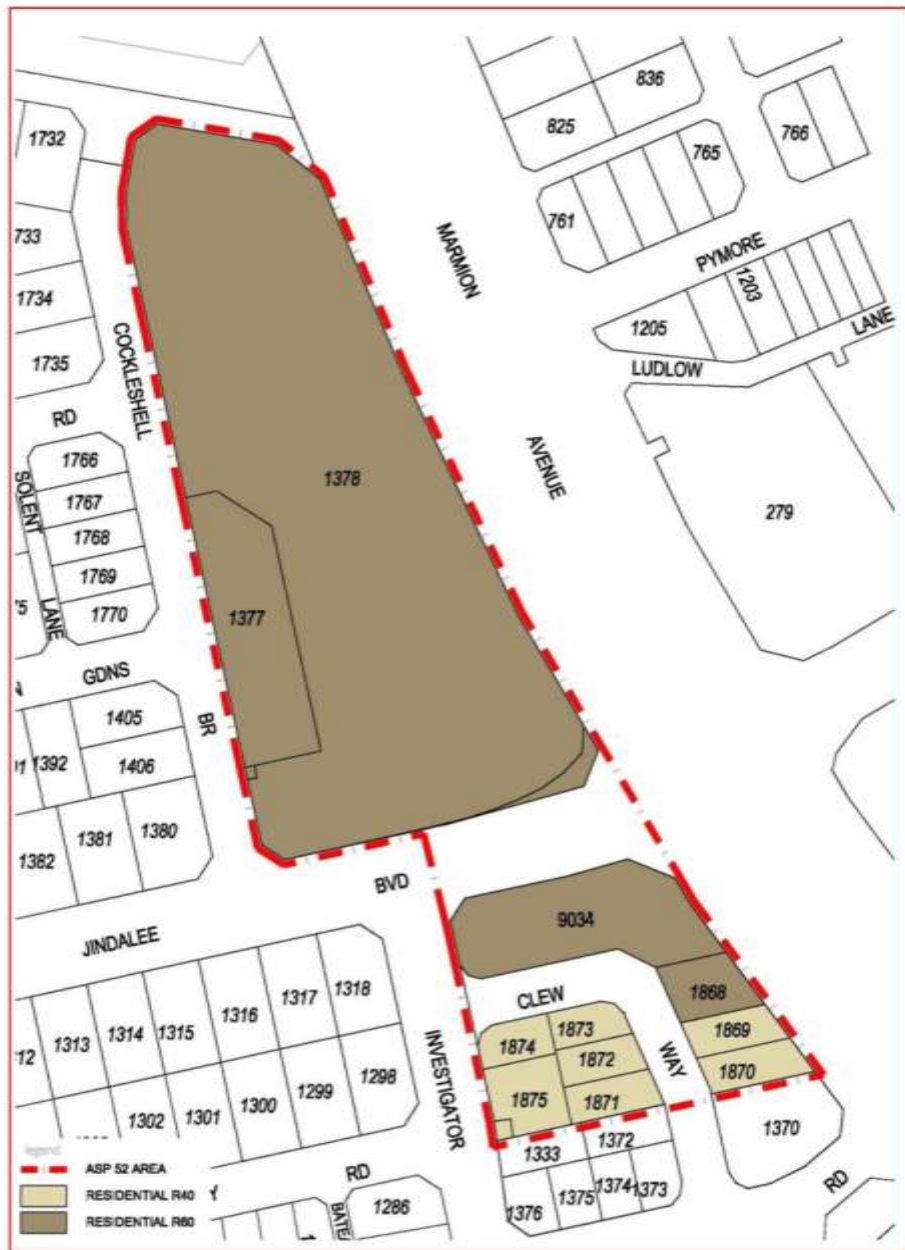
Existing R-Code Plan



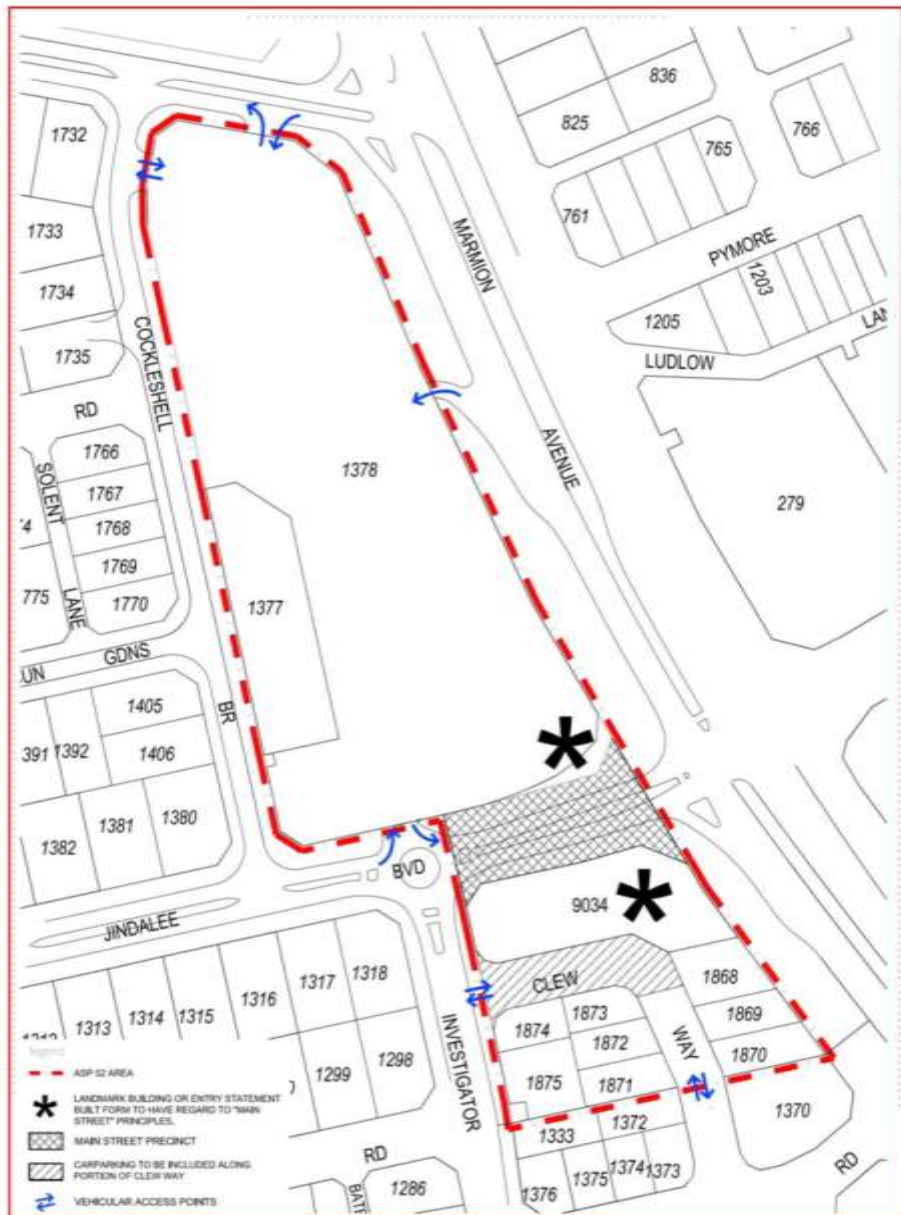
Existing Structure Plan



Proposed Zoning Plan



Proposed R-Code Plan



Proposed Structure Plan

8.2 Commercial Zone

Objectives

The general objectives of this zone shall be in accordance with those contained in the Scheme for the "Commercial Zone".

Use Permissibility

Land Use permissibility within this zone shall be in accordance with the corresponding zone under the Scheme.

Provisions

- i. Landmark buildings shall be constructed at the corner of Jindalee Boulevard and Marmion Avenue, as depicted on "Plan 3". The "landmark" buildings shall have special building elevations and window treatments that draw attention to the location, including such means as distinctive roof form, articulation of corner wall elements, entry forecourts, materials and colour.*
- ii. All buildings shall be designed to address the adjacent street frontages.*
- iii. A continuous advice building façade with no blank walls shall be provided along the main street precinct. This façade may be broken on the western end of the lot on the southern side of Jindalee Boulevard to accommodate a car parking area.*
- iv. All buildings fronting the main street precinct shall incorporate the main building entries and continuous awnings and/or colonnades with a minimum width of 2 metres and a minimum ground clearance of 2.75 metres.*
- v. Building setbacks adjacent to the main street precinct shall be nil. Buildings fronting the main street precinct may also be built up to the Marmion Avenue street boundary.*
- vi. The ground floor of any buildings fronting the main street precinct shall not be more than 0.5 metres above the street level or not more than an average of 0.5 metres from a sloping site.*
- vii. Entry doors from the main street precinct shall be at grade with the adjoining paving.*
- viii. The buildings on both sides of the main street precinct shall be similar or complementary in design.*
- ix. The full width of the main street road verges shall be paved and incorporate street trees, car parking bays and street furniture.*
- x. Service areas, bin storage areas and services such as air conditioners, compressors and other machinery shall be located away from the public areas and screened from view from the streets and public areas by an enclosure in the style, materials and colours of the adjacent development.*
- xi. Any residential development shall be designed and located to have regard to the interface to non residential areas in terms of noise, traffic, light and other amenity impacts. Appropriate interface treatments by way of buffers, walls, dense landscaping and other means shall be provided to maintain the amenity of the residential developments.*

Retail Floorspace

Retail Floorspace shall not exceed 1,000m² of net lettable area."

Amendment No. 1 to Brighton West Village Centre Agreed Structure Plan No. 52

No.	Name.	Summary of Submission	Administration Response/Comment	Recommended Modification
1.0	I Bailie 9 Jindalee Boulevard, Jindalee			
1.1		I do not support the proposed rezoning of Lot 9034 and 1868.	Noted.	No Change.
1.2		At time of purchase I was informed that the vacant area would be developed as residential area and it was on this basis that I purchased the property.	Noted. The site was originally zoned 'Centre' as part of the Lot 12 Marmion Avenue Structure Plan No 36 and subsequently zoned 'Business' and 'Residential' in 2005 through Agreed Structure Plan No 52. It is noted that the proposal incorporates a small portion of land that will be rezoned from 'Residential' to 'Commercial' (due to subdivision SD140532) and that residential development is a discretionary use within the Business zone. Notwithstanding, the applicants have advised that the site was always intended for non residential development.	No Change.
1.3		There are currently existing traffic problems with the existing commercial uses on the northern side of Jindalee Boulevard with access coming from the Investigator Parade/Jindalee Boulevard intersection. Issues such as hooning and noise pollution arise from this intersection as well as litter from the commercial uses. There are also ongoing issues within the business zone east of Marmion Avenue including noise pollution and hooliganism, generally generated by the restaurant, pubs and take away facilities.	Noted. This matter is discussed in the comment section of the report.	No Change.
1.4		The proposed amendment would result in a drastic increase in the amount of noise pollution from vehicular and pedestrian traffic in the area.	Noted. The proposal, as discussed in the comment section of the report, would only enable 12 additional land uses to be	No Change.

Trim # – 12/20544

No.	Name.	Summary of Submission	Administration Response/Comment	Recommended Modification
1.5		The increased business would also result in increased rate of littering and localised pleasantries such as hooligans and hooning.	considered. The ability for these uses to be considered does not, in itself, increase the noise pollution from vehicular and pedestrian traffic. Notwithstanding a development application would be required in which a traffic assessment and acoustic report would be required to be undertaken.	No Change.
1.6		Based on the two points above (1.4 & 1.5) the value of our property will be reduced	Noted. As per Administrations response to 1.4 above, the ability for additional land uses to be considered does not in itself translate to an increased rate of littering or hooliganism.	No Change.
1.7		The proposed amendments make no mention of traffic management as part of the amendment and impacts of increased traffic to the area, including the ability to access my property.	Noted. There is no evidence provided that the change in zoning would have an impact on the values of the properties surrounding the subject site. Notwithstanding land values are not a valid planning consideration.	No Change.
1.8		The proposal is seeking increased retail area, however, there are still vacancies to the lot north of Jindalee Boulevard.	Noted. This matter is discussed in the comment section of the report. In addition, details of traffic are dealt with at the development application stage.	No Change.
2.0	D Combrink (No Address Given)		Noted. Vacant tenancies in surrounding centres do not negate the requirement to plan for the future requirements of the locality.	
2.1		I do not support the proposed rezoning of Lot 9034 and 1868.	Noted.	No Change.
2.2		Further commercialisation will lower my home and land value.	Noted.	No Change.
2.3		No information was provided upon purchase of my house for the rezoning of the property.	As per response to 1.7 above Noted. The lots subject to the amendment were	No Change.

Trim # – 12/20544

No.	Name.	Summary of Submission	Administration Response/Comment	Recommended Modification
2.4		Increased traffic flow will be detrimental to road safety and would present a real threat to children in the area.	Noted. As per response to 1.7 above	No Change.

Trim # – 12/20544

3.3 Adoption of Revised Development Guide Plan for Special Rural Zone No. 18

File Ref:	6912 – 12/24526
Responsible Officer:	Director, Planning and Sustainability
Disclosure of Interest:	Nil
Attachments:	3

Issue

To consider a request to amend the Development Guide Plan (DGP) for Special Rural Zone No. 18 (SRZ 18) by depicting Lots 23 and 24 as six separate lots and to initiate a minor amendment to District Planning Scheme No. 2 (DPS 2) to give effect to the amended DGP.

Applicant	Drescher and Associates
Owner	Salvatore & Maria Trimboli and Narges Habibnia
Location	Lots 23 and 24 (128 and 98) Emerald Drive, Carabooda
Site Area	Lot 23: 8.0068 hectares Lot 24: 4.0254 hectares
MRS Zoning	Rural
DPS 2 Zoning	Special Rural

Background

On 27 October 2011, Drescher and Associates, on behalf of Justin Sonia Pty Ltd, lodged a proposal to amend the DGP for SRZ 18 by depicting Lots 23 and 24 as six separate lots. A location plan is included as **Attachment 1**. The current SRZ 18 DGP does not illustrate any further subdivision potential for Lots 23 and 24. Development and subdivision within the Special Rural Zone is required to be carried out in accordance with an endorsed DGP. The proposed amendment to the DGP would allow the landowners to subdivide Lots 23 and 24 into four and two lots respectively, subject to Western Australian Planning Commission (WAPC) approval. The indicative lot sizes depicted under the amended DGP accord with the 2ha minimum that currently exists within SRZ 18. The current and amended SRZ 18 DGPs are included as **Attachments 2** and **3** respectively.

Detail

While Lots 23 and 24 are zoned 'Special Rural' and fall within the SRZ 18 area, Special Provision No.7 relating to SRZ 18 contained within Schedule 13 of DPS 2 states that the use permissibility for these lots shall be determined in accordance with the 'Rural Resource' zone. The 'Rural Resource' zone use permissibility allows agricultural and horticultural activities to be carried out on the subject lots that would otherwise have been prohibited under the Special Rural zone. The basis for this use permissibility is the presence of 'brown sands' over the lot, which was considered to be suitable for market gardening purposes at the time SRZ 18 was originally created (under the City's former Town Planning Scheme No. 1).

As groundwater within the subject area has been over-allocated, Lots 23 and 24 can no longer be used for such water intensive agricultural purposes. On this basis the applicant has requested that the DGP be amended to allow Lots 23 and 24 to be subdivided into two hectare lots to be used for small lot living, consistent with the other 'Special Rural' zoned lots in the SRZ 18 area.

This application also proposes to include the location of building envelopes on each of the proposed new lots, as is currently shown on the DGP for other lots in SRZ 18.

The building envelopes that apply to existing lots within SRZ 18 are based upon the avoidance of karstic limestone features that are prevalent within the area, as well as to minimise exposure to bushfire hazard.

The subject lots are typified by brown sand and no karstic features were discovered on the subject lots through the geotechnical survey conducted as part of the original subdivision of SRZ 18. Therefore, the configuration of building envelopes proposed under the amended DGP has been based purely on the issue of bushfire protection. The applicant provided an assessment of the building envelope locations included on the modified DGP based on the WAPC's Planning for Bushfire Protection Guidelines. The assessment found that indicative Lots 1 to 3 depicted on the amended DGP had a Bushfire Attack Level (BAL) rating of BAL-LOW and therefore those lots will not require specific construction standards relating to bushfire protection.

Proposed Lots 4 and 5 had a BAL-12.5 rating, while Lot 6 had a BAL-19 rating, meaning that construction on these lots will need to be carried out in accordance with specific requirements of Australian Standard (AS) 3959 – Construction of Buildings in Bushfire Prone Areas. The existing Special Provisions relating to SRZ 18 already require a Bushfire Management Plan to be prepared at the time of subdivision. As such, any fire management and design requirements applicable to Lots 23 and 24 can be addressed at the time of subdivision of those properties.

Consultation

On 17 January 2012, written notice of the proposal was given to the owners of the five nearest properties, advising them of the proposal and inviting comment prior to 7 February 2012. At the close of the consultation period, only one submission was received, which raised no objection to the proposed DGP amendment and supported the proposed amendment to DPS 2.

With regard to the proposed amendment to DPS 2, all scheme amendments are subject to public consultation. However, before doing so the amendment will need to be referred to the Environmental Protection Authority (EPA) to assess the environmental impacts of the proposal and to determine whether any formal environmental assessment is necessary.

Subject to no objections being received from the EPA, the amendment must be advertised for public comment for a period of 42 days. Advertising is to occur in the following manner, consistent with the requirements of the Town Planning Regulations 1967:

- 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.

The Town Planning Regulations provide that where an amendment is consistent with the MRS and State policies and strategies, then the consent of the WAPC will not be required to advertise the amendment. However, if an advertising period of less than 42 days be sought, the WAPC's consent to advertise is required.

Given that the proposed amendment is consistent with the MRS zoning and State Planning Policies, and an advertising period of 42 days is recommended, the consent of the WAPC to advertise is not required in this instance.

Comment

Future of East Wanneroo

At its meeting of 11 December 2007 (item PD01-12/07), Council considered the WAPC's 'Future of East Wanneroo' document and resolved, among other things, to:

- a) Endorse a process prepared by Administration for how to progress the planning of the proposed East Wanneroo Urban areas;
- b) Not to support any independent planning proposals for this area which may be viewed as premature in relation to the above planning process;
- c) Require the Director, Planning and Sustainability to only accept planning proposals for the consideration of Council if the Director was satisfied that the proposal was not premature having regard to the stage reached in the planning process generally for the area and particularly having regard for the process referred to in a) above.

Council reaffirmed its 11 December 2007 resolution at its meeting of 5 April 2011.

While SRZ 18 does not fall within the area covered by the East Wanneroo Structure Plan released by the WAPC in 2011, it does fall within the study area outlined within the WAPC's Future of East Wanneroo document released in 2007, to which the 11 December 2007 Council resolution related. Administration does not consider the subject proposal to be in conflict with that resolution, given the subject lots would have originally been subdivided in a manner similar to that depicted under the proposed DGP had they not been identified as being suitable for market gardening purposes at the time. The proposed lot sizes depicted on the amended DGP accord with the existing 2ha minimum that currently applies within SRZ 18.

Use Permissibility

As previously stated, Lots 23 and 24 are zoned 'Special Rural', however, DPS 2 states that the use permissibility for these lots shall be determined in accordance with the 'Rural Resource' zone. The 'Rural Resource' zone is intended to accommodate rural uses that have the potential to generate off-site impacts, such as noise, odour and dust, on lots generally larger than four hectares in area. Administration is of the view that 'Rural Resource' uses are inappropriate on 2ha lots, as proposed under the amended DGP, due to the increased potential for land use conflicts between properties arising from impacts such as noise and odour due to reduced separation distances between such lots. It is therefore recommended that Council initiate Amendment No. 126 to DPS 2 to:

- a) Delete 'Special Provision No. 1' of 'Special Rural Zone No. 18' contained within Schedule 13 and insert the following text in its place:

"1. Subdivision and development shall be in accordance with the Development Guide Plan dated 2 August 2011."; and

- b) Amend 'Special Provision No. 7' of 'Special Rural Zone No. 18' by deleting the following text:

"In reference to the portion of the subject land shown bounded by the stippled boundary on the Modified Development Guide Plan, land use permissibility for this land shall be determined in accordance with the 'Rural Resource Zone'."

The proposed amendment would give effect to the revised DGP and change the use permissibility on Lots 23 and 24 (and the six lots proposed to be created) to that of the 'Special Rural' zone.

Conclusion

Due to the over-allocation of ground water in the Carabooda area, Lots 23 and 24 can no longer be viably used for intensive agricultural purposes as once intended. As a result, Administration considers that allowing small lot rural subdivision on Lots 23 and 24, consistent with the surrounding SRZ 18 area, is appropriate, provided the 'Rural Resource' use permissibility of these lots is also changed to accord with the 'Special Rural' zoning of the surrounding area.

Statutory Compliance

The proposal accords with the requirements of the City's District Planning Scheme No. 2.

Strategic Implications

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

“2 Social

2.1 Increase choice and quality of neighbourhood and lifestyle options”

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council:-

1. **ENDORSES** the Development Guide Plan for Special Rural Zone No. 18, included as Attachment 3 to supersede the Development Guide Plan dated July 2000, included as Attachment 2;
2. Pursuant to Section 75 of the Planning and Development Act 2005 **ADOPTS** Amendment No. 126 to District Planning Scheme No. 2 for the purpose of:-
 - a) Deleting 'Special Provision No. 1' of 'Special Rural Zone No. 18' contained within Schedule 13 and inserting the following text in its place:

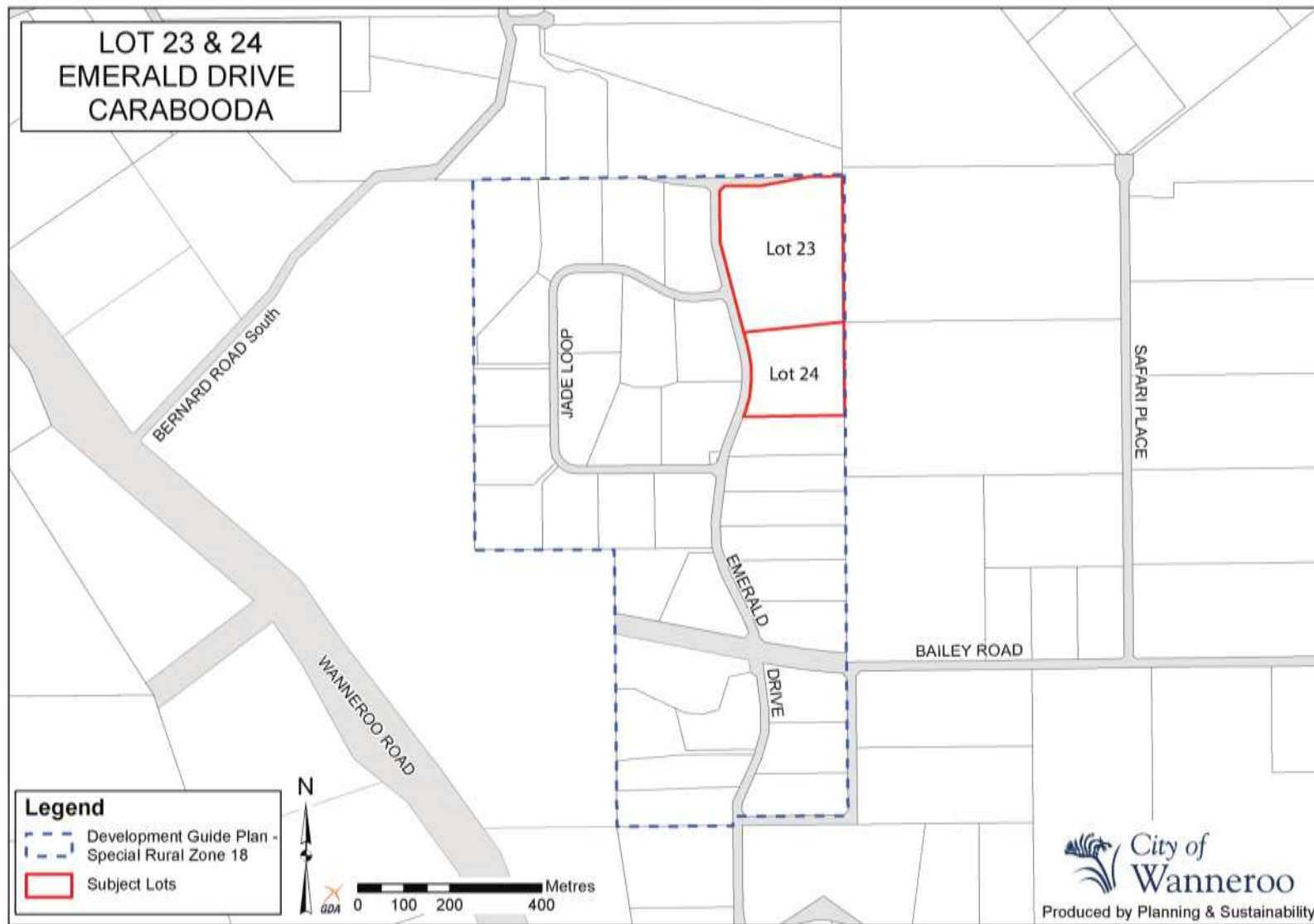
“1. Subdivision and development shall be in accordance with the Development Guide Plan dated 2 August 2011.”; and
 - b) Amending 'Special Provision No. 7' of 'Special Rural Zone No. 18' by deleting the following text:

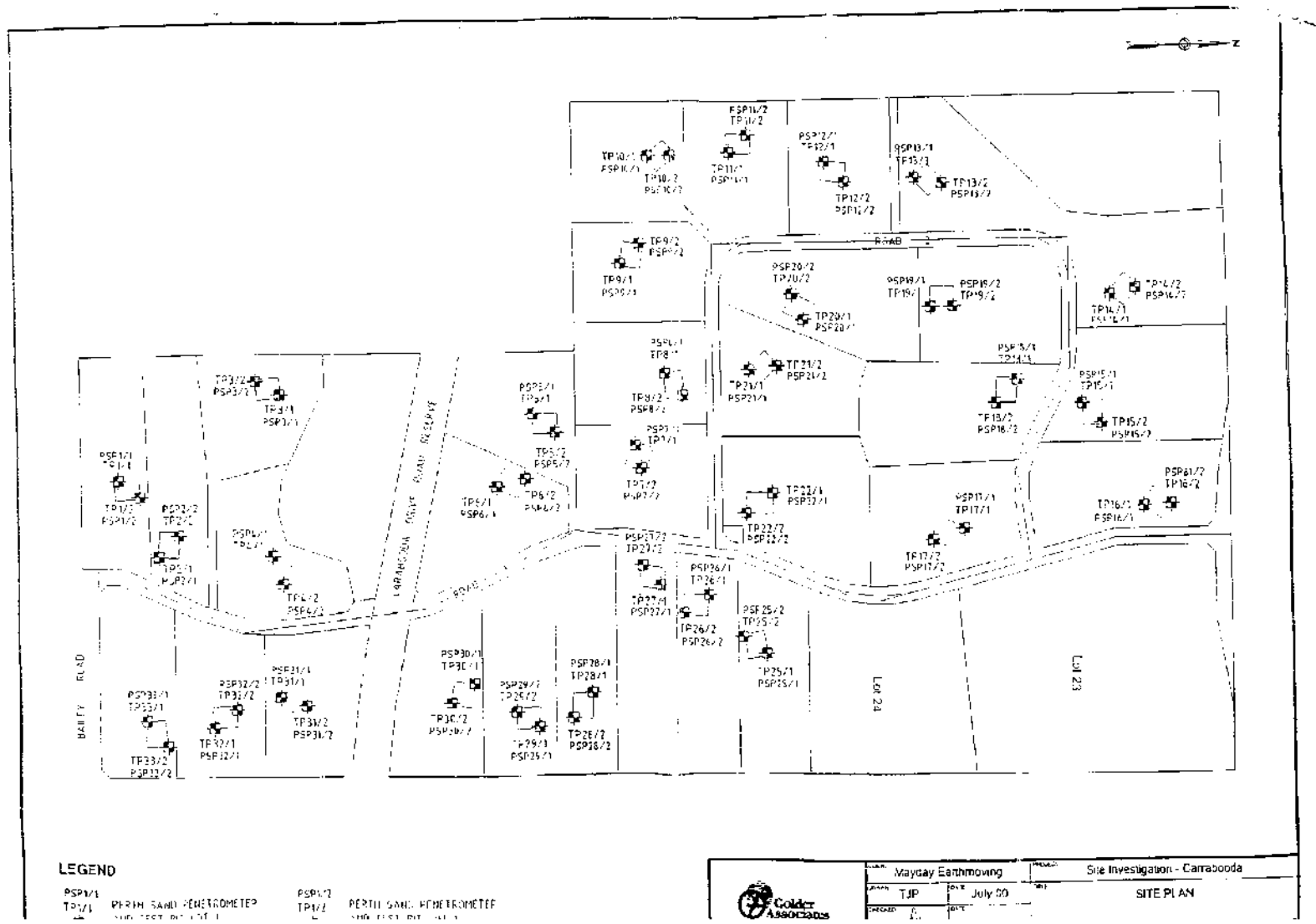
“In reference to the portion of the subject land shown bounded by the stippled boundary on the Modified Development Guide Plan, land use permissibility for this land shall be determined in accordance with the ‘Rural Resource Zone’.”;

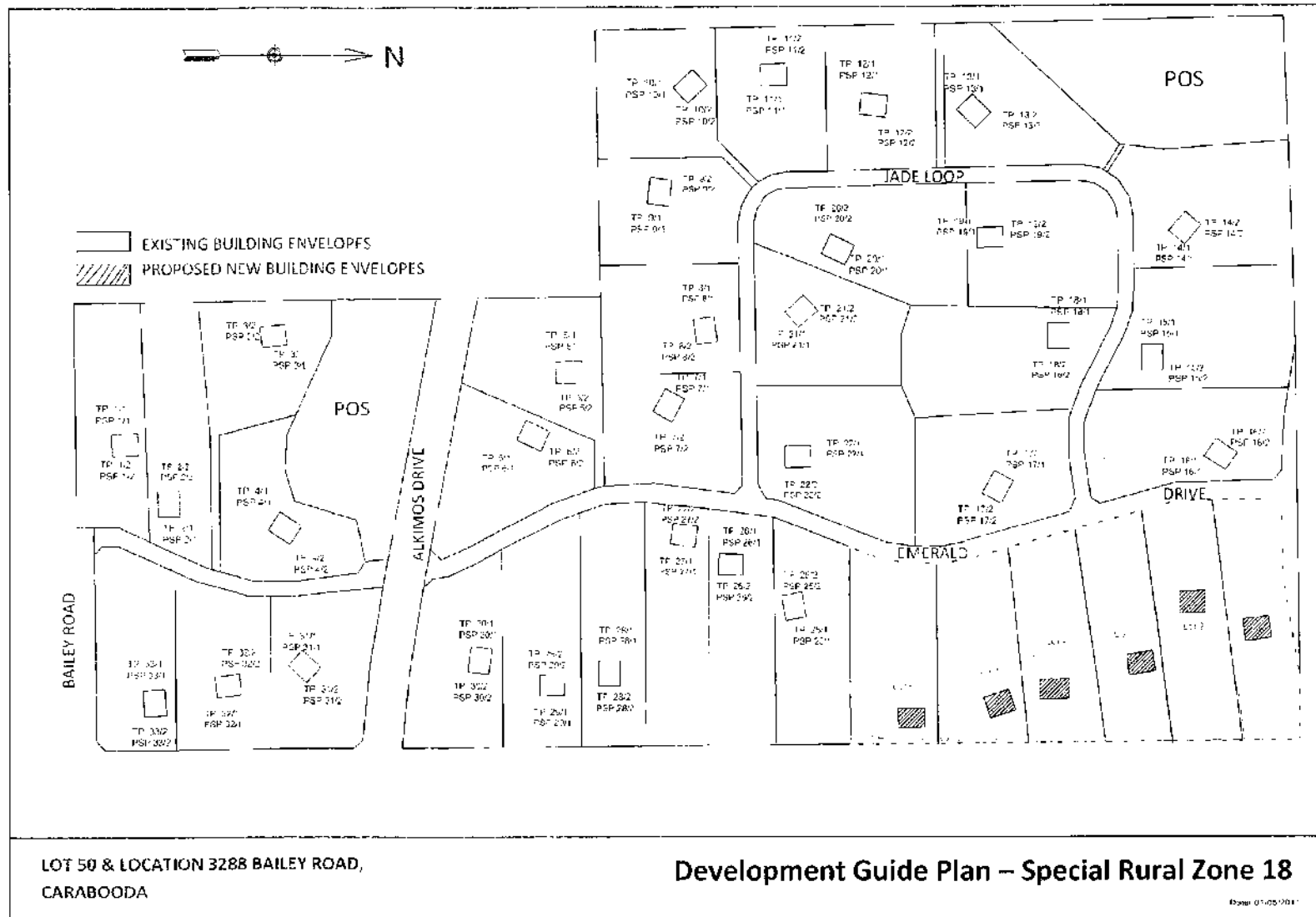
- 3. REFERS Amendment No. 126 to District Planning Scheme No. 2 to the Environmental Protection Authority (EPA) pursuant to Section 81 of the Planning and Development Act 2005; and should the EPA advise the amendment does not require assessment, ADVERTISES the amendment for public comment for a period of 42 days, pursuant to Regulation 25(2) of the Town Planning Regulations 1967; and**
- 4. FORWARDS a copy of Amendment No. 126 to District Planning Scheme No. 2 to the Western Australian Planning Commission for information.**

Attachments:

- | | | |
|---|----------|---------|
| 1. Attachment 1 - Location Plan | 12/27611 | |
| 2. Attachment 2 - Current SRZ 18 Development Guide Plan | 12/29264 | Minuted |
| 3. Attachment 3 - Amended SRZ 18 Development Guide Plan | 12/29265 | Minuted |







3.4 Adoption of Eglinton Local Structure Plan No 82

File Ref:	3718 – 12/27488
Responsible Officer:	Director, Planning and Sustainability
Disclosure of Interest:	Nil
Attachments:	7

Issue

To adopt the draft Eglinton Local Structure Plan No. 82 (LSP 82) by considering the modifications required by the Western Australian Planning Commission (WAPC).

Applicant	Development Planning Strategies
Owner	Eglinton Estates and Oceanscapes Alliance
Location	Lot 1007 (317) Pipidinny Road, Eglinton; Lot 9500 (405) Pipidinny Road, Eglinton; and Lot 2 (3100) Marmion Avenue, Eglinton
Site Area	Approximately 633 Hectares
MRS Zoning	Urban, Primary Regional Roads, Other Regional Roads, Parks and Recreation
DPS 2 Zoning	Urban Development, Primary Regional Roads, Other Regional Roads, Parks and Recreation

Background

In 20 August 2010, the City received from Development Planning Strategies, on behalf of Eglinton Estates and Oceanscapes Alliance the draft LSP 82 for its consideration. The proposed LSP falls within the wider Alkimos-Eglinton District Structure Plan (DSP) area and is located between Alkimos and Yanchep (refer location plan included as **Attachment 1**). The LSP area is bounded generally by the Mitchell Freeway reserve to the east and the Indian Ocean to the west and Pipidinny Road to the north with the current 'Shorehaven' development to the South

Council, at its meeting of 8 February 2011, considered the draft LSP 82 and proposed changes to the City of Wanneroo District Boundary and resolved with regard to the Draft LSP 82 as follows (Item PS01-02/11):

"That Council:-

- 1. Pursuant to Clause 9.6.1 of the City of Wanneroo District Planning Scheme No. 2, RESOLVE that the Eglinton Local Structure Plan No. 82 submitted by Development Planning Strategies, on behalf of Eglinton Estates and Oceanscapes Alliance (as depicted in Attachment 1) is SATISFACTORY, subject to the Recommended Modifications contained in Attachments 3 and 4 being made to the satisfaction of the Director Planning and Sustainability;*
- 2. REFERS the Eglinton Local Structure Plan No. 82 to the Western Australian Planning Commission for approval in accordance with Clause 9.6.1 of District Planning Scheme No. 2;*
- 3. ENDORSES the Schedule of Submissions provided in Attachment 4, FORWARDS the Schedule of Submissions to the Western Australian Planning Commission, and ADVISES the submitters of its decision;*

4. *Pursuant to Clause 9.6.5 of the City of Wanneroo District Planning Scheme No. 2, ADOPTS, SIGNS and SEALS the modified Structure Plan document once certified by the Western Australian Planning Commission;”*

A copy of the draft LSP Part 1 Structure Plan Map, as advertised, is included as **Attachment 2** with the Part 1, as modified by Administration and endorsed through the Council Meeting of 8 February 2011, included as **Attachment 3**. A list of the modifications required by Council, following advertising, is included as **Attachment 4**.

Attachments 2, 3 and 4 were sent through to the WAPC on 11 February 2011 for consideration. The WAPC advised the City in its correspondence received on 23 December 2011 that it has resolved to adopt the draft LSP 82 subject to a number of modifications to the version of the statutory section forwarded to the WAPC by Administration and to the LSP 82 Part 1 Structure Plan Map. **Attachment 5** contains the WAPC's schedule of modifications.

Detail

Administration considers that all of the WAPC's required modifications are of a minor nature and do not significantly or materially depart from the advertised version of LSP 82. **Attachment 6** lists the WAPC's required modifications as well as Administration's comment on each. The majority of the WAPC's modifications relate to editorial changes that clarify references within the document and the planning process that will follow on from LSP 82. However, the following modifications required by the WAPC do affect the statutory provisions of LSP 82:

- The Marina Area, comprising Commercial and Mixed Uses zoned land, and business zone is to be included in the Centre zone;
- Inclusion of R-Code locational criteria;
- Physical processes setbacks are to be included in Plan 1;
- Amended wording relating to the area subject to Environmental Approval;
- Inclusion of provisions relating to the Wellhead Protection Zone;
- Inclusion of a Monitoring and Review provision;
- Inclusion of only the strategic Public Open Space Provision in the Part 1 Statutory Section;
- Increase the density range of an area on the southern edged of the LSP.

The above modifications required by the WAPC are discussed in more detail in the Comment section below.

Comment

Marina (Commercial and Mixed Use) and Business Zone to be rezoned as Centre Zone

The advertised version of LSP 82 incorporated a number of zones including Mixed Use, Commercial and Business as well as a proposed Centre zone. Modifications required by the WAPC look to change the Commercial and Business zones (located on the western boundary of the LSP) as well as the Business zone (located on the eastern boundary of the LSP) into Centre zone.

Pursuant to Clause 3.13.3 of DPS 2, the inclusion of Centre zones will require the preparation of a further Centre Structure Plan for each of these two areas in which additional detail related to the proposed commercial activity and employment figures will be required. This will permit further monitoring and review mechanisms to be implemented to ensure that the growth of the commercial sector and the creation of employment in this area accords with the objectives of the DSP, City of Wanneroo Policy and WAPC Policy.

The modification would provide greater strength to the DSP in monitoring the economic growth in the LSP area and is supported by Administration.

Density Range and Locational Criteria

The WAPC's modified Part 1 text now includes R Code locational criteria which will determine the exact location of dwelling density codes at the subdivision stage. The WAPC's modified Part 1 includes the following R Code location criteria;

- *"The base coding to be R25;*
- *Low density coded lots (R20) are generally to be provided in areas where it is desirable to retain landforms and/or vegetation;*
- *Medium density coded lots (R30 to R60) are generally to be provided within 400 metres of neighbourhood centres, public open space and primary schools, along the STS route and the Mixed Use zone;*
- *Higher density coded lots (R80 to R160) are generally to be provided within 400 metres of the Eglinton Marina."*

The locational criteria recommended in the City's Housing Strategy and Local Planning Policy 3.1: Local Housing Strategy Implementation are noted below:

1. The City's Housing Strategy recommends a density coding of:
 - R40 within 800 metres of a Town Centre;
 - R20 to R30 within 400 metres of a small Neighbourhood Centre; and
 - R20 – R30 within 250 metres of bus routes.
2. The City's Local Planning Policy 3.1: Local Housing Strategy Implementation recommends a density coding of –
 - R60 within 400 metres of a Town Centre;
 - R40 between 400 and 800 metres of a Town Centre; and
 - R40 within 250 metres of a main bus route and a neighbourhood park.

Generally the future lots in the LSP 82 area will be located within 250 metres of the bus routes, neighbourhood parks and the local centre. In the WAPC's Liveable Neighbourhoods policy, 400 metres is considered to be an average 5-minute walking distance.

The locational criteria included in the WAPC's modifications are considered acceptable as they are generally in accordance with the City's policies.

Physical Processes Setback

The proposed modification is seeking to include the physical processes setback figures of 135 – 145 metres from Horizontal Setback Datum (HSD) to be included on Plan 1 to be in accordance with State Planning Policy 2.6; State Coastal Planning. The proponents prepared a technical report to identify if the draft LSP would satisfy all policy requirements. It was identified through this report that only minor slivers of POS would be required along the eastern edge of the regional Parks and Recreation Reserve in order to obtain compliance with the physical process setback required and that the physical process setback line could be placed on the LSP Part 1 Structure Plan Map with no major impacts on the development of the area. The modification is considered to have no impact on the intent of the structure plan and is therefore supported.

Area subject to Environmental Approval

The western portion of the LSP area, as identified in **Attachment 7** is currently subject to an environmental assessment under the Environmental Protection Act 1986 (EPA) and a Metropolitan Region Scheme (MRS) amendment to rezone an area within the LSP from 'Parks and Recreation' reservation to 'Urban' zone.

The EPA assessment and MRS amendment were discussed in the 8 February 2011 Council Report, in which it stated that the Department of Environment and Conservation (DEC), after initially requesting the deferral of the finalisation of LSP 82, supported the proposal subject to a statement being included in Part 1 that directs "*where provisions of the LSP are inconsistent with any environmental approvals issued by the State or Federal Government, the LSP shall be amended to ensure consistency*". This agreement was reached on the understanding that no subdivision applications would be approved within this area prior to the MRS amendment being gazetted and the land being zoned 'Urban'.

The wording included in the modified Part 1 statutory section is considered to meet the intent of DEC's concerns as the relevant Part 1 section now states;

"No Subdivision and/or development can occur within the area identified on Plan 1 until such time that the environmental approval under the Environmental Protection Act 1986 and subsequent Metropolitan Region Scheme amendments are finalised."

The inclusion of this provision in LSP 82 will ensure that no development and/or subdivision is undertaken within the area subject to these approvals prior to the required process being finalised and therefore meeting the concerns of the DEC.

Wellhead Protection Zone

The WAPC's modified Part 1 also includes a section which requires that land uses within 300 metres of the wellhead protection zone are to be in accordance with State Planning Policy 2.7 – Public Drinking Water Source. The WAPC's modifications currently identify a new section to be included, however, it is recommended by Administration that this requirement also be identified in the Part 1 text in the same location as other land use permissibilities. Including this element in the Part 1 text will ensure that no incompatible land uses will be permitted surrounding the wellhead.

Monitoring and Review

The WAPC's modifications included a provision stating that the DSP is due for review commencing in 2017 and requiring that any amendments to the DSP may result in consequential amendments to the LSP to ensure consistency between the two. Administration considers that the LSP will mirror the requirements of the DPS monitoring and review element and therefore supports the inclusion of this provision.

Public Open Space Provision

The WAPC's modifications also require that areas of strategic open space, as shown in **Attachment 7**, are identified as strategic open space. The strategic POS areas and sizes have been identified in the table below:

Strategic POS Area	Size (ha)
A	5.5
B	6.9
C	27.5
D	5.8
E	8.8
F	1.9
G	8.5

This modification requires the deletion of smaller POS areas from the LSP 82 Part 1 Structure Plan Map leaving only areas of strategic significance. The Strategic POS areas 'A', 'B', 'C' & 'D' have been included for conservation purposes while POS 'E' and 'G' are provided co-located with primary school sites in order to provide active senior size ovals and POS 'F' is co-located with the neighbourhood centre. The identification of the POS sizes and locations in the Part 1 text does not alter the sizes of the POS areas as previously advertised.

Increased Density Range

In addition to the WAPC's modifications, the applicant has also sought to increase the residential density. A range of R25 – R40 was previously identified in the advertised LSP Structure Plan Map on the southern edge of the LSP between Marmion Avenue and the proposed Primary School to the west. The applicants have proposed that this range be increased to R25 – R60. The proposed increased range is not considered to have an impact on the intent of the structure plan as the WAPC required locational criteria would still be applicable.

Conclusion

Administration recommends that LSP 82 be amended in line with the WAPC's schedule of modifications. Once those modifications and Councils original modifications have been implemented to the satisfaction of the Director Planning and Sustainability, LSP 82 can be adopted, signed and sealed under Clause 9.6.5 of DPS 2. Given that LSP 82 has already been advertised and the modifications are of a minor nature and do not materially affect the endorsed Structure Plan, it is considered unnecessary for the Structure Plan to be readvertised for public comment.

Statutory Compliance

Part 9 of DPS 2 provides for the assessment and determination of Structure Plans. Pursuant to Clause 9.6.3 (c) of DPS 2, if the WAPC requires modification to the Structure Plan, the proponent and/or Council shall make the modifications required by the WAPC and Council shall reconsider the Structure Plan under Clause 9.4.

When considering a Structure Plan under Clause 9.4, pursuant to this Clause, Council may determine that the Structure Plan is satisfactory and waive public notification, when it considers that adequate publicity of the proposal has already been undertaken (recommended in this instance).

Following this, Council must consider the Structure Plan under Clause 9.6.1 and do one or other of the following:

- a) refuse to adopt the Structure Plan; or
- b) resolve that the Structure Plan is satisfactory with or without modifications.

It is recommended that LSP 82 be deemed satisfactory subject to the modifications required by the City included in **Attachment 4** and the modifications required by the WAPC, included in **Attachment 5**.

Strategic Implications

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

“1 *Environment*

1.4 *Improve the quality of the built environment”*

Policy Implications

The proposal has been assessed under and accords with the provisions of the City's Local Planning Policy 4.2: Structure Planning.

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council:-

1. Pursuant to Clause 9.4.1 of District Planning Scheme No. 2 **WAIVES** the requirement for re-advertising of the modified Eglinton Local Structure Plan No. 82 as the modifications are considered to be of a minor nature which does not materially alter the intent of the advertised version of the Eglinton Local Structure Plan No 82 considered by Council at its meeting of 8 February 2011 or cause any significant detriment to land within or abutting the structure plan area;
2. Pursuant to Clause 9.6.1 of District Planning Scheme No.2 **RESOLVES** that the draft Eglinton Local Structure Plan No.82, forwarded to the Western Australian Planning Commission on 11 February 2011 submitted by Development Planning Strategies on behalf of Eglinton Estates and Oceanscapes Alliance included in Attachment 2 is satisfactory subject to the modifications included in Attachments 4 and 5 being made in accordance with the Administration Comment provided in Attachment 6 to the satisfaction of the Director, Planning and Sustainability; and
3. **SUBMITS** three copies of the modified structure plan to the Western Australian Planning Commission for its adoption and certification.

Attachments:

- | | | |
|---|----------|---------|
| 1. Location Plan | 12/27641 | |
| 2. Part 1 Text from Administration | 12/27609 | Minuted |
| 3. Part 1 Local Structure Plan as advertised | 12/27608 | |
| 4. Modifications required by CoW at 8 February 2011 | 12/27249 | Minuted |
| 5. WAPC Modifications | 12/25024 | Minuted |
| 6. Administration comments to WAPC Mods | 12/28367 | Minuted |
| 7. Plan showing environmental approvals and POS | 12/27603 | |



PART ONE – STATUTORY SECTION

1. APPLICATION

- 1.1 This Part applies to the Eglinton Local Structure Plan, being Pippidiny Road, Lots 1007 and 1008 Pippidiny Road, Lot 15 Connolly Drive, Lot 16 Mitchell Freeway, Lot 2004 and Reserve 15450 Marmion Avenue, unallocated Crown Reserve, Untitled (Marina) and being all land contained within the inner edge of the line denoting the Structure Plan boundary on the Structure Plan Map.
- 1.2 Unless otherwise specified in this part, the words and expressions used in this Structure Plan shall have the respective meanings given to them in the City of Wanneroo District Planning Scheme No. 2 (the Scheme).
- 1.3 Pursuant to clauses 9.8.2 and 9.8.3 of District Planning ~~the Scheme No-2~~, the provisions of this part shall apply to land contained within the Eglinton Structure Plan as follows:
- the objectives, standards and requirements applicable to zones and residential design codings under the Scheme shall apply to the same extent to the areas having corresponding designations under the Structure Plan, unless specific provision is made to the contrary in this part.
 - any other provision, standard or requirement of this part that is not otherwise contained in the Scheme, shall apply to the land as though it is incorporated into the Scheme, and shall be binding and enforceable to the same extent as if part of the Scheme;
 - Part 2 and 3 of this Structure Plan are for explanatory purposes only, to provide a descriptive analysis of the Structure Plan.
- 1.4 In accordance with clause 9.8.1 of the Scheme, this Structure Plan shall come into operation on the later date when it is either certified by the Western Australian Planning Commission (WAPC) pursuant to subclause 9.6.3 of ~~DPS-2- In the Scheme~~ or Adopted, Signed and Sealed by the Council.

2. OBJECTIVES

The objectives of this Structure Plan are:

- 2.1 To establish the statutory framework to progress the planning and to enable the development of a vibrant sustainable coastal community at Eglinton.
- 2.2 Community Building Objectives
- To create a place that will initiate and support the self development of a sustained community.
 - To enable diversity and interest in the built environment.
 - To facilitate the movement and access of the community.
 - To provide the capacity for community growth and development over time by supporting adaptable and appropriate facilities and services.
 - To provide infrastructure and economic conditions that enable the community to meet as many needs as possible within Eglinton.
 - To facilitate a healthy local economy that complements and supports the district economic growth and provides jobs to meet local needs.
 - To ensure the community are real stakeholders in the development of their community.

2.3 Environmental Objectives

To create a balance between the protection of the environment and other requirements of the community.

To work with the character of the landscape to optimise density and development in a responsive manner and to maximise the retention of the original landform.

To generate diversity in the character of the place through retention and introduction/attraction of native flora and fauna.

To apply responsible integrated water management to meet the needs of the community and support the outcomes of the District Water Management Strategy.

To ensure appropriate built form outcomes of the community that will respond to the local environment be that climate, crime prevention, community development or promoting the use of public transport.

2.4 Future Proofing Objectives

To ensure there is economic flexibility and diversity so that, over time, the community is able to both live and work in Eglinton.

To promote design excellence and innovation in all aspects of urban design, the public realm and built form (including landscape architecture, public art and art spaces).

To facilitate responsible and responsive governance of the area that will monitor implementation and provide indicators to measure performance of the social, economic and environmental health of Eglinton as it matures and evolves as a community.

3. SUBDIVISION AND DEVELOPMENT

3.1 Plan 1 and Tables A-H form part of the statutory provisions of this Structure Plan and prescribe the standards, requirements and prerequisites for subdivision and development in the corresponding precincts designated on the Structure Plan Map. Where any variation arises between any provision of these Plans and/or Tables and a provision of the Scheme, then the provision of the Plan and/or Table shall prevail to the extent of that variation and shall apply as an intended variation to the Scheme for the purposes of Clause 9.8.3 (f).

3.2 Subdivision and development within the Structure Plan Area is to comply with the requirements of Statement of Planning Policy 2.6: State Coastal Planning and WAPC Position Statement – State Planning Policy No. 2.6, State Coastal Planning Policy, Schedule 1, Sea Level Rise.

3.3 Prior to any subdivision or development being supported, the City will require:

- i) The preparation and approval of the reports, surveys, strategies and plans listed in Table I at the stage specified in that table; and
- ii) A report accompanying any application for subdivision or development that outlines the manner in which the findings and recommendations of this Structure Plan; the completed plans and strategies listed in Table I; and the plans and strategies appended to this Structure Plan (Part 3), will be incorporated into or addressed by the proposed subdivision or development.

Plan 1 Structure Plan Map

Table A General Planning Requirements for Structure Plan Area

Table B-G Planning Requirements for Precincts

Table H Centre Floor Space Allocations

Table I Reports, Surveys, Strategies and Plans

Table J Strategic Public Open Space Schedule

Table K Developer Contributions Arrangement

Table L Land Use Definitions

Table A – General Planning Requirements for Structure Plan Area

1. Structure Plan Map	<p>1.1 1.1 Subdivision and development of land shall generally be in accordance with the Structure Plan Map.</p> <p>1.2 Where the provisions of the Structure Plan are inconsistent with any environmental approvals issued by the State or Federal Government, the LSP shall be amended to ensure consistency.</p>
2. Zones Use Class Permissibility	<p>2.1 Land Use permissibility within the Structure Plan area shall be in accordance with the corresponding Zone or Reserve under the Scheme except for the exclusions and additions as outlined in Tables B-G.</p>
3. Residential Development Requirements	<p>3.1 Residential Design Codes shall be in accordance with the ranges shown on Plan 1, the Structure Plan Map and located as follows:</p> <p>3.1.1: High densities (R80-R160) will generally be provided within 800 metres of the Coastal Village and District Activity Centre.</p> <p>3.1.2: Medium densities (R30-R60) will generally be provided within 400 metres of neighbourhood activity centres, in areas of high amenity, including within 250 metres of POS, and along public transport routes, including within 400 metres of the STS route, as well as in other suitable locations to promote diversity of housing product and housing affordability.</p> <p>3.1.3: Lower densities (R20-R25) will generally be provided elsewhere.</p> <p>3.2 Subdivision and development within the Structure Plan Area shall be in accordance with a Residential Design Code Plan endorsed by the Western Australian Planning Commission.</p> <p>3.3 A Residential Design Code Plan (three copies) shall be lodged with the Western Australian Planning Commission for its endorsement, prior to or in conjunction with any application for subdivision, unless the WAPC determines that the subdivision is for one or more of the following:</p> <p>1.2.1 The amalgamation of lots or part lots</p> <p>1.2.2 The consolidation of land for "superlot" purposes to facilitate land assembly for future development</p> <p>1.2.3 The purpose of allowing access and/or</p> <p>1.2.4 The facilitation and provision of services or infrastructure.</p>

- | | |
|----------------------|--|
| 3.4 | A Residential Design Code Plan shall show the specific Residential Design Coding of all lots proposed to be created by subdivision, in accordance with the Clause 3.1 of this Table. |
| 3.5 | Following WAPC endorsement of the Residential Design Code Plan, <u>the Residential Design Code Plan shall become part of Part 1 of this Structure plan</u> ; one copy shall be retained by the Western Australian Planning Commission, one copy shall be provided to the City for retention with the Structure Plan, and one copy shall be provided to the proponent. |
| 4. Public Open Space | 4.1 Public Open Space (POS) shall be distributed generally in accordance with Plan 1 and <u>Table J of this Structure plan</u> ; City of Wanneroo Local Planning Policies; and State Planning Policies. A minimum of ten per cent of the gross subdivisible area shall be provided as POS, either as a ten per cent land component, or as a cash in lieu provision for the development of POS in the Structure Plan area, subject to the approval of the WAPC and the Minister for Planning. |

5. Detailed Area Plans
- 5.1 Prior to any subdivision being supported for a particular area, the City will require:
- a) Detailed Area Plans (DAPs) for the following areas, consisting of all and contained within the inner edge of the line denoting the Detailed Area Plan area's boundary on the Structure Plan Map:
- a)(i) Marmion Avenue Neighbourhood Centre
b)(ii) Mixed Use ZoneSTS Route Neighbourhood Centre
c)(iii) Coastal Village Activity Centre
d)(iv) Urban Centres R160 coded lots in the Marina Village Precinct
e)(v) Any development on land reserved for Parks and Recreation in the Marina Village Precinct.
- 5.2 The City will not support subdivision and will not consider planning approval within the areas listed in 5.1 above Precinct, as illustrated on the Structure Plan Map, in the absence of a DAP referred to in clause 5.1, agreed to by the City pursuant to clause 9.14 of the Scheme, unless the City is satisfied that the subdivision or development is of a scale and permanence that would not prejudice the:
- a) design of the DAP
b) timely provision of infrastructure and service to the area; or the
c) development of the surrounding area in line with the Agreed Structure Plan.
- 5.3 A DAP shall be advertised for a period of 28 days prior to its consideration under clause 9.14.3 of the Scheme.
- 5.4 In addition to any general matters required to be included within a DAP under clause 9.14.2 of the Scheme, DAPs shall incorporate specific matters required to be included in each DAP under Tables B-G.

Table B – Planning Requirements for Precinct 1 - Marina Village

1. Detailed Area Plan
- 1.1 In addition to any general matters required to be included within a DAP (under ~~Table A of this Structure Plan~~ and Clause 9.14.2 of the Scheme, a DAP for the Coastal Village Activity Centre Precinct 1, where required pursuant to clause 5.1, shall incorporate provisions and design elements addressing the following:
- a) interface treatment and public realm immediately adjacent to and surrounding the Marina
b) building heights (including maximum)
c) built form response to terrain including retaining walls and site levels

- | | |
|----------------------------------|---|
| 2. Land-Use Class Permissibility | 2.1 Land Use permissibility within Precinct 1 shall be in accordance with the corresponding Zone or Reserve under the Scheme, as shown on the Structure Plan Map except as follows: |
|----------------------------------|---|
- a) Grouped Dwelling and Multiple Dwelling - 'P' in areas coded R100 and/or R160
 - b) Corner Store, Coffee Shop* - 'D' in Residential Zone in areas adjacent to special transit system (STS) bus stops
 - c) Yacht Club* - 'P' in Commercial and Mixed Use Zone
 - d) Marina* - 'P' in Commercial and Mixed Use Zone
 - e) Boat Sales* - 'D' in Commercial and Mixed Use Zone
 - f) Hotel - 'D' in Commercial and Mixed Use Zone
 - g) Holiday Village/Resort - 'D' in Commercial and Mixed Use Zone
 - h) Market (Retail)s - 'D' in Commercial and Mixed Use Zone
 - i) Night Club - 'D' in Commercial and Mixed Use Zone
 - j) Tavern - 'D' in Commercial and Mixed Use Zone
- * Land use definitions included in Table L

Table C – Planning Requirements for Precinct 2 – Marina Hinterland

- | | |
|----------------------------------|---|
| 1. Land Use Class Permissibility | 1.1 Land Use permissibility within Precinct 2 shall be in accordance with the corresponding Zone or Reserve under the Scheme, shown on the Structure Plan Map, except as follows: |
|----------------------------------|---|
- a) Education Establishment - 'D' in Residential Zone in areas shown as 'Primary School' on the Part 1 – Structure Plan Map only
 - b) Corner Store, Coffee Shop - 'D' in Residential Zone in areas adjacent to STS bus stops shown as 'Local Centre' on the Part 1 – Structure Plan Map

Table D – Planning Requirements for Precinct 3 – Coastal Village

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|-----------------------|--|
| 1. Detailed Area Plan | 1.1 In addition to any general matters required to be included within a DAP under Clause 9.14.2 of the Scheme, a DAP for the STS Route Neighbourhood Centre, where required pursuant to clause 5.1, shall incorporate provisions and design elements addressing the following: |
|-----------------------|--|
- a) interface treatments, public open space and public realm immediately adjacent to and surrounding the Neighbourhood Centre
 - b) built form response to terrain including retaining walls and site levels

24. Land-Use Class Permissibility	<p>24.1 Land Use permissibility within Precinct 3 shall be in accordance with the corresponding Zone or Reserve under the Scheme, shown on the Structure Plan Map, except as follows:</p> <p>a) Corner Store, Coffee Shop, Restaurant - 'D' in Residential Zone in areas <u>shown as 'Local Centre' on the Part 1 - Structure Plan Map only, adjacent to special transit system (STS) bus stops and as shown on Structure Plan Map</u></p> <p>b) Education Establishment - 'D' in Residential Zone <u>in areas shown as 'Primary School' on the Part 1 - Structure Plan Map only</u></p>
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Table E – Planning Requirements for Precinct 4 – Eglinton Hill

1. Detailed Area Plan	<p>1.1 <u>In addition to any general matters required to be included within a DAP under Clause 9.14.2 of the Scheme, a DAP for the Marmion Avenue Neighbourhood Centre, where required pursuant to clause 5.1, shall incorporate provisions and design elements addressing the following:</u></p> <p>a) <u>interface treatment, public open space and public realm immediately adjacent to and surrounding the Neighbourhood Centre</u></p> <p>b) <u>built form response to terrain including retaining walls and site levels</u></p>
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22. Land-Use Class Permissibility	<p>1.1 Land Use permissibility within Precinct 4 shall be in accordance with the corresponding Zone or Reserve under the Scheme, shown on the Structure Plan Map except as follows:</p> <p>a) <u>Education Establishment - 'D' in Residential Zone in areas shown as 'Primary School' on the Part 1 - Structure Plan Map only</u></p> <p>b) <u>Corner Store, Coffee Shop, Restaurant - 'D' in Residential Zone in areas shown as 'Local Centre' on the Part 1 - Structure Plan Map only.</u></p>
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Table F - Planning Requirements for Precinct 5 – District Activity Centre

1. -Structure Plan	<p>1.1 Subject to clause 9.11 of the Scheme, no subdivision (including strata or survey strata subdivision) or other development should be commenced or carried out in Precinct 5 shown as Centre Zone on the Structure Plan Map, until an Agreed Structure Plan has been prepared and adopted under the Provisions of Part 9 of the Scheme.</p>
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2. Land-Use Class Permissibility 2.1 Land Use permissibility within Precinct 5 shall be determined in accordance with the provisions of the relevant Agreed Structure Plan for Precinct 5.

Table G – Planning Requirements for Precinct 6 - Employment

1. Land-Use Class Permissibility 1.1 Land Use permissibility within Precinct 6 shall be in accordance with the corresponding Zone under the Scheme, shown on Structure Plan Map, except as follows:
- a) Aged or Dependant Persons Dwelling - X in Business Zone
 - b) Single House - X in Business Zone
 - c) Grouped Dwelling - X in Business Zone
 - d) Multiple Dwelling - X in Business Zone
 - e) Retirement Village - X in Business Zone
 - f) Smash Repair Station - D in Business Zone
 - g) Special Place of Assembly - D in Business Zone
 - h) Storage Yard - D in Business Zone
 - i) Transport Depot - D in Business Zone
 - j) Open Air Display - D in Business Zone
 - k) Plant Nursery - D in Business Zone

Table H – Centre Floorspace Allocation for Eglinton District Activity Centre

Floorspace (GLA sqm)	Minimum Net Lettable Area to be demonstrated (square metres) Floorspace (built out)	Percentage (%) Maximum Net Lettable Area (square metres)
Retail	16,412 N/A	16,412 / 17,220 = 95%
Commercial Mix of land use	13,338 / 20,943	40% N/A

Centre Floorspace Allocation for Coastal Village Activity Centre

<u>Floorspace (GLA sqm)</u>	<u>Minimum Net Lettable Area to be demonstrated (square metres)</u> <u>Floorspace (built out)</u>	<u>Minimum Net Lettable Area (square metres)</u> <u>Percentage (%)</u>
Retail	3,794 N/A	28% 3,794
<u>Mix of land use</u> Commercial	7,106	53% N/A

Centre Floorspace Allocation for each of the Marmion Avenue and STS route Neighbourhood Activity Centres

<u>Floorspace (GLA sqm)</u>	<u>Minimum Net Lettable Area to be demonstrated (square metres)</u> <u>Floorspace (built out)</u>	<u>Minimum Net Lettable Area (square metres)</u> <u>Percentage (%)</u>
Retail	2,064 N/A	78% 2,064 1,313
<u>Mix of land use</u> Commercial	575 237	22% N/A

STS Route Neighbourhood Centres

<u>Floorspace (GLA sqm)</u>	<u>Minimum Net Lettable Area to be demonstrated (square metres)</u>	<u>Minimum Net Lettable Area (square metres)</u> <u>Percentage (%)</u>
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<u>Retail</u>	<u>N/A</u>	<u>WAPC, CoW</u>
<u>Mix of landuse</u>	<u>575</u>	<u>N/A</u>
<u>Table I – Reports, Surveys, Strategies and Plans</u>		
<u>Documentation</u>	<u>Submission Stage</u>	<u>Approving Authority</u>
<u>Foreshore Management Plan</u>	<u>In conjunction with subdivision of land adjacent to the Foreshore</u>	<u>WAPC, CoW, DEC</u>
<u>Vegetation Management Plan</u>	<u>In conjunction with subdivision</u>	<u>WAPC, CoW</u>
<u>Fauna Management Plan</u>	<u>In conjunction with subdivision</u>	<u>WAPC, CoW</u>
<u>Local Water Management Strategy</u>	<u>Documented in LSP</u>	<u>WAPC, CoW, DoW</u>
<u>Urban Water Management Plan</u>	<u>Condition of subdivision</u>	<u>WAPC, CoW, DoW</u>
<u>Landscape Concept Plan</u>	<u>Documented in LSP</u>	<u>WAPC, CoW</u>
<u>Open Space Strategy</u>	<u>Documented in LSP</u>	<u>WAPC, CoW</u>
<u>Heritage Assessment</u>	<u>Documented in LSP</u>	<u>WAPC, CoW</u>

Karst Investigation	Discussed in LSP and where appropriate will be further investigated as part of geotechnical investigations (eCondition of subdivision)	WAPC, CoW
Unexploded Ordinance	Condition of Subdivision	FESA
Local Road Network Plan	Documented in LSP, to be further refined in conjunction with subdivision	WAPC, CoW
Detailed Area Plan	Applicable areas discussed in LSP, DAPs to be prepared in conjunction with or as a condition of subdivision	CoW
Sustainability Strategy	Documented in LSP	WAPC, CoW
Community Development Plan	Documented in LSP	WAPC, CoW
Economic and Employment Strategy	Documented in LSP	WAPC, CoW
Developer Contribution Strategy Arrangement	Discussed in LSP, eCondition of subdivision	WAPC, CoW
Servicing Plan	Discussed in LSP, eCondition of subdivision	WAPC, CoW

Residential Design Code Plan In conjunction with WAPC, CoW
 subdivision

Table J – Strategic Public Open Space Schedule

Strategic POS site	Minimum Size (hectares)
A	
B	
C	
D	
E	
F	
G	
H	
I	
J	
K	
L	
L	
M	
N	
O	
P	

<u>Q</u>	
<u>R</u>	
<u>Total</u>	

Table K – Developer Contributions Arrangements

Table L – Land use definitions

<u>Use Class</u>	<u>Land Use Definitions</u>
<u>Coffee Shop</u>	
<u>Yacht Club</u>	
<u>Marina</u>	
<u>Boat Sales</u>	

MODIFICATIONS REQUIRED BY COUNCIL RESOLUTION DATED 8 FEBRUARY 2011		
	Department of Education (DoE)	
1.1		<u>Modify</u> Section 6.3 : Population Projections (Part 2), page 112 to replace the figure 7,500 with 6,290. <u>Modify</u> Section 6.3: Population Projections (Part 2), Table 6, page 112 to recalculate population projections to correspond with the new projection figure of 6,290.
1.2		<u>Modify</u> the Community Development Plan, Section 3.1: Education by deleting the words “(with one potentially being a private school)” from the following sentence: “At build out, the LSP will have three primary schools (with one potentially being a private school)”.
	Water Corporation	
4.1		<u>Modify</u> Section 3.12.3 (Part 2) to include the following text: “Provision will be made to accommodate the final alignment and protection of the proposed Yanchep Sewer Main”.
4.2		<u>Modify</u> Section 6.01 of Appendix 4: Engineering Service Report, page 13 as follows: Replace the following text: “Preliminary Water Corporation planning indicates up to four groundwater bore sites located on the western side of the old Marmion Avenue alignment in the Eglinton LSP area (refer Figure 6)” With “Preliminary Water Corporation planning indicates up to three groundwater bore sites in the Eglinton LSP area (refer Figure 6)”. <u>Modify</u> Figure 6 of Appendix 4: Engineering Service Report to show proposed Water Corporation groundwater bore sites and their associated 300m wellhead protection zones as indicated on plan supplied by the Water Corporation and attached to this report (Attachment 6).
	Public Transport Authority (PTA)	
5.1		<u>Modify</u> Appendix 3: Transport and Access Report, Figure 2.2, page 13, to reflect the Transperth Bus Route to be provided from Marmion Avenue to the Eglinton Rail Station (as shown in Attachment 7) and include the following notation: “All roads proposed to be used by Transperth bus services are to be designed in accordance with the specifications of the Public Transport Authority”.
5.2		<u>Add</u> the following text to Section 5.1; Sustainability, Ecosystems and Health table of objectives (Part 2, page 82) as follows: “Objective: To protect people from unreasonable levels of transport noise by establishing a standardised set of criteria to be used in the assessment of proposals”. “Strategy/LSP Response: Ensure development complies with the requirements of SPP 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning and incorporates the recommendations outlined in the Acoustic Assessment Report prepared by Herring Storer Acoustics dated August 2010”. <u>Modify</u> Clause 3.2.17 (Part 2) and 5.6.3 (Part 2, page 101) to delete the words “Noise Considerations” and insert the title “Road and Rail Transport Noise and Freight Considerations in Land Use Planning” when referring to SPP 5.4.
5.3		<u>Delete</u> the following text from Clause 3.11.1 ‘Public Transport’ (Part 2) page 58:

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		<p><i>"It is anticipated that establishment of stations would proceed in this order of priority".</i></p> <p>and</p> <p><i>"These assumptions reflect discussions with Transperth held in February 2010 and follow up advice received in July 2010".</i></p> <p><u>Delete</u> the following text from Clause 3.14 'Connectivity Opportunities' (Part 2) page 67: <i>"PTA's most recent position has identified that the rail service extension to Yanchep will likely occur within the next 5-7 years and as such would provide strong regional connectivity for the future residents of Eglinton".</i></p>
5.4		<p><u>Modify</u> Structure Plan Map (Part 1) and corresponding maps to show increased width in rail reserve area to allow for bus access, bus station facilities and the station itself.</p> <p><u>Replace</u> the following text from Clause 3.14 'Connectivity Opportunities' (Part 2) page 67: <i>"The proposed STS service will reduce the requirements for 'park and ride' transfer to the rail network".</i></p> <p>With <i>"Whilst the proposed STS service may reduce the requirements for 'park and ride' transfer to the rail network, land has been reserved for the establishment of park and ride facilities".</i></p> <p><u>Delete</u> the following text from Clause 3.14 'Connectivity Opportunities'(Part 2) page 67: <i>"Other 'kiss and ride' and 'park and ride' stations outside of the district and regional centre can cater for residents who will drive to rail station's".</i></p>
5.6		<p><u>Modify</u> Table 5 - Land Use Budget to include the area to be allocated to Bus Station and facilities, bus and car access and park and ride and kiss and ride facilities. This area should be a minimum of 3 hectares.</p>
	Development Planning Strategies (DPS)	
6.1		<p><u>Modify</u> Structure Plan Map (Part 1) to reflect density range in Precinct 3 from R25-R40 to R25-R60 as detailed in Attachment 7 (1).</p>
6.2		<p><u>Modify</u> Structure Plan (Part 1), corresponding plans in Part 2 and Appendices to reflect alternate position of School site and open space area in Precinct 3 as detailed in Attachment 8 (2):</p> <p><u>Delete</u> the notation <i>"Location of Primary School/Playing Fields indicative only. The exact configuration (location of the school in relation to the sporting facilities) will be further investigated and refined at a more detailed planning stage (subdivision)".</i></p>
6.3		<p><u>Modify</u> Structure Plan Map (Part 1) , corresponding plans in Part 2 and Appendices to reflect the modified position of POS in Precinct 3 as detailed in Attachment 7 (3):</p> <p><u>Modify</u> POS Schedule (Table 7, Part 2) and Land Use Budget (Table 5, Part 2) to reflect amended POS figures</p>
6.4		<p><u>Modify</u> Structure Plan Map (Part 1), corresponding plans and Appendices to reflect the modified position of east-west Neighbourhood Connector in Precinct 3 as detailed in Attachment 8 (4):</p>
6.5		<p><u>Modify</u> Structure Plan Map (Part 1), corresponding plans and Appendices to reflect modified position of neighbourhood connector and access point onto Marmion Avenue as detailed in Attachment 8 (5): Distance between minor intersections accessing Marmion Avenue to be no less than 500m</p>
	Taylor Burrell Barnett (TBB)	

MODIFICATIONS REQUIRED BY COUNCIL RESOLUTION DATED 8 FEBRUARY 2011

9.5		<p><u>Modify</u> 5.4.1: Streetscapes (Part 2), Type 2 STS – Within the District Centre by replacing the following sentence: <i>“The STS will run along this road, with bus stopping on the road”.</i></p> <p>With <i>“The STS will run along this road, with a separate bus lane to be provided at all major junctions and bus stops”.</i></p> <p><u>Modify</u> 5.4.1: Streetscapes (Part 2), Type 3 STS Route by including the following sentence: <i>“The STS will provide a separate bus lane at all major junctions and bus stops”.</i></p> <p><u>Modify</u> 5.4.1: Streetscapes (Part 2), Type 4 STS – Adjacent Neighbourhood Centre and Oval by including the following sentence: <i>“The STS will provide a separate bus lane at all major junctions and bus stops”.</i></p>
	Main Roads Western Australia (MRWA)	
11.1		<u>Modify</u> Figure 30 (Part 2) to achieve consistency with the hierarchy of the roads as indicated in the Structure Plan Map (Plan 1, Part 1). The eastern north-south connector and east-west connector should be shown as neighbourhood connectors or the classification as Integrator Arterial (B) needs to be justified.
11.5		<u>Modify</u> Section 8.4 (Part 2) and Figure 39 (Part 2) to address subclause 7.6 S2 of the Alkimos-Eglinton District Structure Plan by incorporating the staging recommendations included in Appendix 5: Economic Development Strategy of the draft LSP, into the staging proposal for the LSP.
11.9		<u>Modify</u> Section 5.4.1 – Streetscapes (Part 2) Type 6 - to reflect a minimum verge width of 5 metres for Marmion Avenue and Eglinton Drive.
11.10		<u>Modify</u> Figure 26: Indicative Site Plan (Part 2) and Figure 30: Proposed Road Hierarchy (Part 2) to provide roundabouts where four way intersections of local streets are provided.
	Department of Water (DoW)	
12.01		<p><u>Modify</u> the LWMS (appendix 6) to include detailed contingency measures for POS irrigation in the absence of an alternative water source. This report must include details of the minimum water requirements for the LSP area.</p> <p><u>Modify</u> the LWMS (appendix 6) to include the statement that <i>“Where there is any inconsistency between the provisions, standards or requirements of the District Water Management Strategy and the Local Water Management Strategy, the provisions, standards or requirements of the District Water Management Strategy shall prevail”.</i></p>
12.02		<u>Modify</u> the LWMS (appendix 6) to reflect the latest versions of GHD’s reports and recently released draft DWMS.
12.03		<p><u>Delete</u> all references to <i>“Water Corp”</i> from Table 3, LWMS (Appendix 3, page 5).</p> <p><u>Modify</u> Table 5, LWMS (Appendix 3, page 15) to provide greater detail in relation to the proposed maintenance schedule, costings and requirement for a detailed log confirming maintenance undertaken prior to the handover of infrastructure.</p>
12.04		<u>Modify</u> Section 3.2: Design Criteria (Appendix 3, page 5) to include the following text: <i>“The design criteria outlined are to be incorporated, wherever possible, into future structure planning, Detailed Area Plans, subdivision applications and development applications”.</i>
12.05		<u>Modify</u> Section 3.3.1: Public Open Spaces (Appendix 3, page 6) to clarify why the 1:5 year ARI has been used in the design of the bioretention area of the POS.

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12.06		Modify Section 4.1: Hydrological Opportunities and Constraints (Appendix 3, page 7) to clarify the term ' <i>multi-use infiltration basins</i> ' and to provide details and figures/concept designs of such basins.
12.07		<u>Modify</u> Section 4.5: Stormwater Management Strategy (Appendix 6, page 11) to include the following principles: Detailed design to be provided showing where the 1:1 ARI events will be treated for water quality. Allow 20% of lot areas to discharge to the road drainage system for ARI's in excess of the 1:1 year ARI events. No flows from 1:1 year ARI events external to POS shall reach any POS by surface flow. Permeability to be tested at each proposed swale location before UWMS stage and discussed with the City prior to adoption of infiltration rate. Road reserve width may need to be increased to ensure provision of sufficient infiltration whilst still providing adequate space for footpaths, utilities, car parking and street trees. The area of proposed bio-retention devices should be at least 2% of connecting impervious area. No service utilities should pass through the proposed mini swales. The proposed pits with an open base need further assessment at the subdivision stage.
12.08		Once confirmation is made that there are no incompatible land uses in the P3 areas, <u>modify</u> Section 4.5.1: Surface and Groundwater Management Strategy (Appendix 6, page 12) to delete the following sentence: <i>"Due to the majority of the site being within a Priority 3 PDWSA, land uses not compatible with the designation are unlikely to be approved"</i> .
12.09		<u>Modify</u> Section 4.5.1 to include a list of all POS irrigation requirements, information on current groundwater licenses and available water allocation for this area.
12.11		<u>Modify</u> the Local Water Management Strategy (Appendix 6), Appendix D to include water quality data.
12.12		<u>Modify</u> the Local Water Management Strategy (Appendix 6) to include reference to a commitment to post development monitoring of water quality including proposed locations, frequency and parameters.
12.13		<u>Modify</u> figure numbering and corresponding text throughout the Local Water Management Strategy (Appendix 6) as required.
	Department of Environment and Conservation (DEC)	
13.01		<u>Modify</u> Table A: General Planning Requirements for Structure Plan Area, Clause 1 – Structure Plan Map (Part 1) to include the following text <i>1.2: Where provisions of the Structure Plan are inconsistent with any environmental approvals issued by the State or Federal Government, the LSP shall be amended to ensure consistency.</i> Note: This text has been included as part of the requested modifications to Part 1 of the LSP as detailed in Attachment 3 .
13.2		<u>Modify</u> the Structure Plan Map (Plan 1, Part 1) and corresponding maps to show the relevant areas as 'Indicative Strategic Conservation Open Space' and include these areas in the Legend in accordance with the City's LPP 4.3 - Public Open Space <u>Modify</u> the Structure Plan Map (Plan 1 Part 1) and corresponding maps to include a letter for each 'Indicative Strategic Open Space' and 'Indicative Strategic Conservation Open Space' shown on the Plan, and link this to the Public Open Space Schedule (currently located in Part 2, Table 8, page 115).

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		Relocate POS Schedule (Table 8, Part 2, page 115) to Part 1 (Table J).
13.3		<p><u>Modify</u> Section 6.4 (Part 2) to include the following consideration under the sentence 'POS areas have been located with regard to the following':</p> <p><i>Consideration of environmental features.</i></p> <p>And include detail of how this has been achieved in the LSP.</p> <p><u>Modify</u> Section 6.4 (Part 2) to include demonstration that POS areas have been located in accordance with the City's Public Open Space Policy.</p>
13.7		<u>Modify</u> the Environmental Assessment (appendix 2) Section 6.2: Clearing of Native Vegetation (page 42) to include further details as to the amount of vegetation required to be cleared for the establishment of service corridors, roads, fences, buildings and drainage infrastructure.
13.8		<u>Modify</u> Part 2, subsection 3.8.9 to detail which (if any) natural areas will be retained to allow the GSM to persist and if so their area and the likelihood that proposed areas will retain GSM in the long-term.
	Department of Planning (DoP)	
14.1		<p><u>Modify</u> Part 2, subsection 3.8.14; and Appendix 2: Environmental Assessment 2.4.4 Coastal Setbacks to detail how the requirements of WAPC Position Statement - State Planning Policy No. 2.6 State Coastal Planning, Schedule 1 Sea Level Rise have been addressed by this LSP. Consequential amendments to the LSP should then be made.</p> <p><u>Modify</u> Structure Plan Map, Plan 1, Part 1 and corresponding maps to include a coastal setback line, in accordance with Statement of Planning Policy 2.6: State Coastal Planning and WAPC Position Statement - State Planning Policy No. 2.6 State Coastal Planning Policy Schedule 1 Sea Level Rise.</p> <p><u>Modify</u> Part 1 to require subdivision and development within the Structure Plan area to comply with the requirements of Statement of Planning Policy 2.6: State Coastal Planning and WAPC Position Statement - State Planning Policy No. 2.6 State Coastal Planning Policy Schedule 1 Sea Level Rise.</p> <p>Note: This text has been included as part of the requested modifications to Part 1 of the LSP as detailed in Attachment 2.</p>
14.2		<u>Modify</u> Structure Plan Map, Plan 1, Part 1 and corresponding maps to relocate the regional foreshore shared path to the landward side of the identified coastal foreshore reserve to comply with requirements of SPP 2.6 (5.1)
14.3		<p><u>Modify</u> the Environmental Assessment (Appendix 2, page 45) Section 6.4 by replacing the following sentence:</p> <p><i>"All stormwater runoff from the development will be locally infiltrated in road reserves, medians, multiple use POS and potentially within the foreshore reserve";</i></p> <p>With</p> <p><i>"All stormwater runoff from the development will be locally infiltrated in road reserves, medians and multiple use POS".</i></p> <p><u>Modify</u> Part 2, subsection 4.1.1, under 'Environmental Principles' to delete the reference to drainage within the second and third dot point.</p>
14.4		<p><u>Modify</u> the Environmental Assessment (Appendix 2, page 44) by replacing the following sentence:</p> <p><i>"Fenced beach access pathsshould be provided along the foreshore reserve at a relatively high frequency approximately every 75-100m."</i></p> <p>With</p> <p><i>"Fenced beach access pathsshould be provided along the foreshore reserve at a frequency approximately every 150m."</i></p>

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14.4		<u>Modify</u> the Environmental Assessment Report (Appendix 2) to correctly indicate the Bush Forever Area that will undergo the MRS amendment.																										
14.8		<u>Modify</u> Table A: General Planning Requirements for Structure Plan Area (Part 1) page 16 to indicate the requirement for a detailed area plan to be prepared prior to any subdivision being supported for the Coastal Village Activity Centre. Note: This text has been included as part of the requested modifications to Part 1 of the LSP as detailed in Attachment 2. <u>Modify</u> Section 7.1 (Part 2) to include reference to the preparation of a DAP for the Coastal Activity Centre of Precinct 1.																										
14.10		Modify the Structure Plan Map (Plan 1, Part 1) and corresponding maps to include the following notation. <i>Provision is to be made for an easement to accommodate a 132kv transmission line along the Mitchell Freeway of up to 32m in width (final width to be determined with Western Power prior to subdivision).</i>																										
14.11		Modify Section 3.5: Alkimos Eglinton District Structure Plan (Part 2, page 40) by deleting the following sentence: <i>This supporting information is included herewith in Part Two and as Appendices to the LSP.</i> And replace with the following text: <i>This supporting information is summarised in the table below:</i>																										
		<table border="1"> <thead> <tr> <th>Required in DSP</th> <th>Provided</th> </tr> </thead> <tbody> <tr> <td>Vegetation Management Strategy</td> <td>Environmental Assessment (Appendix 2), in particular section 6.2</td> </tr> <tr> <td>Fauna Management Strategy</td> <td>Environmental Assessment (Appendix 2), in particular section 6.2</td> </tr> <tr> <td>Local Water Management Strategy</td> <td>Local Water Management Strategy (Appendix 6)</td> </tr> <tr> <td>Landscape Concept Plan</td> <td>Part 2, Section 6.5</td> </tr> <tr> <td>Open Space Strategy</td> <td>Part 2, Section 6.4</td> </tr> <tr> <td>Karst Investigation</td> <td>Part 2, Section 3.10</td> </tr> <tr> <td>Local Road Network Plan</td> <td>Part 2, Section 5.5</td> </tr> <tr> <td>Sustainability Strategy</td> <td>Sustainability Strategy (Appendix 1)</td> </tr> <tr> <td>Community Development Strategy</td> <td>Community Development Strategy (Appendix 7)</td> </tr> <tr> <td>Economic and Employment Strategy</td> <td>Economic and Employment Strategy (Appendix 5)</td> </tr> <tr> <td>Developer Contribution Strategy</td> <td>Developer Contribution Strategy (Part 1, Table K)</td> </tr> <tr> <td>Housing Diversity, Residential Yield and Density Analysis Plan</td> <td>Structure Plan Maps (Part 1 & Part 2) and Part 2, Section 6.2, 7.1-7.5 inclusive</td> </tr> </tbody> </table>	Required in DSP	Provided	Vegetation Management Strategy	Environmental Assessment (Appendix 2), in particular section 6.2	Fauna Management Strategy	Environmental Assessment (Appendix 2), in particular section 6.2	Local Water Management Strategy	Local Water Management Strategy (Appendix 6)	Landscape Concept Plan	Part 2, Section 6.5	Open Space Strategy	Part 2, Section 6.4	Karst Investigation	Part 2, Section 3.10	Local Road Network Plan	Part 2, Section 5.5	Sustainability Strategy	Sustainability Strategy (Appendix 1)	Community Development Strategy	Community Development Strategy (Appendix 7)	Economic and Employment Strategy	Economic and Employment Strategy (Appendix 5)	Developer Contribution Strategy	Developer Contribution Strategy (Part 1, Table K)	Housing Diversity, Residential Yield and Density Analysis Plan	Structure Plan Maps (Part 1 & Part 2) and Part 2, Section 6.2, 7.1-7.5 inclusive
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14.13		<u>Modify</u> Part 1 of the LSP by including text or tables that provide the following information: Locational criteria and the process detailing how the coding of land in the Structure Plan area is to be facilitated; and Minimum dwelling densities per hectare for strategic areas.																										
14.14		<u>Modify</u> the Economic Development Strategy (Appendix 5) to fully address subclause 7.6 S1 of the Alkimos-Eglinton District Structure Plan by clearly stating the actions proposed in relation to employment and economic development, who is responsible for each action and when each action should be initiated and finalised.																										
	City of Wanneroo																											

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	Administration	
15.1		<u>Modify</u> Part 1 in accordance with the Track Changed version of Part 1 included as Attachment 2 to this report and to include any other modifications recommended herein.
15.2		Note: This text has been included as part of the requested modifications to Part 1 of the LSP as detailed in Attachment 3 .
15.2		<u>Amend</u> the Structure Plan Map (Plan 1, Part 1) and corresponding maps to include the following: A symbol for 'Local Centres' on the legend Indicate the locations of the proposed local centres (including those surrounding the indicative stops along the proposed STS route) and the areas currently shown as possible beachside restaurant/cafe/ corner stores. Provide a mixed use zoning for these Local Centres Delete the reference to possible beachside restaurant / cafe / corner store from the Legend and the symbol from the plan.
15.3		<u>Modify</u> the Legend on Structure Plan Map (Plan 1, Part 1) and corresponding maps to replace the words: <i>"Land Subject to MRS Amendment"</i> .. with <i>"Subdivision and Development of land subject to MRS Amendment to zone subject land Urban under the MRS and Urban Development under the Scheme"</i> .
15.4		<u>Modify</u> the Structure Plan Map (Plan 1, Part 1) and corresponding maps to show the Indicative Strategic Open Spaces 'A' and 'B' as a darker green, and include the following text: <i>"Regional Open Space subject to MRS Amendment to reserve land as Parks and Recreation"</i> . The above text and associated coloured box is to be included beneath the <i>Indicative Strategic Open Spaces</i> reference in the Legend. Delete the following text: <i>"Land subject to MRS amendment & land exchange for notated open spaces A & B"</i> . from the Structure Plan Map (Plan 1 Part 1) and corresponding maps.
15.5		Amend Structure Plan Map (Plan 1, Part 1) and corresponding maps to delete the precincts insert plan and include the information contained in this insert onto the main plan.
15.6		<u>Modify</u> Plan 1 – Structure Plan Map to include "Detailed Area Plan Boundary" on the Legend and include these boundaries on the Plan in accordance with the areas described in Part 1 Text.
15.7		<u>Modify</u> Structure Plan Map Legend (Plan 1, Part 1) and corresponding maps to include <i>"Inclusive School - Kindergarten to Year 12"</i> .
15.8		<u>Increase</u> the size of the Structure Plan Map provided in Part 1 to A3 size.
15.09		<u>Modify</u> Structure Plan Map (Plan 1, Part 1) and corresponding maps to show a direct "shared pathway" connection from the railway station to the Marina Precinct. <u>Modify</u> Section 5.4.1: Streetscapes, Type 2 STS within the District Centre (page 89) to include cycle infrastructure along this portion of the STS route
15.10		<u>Modify</u> Figure 32: Indicative Pedestrian and Cycle Network (Part 2) to include an interim route for the regional recreation path, prior to the development of the marina.
15.11		<u>Modify</u> Figure 26: Indicative Masterplan (Part 2) and Section 6.4 (Part 2) to include the following text: <i>"All public open space sites, especially those less than 5000m², are subject to assessment by the City of Wanneroo in accordance with the City of Wanneroo's Local Planning Policy 4.3: Public Open Space, at the detailed area plan and/or the subdivision stage"</i> .

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		<u>Modify</u> Section 6.5.2 – Open Spaces – Typologies (Part 2, page 120) to demonstrate how all public open space sites included in Table 8 that are less than 5000m ² meet the requirements of LPP 4.3.
15.12		<u>Modify</u> Section 8.2 (Part 2) to include the proposed Metropolitan Region Scheme and District Planning Scheme map for the Structure Plan area.
15.13		<u>Modify</u> Table H (Part 1 - first table), Table 3 (Part 2) and Economic Development Strategy (Appendix 5) to include floorspaces consistent with the Alkimos-Eglinton DSP. Note: These changes have been included as part of the requested modifications to Part 1 of the LSP as detailed in Attachment 3 .
15.14		<u>Modify</u> Table H (Part 1) to replace the title of the third table with the following text: “ <i>Marmion Avenue Neighbourhood Centres.</i> ” <u>Modify</u> Table H (Part 1) by including a fourth table titled: “ <i>STS route Neighbourhood Activity Centres</i> ”. and indicate floorspace figures consistent with the Economic Development Strategy (Appendix 5). Note: These changes have been included as part of the requested modifications to Part 1 of the LSP as detailed in Attachment 2.
15.15		<u>Modify</u> the title of Appendix 7: Community Development Plan to Community Development Strategy.
15.16		<u>Modify</u> the Community Development Plan (Appendix 7), tables 3-5, to include detail as to who is responsible for providing the community facilities and the services proposed by the LSP.
15.17		<u>Modify</u> the Community Development Plan (Appendix 7) to replace the reference to <i>Local Centres</i> to <i>Neighbourhood Centres</i> where appropriate.
15.18		<u>Modify</u> the Community Development Plan (Appendix 7), Table 6 to include reference to the provision of community centres as mentioned in the text, including the proposal for an interim facility in the district centre, to ultimately be upgraded to a district community centre, and a local community centre in the Coastal Village.
15.19		<u>Modify</u> the Community Development Plan (Appendix 7), Table 4, page 27 to delete the words <i>district level</i> with the words <i>neighbourhood facility</i> .
15.20		<u>Documentation</u> to be provided to show that the owners of Lot 6 Marmion Avenue accept the access across the railway reserve shown on their land in Plan 1 – Structure Plan Map. If the land owners acceptance of this is unable to be demonstrated, then Plan 1 – Structure Plan Map; Figure 26: Indicative Master Plan; and Part 2 text to be modified to include a connection between Precinct 4 and Precinct 6 across the railway reserve, within the Structure Plan area.
15.21		<u>Modify</u> the Community Development Plan (Appendix 7) to detail how the relevant initiatives included in the Sustainability Strategy will be addressed.
15.22		<u>Modify</u> the Aboriginal Heritage Report (Appendix 8) recommendations to correctly renumber the recommendations and include an additional recommendation as follows: “ <i>That the Pipidiny Lake site be surrounded by POS to provide a buffer to the heritage site</i> ” <u>Modify</u> the Aboriginal Heritage Report (Appendix 8) by renumbering the recommendations to 1 and 2, instead of 3 and 4.
15.23		<u>Modify</u> Part 1, Section 2.3 to replace the sentence: “ <i>To create a balance between the environment and requirements of the community</i> ”. with “ <i>To create balance between the protection of the environment and other requirements of the community</i> ”.

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		Note: This change has been included as part of the modifications made to Part 1 of the LSP as detailed in Attachment 2 .
15.24		<u>Modify</u> Part 1, Section 2.3 to include the replace the sentence: <i>"To work with the character of the landscape to optimise density and development in a responsive manner"</i> . With <i>"To work with the character of the landscape to optimise density and development in a responsive manner and to maximise the retention of the original landform"</i> . Note: This change has been included as part of the modifications made to Part 1 of the LSP as detailed in Attachment 2 .
15.26		<u>Modify</u> the Environmental Assessment (Appendix 2), Section 5.5: Significant Fauna to include reference to the Peregrine Falcon.
15.27		<u>Modify</u> the Environmental Assessment (Appendix 2), Section 6.2: Vegetation and Fauna Management Strategy, Pre Construction – Seed Collection and Propagation, to include seed collection of all native species.
15.28		<u>Modify</u> the Environmental Assessment (Appendix 2), Section 6.3, to delete the words <i>"where possible"</i> from the sentence <i>"Landscaping in formal areas of the foreshore reserve should use local native species where possible"</i> .
15.29		<u>Modify</u> Part 2, Section 3.2 to include the following City of Wanneroo Local Planning Policies: Local Planning Policy 2.1: Residential Development Local Planning Policy 4.2: Structure Planning Local Planning Policy 4.3: Public Open Space
15.30		<u>Modify</u> Part 2, subsection 3.7.2 to detail the measures that have been incorporated into the LSP to mitigate the impact on the species listed under the Environment Protection and Biodiversity Conservation Act.
15.31		<u>Modify</u> Part 2, subsection 3.8.9 to delete the following text: <i>"GSM are known to occur in relatively small Bush Forever sites within urban areas in the City of Wanneroo"</i> .
15.32		<u>Modify</u> Part 2, subsection 3.8.15 to detail the location of any locally significant areas.
15.33		<u>Modify</u> Part 2, subsection 3.8.17 to include discussion of the potential wastewater/greywater/stormwater reuse proposal and its conflict with current state policy.
15.34		<u>Modify</u> Part 2, subsection 4.1.1, Environmental Principles (first dot point) to read as follows: <i>"Design to accommodate ecologically viable areas of vegetation and dunal landform identified for retention"</i> .
15.35		<u>Modify</u> Section 4.1.1 Site Responsive Theme under Environmental Principles, (under the second dot point) to include the following: <i>"Whilst it is important to retain and restore existing elements of the natural drainage system and integrate these elements into the urban landscape, drainage in bushland areas is unlikely to be supported"</i> .
15.36		<u>Modify</u> Part 2, subsection 4.1.2 to include reference to Local Planning policy 4.3: Public Open Space.
15.37		<u>Modify</u> Part 2, Section 6.4 and Table 8 to demonstrate that the 3% conservation open space requirement has been met, and that the conservation public open space areas are viable in accordance with the POS LPP.
15.38		<u>Modify</u> Part 2, subsection 6.5.2 to include text for <i>Open Space Typology 'H'</i> or replace with <i>Open Space Typology 'N'</i>
15.39		<u>Modify</u> Part 2, subsection 5.4.1, point 2 to include the following text: <i>Local native species will be prioritised where practicable.</i>
15.40		<u>Modify</u> Part 2, subsection 5.4.1 to include a point seven stating:

MODIFICATIONS REQUIRED BY COUNCIL RESOLUTION DATED 8 FEBRUARY 2011

		<i>"The retention of vegetation will be the priority, with planting comprising additional local native species to complement retained vegetation".</i>
15.41		Modify Part 2, subsection 6.5.1 to delete reference to the dog beach.
15.42		Modify the Local Water Management Strategy (Appendix 6), Section 4.1, to replace the sentence: <i>"Revegetation with waterwise plants will substantially reduce the requirement for irrigation and nutrient inputs".</i> with <i>"Revegetation with locally native waterwise plants will substantially reduce the requirement for irrigation and nutrient inputs".</i>
15.43		Modify Local Water Management Strategy (Appendix 6), Section 4.4, by replacing the word "minimal" with "no" in the following sentence: <i>"All street and shrub planting species need to be selected to survive with minimal irrigation or hand watering after the initial 3 year water period required for establishment".</i>
15.44		Modify Section 4.5.1: Surface and Groundwater Management Strategy to include the pre and post development flows and volumes for each catchment. Modify Section 4.5.1: Surface and Groundwater Management Strategy to include the requirement for swales not to be more than 300mm in depth. Modify Section 4.5.1: Surface and Groundwater Management Strategy (page 12, 2nd paragraph) by replacing the word "week" with the words "76 hours" in the following sentence <i>"Design will ensure that standing water will not persist in the basins for longer than a week to reduce the risk of mosquito breeding".</i>
15.46		Modify Structure Plan Map (Plan 1, Part 1) and corresponding maps to show the STS route extending into the business zone (Precinct 6) south of Eglinton Drive.
15.47		Modify Structure Plan Map (Plan 1, Part 1) and corresponding maps to include vehicle access across the railway reserve from Precinct 4 to Precinct 6.
15.48		Modify Part 2, page 129 to delete any reference to an elevated walkway/overpass across Marmion Avenue.

**SCHEDULE OF MODIFICATIONS
EGLINTON LOCAL STRUCTURE PLAN NO.82**

**CITY OF WANNEROO'S SCHEDULE OF RECOMMENDED MODIFICATIONS
(8 FEBRUARY 2011)**

1. The following modifications from the City of Wanneroo's Schedule in Attachment 4 are to be undertaken: 1.1, 1.2, 4.1, 4.2, 5.1-5.3, 6.2-6.5, 11.5, 11.9, 13.3, 13.7, 13.8, 14.2-14.4, 14.4 (there two items 14.4), 15.7-15.10, 15.12, 15.13, 15.15-15.19, 15.21, 15.23, 15.25-15.41, 15.47 and 15.48.

Items 9.5, 11.10, 15.11 and 15.22 are to be undertaken as agreed to with the City of Wanneroo.

PART ONE - STATUTORY SECTION

2. Certification Page is to be moved to the front of Part 1.
3. Delete the "Table of Contents".
1. Application
4. Delete "1. Application".
5. Sections 1.1 - 1.4 are to be replaced with the standard wording in Attachment 1.

2. Objectives

6. Delete "2. Objectives".

3. Subdivision and Development

7. Delete "3.0 Subdivision and Development".

Tables A to I

8. Delete "Tables A to I" and replace with Attachment 2.

Plan 1 - Structure Plan Map

Plan 1 is to be subject to the following modifications:

9. Inclusion of the hatched area and notation as shown on the attached plan dated 16 February 2011.
10. Deletion of Precincts inset and include R Code ranges in accordance with the ranges identified in Attachment 2 on Plan 1.
11. The Marina comprising of Commercial and Mixed Use zoned lands to be included in the Centre zone.
12. The proposed Business zone is to be included in the Centre zone.

13. Include the 132kv overhead transmission line adjacent to Mitchell Freeway and the proposed substation, in accordance with the Alkimos-Eglinton District Structure Plan. As part of the future structure planning of Centre zones, the final width of the easement and the location of the substation will need to be confirmed.
14. Plan 1 is to only show strategic areas of Public Open Space (POS), such as those identified for conservation and the POS located adjacent to primary schools. These are to correlate with those identified in the Table included in Part 1 where the area of those sites have been identified. Other POS areas appear to form part of the Social/Pedestrian/Cyclist Linkages, these can be replaced with the symbol used for the Social/Pedestrian/Cyclist Linkages.
15. Replace road hierarchy with the road hierarchy in Figure 30 of Part 2.
16. Include a coastal road between the Residential zone and foreshore reserve, in accordance with the Alkimos-Eglinton District Structure Plan.
17. Include "Possible" before "Foreshore Recreation Development Node" in the Legend
18. A notations being included which state:

"Areas identified as being of National Environmental Significance under the Environmental Protection and Biodiversity Conservation Act 1999 may be subject to assessment by the Federal Department of Sustainability, Environment, Water, Population and Communities, in accordance with this Act. The outcome of any such assessment may require either a modification to the LSP or minor variations from the LSP at the subdivision or development stage."

*"The taking of individual Graceful Sun Moths, as a result of the clearing of habitat such as *Lomandra hermaphrodita* and *Maritima*, requires the permission of the Minister for Environment, or their delegate, pursuant to the Wildlife Conservation Act 1950."*
19. The physical processes setback figures of 135-145 metres from HSD is to be included on Plan 1.
20. The location of the required groundwater bore sites are to be confirmed and included on Plan 1 with the associated 300 metre buffer. Evidence is to be provided from the Water Corporation that confirms the agreed locations.
21. Inclusion of possible locations of private high schools, if required.

PART 2 - EXPLANATORY SECTION

22. Text and wording modifications required in Part 1 are to be reflected in Part 2, to ensure consistency.
23. The POS Schedule is to be modified to demonstrate a POS contribution of 10%. This is on the basis that the proposed areas for Landform & Retention are classified as Restricted open space.

ATTACHMENT 1

1.0 Structure Plan Area

This Structure Plan shall apply to [INSERT LOT NUMBERS] being the land contained within the inner edge of the line denoting the Structure Plan boundary on the Structure Plan Map (Plan 1).

2.0 Structure Plan Content

This Structure Plan comprises the:

- a) Statutory Section (Part 1);
- b) Explanatory Section (Part 2); and
- c) Appendices (Part 3).

3.0 Interpretation

Unless otherwise specified in this part, the words and expressions used in this Structure Plan shall have the respective meanings given to them in the City of Wanneroo District Planning Scheme No. 2 (the Scheme) including any amendments gazetted thereto.

4.0 Operation Date

In accordance with clause 9.8.1 of the Scheme, this Structure Plan shall come into operation when it is either certified by the Western Australian Planning Commission (WAPC) pursuant to clause 9.6.3 of the Scheme or adopted, signed and sealed by the Council pursuant to clause 9.6.5 of the Scheme, whichever is the later.

5.0 Relationship with the Scheme

Pursuant to clause 9.8 of the Scheme:

- a) The objectives, standards and requirements specified under Part 1 of this Structure Plan shall have the same force and effect as if it were an objective, standard or requirement of the Scheme. In the event of there being any variations or conflict between the objectives, standards or requirements of the Scheme and the objectives, standards or requirements of this Structure Plan, then the objectives, standards or requirements of this Structure Plan shall prevail;
- b) Any other objective, standard or requirement of Part 1 of the Structure Plan that is not otherwise contained in the Scheme, shall apply to the land as though it is incorporated into the Scheme, and shall be binding and enforceable to the same extent as if part of the Scheme; and
- c) Parts 2 and 3 of this Structure Plan are to be used as a reference only to clarify and guide interpretation and implementation of Part 1.

ATTACHMENT 2

6.0 Land Use and Subdivision

The Structure Plan Map (Plan 1) outlines land use, zones and reserves applicable within the Structure Plan area. The zones and reserves designated under this Structure Plan apply to the land within it as if the zones and reserves were incorporated into the Scheme.

6.1 Area Subject to Environmental Approval

No subdivision and/or development can occur within the area identified on Plan 1 until such time that the environmental approval under the Environmental Protection Act 1986 and subsequent Metropolitan Region Scheme amendments are finalised.

6.2 Wellhead Protection Zone

Land uses within the 300 metre Wellhead Protection zone are to be in accordance with State Planning Policy 2.7 - *Public Drinking Water Source*.

6.3 Residential**6.3.1 Dwelling Target****a) Objective**

To achieve a minimum dwelling target of 15 dwellings per gross "Urban" zoned hectare within the Structure Plan area.

b) Subdivisions are to achieve a minimum average density of 25 dwellings per site hectare within 400 metres from the centre of neighbourhood centres and along neighbourhood connectors supporting future public transport routes.**6.3.2 Density****a) Plan 1 defines the broad residential density ranges that apply to specific areas within the Structure Plan. 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 to the WAPC and shall indicate the Residential Density Coding applicable to each lot within the subdivision and shall be consistent with the Structure Plan, and the Residential Density Ranges identified on Plan 1 and locational criteria contained in Clause 6.4.3.****c) The Residential Density Code Plan is to include a summary of the proposed dwelling yield of the subdivision.**

- d) Approval of the Residential Density Code Plan shall be undertaken at the time of determination of the subdivision application by the WAPC. The approved Residential Density Code Plan shall then form part of the Structure Plan and shall be used for the determination of future development applications. Variations to the Residential Density Code Plan will require further approval of the WAPC.
- e) Residential Density Code Plans are not required if the WAPC considers that the subdivision is for one or more of the following:-
- i) the amalgamation of lots;
 - ii) consolidation of land for "superlot" purposes to facilitate land assembly for future development;
 - iii) the purposes of facilitating the provision of access, services or infrastructure or
 - iv) land which by virtue of its zoning or reservation under the Structure Plan cannot be developed for residential purposes.

6.4.3 Locational Criteria

The allocation of residential densities on the Residential Density Code Plan shall be in accordance with the following criteria:

- a) A base density code of R25;
- b) Low density coded lots (R20) are generally to be provided in areas where it is desirable to retain and/or form and/or vegetation;
- c) Medium density coded lots (R30 to R60) are generally to be provided within 400 metres of neighbourhood centres, public open space and primary schools, along the STS route and the Mixed Use zone; and
- d) Higher density coded lots (R80 to R160) are generally to be provided within 400 metres of the Eglinton Marina.

6.4.4 Land Use Permissibility

Land Uses within the Residential Zone shall be in accordance with the Residential Zone under the Scheme. Except for the following:

P' Uses

- Grouped Dwelling
- Multiple Dwelling

D' Uses

- Educational Establishment

A' Uses

- Shop

5.5 Commercial

- a) Pursuant to clause 3.4.3 of the Scheme the retail floorspace (NLA) for the Structure Plan is to be in accordance with the following Table 1.

Table 1: Retail Floorspace Provision

CENTRE	MAXIMUM NET LETTABLE AREA
Neighbourhood Centre - Marnion	2,051m ²
Neighbourhood Centre - STS Route	2,051m ²

- b) Pursuant to clause 3.7.4 of the scheme, the maximum NLA included in Table 1 may be exceeded through a Detailed Area Plan for the entire centre where the requirements of State Planning Policy 4.2 Activity Centres for Perth and Peel are met to the satisfaction of the WAPC and City of Wanneeroo.
- c) Prior to development within the Neighbourhood Centres a detailed area plan is to be prepared in accordance with Clause 9.14 of the Scheme.
- d) Any subdivision within the Neighbourhood Centres will need to demonstrate that the Centre can be developed and operate in a coordinated manner. This is to include, but not limited to, inter alia, parking, access arrangements, storage areas and services.

6.6 Public Open Space

The provision of a minimum of 10% public open space being provided in accordance with the WAPC's Liveable Neighbourhoods. Public open space is to be provided generally in accordance with Plan 1 and Table 2, with an updated public open space schedule to be provided at the time of subdivision for determination by the WAPC, upon the advice of the City of Wanneeroo.

Table 2: Strategic Public Open Space Provision

STRATEGIC POS SITE	SIZE (HA)
A	[INSERT AREA]
B (next to southern PS)	[INSERT AREA]
C (next to south east PS)	[INSERT AREA]

6.7 Reports/Strategies Required Prior to Subdivision

Prior to the lodgement of subdivisions the following management plans are to be prepared, as applicable, to the satisfaction of the relevant authority and provided at the time of subdivision:

- a) Vegetation and Fauna Management Strategy (City of Wanneeroo)
- b) Noise Assessment Report for sensitive land uses adjacent to or in the vicinity of Marnion Avenue, Eglinton Drive and/or the Railway Reserve. (DEC)

6.8 Conditions of Subdivision Approval

- a) At the time of subdivision the City of Wanneroo may recommend, as applicable, conditions requiring the preparation and/or implementation of the following strategies:
- i) Urban and Water Management Plan (Department of Water/City of Wanneroo)
 - ii) Geotechnical Report (City of Wanneroo)
 - ii) Foreshore Management Plan (City of Wanneroo/WAPC)
 - ii) Noise Assessment Report, including notifications to be placed on title of lots of sensitive land uses affected by Marmion Avenue, Eglinton Drive and/or the Railway Reserve. (City of Wanneroo)

7.0 Development

7.1 Detailed Area Plans

Detailed Area Plans are to be prepared in accordance with Clause 9.14 of the Scheme for residential lots accessed via laneways, abutting public open space and lots on which sensitive land uses have been identified within the approved Noise Assessment Report as requiring specific noise amelioration measures.

7.2 Physical Processes Setback

No development is to occur within the physical processes setback line (135 metres to 145 metres from the HSD line), in accordance with Plan 1, unless otherwise identified in an approved Foreshore Management Plan.

8.0 Monitoring and Review

The Alkimos Eglinton District Structure Plan is subject to monitoring and review by the City of Wanneroo and/or the Western Australian Planning Commission commencing in 2017. Any amendments to the Alkimos-Eglinton District Structure Plan may result in consequential amendments to the local structure plan, which must be consistent with the District Structure Plan.

Draft Eglinton Local Structure Plan No. 82 – the Western Australian Planning Commission's (WAPC) Schedule of Modifications and Administration's Comments and Recommendations

No.	WAPC Modifications	Administration Comments and Recommendation
1.	<p>The following modifications from the City of Wanneroo's Schedule in Attachment 4 are to be undertaken: 1.1, 1.2, 4.1, 4.2, 5.1-5.3, 6.2-6.5, 11.5, 11.9, 13.3, 13.7, 13.8, 14.2-14.4, 14.4 (there two items 14.4), 15.7-15.10, 15.12, 15.13, 15.15-15.19, 15.21, 15.23, 15.26-15.41, 15.47 and 15.48</p> <p>Items 9.5, 11.10, 15.11 and 15.22 are to be undertaken as agreed to with the City of Wanneroo.</p>	<p>Accepted.</p> <p>These modifications that have been required by the WAPC leaving 34 modifications which were not required by the WAPC. These modifications that have not been required will have no impact on the intent of the LSP 82 as they have either been addressed in the revised plans and provisions, already required under alternative legislation or formed part of other required modifications.</p>
PART 1 – STATUTORY SECTION		
2.	Certification Page is to be moved to the front of Part 1.	<p>Accepted.</p> <p>The movement of the Certification Page is minor in nature and is not considered to have an impact on the structure plan. The modification is provided to ensure consistency with other Local Structure Plans.</p>
3.	Delete the "Table of Contents".	<p>Accepted.</p> <p>The deletion of the Table of Contents is minor in nature and is not considered to have an impact on the structure plan. The modification is provided to ensure consistency with other Local Structure Plans.</p>
<i>Application</i>		
4.	Delete "1 Application".	<p>Accepted.</p> <p>The applicant had structured the statutory section similar to the example provided in the City's Local Planning Policy 4.2: Structure Planning (LPP 4.2). However, the WAPC resolved to modify the structure of the statutory section as shown in Attachment 3. Department of Planning (DoP) officers have clarified that the modified structure of the statutory section is considered to be simple and easy to read. The modified statutory section does not alter the intent of the model statutory section proposed in the City's LPP 4.2 and therefore it is considered acceptable. It has been identified that the numbering in Attachment 5 is incorrect and this will need to be rectified to provide clarity in any final document.</p> <p>Elements covered by Section 1 "Application" have been included in the modified statutory section.</p>
5.	Sections 1.1 -1.4 are to be replaced with the standard wording in Attachment 1.	<p>Accepted.</p> <p>As per response to number 4 above, Sections 1.1 to 1.4 of the statutory section forwarded to the WAPC have been included in the modified statutory section.</p>

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No.	WAPC Modifications	Administration Comments and Recommendation
	<i>Objectives</i>	
6.	Delete "2. Objectives".	Accepted. The deletion of section 2 "Objectives" is minor in nature and is not considered to have an impact on the structure plan. The modification is provided to ensure consistency with other Local Structure Plans.
	<i>Subdivision and Development</i>	
7.	Delete "3.0 Subdivision and Development".	Accepted. The deletion of section 3 "Subdivision and Development" is minor in nature and is not considered to have an impact on the structure plan. Section 3.0 of the statutory section forwarded to the WAPC have been included in the modified statutory section.
	<i>Tables A to I</i>	
8.	Delete "Tables A to I" and replace with Attachment 2.	Accepted in part. As per response to number 4 above, Tables A to I of the statutory section forwarded to the WAPC have been included in the modified statutory section with the addition of the following elements: 6.1 – Area Subject to Environmental Approvals 6.2 – Wellhead Protection Zone 6.3.1 – Residential Density 6.3.4 – Locational Criteria 7.2 – Physical Processes Setback 8.0 – Monitoring and Review These additional sections are discussed in the comment section of the report and have no additional recommendation with the exception of 6.2. <u>Modify</u> Part 1 to move section 6.2 Wellhead Protection Zone to be included within the Land Use permissibility section.
	Plan 1- Structure Plan Map Plan 1 is to be subject to the following modifications:	
9.	Inclusion of the hatched area and notation as shown on the attached plan dated 16 February 2011	Accepted. The required modifications related to the area subject to environmental approval in accordance with section 6.1 of the proposed structure plan text; and is dealt with in the comment section of the report.
10.	Deletion of Precincts inset and include R Code ranges in accordance with the ranges identified in Attachment 2 on Plan 1.	Accepted. The deletion of section precincts is minor in nature and is not considered to have an impact on the intent of the structure plan. The Precincts were originally included to provide land use permissibility's which have been included in section 6.3.4 of the WAPC's modified statutory section
11.	The Marina comprising of Commercial and Mixed Use	Accepted.

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No.	WAPC Modifications	Administration Comments and Recommendation
	zoned land is to be included in the Centre zone.	As discussed in the comment section of this report, the rezoning of the Marina area (comprised of Commercial and Mixed Use Zone) is to provide for a more detailed assessment of the proposed commercial activity and employment figures for the structure plan area.
12.	The proposed Business zone is to be included in the Centre zone.	Accepted. As discussed in the comment section of this report, the rezoning of the Business Zone is to provide for a more detailed assessment of the proposed commercial activity and employment figures for the structure plan area.
13.	Include the 132kv overhead transmission line adjacent to Mitchell Freeway and the proposed substation, in accordance with the Alkimos-Eglinton District Structure Plan. As part of the future structure planning of Centre zones, the final width of the easement and the location of the substation will need to be confirmed.	Accepted. The provision of the 132kv overhead transmission line will be dealt with in the required centre structure plan (as detailed in point 12 above). Notwithstanding, the amended plan 1 (Attachment 5) outlines the proposed 132kv transmission line which has been included subject to the final location being determined.
14.	Plan 1 is to only show strategic areas of Public Open Space (POS), such as those identified for conservation and the POS located adjacent to primary schools. These are to correlate with those identified in the Table included in Part 1 where the area of those sites have been identified. Other POS areas appear to form part of the Social/Pedestrian/Cyclist Linkages, these can be replaced with the symbol used for the Social/Pedestrian/Cyclist Linkages.	Accepted. As discussed in the comment section of the report, seven public open spaces has been identified (A – G) for the purposes of conservation and adjoining primary schools and neighbourhood centres.
15.	Replace road hierarchy with the road hierarchy in Figure 30 of Part 2.	Accepted During advertising of the draft LSP, Main Roads WA identified that Figure 30 (Part 2) and the road hierarchy Structure Plan Map were not consistent. As such modification 11.1 of Council was: ‘Modify Figure 30 (Part 2) to achieve consistency with the hierarchy of the roads as indicated in the Structure Plan Map (Plan 1, Part 1). The eastern north-south connector and east-west connector should be shown as neighbourhood connectors or the classification as Integrator Arterial (B) needs to be justified.’ The proponents have indicated that Figure 30 in Part 2 was the correct plan and therefore part 1 should be amended to meet this requirement. The amended plan 1 (Attachment 5) incorporates these changes.
16.	Include a coastal road between the Residential zone and foreshore reserve, in accordance with the	Accepted. The modified plan 1 does not alter the intent of the draft plan as

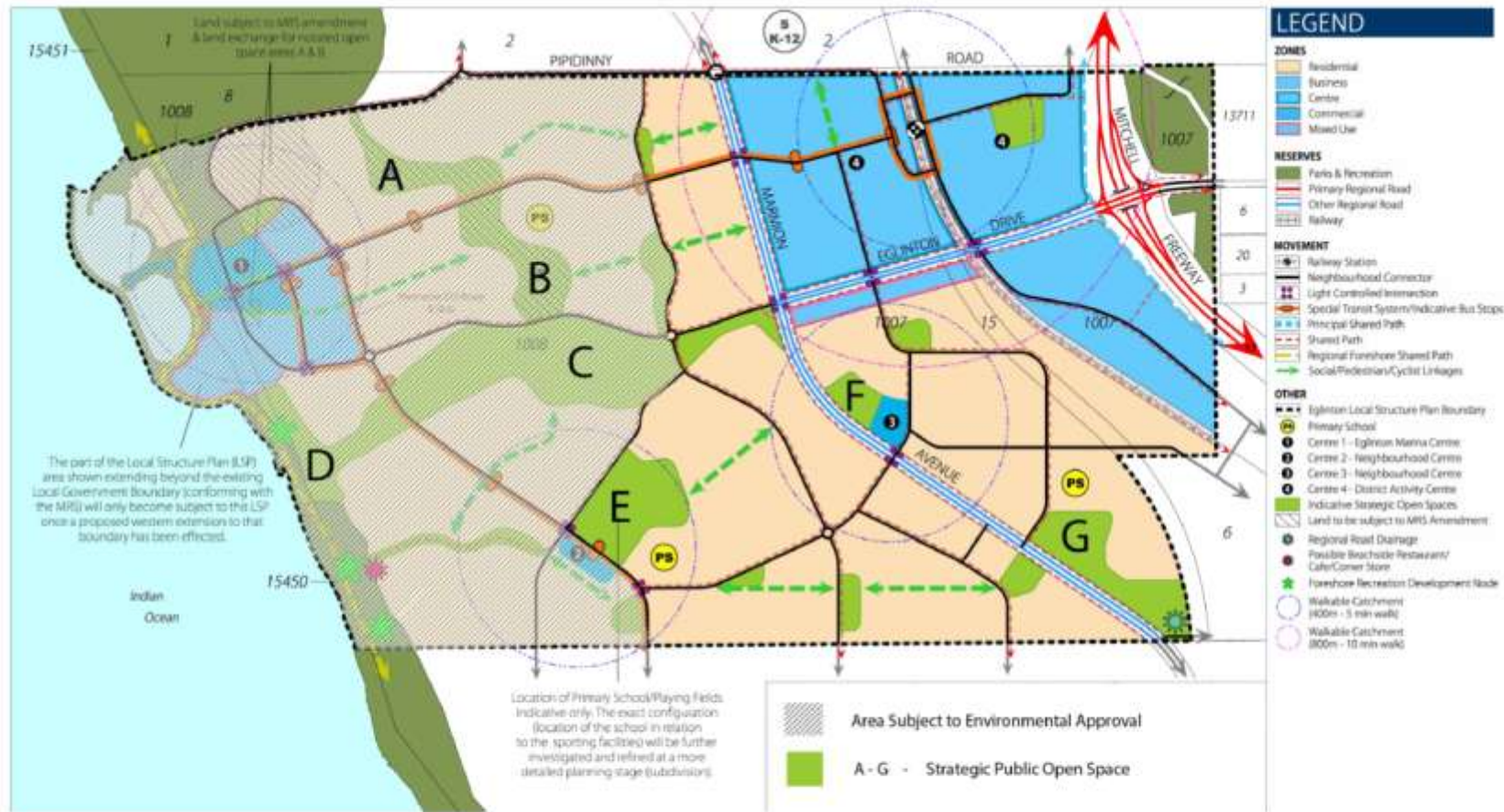
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No.	WAPC Modifications	Administration Comments and Recommendation
	Alkimos-Eglinton District Structure Plan.	previously advertised.
17.	Include "Possible" before "Foreshore Recreation Development Node" in the Legend	Accepted. The modified plan 1 does not alter the intent of the draft plan as previously advertised.
18.	<p>A notations being included which state:</p> <p><i>"Areas identified as being of National Environmental Significance under the Environmental Protection and Biodiversity Conservation Act 1999 may be subject to assessment by the Federal Department of Sustainability, Environment, Water, Population and Communities, in accordance with this Act The outcome of any such assessment may require either a modification to the LSP or minor variations from the LSP at the subdivision or development stage."</i></p> <p><i>"The taking of individual Graceful Sun Moths, as a result of the clearing of habitat such as Lomandra Hermaphrodita and Maritima, requires the permission of the Minister for Environment, or their delegate, pursuant to the Wildlife Conservation Act 1950."</i></p>	Accepted The modified LSP 82 has been accordingly notated.
19.	The physical processes setback figures of 135-145 metres from HSD is to be included on Plan 1.	Accepted. As discussed in the comment section of this report, the modified plan forwarded by the developer depicts the horizontal setback datum and the 135 – 145 metre setback line.
20.	The location of the required groundwater bore sites are to be confirmed and included on Plan 1 with the associated 300 metre buffer. Evidence is to be provided from the Water Corporation that confirms the agreed locations.	Accepted. The amended plan 1 (Attachment 5) indicated the proposed groundwater bore locations and associated buffer areas. Notwithstanding, the Water Corporation have not indicated that these are the final locations for these bores. As the bore locations are based on the information currently provided the modification should be supported however should these locations change an amendment to the structure plan will be required.
21.	Inclusion of possible locations of private high schools, if required.	Accepted. The proposed modification will not impact on the intent of the LSP as advertised due to the use of 'Educational Establishment' being a discretionary (or 'D') use within the residential zone.
22.	<p>PART 2 – EXPLANATORY SECTION</p> <p>Text and wording modifications required in Part 1 are to be reflected in Part 2, to ensure consistency.</p>	Accepted.
23.	The POS Schedule is to be modified to demonstrate a	Accepted.

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No.	WAPC Modifications	Administration Comments and Recommendation
	POS contribution of 10%. This is on the basis that the proposed areas for Landform & Retention are classified as Restricted open space.	

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Development Applications

3.5 Proposed Commercial Development at Lot 1061 (2) Captiva Approach, Butler - DA2100/799

File Ref:	DEV11/1074 – 11/138206
Responsible Officer:	Director, Planning and Sustainability
Disclosure of Interest:	Nil
Attachments:	4

Issue

To consider an application for a commercial development at Lot 1061 (2) Captiva Approach, Butler.

Applicant	Greg Rowe and Associates
Owner	Tango Investments (WA) Pty Ltd
Location	Lot 1061 (2) Captiva Approach, Butler
Site Area	1.5907 hectares (ha)
DPS 2 Zoning	Urban Development
ASP 27 Zoning	Business

Background

On 2 August 2011, the City received an application from Greg Rowe and Associates for a commercial development at Lot 1061 (2) Captiva Approach, Butler.

Detail

Site

The subject land is located at the north-eastern corner of Lukin Drive and Connolly Drive and is bounded by Captiva Approach to the north and Tarpon Link to the east. **Attachment 1** contains a location plan of the subject site. The site was created in 2007 in accordance with Western Australian Planning Commission subdivision approval 123426, dated 9 June 2004.

The site is bound to the west and south by Connolly Drive and Lukin Drive (respectively), which are reserved as 'Other Regional Roads' under the Metropolitan Region Scheme (MRS). As a result, vehicular access from the subject lot to these roads is prohibited.

Zoning

The subject land is located within the Butler-Jindalee District Structure Plan No. 39 (DSP 39) area and the Butler-Ridgewood Local Structure Plan No. 27 (LSP 27) area. The subject land is zoned Business in DSP 39 and in LSP 27. Under District Planning Scheme No. 2 (DPS 2), the objectives of the Business Zone are:

- *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; and*
- *to ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

Proposal

Included as **Attachment 2** are plans of the proposed development (as advertised for public comment), which consists of three separate buildings. One of the buildings is located at the south-eastern corner of Connolly Drive and Captiva Approach and is proposed to accommodate a medical centre, pharmacy, dentist, physiotherapy, pathology and hairdresser. The second building located at the south-western corner of Captiva Approach and Tarpon Link is proposed to accommodate a Liquor Store, café, convenience store, office, costume hire, real estate office, bakery and veterinary clinic. The third building overlooking the intersection of Lukin Drive and Connolly Drive is proposed to accommodate a McDonald's Restaurant.

The following table provides a summary of the proposed tenancies in each building, together with their permissibility and proposed floor area. Uses indicated by the letter 'P' are permitted (as of right), while those labelled 'D' are uses that are only permitted at Council's discretion.

Medical Centre building		Liquor Store building		McDonald's Restaurant	
Land use	Floor area (m²)	Land use	Floor area (m²)	Land use	Floor area (m²)
Medical Centre (P)	552	Liquor Store (D) Warehouse	1,232 300	McDonald's Restaurant (D)	552
Pharmacy (D)	253	Convenience Store (P)	99	Total	552
Dentist (P)	126	Costume Hire (P)	99		
Physiotherapy (P)	126	Real Estate Office (P)	99		
Medical Practice (P)	82	Office (P)	99		
Pathology (P)	62	Bakery (D)	99		
Hairdresser (P)	68	Beauty Salon (P)	83		
Total	1,269	Veterinarian (P)	112		
		Café (P)	60		
		Total	2,282		

The total net lettable area proposed is 4,103m².

The proposal satisfies all the development provisions of DPS 2 with the exception of car parking, which is discussed further below.

Traffic Movement

With vehicle access prevented onto Lukin Drive and Connolly Drive, the proposal makes provision for full movement access off Captiva Approach and Tarpon Link.

Car parking

Under DPS 2, a total of 294 carparking bays are required for the proposed development, based on the floor area and mix of uses proposed. The development proposes 269 on-site car bays, representing a shortfall of 25 car bays. The applicant has requested this reduction in the number of parking bays on the basis of the reciprocity of land uses proposed.

Consultation

The proposal was advertised for public comment for a period of 28 days between 20 September and 17 October 2011 by way of two on-site signs, an advertisement in the Wanneroo Times, a notice on the City's website and letters to the adjoining landowners. At the conclusion of the comment period, the City received nine submissions with one of them containing a 24-signature petition raising objections to the proposed development.

Cr Steffens tabled the submission containing the 24-signature petition at the 15 November 2011 Council meeting (PT03-11/11).

The main issues raised in the submissions are:

- The liquor store and the McDonald's Restaurant are not suitable at this site;
- Captiva Approach and Tarpon Link cannot support commercial traffic; and
- The parks in the vicinity of the site are likely to be misused for consumption of liquor purchased from the proposed liquor store.

A summary of submissions and Administration's responses are provided in **Attachment 3**.

Comment

Administration provides the following comments on layout of the development and parking provision, in addition to those provided in the summary of submissions.

Layout

Following an assessment of the layout of the proposed development, Administration suggested the following built-form changes to the applicant:

- Modifications to the façade of the proposed McDonald's Restaurant;
- Articulation of the blank liquor store wall facing Captiva Approach and to appropriately landscape this elevation; and
- To re-arrange the tenancies adjoining the Medical Centre to face the tenancies adjoining the liquor store to create more of a 'main street' environment.

The applicant has modified the plans and elevation accordingly (refer **Attachment 4**). The modified plans are considered to reflect a better built form than what was originally proposed and advertised for public comment.

Car parking

In accordance with DPS 2, the proposed development requires 294 car parking bays, although only 269 on-site car parking bays are proposed, representing a shortfall of 25 bays. Shortfalls to parking requirements can be considered where there will not be an adverse impact on the surrounding area. Factors such as the reciprocal use of bays by different land users which have different peak demands for parking can reduce the need to provide the number of bays specified by DPS 2. The proposal incorporates a variety of land uses such as restaurants and cafés that are likely to have different peak demands for parking to uses such as the proposed office, bakery or veterinary clinic. The relatively modest parking shortfall is supported in this instance on the basis that car bays and the car parking demand across the site will be shared by different uses throughout the day.

In addition, the WAPC's State Planning Policy 4.2: Activity Centres recommends minimising the amount of off-street parking, particularly for centres that are readily accessible by walking, cycling or public transport. The proposed commercial development, which is a designated Activity Centre, is well connected by public transport (along Connolly Drive), cycle paths and footpaths, and therefore it is considered reasonable to minimise the amount of off-street (i.e. on-site) parking.

Statutory Compliance

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

Strategic Implications

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

“3 *Economic*

3.1 *Create strategic shifts in job markets to meet future needs and demands”*

3.2 *Support business and initiatives.”*

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council APPROVES the development application submitted by Greg Rowe & Associates on behalf of Tango Investments (WA) Pty Ltd in accordance with the provisions of District Planning Scheme No. 2 for the proposed commercial development at Lot 1061 (2) Captiva Approach, Butler as depicted in Attachment 4, subject to the following conditions being met to the satisfaction of the Manager, Planning Implementation:

Car parking:

- 1. The proposed car parking area shall be designed and constructed as per the provisions of Australian Standard 2890 and shall make provision for a minimum of 269 car bays;**
- 2. Parking areas, driveways, and points of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Off-street Car Parking (AS 2890) and shall be drained, sealed and marked;**

3. Disabled parking bays shall be provided at the rate required under the Australian Standard for Off Street Parking (AS 2890) and shall be distributed across the site at convenient locations;
4. Carparking bays are to be 5.5 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide;
5. No parking bays shall be obstructed in any way or used for the purposes of storage;
6. Motorcycle/scooter/bicycle parking facilities must be provided to meet Australian Standard 2890. Details of the location of bicycle parking facilities and associated end of journey facilities for employees are to be provided for approval when application is made for a building licence;

General:

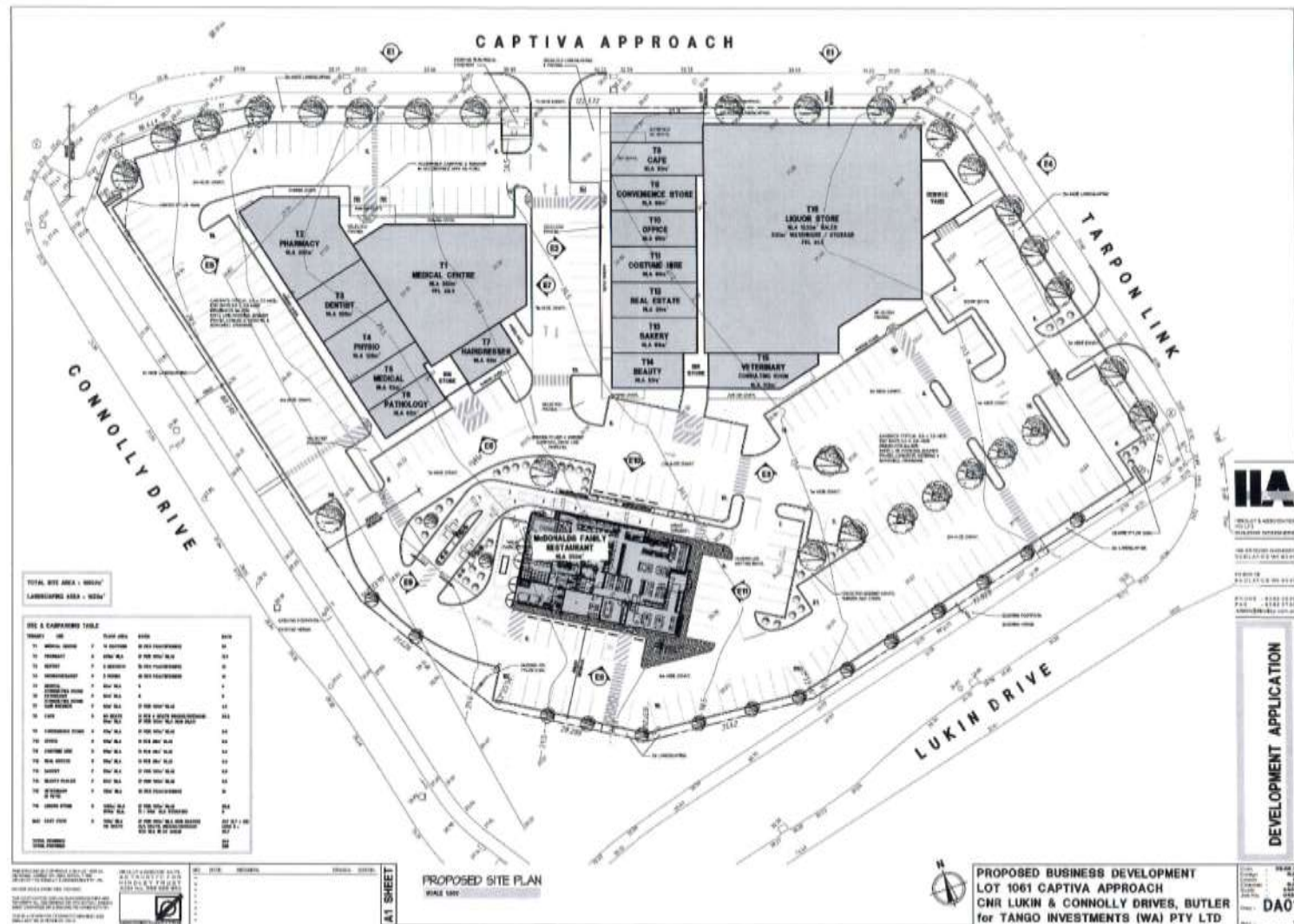
7. The proposed crossovers are to be constructed in concrete to commercial specifications;
8. All the proposed pedestrian linkages within the proposed development area are to be linked to the existing pedestrian network within the surrounding road network;
9. Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied;
10. Service vehicle manoeuvring to and within the site shall be provided in compliance with the Australian Standard for Off-street parking Part 2 – Commercial vehicle facilities (AS 2890.2). A plan indicating service vehicle sweep paths shall be provided prior to the submission of a building licence application;
11. Detailed landscaping and reticulation plans for the subject site and adjacent road verges shall be lodged for approval by the City when application is made for a building licence. Planting and installation shall be in accordance with the approved landscaping and reticulation plan and the landscaped area shall be maintained to the satisfaction of the City;
12. An overall signage strategy for the development shall be submitted before any licences are issued;
13. An acoustic consultant's report is to be provided for the City's approval, prior to the commencement of the development. This report is to indicate the anticipated sound level measurements for all types of noise associated with the development indicating plant and equipment noise as well as noise associated with operational activities. The report must also indicate any specific requirements that are needed to ensure noise emissions comply with the Environmental Protection (Noise) Regulation 1997. Upon approval of that report by the City, any modifications required to the development as a result of its recommendations, shall be made to the City's satisfaction. Upon completion of the development, a further report is required confirming that actual noise levels comply with the Regulations;

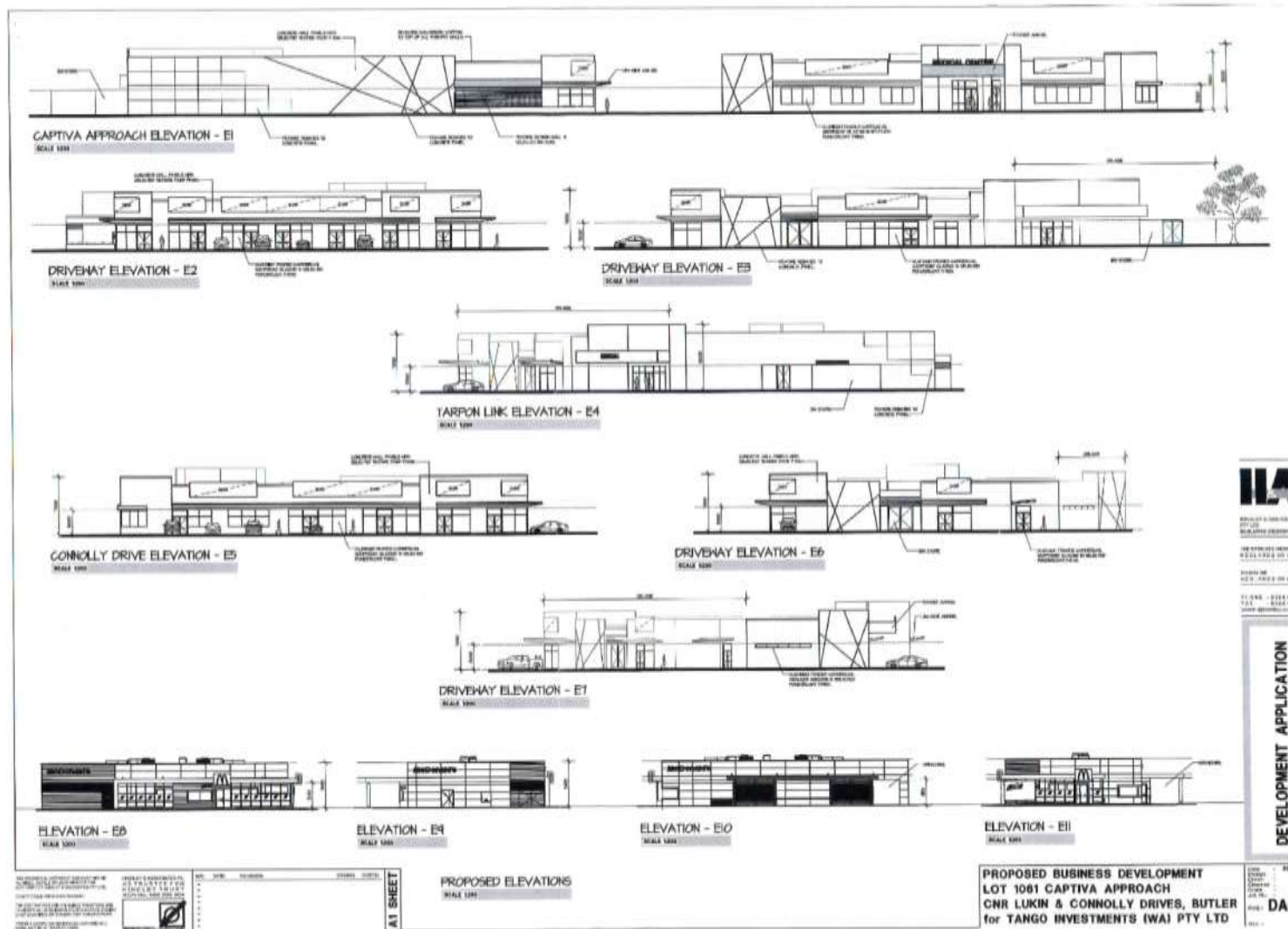
14. **Bin Storage Areas to be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer. A hose cock is required to be provided within the Bin Storage Area; and**
15. **All services such as air conditioning plant and compressors shall be located away from public areas. All services and service yards shall be screened from view of streets and other public areas, including car parking areas to the City's satisfaction. Roof mounted equipment such as air conditioning plant and antennae shall also be screened from view of the street and other public areas, including car parking areas, to the City's satisfaction. Relative to this condition plans and specifications of all screening required and proposed shall be submitted to the City for approval and, upon approval, such screening installed prior to occupancy of the development.**

Attachments:

1. *Captiva App - A 1 12/29362*
2. *Captiva App - A 2 12/16828*
3. *Captiva App - A-3 12/29350*
4. *Captiva - A - 4 12/17536 Minuted*







ATTACHMENT 3

Summary of submissions on the proposed Commercial Development on Lot 1061 Captiva Approach, Butler

No.	Submitter's Name	Summary of Submission	Administration response/comments	Recommended Modification
1.0	Aidan Hayes, 225 St Georges Tce, Perth.	1.1 The proposed development will increase non-local traffic on Captiva Approach. Access to this development should therefore be provided via Connolly Drive and Lukin Drive. 1.2 The liquor store has a proposed area of 1,232m ² for retail sales and 300m ² for a warehouse. This is not a typical liquor store and therefore not suitable at this site.	The subject lot was created by the WAPC subdivision approval 12329 dated 9 June 2004. In accordance with that approval, vehicle access from the subject lot onto Connolly Drive and Lukin Drive is prohibited. Captiva Approach to the north and Tarpon Link to the east are each 20 metres wide with a 7.2 metre wide carriageway. Under the WAPC's Liveable Neighbourhoods policy these roads are suitable for carrying a traffic volume of up to 3,000 vehicles per day. The traffic report submitted by the applicant satisfactorily demonstrated that the traffic generated by the proposed development would have low impact on the surrounding road network. The land use 'Liquor Store' is defined in DPS 2 as 'any land or buildings the subject of a liquor store licence granted under the provisions of the Liquor Licensing Act 1988' and does not specify a size limit. The Applicant has advised that the purpose of the 1,232m ² liquor store is to provide for a greater range of products to be offered for sale. The liquor store will not operate any differently from a standard liquor store. The	No change.

12/17093

			<p>300m² storage area is proposed to provide for bulk product to be stored and unpacked for display. The variety of product will also cater for bulk orders but is not intended for wholesaling.</p> <p>The subject land is located within the Butler-Ridgewood structure plan area and is zoned 'Business' wherein the use class 'Drive-through food outlet' is a 'Discretionary' Use. The applicant has not advised whether the proposed McDonald's Restaurant will be opened for 24 hours a day or not. Operating hours of such premises are managed under the Retail Trading Act (administered by the State Government) not by the City's DPS 2.</p> <p>The applicant has advised that it has completed market and catchment analysis which identified a lack in the distribution of restaurants in the area. Given the Business zoning of the land and the associated commercial factors, this site is suitable to locate a McDonald's restaurant.</p>	No change.
2.0	Department of Planning, Perth	<p>1.3 The proposed McDonald's Restaurant is not in the right location. Most of these restaurants are opened for 24 hours a day.</p> <p>No access is permitted from the proposed development to either Connolly Drive or Lukin Drive.</p>	<p>The proposal does not gain access from Connolly Drive and/or Lukin Drive but from Captiva Approach and Tarpon Link.</p>	Noted.
3.0	Jenny & Andrew Daly (email submission - no address supplied)	<p>There are already a large number of fast food outlets in the surrounding areas and therefore there is no need for another one at the subject site.</p>	Refer response to submission 1.3	No change.
4.0	Brok Gouges, 152 Rothesay Heights,	<p>4.1 Captiva Approach is a single carriageway residential road. The proposal will severely impinge on the traffic on this</p>	Refer response to submission 1.1	No change

12/17093

	Mindarie.	road. 4.2 The proposal will have detrimental effect on the value of local properties.	The subject land is zoned 'Business' and is therefore suitable for the proposed development. There is no evidence or reason to suggest that this zoning or the proposed development would adversely impact on property values. In any event, the impact of development on property values cannot be given weight as a valid planning consideration.	No change.
		4.3 This area is not short of liquor stores.	The number and location of Liquor Stores is driven by market demand and regulated by the State Government through Liquor Licensing controls.	No change.
5.0	Darren & Donna Holland, 7 Brohard Road, Butler	5.1 There are several fast food outlets in Jindalee and therefore there is no need for another one in this area.	Refer response to submission 1.3.	No change.
		5.2 Liquor store and fast food restaurant would encourage undesirable element lingering into the night like in the case of other fast food restaurants.	The applicant has advised that security cameras will be installed to monitor the external areas of the site and to take appropriate action, including calling specialist security services and advising the Police, if necessary.	No change.
6.0	Peter & Gail Smethurst, 61 Captiva Approach, Butler.	6.1 Tarpon Link and Captiva Approach are not wide enough to carry the traffic generated by the proposed development.	Refer response to submission 1.1	No change.
7.0	Caroline Smith 17 Captiva Approach, Butler	6.2 Anti-social behaviour 7.1 Access to this development to be provided via Connolly Drive and Lukin Drive.	Refer response to submission 5.2 Refer response to submission 1.1	No change. No change.

12/17093

		7.2 There are several fast food outlets in Jindalee and therefore there is no need for another one in this area.	Refer response to submission 1.3	No change.
		7.3 This area is not short of liquor stores.	Refer response to submission 4.3	No change.
8.0	24-signature Petition	8.1 There are a number of parks in the vicinity of the proposed liquor store site. People buying liquor are likely to use these parks to consume liquor. There are already empty bottles and broken glass in these parks.	Refer response to submission 5.2. Also, any description of anti-social behaviour of perceived likelihood of customers of the proposed development consuming liquor in parks and/or being anti-social is not a valid planning consideration in the determination of this proposal.	No change.
		8.2 The train station as planned in this area is no longer going to happen and therefore the business rezoning should be reconsidered.	This is not a valid planning consideration in the determination of his proposal. The fact is that the site has long been zoned for 'Business' purposes and the proposal represents a permissible development of the land in accordance with DPS 2 and the applicable District and Local Structure Plans.	No change.

12/17093

CAPTIVA APPROACH ELEVATION - E1
SCALE 1:50

DRIVEWAY ELEVATION - E2
SCALE 1:50

DRIVEWAY ELEVATION - E3
SCALE 1:50

TARFON LINK ELEVATION - E4
SCALE 1:50

CONOLLY DRIVE ELEVATION - E5
SCALE 1:50

DRIVEWAY ELEVATION - E6
SCALE 1:50

DRIVEWAY ELEVATION - E7
SCALE 1:50

ELEVATION - E8
SCALE 1:50

ELEVATION - E9
SCALE 1:50

ELEVATION - E10
SCALE 1:50

ELEVATION - E11
SCALE 1:50

DEVELOPMENT APPLICATION

DA02

PROPOSED BUSINESS DEVELOPMENT
LOT 1081 CAPTIVA APPROACH
CHR LUKIN & CONNOLLY DRIVES, BUTLER
for TANGO INVESTMENTS (WA) PTY LTD

PROPOSED ELEVATIONS
SCALE 1:50

A1 SHEET

IAA

INTEGRATED ARCHITECTURAL ASSOCIATION
100/102 WILSON STREET, PERTH WA 6000
TEL: 08 9442 1111 FAX: 08 9442 1112
WWW.IAAWA.COM.AU

PROJECT: 1081 CAPTIVA APPROACH
DATE: 10/03/2012
DRAWN: J. LUKIN
CHECKED: J. LUKIN

Other Matters

3.6 Proposed Road Closure - Portion of Pannell Way Girrawheen

File Ref:	6558 – 12/5007
Responsible Officer:	Director, Planning and Sustainability
Disclosure of Interest:	Nil
Attachments:	3

Issue

To consider the permanent closure of two 14m² portions of the Pannell Way, Girrawheen road reserve and the subsequent amalgamation of the land into adjoining Lot 1 (16) Pannell Way and Lot 14 (2A) Pannell Way, Girrawheen.

Background

The subject land originally formed part of a larger parent property owned by the State Housing Authority, which contained 12 grouped dwellings, which were scheduled for demolition as part of the State Governments 'New North' urban renewal project.

The original site (Lot 1321 Pannell Way, Girrawheen) was 1.1761 hectares and it was recognised that the application of a higher density coding would provide greater opportunities to enhance and refurbish the site in accordance with the objectives of the City's Local Housing Strategy (refer **Attachment 1** – Location Plan).

Lot 1321 was zoned Residential R40 under District Planning Scheme No. 2 (DPS 2) and was approved for subdivision by the Western Australian Planning Commission on 17 April 2009 (WAPC 139116) to create 29 residential lots ranging in size between 271 m² and 445 m². The subdivision approval depicted a reduction in the size of the corner truncations at the intersections of Pannell Way/Montrose Avenue and Pannell Way/Chataway Road from 8.5 metres to 4.3 metres (refer **Attachment 2**). The subdivision approval included the following advice note:

- "4. In regard to Condition 3, the City of Wanneroo advises the following:
- (i) *Reduced truncation can be considered depending on the verge width, design speed and demonstrating adequate forward visibility. In this regard, the applicant is required to demonstrate the suitability of any reduced truncations through the submission to the City of detailed engineering drawings.*
 - (ii) *If reduced truncations are accepted by the City, the applicant will need to initiate closure of those portions of the existing road reserve in accordance with the provisions of the Local Government Act and to include the closed road reserves within the adjoining lots."*

The reduction of the corner truncations can only be achieved by the permanent closure of portion of the abutting road reserve, in accordance with the provisions of Section 78 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*.

The City also considered a Detailed Area Plan (DAP) for the proposed lots to provide for an improved built form and on 14 June 2011 the City approved a DAP for the land which (amongst other things) depicted reduced corner truncations.

On 16 February 2011 the City granted engineering approval for the subdivisional works and subdivision clearance was subsequently issued by the City on 16 November 2011. The new titles have now been issued for the land and the State Housing Authority currently retains ownership of Lots 1 (16) Pannell Way and Lot 14 (2A) Pannell Way.

The proposed closure area will be amalgamated with that portion of Lots 1 and 14 when finally approved (refer **Attachment 3** - Road Closure Area).

As a result of the subdivisional works, the retaining walls, land fill, fencing and other structures associated with the lots currently exist within the portions of the road reserve that are to be closed.

Detail

The closure of the two 14 m² portions of the Pannell Way road reserve will be consistent with the following statutory approvals:

- The Western Australian Planning Commission subdivision approval (WAPC139116).
- The City of Wanneroo Detailed Area Plan approved for the land on 14 June 2011.
- The City of Wanneroo approved engineering drawings issued on 16 February 2011.

Consultation

In accordance with Section 58 of the Land Administration Act 1997, a local government should not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication of the proposed closure in a newspaper circulating in its district and the local government has considered any objections made within that period.

Public consultation occurred between 31 January 2012 and 6 March 2012 and was carried out by way of letters to relevant government agencies, advertisements in the Wanneroo Times and on the City's website.

The City received five (5) submissions from the following agencies and service authorities - Western Power, Water Corporation, Telstra, WA Gas Network and Department of Regional Developments and Land (DRDL). No objections or concerns were raised.

No submissions were received from members of the public.

Comment

As there are no objections to the proposal and the closure is consistent with various statutory approvals given by the City and the WAPC, it is recommended that Council support the closure of portion of the Pannell Way road reserve and the amalgamation of the closed road truncations into Lot 1 (16) and Lot 14 (2A) Pannell Way, Girrawheen.

Statutory Compliance

Council must comply with Section 58 of the Land Administration Act and Regulation 9 of the *Land Administration Regulations 1998*, dealing with public advertising, objections and service agency responses to the proposed road closure and must formally resolve to 'close the road', prior to advising the DRDL and requesting the Minister of Lands to consider the closure request.

Strategic Implications

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

“1 *Environment*

1.4 *Improve the quality of the built environment”*

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

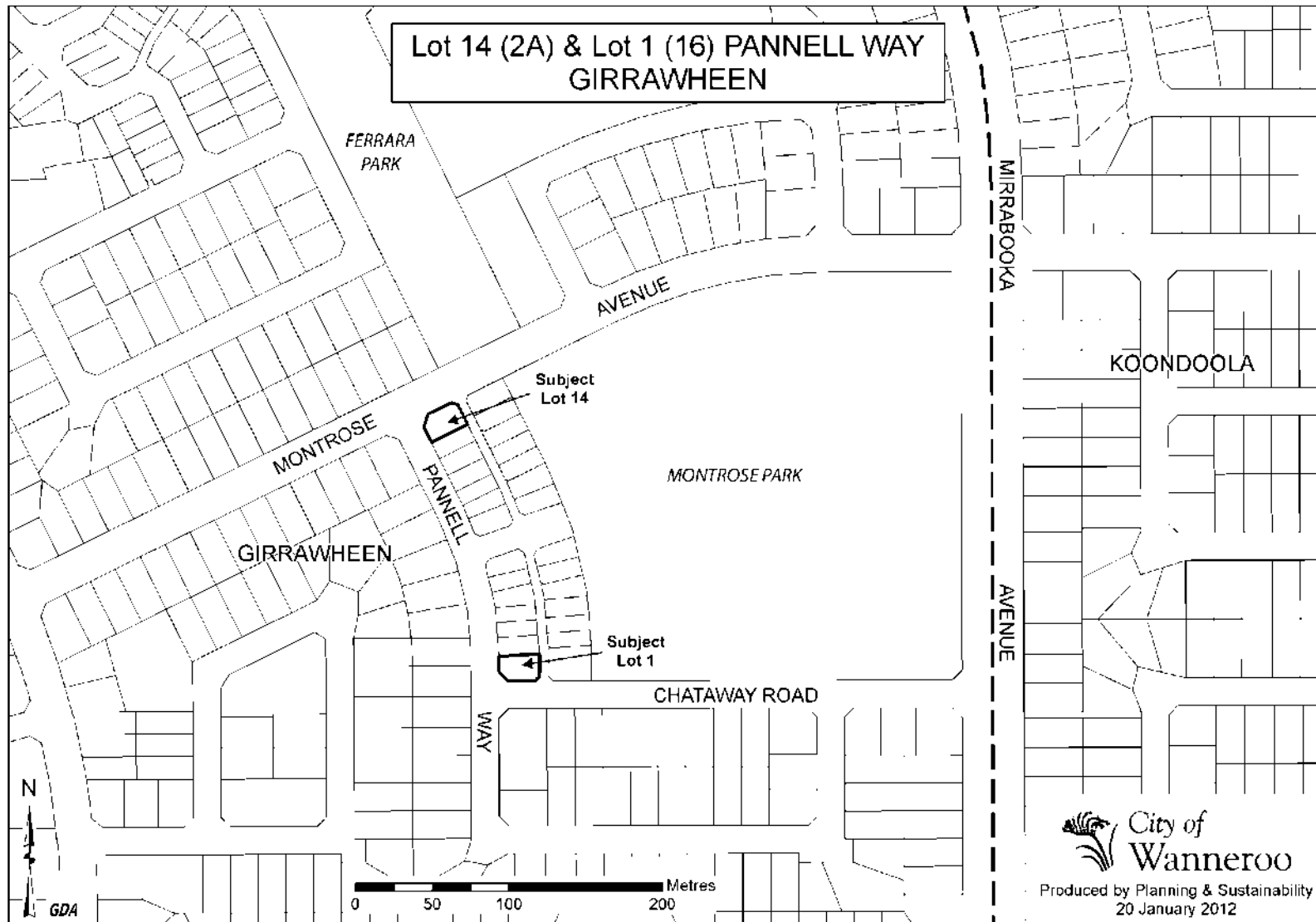
Recommendation

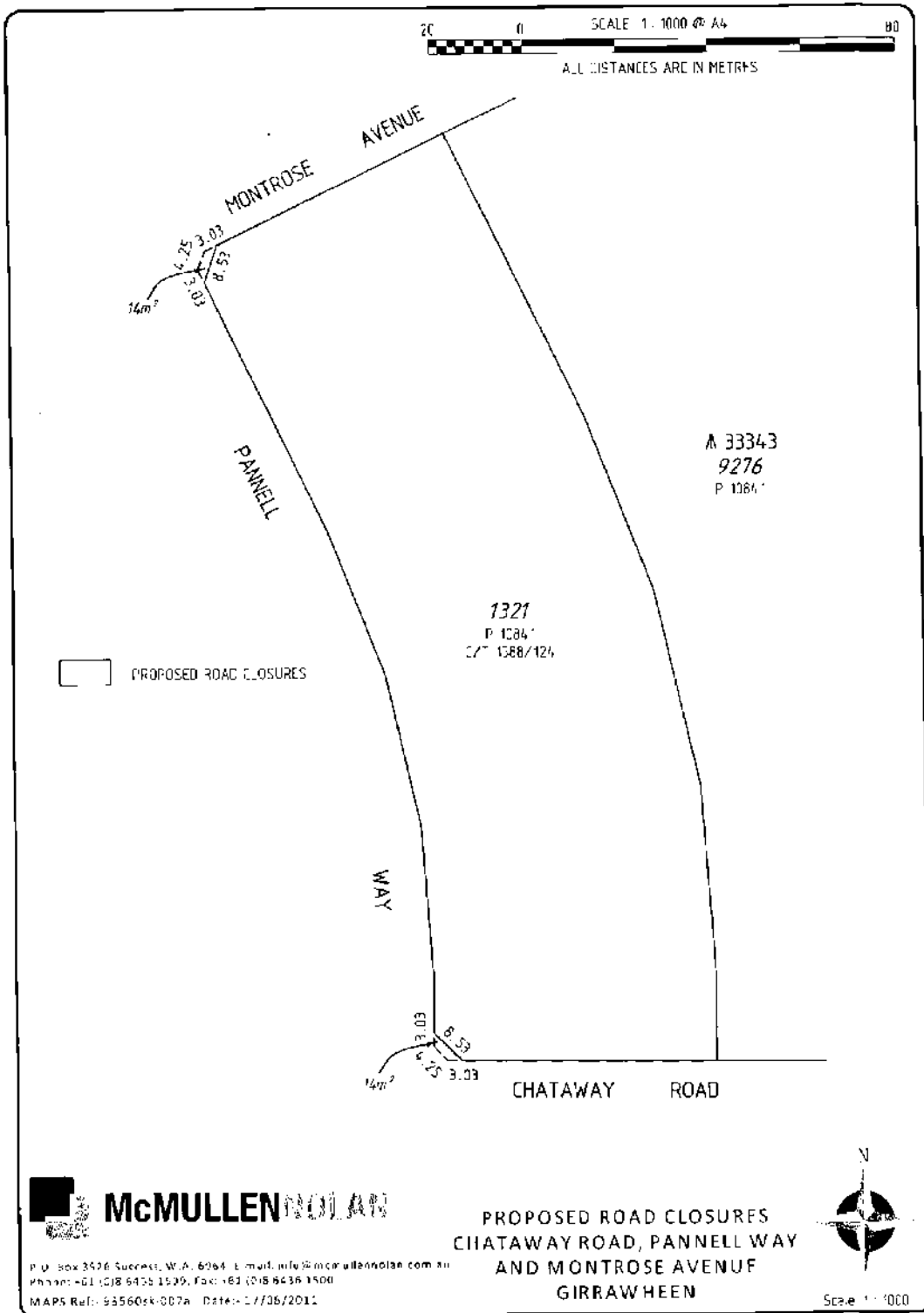
That Council:-

1. **NOTES** the submissions received from other government agencies and service authorities in respect of the proposed closure of portion of Pannell Way, Girrawheen, as depicted in Attachment 3;
2. **SUPPORTS** the closure of those portions of the Pannell Way road reserve depicted in Attachment 3 and their amalgamation with Lot 1 (16) Pannell Way and Lot 14 (2A) Pannell Way, Girrawheen; and
3. **AUTHORISES** a request being made to the Minister for Lands pursuant to Section 58 (2) of the *Land Administration Act 1997*, for the permanent closure of those portions of Pannell Way, Girrawheen, as depicted in Attachment 3.

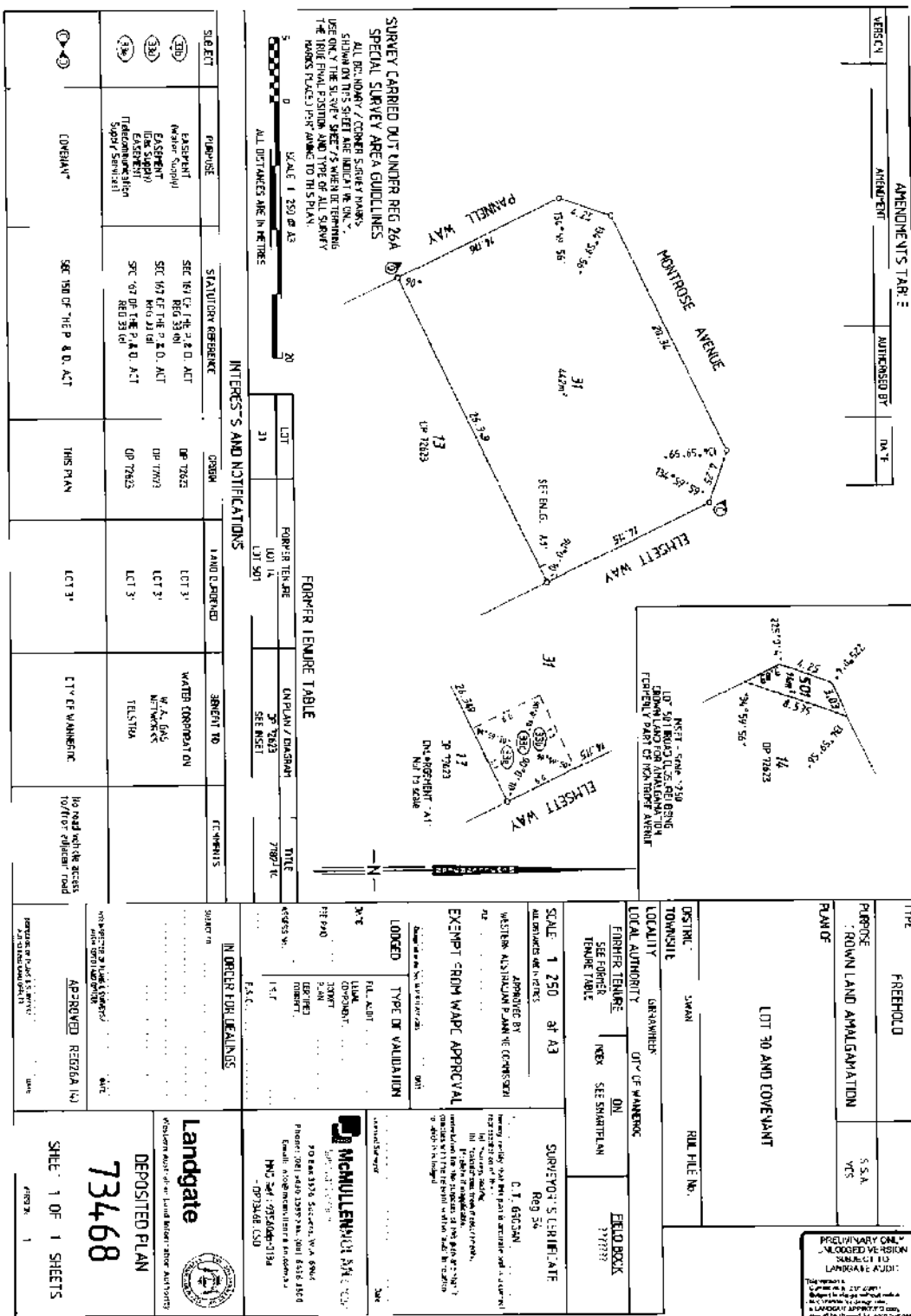
Attachments:

- | | | |
|---|----------|---------|
| 1. Attachment 1 - Location Plan | 12/6888 | |
| 2. Attachment 2 - Closure Area | 12/26472 | |
| 3. Attachment 3 - Closed Road to be Amalgamated | 12/26474 | Minuted |





AMENDMENT'S TABLE AUTHORED BY _____ DATE _____										
<p>SURVEY CARRIED OUT UNDER REG 264 SPECIAL SURVEY AREA GUIDELINES ALL BOUNDARY / CORNER SURVEY MARKS SHOWN ON THIS SHEET ARE INDICATIVE ONLY. USE ONLY THE SURVEY SHEET'S WHEN DETERMINING THE TRUE FINAL POSITION AND TYPE OF ALL SURVEY MARKS PLACED PERTAINING TO THIS PLAN. SCALE: 1:250 @ A3</p>	<p>IN TERREST AND NOT PLATONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>FORMER TENURE</th> <th>ON PLAN / TRANSFER</th> <th>TITLE</th> </tr> <tr> <td>LCT 30</td> <td>DP 72633</td> <td>ZRETSVAL</td> </tr> <tr> <td>LCT 30</td> <td>DP 72633</td> <td>ZRETSVAL</td> </tr> </table>	FORMER TENURE	ON PLAN / TRANSFER	TITLE	LCT 30	DP 72633	ZRETSVAL	LCT 30	DP 72633	ZRETSVAL
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<p>SUBJECT</p> <p>(13A) EASEMENT WATER SCOPE (13B) EASEMENT WATER SCOPE (13C) EASEMENT WATER SCOPE (13D) EASEMENT WATER SCOPE</p> <p>COVENANT</p> <p>SEC 30 OF THE R. & C. ACT</p>	<p>STATUTORY REFERENCE</p> <p>SEC 32 OF THE R. & C. ACT DP 72633 SEC 32 OF THE R. & C. ACT DP 72633 SEC 32 OF THE R. & C. ACT DP 72633 SEC 32 OF THE R. & C. ACT DP 72633</p> <p>ORIGIN</p> <p>DP 72633 DP 72633 DP 72633</p> <p>LAND BOUNDARY</p> <p>LCT 30 LCT 30 LCT 30</p> <p>BENEFIT TO</p> <p>WATER PROTECTION U.A. CAS M. NUMBERS TE STRVA</p> <p>COMMENTS</p> <p>N: road vehicle access to/from adjacent land</p>									
FORMER TENURE TABLE										
<p>LOADED</p> <p>DATE: _____</p> <p>BY: _____</p> <p>RE: DATE: _____</p> <p>REASON: _____</p>	<p>TYPE OF VALIDATION</p> <p>DATE: _____</p> <p>BY: _____</p> <p>REASON: _____</p>									
N ORDER FOR DEALINGS										
<p>APPROVED FOR PLAN 131</p> <p>DATE: _____</p> <p>BY: _____</p>	<p>APPROVED BY</p> <p>DATE: _____</p> <p>BY: _____</p>									
PRELIMINARY ONLY UNLOADED VERSION SUBJECT TO LANDGATE AUDIT										
<p>PRELIMINARY ONLY UNLOADED VERSION SUBJECT TO LANDGATE AUDIT</p> <p>This version of the plan is for information only and should not be relied upon for any purpose. It is subject to Landgate audit and may be amended without notice.</p> <p>Landgate 73467 SHEET 1 OF 1 SHEETS</p>										



INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	OWNER	LAND COVERED	INTEREST NO.	REMARKS
130	EASIMENT (As per Subplan)	SEC 161 OF THE P. & O. ACT	DP 72623	LOT 31		
130	EASIMENT (As per Subplan)	SEC 161 OF THE P. & O. ACT	DP 72623	LOT 31		
130	EASIMENT (As per Subplan)	SEC 161 OF THE P. & O. ACT	DP 72623	LOT 31		
130	EASIMENT (As per Subplan)	SEC 161 OF THE P. & O. ACT	DP 72623	LOT 31		
130	EASIMENT (As per Subplan)	SEC 161 OF THE P. & O. ACT	DP 72623	LOT 31		
130	EASIMENT (As per Subplan)	SEC 161 OF THE P. & O. ACT	DP 72623	LOT 31		
130	EASIMENT (As per Subplan)	SEC 161 OF THE P. & O. ACT	DP 72623	LOT 31		
130	EASIMENT (As per Subplan)	SEC 161 OF THE P. & O. ACT	DP 72623	LOT 31		
130	EASIMENT (As per Subplan)	SEC 161 OF THE P. & O. ACT	DP 72623	LOT 31		
130	EASIMENT (As per Subplan)	SEC 161 OF THE P. & O. ACT	DP 72623	LOT 31		

FORMER TENURE TABLE

LOT	FORMER TENURE	ON PLAN / DISBURSED	TITLE
31	LOT 31	DP 72623	72623/1

<p>TYPE FREEHOLD</p> <p>PURPOSE TOWN LAND AMALGAMATION</p> <p>PLAN OF LOT 30 AND COVENANT</p>	<p>PRELIMINARY ONLY - UNLOGGED VERSION SUBJECT TO LANDGATE AUDIT:</p> <p>This document is a preliminary version of the proposed plan and is not intended to be used for any other purpose. It is subject to Landgate audit and may be amended without notice.</p>
<p>DISTRICT SWAN</p> <p>LOCAL AUTHORITY CITY OF WANNEROO</p> <p>FORBIDDEN TENURE TABLE NONE</p> <p>SCALE 1:250 @ A3</p> <p>APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION</p> <p>EXEMPT FROM MAP APPROVAL</p> <p>LOGGED FILE NO. 73468</p>	<p>RULE FILE NO.</p> <p>FIELD BOOK 73468/1</p> <p>SUPERVISOR'S DECLARATION I, D. T. GIBSON, SUPERVISOR, have examined the plan and certify that it is in accordance with the provisions of the Planning and Design Act 2005 and the Planning and Design Regulations 2005.</p> <p>McMULLEN GROUP 700 Bank Street, Suite 101, WA 6000 Perth WA 6000 Phone: 08 9437 1111 Fax: 08 9437 1114 Email: info@mcmlen.com.au</p>
<p>IN ORDER FOR DEALINGS</p> <p>APPROVED REGION (N)</p>	<p>Landgate DEPOSITED PLAN 73468 SHEET 1 OF 1 SHEETS</p>

City Businesses

Regulatory Services

3.7 Crossover Subsidy Policy Review

File Ref: 3601 – 12/19215
Responsible Officer: Director, City Businesses
Disclosure of Interest: Nil
Attachments: 1

Issue

To review the current Crossover Subsidy Policy and level of subsidy provided by the City.

Background

Under the *Local Government (Uniform Local Provisions) Regulations 1996*, under Regulation 15 "Contribution to cost of crossing" the City is obliged to pay 50% of the cost of the first standard crossover to the owner of the property where this crossing gives access from a public thoroughfare to private land or a private thoroughfare serving the land.

A standard crossover is defined in the City's 'Specifications for the Construction of Standard Residential Concrete Vehicle Crossings.' The City's Crossover Subsidy Policy is contained in **Attachment 1**.

Detail

A property owner can claim a subsidy for the first crossover (4m by 3m concrete laid) installed at their property provided they complete a subsidy application form and provide receipts for the cost of installing the crossover. The City provides a subsidy of up to \$360 for the first crossover installation.

In October 2011, as part of the policy review process, three quotes were received to supply and install a standard crossover. They were received from BGC, Dowsing Concrete and Concrete Taxi. BGC provided a 'no change' response. BGC previously had provided a rate of \$60/m² (including GST) and this rate remains the same in this quote. Dowsing Concrete provided a rate of \$65.88/m² (including GST). Dowsing Concrete is the City's contractor for concrete footpaths, dual use paths and crossovers. Concrete Taxi provided a cost of \$410 (including GST).

Consultation

Consultation was undertaken internally with key officers, and externally with the contractors listed above.

Comment

To supply and install a standard crossover based on the above rates, Dowsing Concrete charges \$790 (including GST), BGC charges \$720 (including GST), while Concrete Taxi charges \$410 (including GST). Through this cost comparison exercise, BGC's quote should be considered as it is a median cost base among the three quotes.

It is recommended that the current subsidy of \$360 (maximum) be maintained for the next two years, as this equates to 50% of the median quote to install a standard crossover in the City.

Statutory Compliance

The crossover subsidy is consistent with Regulation 15 Contribution to cost of crossing-Schedule 9.1 cl 7(4) of the *Local Government Act 1995*. The regulation reads:

“(1) Where-

(a) a local government-

- (i) under regulation 12 constructs or approves the construction of; or*
- (ii) under regulation 13(1) requires the construction of,*

a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land;

(b) the crossing is the first crossing in respect of the land; and

(c) the crossing is a standard crossing or is of a type that is superior to a standard crossing,

the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.”

Strategic Implications

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

“4 Governance

4.6 Provide and maintain a high standard of governance and accountability”

Policy Implications

This Policy, as per all Council Policies, is reviewed every two years. The City is obliged under the *Local Government (Uniform Local Provision) Regulations 1996* to pay 50% of the cost of the first standard crossover.

Financial Implications

There is a current budget allocation of \$89,274 for the 2011/2012 period with an actual expenditure of \$66,542 year to date for the 2011/2012 FY.

Voting Requirements

Simple Majority

Recommendation

That Council APPROVES the current \$360 (maximum) crossover subsidy and as such ADOPTS the reviewed POLICY as in Attachment 1 for the next two years, and that the next biannual review date be set for February 2014.

Attachments:

1. City of Wanneroo Crossover Subsidy Policy 11/116298 Minuted



Policy Manual

Crossovers Subsidy Policy

Policy Owner: City Businesses (Regulatory Services)
Contact Person: Manager Regulatory Services
Date of Approval: 19 October 2010 (CB02-10/10)

POLICY OBJECTIVE

The purpose of this policy is to provide a subsidy towards the construction of a vehicle crossover to a private property.

POLICY STATEMENT

To clarify the City's requirements for the construction of a vehicle crossing to a private property in order to receive a subsidy from the City.

SCOPE

The policy applies to all property owners.

BACKGROUND

Under the Local Government Act 1995 regulation 15 Contribution to cost of crossing- Schedule 9.1 cl 7(4),

(1) Where-

- (a) a local government-*
- (i) under regulation 12 constructs or approves the construction of, or*
 - (ii) under regulation 13(1) requires the construction of,*

a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land;

(b) the crossing is the first crossing in respect of the land; and

(c) the crossing is a standard crossing or is of a type that is superior to a standard crossing,

the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.

Crossover subsidy

If the crossover is a first vehicle crossing constructed on the property, the City will contribute towards the cost subject to the crossover being constructed to the City's specification. A



Policy Manual

crossing built with inferior materials e.g. compacted limestone, loose gravels or stones, planks or second hand building materials, shall not comply with the City's specification. The City will contribute 50% towards the cost of only one standard residential crossover, up to \$360 maximum.

Existing Vehicle Crossover

The City will not provide any subsidy to replace or repair any existing crossover. It is the property's owners' responsibility to ensure the crossover complies with the City's minimum requirements. Crossover repairs must be undertaken if it is considered unsafe.

Administration

To apply for a subsidy, the applicant must complete a Statutory Declaration and the itemized receipt confirming payment for the crossover. The Statutory Declaration must include the following information:

1. Name of Owners
2. Property address where the crossing is installed
3. Owners' contact numbers
4. Written statement that the crossing has been constructed in accordance to the City's requirements.

Maintenance

The property owner is responsible to ensure the crossover is safe and useable. Otherwise, the City can issue a fine of \$1000 for non-compliance.

CONSULTATION WITH STAKEHOLDERS

Planning Implementation was consulted for their comments.

IMPLICATIONS (Financial, Human Resources)

Regulatory Services shall administer this policy with consultation from Planning Implementation.

IMPLEMENTATION

Regulatory Services shall implement this policy.

ROLES AND RESPONSIBILITIES

1. Manager Planning Implementation (Specifications)
2. Manager Regulatory Services (Approval and subsidy)

DISPUTE RESOLUTION

N/A



Policy Manual

WHO NEEDS TO KNOW ABOUT THIS POLICY?

1. Manager Planning Implementation

EVALUATION AND REVIEW PROVISIONS

This policy shall be reviewed annually.

DEFINITIONS

DEFINITIONS: Any definitions listed in the following table apply to this document only.	
<u>first crossing</u>	<i>in respect of land, means first crossing to the land or a private thoroughfare serving the land constructed under regulation 12 or section 358 of the Local Government Act 1950 as in force at any time before 1 July 1996</i>
<u>standard crossing</u>	<i>means, subject to any local law as to what is or is not a standard crossing, a crossing of a kind that the local government, by resolution, decides is a standard crossing.</i>

RELEVANT POLICIES/MANAGEMENT PROCEDURES/DOCUMENTS OR DELEGATIONS

N/A

REFERENCES

1. Specifications for the construction of standard residential concrete vehicle crossing.
2. Request for a subsidy payment for first vehicle crossover (Statutory Declaration).
3. Residential Vehicle crossover subsidy information sheet.

RESPONSIBILITY FOR IMPLEMENTATION

Manager Regulatory Services

Version	Next Review	Record No:
1	July 2011	TRIM 10/52384

3.8 Appointment of External Honorary Litter Inspectors

File Ref: 3601 – 12/25946
Responsible Officer: Director, City Businesses
Disclosure of Interest: Nil
Attachments: Nil

Issue

To consider the appointment of Meridian Services employees as Honorary Litter Inspectors for the City of Wanneroo.

Background

In May 2011 Council resolved (CB01-05/11) the following:

“That Council:

- 1. DELEGATES BY ABSOLUTE MAJORITY to the Chief Executive Officer the power to appoint the Meridian Services Patrol Supervisor as an Honorary Litter Inspector for the City of Wanneroo for a two year period with an option to extend by a further two years;*
- 2. REQUESTS that the Meridian Services Patrol Supervisor be the holder of a current Police Clearance for such activities; and*
- 3. AUTHORIZES the Chief Executive Officer to sign the Service Level Agreement between the City of Wanneroo, Meridian Services, and Housing Industry Association Name and Shame Western Australia for the exchange of information pertaining to the “Dob In A Dumper” campaign”.*

Subsequent to the Council resolution the Service Level Agreement was signed by all parties and the Meridian Services Patrol Supervisor was appointed as an Honorary Litter Inspector.

Detail

The City has been advised that the person appointed as the Honorary Litter Inspector will shortly be leaving the employ of Meridian Services. Whilst the Chief Executive Officer has delegated authority from Council to appoint a replacement, Meridian has requested that Council consider the appointment of two of their employees as Honorary Litter Inspectors.

Consultation

Nil

Comment

Meridian Services provide a security patrol service throughout the northern corridor in the City of Wanneroo. The appointment of an additional Honorary Litter Inspector will provide additional resources in the detection and prosecution of littering offences within the City of Wanneroo. This service will add value and not detract from the present service provided by the City of Wanneroo.

The Service Level Agreement will remain in effect until 8 June 2013 with an option to extend for a further two years.

It is recommended that Council delegate to the Chief Executive Officer the power to appoint up to two Meridian Services employees as Honorary Litter Inspectors until 8 June 2013 with an option to extend for a further two years.

Statutory Compliance

Section 27A of the *Litter Act 1979* states “a local government may appoint a person to be an honorary litter inspector to assist in the serving of infringement notices relating to offences prescribed for the purpose of section 30”.

Strategic Implications

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

“1 *Environment*

1.3 *Minimise impact of development on the environment*”

Policy Implications

Nil

Financial Implications

The appointment of Honorary Litter Inspectors provides wider opportunities for the detection and prosecution of litter offences occurring within the City of Wanneroo. The Services has resulted in a small administrative cost for the issue of infringement books and administrative services as required. These minor costs have and will continue to be adequately covered by revenue generated from the issue of infringements and any court penalties that may apply.

Voting Requirements

Absolute Majority

Recommendation

That Council DELEGATES BY ABSOLUTE MAJORITY to the Chief Executive Officer the power to appoint Meridian Services employees as Honorary Litter Inspectors for the City of Wanneroo subject to:

- (a) The person being a current employee of Meridian Services;**
- (b) Meridian Services submitting an annual list of employees who will undertake such duties;**
- (c) Meridian Services providing proof of ongoing employment and current Police Clearance certification of these employees; and**
- (d) The Chief Executive Officer being able to withdraw such authorizations at any time.**

Attachments: Nil

3.9 Two Rocks Volunteer Bushfire Brigade Fire Station Construction - Request for Further Funds

File Ref: 6654 – 12/30173
Responsible Officer: Director, City Businesses
Disclosure of Interest: Nil
Attachments: Nil

Issue

To endorse the action of the Mayor writing to the Minister for Transport, Housing and Emergency Services to request additional funding for the construction of the Two Rocks Fire Station as a result of a shortfall between the funding grant and tenders received.

Background

Council at its ordinary meeting of 26 April 2006 (CD10-04/06) approved the establishment of the Two Rocks Volunteer Bush Fire Brigade and for the brigade to be registered with the Fire and Emergency Services Authority (FESA). The City subsequently wrote to FESA requesting that the Two Rocks Volunteer Bush Fire Brigade be recognised as a necessary service and in doing so, asked that FESA provide financial support through the Emergency Services Levy Grant Scheme.

An application in April 2011 by City's Acting Community Emergency Services Manager/Chief Bush Fire Control Officer for the 2011/12 Emergency Services Levy (ESL) Capital Grant Funding on behalf of the Two Rocks Volunteer Bush Fire Brigade for the construction of a fire station was successful and a funding grant of \$154,292 was approved for the construction of the proposed fire brigade facility.

At its meeting of 11 November 2011 Council considered report CB01-11/11 for the construction of the proposed Bush Fire Station in Two Rocks and resolved the following:

- "1. NOTES an Emergency Services Levy Capital Grant allocation of \$154,292 has been received for the construction of the Two Rocks Volunteer Bush Fire Brigade Station; and*
- 2. LISTS the construction of the Two Rocks Volunteer Bush Fire Brigade Station in the 10 Year Capital Works Plan for 2012/2013."*

To advance the construction of the fire brigade facility it was proposed to offer to the Building Industry by public tender a design and construction tender where two typical FESA building designs suitable for small Western Australia settlement brigades was to be offered.

The objective was to maximise value from the funding grant. The first option was for a larger two vehicle and staff facility building and should there be a funding shortfall then the smaller second option for a single vehicle bay and staff facility building would be considered at its lesser price. Each option was to meet the minimum FESA total building footprint requirements.

Detail

At the time of the grant being awarded, the City was somewhat concerned over the amount that had been granted for the construction of the station in view of the fact that approval for a two (2/3) bay station was requested and the approval was only for a single bay facility.

In line with the ESL grant and utilising the FESA standard footprints, the City of Wanneroo advertised a request for tender for the construction of the Two Rocks Volunteer Bushfire Station. Tender No. 01203 was advertised on Saturday 18 February 2012 and closed at the City's Offices at 3pm on Tuesday 6 March 2012. Three submissions were received as tabled below:

Tenderers	Option 1	Option 2
Lowest Price for 2 Bay/1 Bay Fire Station	\$271,636	\$250,918
Middle Price for 2 Bay/1 Bay Station	\$409,353	\$299,992
Highest Price for 2 Bay/1 Bay Station	\$480,685	\$444,518

Consultation

Consultation has been undertaken with the Two Rocks Volunteer Bush Fire Brigade via the Community Emergency Services Manager/Chief Bush Fire Control Officer to ensure the needs of the brigade and the community have been identified.

Comment

The City believes that the current funding of \$154,292 needs to be reviewed urgently with additional funding of another \$120,000 provided by the Emergency Services Levy to ensure that the Two Rocks Station is constructed as per the current FESA standard footprint guidelines for a two bay facility.

Statutory Compliance

The tender has been evaluated against the selection criteria in accordance with Section 3.57 of the Local Government Act 1995 and associated regulations.

Strategic Implications

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

- "2 *Social*
- 2.4 *Improve community safety*"

Policy Implications

Nil

Financial Implications

As can be seen, there is a funding shortfall of \$120,000 to enable the construction of a two bay facility. This report recommends that Council notes and endorses the action of the Mayor writing to the Minister to request further funding for the construction of the Two Rocks Fire Station.

Voting Requirements

Simple Majority

Recommendation

That Council ENDORSES the action of the Mayor writing to the Minister for Transport, Housing and Emergency Services to request additional funding of \$120,000 for the construction of the Two Rocks Fire Station as a result of a shortfall between the funding grant and tenders received.

Attachments: Nil

Property

3.10 Indemnity to Minister of Lands for Road Dedication Excised from a Portion of Crown Reserve 34670 Wanneroo Road (Luisini Park)

File Ref: 1715 – 12/26454
Responsible Officer: Director, City Businesses
Disclosure of Interest: Nil
Attachments: 1

Issue

To provide an indemnity to the Minister of Lands in respect of Road Dedication to be excised from a portion of Crown Reserve 34670 Wanneroo Road (Luisini Park).

Background

Crown Reserve 34670 Wanneroo Road (Luisini Park) is vested in the City for Public Recreation under a Management Order issued by the Minister for Lands.

At its Ordinary Meeting of 28 June 2011 CS10-06/11, Council approved the excision of a small portion of Crown Reserve 34670, Wanneroo Road (Luisini Park) being approximately 50.54m² representing 0.79% of the reserve area (**refer Attachment 1**), for dedication as road reserve to accommodate the traffic design changes required for the development of the Chianti Private Estate stage 2 subdivision in Woodvale and Council resolved as follows:

“That Council:-

ADVISES the Department of Regional Development and Lands that it does not object to the minor excision of land from Reserve 34670 in accordance with the section 20A guidelines and its dedication as road reserve to accommodate traffic design changes to the intersection of Prindiville Drive, the proposed Rosso Meander and Wanneroo Road.”

Administration made a formal application to the Department of Regional Development and Lands for the excision of the portion of Crown Reserve 34670, Wanneroo Road (Luisini Park) for dedication as road reserve 30 September 2011.

Detail

Excision of Crown Reserve for the purpose of road dedication is governed by *section 56(4) Land Administration Act 1997* and requires an indemnity to the Minister of Lands from the local government against any claim for compensation arising from the dedication.

The Department of Regional Development and Lands gave in principle consent to the excision on 25 November 2011 subject to a number of conditions including a requirement for *“..indemnification against any costs or claims will be required for the dedication pursuant to S.56 of the LAA..”*

Unfortunately, Administration did not include the standard indemnity clause that is generally included in reports to Council requesting proposed excision of Crown Reserve for road dedication and the indemnification is required so that the Department of Regional Development and Lands can proceed with the application for excision.

Consultation

Nil

Comment

Administration has now dealt with all the conditions required by the Department of Regional Development and Lands to progress the excision except for the indemnity required for the Minister, and Administration requests that Council indemnify the Minister for Lands against any claim for compensation arising from the dedication.

Statutory Compliance

Council indemnifying the Minister for Lands in respect road dedication will fulfil the requirements of the statutory processes outlined in *section 56(4) of the Land Administration Act 1997*.

Strategic Implications

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

“2 Social

2.5 Improve transport options and connections”

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

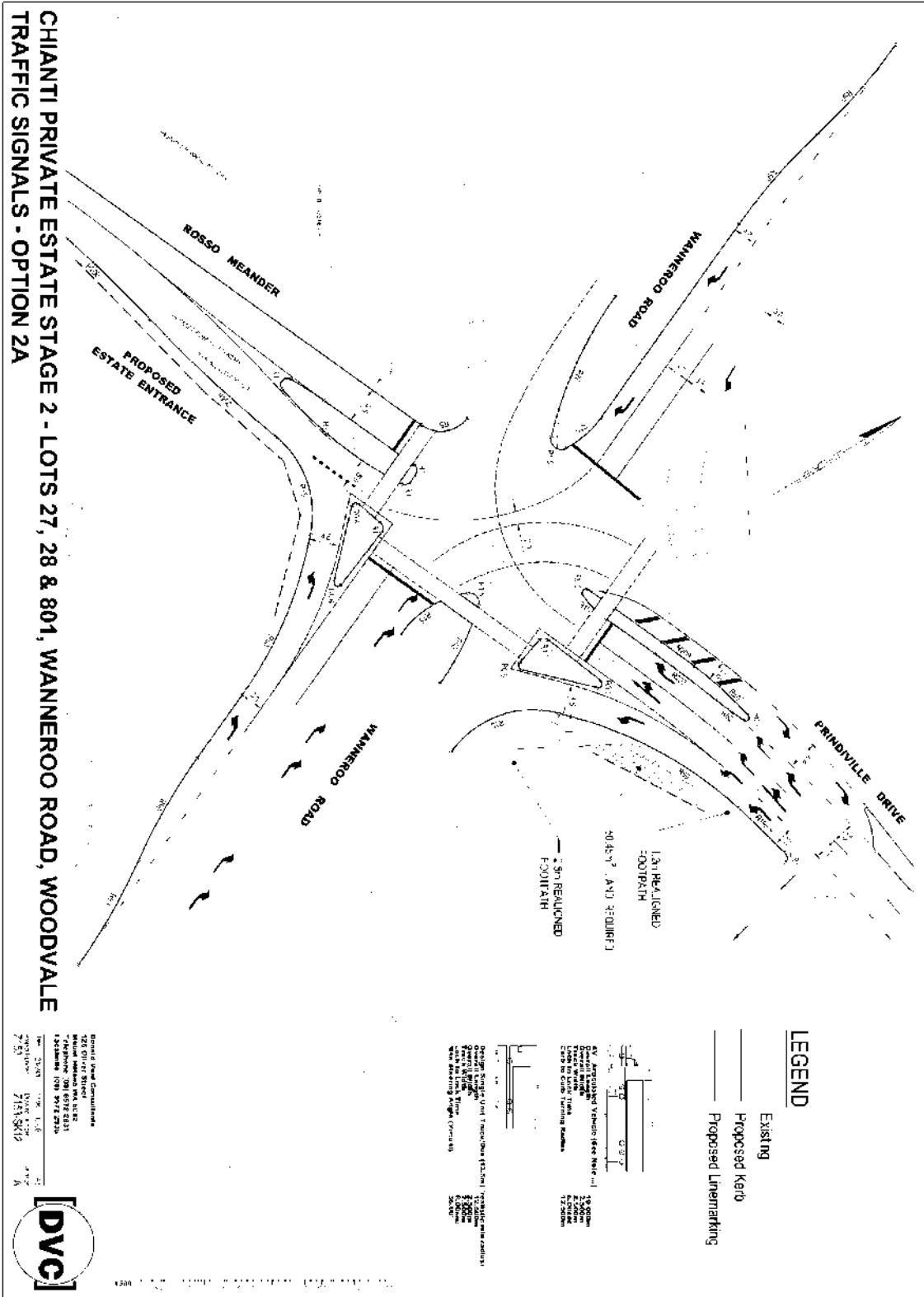
Simple Majority

Recommendation

That Council INDEMNIFIES the Minister for Lands against any claim for compensation arising from the dedication of road reserve to be excised from a portion of Crown Reserve 34670 Wanneroo Road (Luisini Park).

Attachments:

1. Attachment 1 11/62422



3.11 Proposed Lease - Portion of 935 Wanneroo Road, Wanneroo to Small Business Centre (North West Metro) Inc

File Ref: 1715 – 12/25636
Responsible Officer: Director, City Businesses
Disclosure of Interest: Nil
Attachments: 1

Issue

To consider entering into a new lease with the Small Business Centre (North West Metro) Inc ('SBC') at 935 Wanneroo Road, Wanneroo.

Background

The building known as Enterprise House at 935 Wanneroo Road, Wanneroo is situated on Lots 90 and 91, and owned freehold by the City under Certificate of Title Volume 1095 Folio 593.

The building was subject to an internal fit-out during the latter half of 2005 to permit services associated with the establishment of the Business Grow Centre and now houses Administration staff, the Wanneroo Business Association Inc and SBC.

The SBC is one of two entities that each occupy an office within the building under a lease arrangement with each having access rights to designated common areas as part of their respective leases. The SBC was established in 2006 to assist potential and existing small businesses develop and improve on their business success by providing independent confidential and practical assistance on a wide range of business related issues.

The SBC first entered into a lease for an area of 11.045m² at 935 Wanneroo Road, Wanneroo, ("Office Two") and identified on the attached plan hatched black (**Attachment 1 refers**) with the City on 13 March 2006 CS05/01/06, for a period of two years and at the Ordinary Council meeting of 11 March 2008 CS05-02/08, Council resolved as follows:-

"That Council:-

- 1. NOTES there were no submissions or comments received in response to the local public notice placed in the Wanneroo Times on 14 February 2008 outlining the proposed lease to the Small Business Centre (North West Metro) Inc;*
- 2. APPROVES the leasing of portion of 935 Wanneroo Road, Wanneroo (being Office One) to the Small Business Centre (North West Metro) Inc on a commercial basis for a period of three (3) years under the terms and conditions outlined in this report;*
- 3. ACKNOWLEDGES that the building insurance is not recovered through the variable outgoings; and*
- 4. AUTHORISES the Mayor and the Chief Executive Officer to affix the Common Seal of the City of Wanneroo and execute the lease between the City and the and Small Business Centre (North West Metro) Inc.*

The essential terms of the lease included a rental of \$2,100 per annum, plus outgoings calculated at \$409 per annum, (plus GST), (with annual CPI increases).

The current lease with the SBC expired in March 2011 and SBC remain in occupation on a month to month holdover at a rent of \$203.82, plus outgoings of \$39.70 (inclusive of GST). On 11 October 2011 the SBC confirmed it wished to renew the Lease and negotiations have concluded with an in principle lease proposal which is the subject of this report.

Detail

The proposed lease comprises an area of 11.045 m² known as Office Two, together with a right of access to those parts of the building designated as common areas.

The SBC are grant funded and as such under the City's Tenancy Policy, are categorised as government tenants with the terms of the lease being negotiable. The SBC received funding for a period of three (3) years in June 2011, from the City, The City of Joondalup and State Government.

A market valuation was sought for the rental of Office Two and a rate of \$252 per m² (plus GST) was suggested, inclusive of variable outgoings.

- SBC currently pays rent of \$2,223.48 per annum (plus GST), plus outgoings of \$433.08 (plus GST), being a total of \$2,656.56 per annum; and
- The valuation suggests a rent of \$2,790 annum (plus GST) inclusive of outgoings.

Administration and SBC have negotiated, subject to Council approval, a rent of \$2,706.03, being a rate of \$245 m², inclusive of variable outgoings for a term of two (2) years in accordance with the remaining term of their funding provisions, with a three (3) year option period.

Accordingly, the essential terms for the proposed lease to SBC, subject to Council approval, are as follows:-

Lease Rental	\$2,706.03 per annum (plus GST) inclusive of all outgoings
Lease Term	Two (2) years; with a three (3) year option
Commencement Date	1 June 2012
Rates & Taxes	N/A
Building Insurance	N/A
Variable Outgoings	N/A
Building Maintenance	Lessee to keep and maintain every part of the inside of the leased Premises including all ceiling panels, lighting and electrical installations, doors, windows, floor coverings and all other fixtures and fittings in good and substantial repair and condition.
Lessee Services	Lessee responsible for the provision of special requirements such as telephone and broadband services.
Special Conditions	<ul style="list-style-type: none"> • Licence to use the "common areas" being the foyer, toilets and tea preparation facilities • Booking arrangements for the training or meeting rooms • Any access to and conditions of use for City equipment • Restrictions on the use of the Common Areas • Display of brochures • Confidentiality and security • Parking arrangements

Consultation

The Small Business Centre has been consulted in relation to this new lease arrangement.

Comment

Should Council agree 'in principle' to the lease, given that the proposed lease is not an 'exempt disposition', it will be necessary to publish a local notice of the proposal, inviting public submissions. Subject to no submissions being received from this process, formal consent to the lease as outlined in this report is sought from Council.

Should any submissions be received, the Lease will not be executed and a further report will be presented to Council

Statutory Compliance

Regulation 30 of the Local Government (Functions and General) Regulations 1996 provides a basis under which certain 'dispositions' are exempt from the requirements of Section 3.58 of the Local Government Act 1995 (Act), including sub-regulation 30(2) (b), which states:-

"30(2) A disposition of land is an exempt disposition if –

(b) the land is disposed of to a body, whether incorporated or not –

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions"*

The constitution of SBC has the following stated Objects:-

"(1) The objects of the Association are to assist in the formation and development of new and sustainable small businesses through the provision of services in the North West Metropolitan region of Perth.

(2) To provide the local business community with services and advice which assist the establishment of the new businesses and enhance the development of existing enterprises, with the emphasis on:

2.2.1 Providing assistance to sustain and increase the number and diversity of viable business enterprise operating in the local community;

2.2.2 Increasing the level of employment in the local community;

2.2.3 Assisting enterprises to improve the quality of their management thereby increasing sales turnover and profitability;

2.2.4 Assisting unemployed persons who are interested in establishing their own business;

2.2.5 Assisting currently employed, and individuals not in the work force, to establish their own business;

2.2.6 Actively encouraging and facilitating the location or expansion of suitable businesses into the local community;

2.2.7 Identifying and providing solutions to those business needs which are perceived to be a barrier to improved performance;

2.2.8 Encourage excellence and leadership within the business community;

2.2.9 Facilitating the operational use of State and Commonwealth Government programs designed to assist business meet these objectives;

2.2.10 Working with groups with similar objects to those of the Association;

- (3) *The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed."*

Given the activities, role and stated objectives of the SBC, it is considered they would not meet the requirements of sub-regulation 30(2)(b) of the Act and therefore the lease would not be deemed an exempt disposition. Accordingly, prior to agreeing to enter into a new lease with the SBC, the City is required to give local public notice of the proposed disposition in accordance with the requirements of Section 3.58 of the Act. The local notice is required to include an invitation for public submissions on the proposal.

Strategic Implications

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

"3 Economic

3.4 Increase the capacity of education and training support to industry"

Policy Implications

The proposed lease is consistent with the City's current Tenancy Policy.

Financial Implications

The proposed lease to the SBC will result in an income stream of \$2,706.03 per annum, which will increase with CPI annually for the remaining term of the lease.

Voting Requirements

Absolute Majority

Recommendation

That Council:-

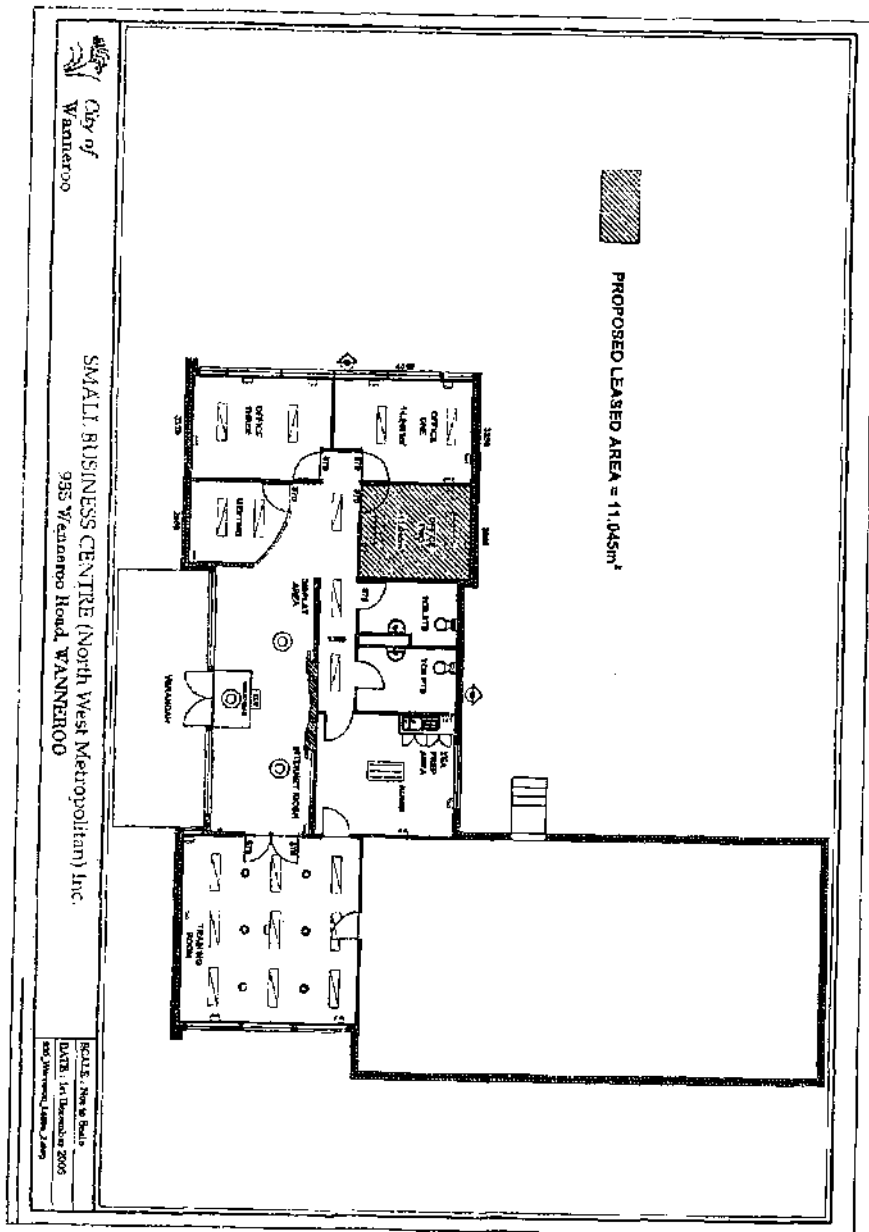
- 1. AGREES in principle to the leasing of an area of 11.045m² at 935 Wanneroo Road, Wanneroo to Small Business Centre (North West Metro) Inc on a government basis subject to the requirements of section 3.58(3) of the Local Government Act 1995;**
- 2. AUTHORISES the Chief Executive Officer to publish a local public notice of its intention to enter into the lease in 1 above;**

3. **SUBJECT** to no submissions having been received, **DELEGATES BY ABSOLUTE MAJORITY** to the Chief Executive Officer, the authority to dispose of the Property by Lease in accordance with Section 3.58 of *the Local Government Act 1995*, to the Wanneroo Small Business Centre (North West Metro) for an area of 11.045m² at 935 Wanneroo Road, for a period of two (2) years, with a three (3) year option;
4. **SUBJECT** to 3. above, **AUTHORISES** the Mayor and the Chief Executive to affix the Common Seal of the City of Wanneroo and execute the lease between the City of Wanneroo and the Small Business Centre (North West Metro) Inc; and
5. **NOTES** that if any submissions or comments are received in response to the local public notice in 2 above recommendation 3 and 4 above do not apply and a further report will be presented to Council.

Attachments:

1. Attachment 1 12/938

ATTACHMENT
PLAN OF PREMISES



Lease - Small Business Centre (NWM) Inc - Portion 935 Wanneroo Road

3.12 Proposed Lease - Portion of 935 Wanneroo Road, Wanneroo to Wanneroo Business Association Inc

File Ref: 1715 – 12/23014
Responsible Officer: Director, City Businesses
Disclosure of Interest: Nil
Attachments: 1

Issue

To consider entering into a new lease with the Wanneroo Business Association Inc ('WBA') at 935 Wanneroo Road, Wanneroo.

Background

The building known as Enterprise House at 935 Wanneroo Road, Wanneroo is situated on Lots 90 and 91, and owned freehold by the City under Certificate of Title Volume 1095 Folio 593.

The building was subject to an internal fit-out during the latter half of 2005 to permit services associated with the establishment of the Business Grow Centre and now houses now houses Administration staff, the Small Business Centre (North West Metro) Inc and the WBA.

The WBA is one of two entities that each occupy an office within the building under a lease arrangement with each having access rights to designated common areas as part of their respective leases. The WBA leases an area of 14.2481m² (**Attachment 1** refers) and commenced operations in 1999 following the reformation of the City of Wanneroo and is a professional organisation which acts as a representative body on matters that may affect businesses at a local, state or federal level and works with government bodies and organisations to improve business conditions and enhance opportunities within the Wanneroo region.

The WBA first entered into a lease for Office One with the City on 6 March 2006 CS03-12/05, for a period of two years and at the Ordinary Council meeting of 11 March 2008 CS06-02/08, Council resolved as follows:-

"That Council:-

- 1. NOTES there were no submissions or comments received in response to the local public notice placed in the Wanneroo Times on 14 February 2008 outlining the proposed lease to the Wanneroo Business Association Inc;*
- 2. APPROVES the leasing of portion of 935 Wanneroo Road, Wanneroo (being Office One) to the Wanneroo Business Association Inc on a commercial basis for a period of two (3) years under the terms and conditions outlined in this report; and*
- 3. AUTHORISES the Mayor and the Chief Executive Officer to affix the Common Seal of the City of Wanneroo and execute the lease between the City and the Wanneroo Business Association Inc.*

The essential terms of the lease included a rental of \$2,300 per annum, inclusive of outgoings (plus GST), (with annual CPI increases).

The current lease with the WBA expired in March 2011 and the WBA remain in occupation on a month to month holdover at a rent of \$223.22 (including GST and outgoings).

On 11 October 2011 the WBA confirmed it wished to renew the Lease and negotiations have concluded with an in principle lease proposal which is the subject of this report.

Detail

The proposed lease comprises an area of 14. 2481 m² known as Office One together with a right of access to those parts of the building designated as common areas.

Under the City's Tenancy Policy, the WBA are categorised as Commercial tenants; being a non-exempt disposition under the Local Government Act and in accordance with Council policy the annual rental is to be negotiated (at Market Rate). A market valuation was sought for the rental of Office One and a rate of \$252.65 per m² (plus GST) was suggested, inclusive of variable outgoings.

- WBA currently pays rent of \$2,678.64 per annum (plus GST) inclusive of outgoings; and
- The valuation suggests a rent of \$3,600 per annum (plus GST) inclusive of outgoings.

Administration and the WBA have negotiated a rent of \$3,590, being a rate of \$252 m², inclusive of variable outgoings subject to Council approval.

Accordingly, the essential terms for the proposed lease to the WBA, subject to Council approval, are as follows:-

Lease Rental	\$3,590 per annum (plus GST) inclusive of all outgoings
Lease Term	Three (3) years
Commencement Date	12 March 2012
Rates & Taxes	N/A
Building Insurance	N/A
Variable Outgoings	N/A
Building Maintenance	Lessee to keep and maintain every part of the inside of the leased Premises including all ceiling panels, lighting and electrical installations, doors, windows, floor coverings and all other fixtures and fittings in good and substantial repair and condition.
Lessee Services	Lessee responsible for the provision of special requirements such as telephone and broadband services.
Special Conditions	<ul style="list-style-type: none"> • Licence to use the "common areas" being the foyer, toilets and tea preparation facilities • Booking arrangements for the training or meeting rooms • Any access to and conditions of use for City equipment • Restrictions on the use of the Common Areas • Display of brochures • Confidentiality and security • Parking arrangements

Consultation

The Wanneroo Business Association has been consulted in relation to this new lease arrangement.

Comment

Should Council agree 'in principle' to the lease, given that the proposed lease is not an 'exempt disposition', it will be necessary to publish a local notice of the proposal, inviting public submissions. Subject to no submissions being received from this process, formal consent to the lease as outlined in this report is sought from Council.

Should any submissions be received, the Lease will not be executed and a further report will be presented to Council

Statutory Compliance

Regulation 30 of the Local Government (Functions and General) Regulations 1996 provides a basis under which certain 'dispositions' are exempt from the requirements of *Section 3.58 of the Local Government Act 1995 (Act)*, including *sub-regulation 30(2)(b)*, which states:-

"30(2) A disposition of land is an exempt disposition if –

- (b) the land is disposed of to a body, whether incorporated or not –*
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions"*

The constitution of the WBA has the following stated Objects:-

- "(A) To establish maintain and conduct an Association of a business recreational social non-political and non-sectarian character for the purpose of promoting and fostering the exchange of business manufacturing and trading knowledge between members.*
- (B) To promote social contact between and to meet regularly.*
- (C) To assist members by providing advice and guidance when requested to do so.*
- (D) To represent members in matters of interest to members."*

Given the activities, role and stated objectives of the WBA, it is considered they would not meet the requirements of *sub-regulation 30(2)(b) of the Act* and therefore the lease would not be deemed an exempt disposition. Accordingly, prior to agreeing to enter into a new lease with the WBA, the City is required to give local public notice of the proposed disposition in accordance with the requirements of *Section 3.58 of the Act*. The local notice is required to include an invitation for public submissions on the proposal.

Strategic Implications

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

- "3 Economic*
 - 3.2 Support business and initiatives"*

Policy Implications

The proposed lease is consistent with the City's current Tenancy Policy.

Financial Implications

The proposed lease to the WBA will result in an income stream of \$3,590 per annum, which will increase with CPI annually for the remaining term of the lease.

Voting Requirements

Absolute Majority

Recommendation

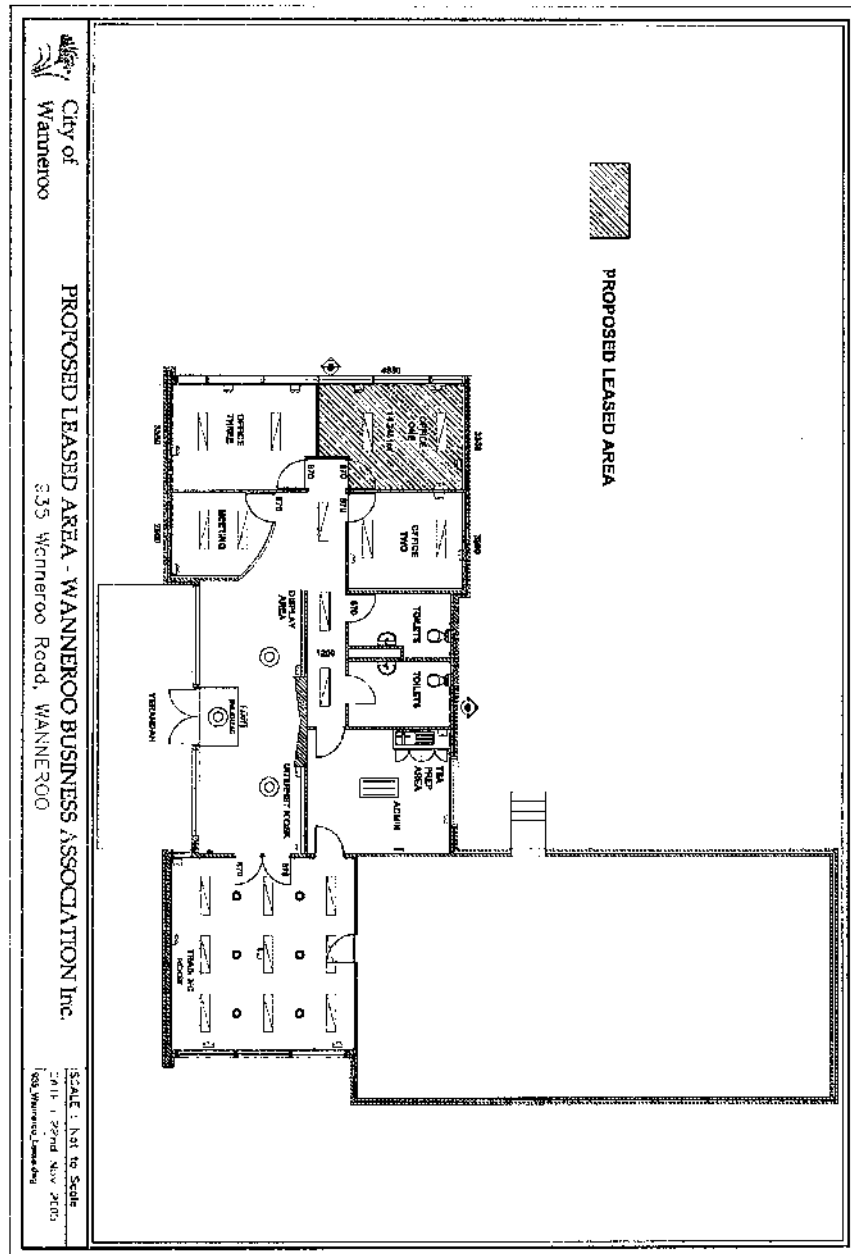
That Council:-

1. **AGREES** in principle to the leasing of an area of 14.2481m² at 935 Wanneroo Road, Wanneroo to the Wanneroo Business Association Inc on a commercial basis subject to the requirements of section 3.58(3) of the Local Government Act 1995;
2. **AUTHORISES** the Chief Executive Officer to publish a local public notice of its intention to enter into the lease in 1 above;
3. **SUBJECT** to no submissions having been received, **DELEGATES BY ABSOLUTE MAJORITY** to the Chief Executive Officer, the authority to dispose of the Property by Lease in accordance with Section 3.58 of *the Local Government Act 1995*, to the Wanneroo Business Association Inc for an area of 14.2481m² at 935 Wanneroo Road, Wanneroo for a period of three (3) years;
4. **SUBJECT** to 3. above, **AUTHORISES** the Mayor and the Chief Executive to affix the Common Seal of the City of Wanneroo and execute the lease between the City of Wanneroo and the Wanneroo Business Association Inc ; and
5. **NOTES** that if any submissions or comments are received in response to the local public notice in 2 above recommendation 3 and 4 above do not apply and a further report will be presented to Council.

Attachments:

1. Attachment 1 12/25603

ATTACHMENT
PLAN OF PREMISES



Lease - WBA - Port on 935 Wanneroo Road

21

3.13 Portofinos Tavern Restricted Liquor License

File Ref:	4534 – 12/25667
Responsible Officer:	Director, City Businesses
Disclosure of Interest:	Nil
Attachments:	1

Issue

To consider the Development Application enabling the Lessee to apply for a Tavern Restricted Liquor License at Portofinos Quinns Rocks.

Background

Portofinos Restaurant is situated adjacent to the Quinns Rocks Caravan Park and the Quinns Mindarie Surf Lifesaving Club on Lot 211, owned freehold by the City and zoned Regional Parks and Recreation under the Metropolitan Region Scheme (MRS).

The City entered into an Agreement to Lease with the Bogdanov family (Bogdanis Nominees Pty Ltd) for the development of the site in three stages including the public toilets, café and then restaurant. The Lease agreement between the City and Bogdanis Nominees commenced on 1 September 2008 for a term of 31 years, including a five year option period.

The tenant currently operates both the café and the restaurant under a single Restaurant Liquor Licence, initially for the café section but ultimately included the restaurant under an approval from the Department of Racing Gaming and Liquor (DRGL) in June 2010. The restaurant part of the premises includes an entry/lobby, kitchen, the main restaurant section, a function area and an external alfresco area (refer **Attachment 1**).

Since the opening of the restaurant section in July 2010, Portofinos has had many enquiries to cater for private functions (mainly weddings) and a proportion of those are seeking a less formal affair with a cocktail type setup where guests are served finger food and drinks whilst standing. A requirement of the Restaurant Liquor Licence is that all guests/patrons are to be seated and to be able to cater for these 'stand up' type functions the tenant has been applying separately to the DRGL for an extended trading permit however this is limited to twelve functions per annum. Portofinos currently is considering taking bookings for over sixty weddings this year alone, provided approval is granted by the DRGL beyond the current per annum quota; many of these may be 'stand up' type functions.

Detail

Discussions with the DRGL have revealed that it is very unlikely that separate licences would be granted within the same premises to split the restaurant into a restaurant area, and a function area that could be covered under a Special Facility Licence – Reception or Function Centre.

Portofinos is primarily, and remains so, a restaurant and a Special Facility Licence is therefore not suitable as it would suggest that the premises is primarily used for functions and only guests of those functions would be able to attend.

To overcome this problem, and for the tenant to be able to cater for these types of functions for which the premises is clearly designed to do, the City's tenant has applied to the City for its approval under the lease agreement for the tenant to lodge a Development Application to change the use of Portofinos Restaurant from Restaurant to Tavern. The approval of this change would enable an application for a Tavern Restricted Liquor Licence to be lodged for assessment. From a landlord perspective Administration has no objection under the lease for the application being made as it would not contravene the terms of the lease. The facility is purpose built to suit these types of functions and has both a development approval and a building licence approval in its current format.

To enable the liquor licence application process to commence a further Development Application needs to be lodged for the change of use from Restaurant to Tavern as the use under the Metropolitan Region Scheme (MRS), and this requires the Chief Executive Officer's signature.

This will enable the planning process to commence, with an application being forwarded to the Western Australian Planning Commission (WAPC) along with the City's recommendations for its determination.

Should the WAPC ultimately approve the change of use then the applicant must then obtain the relevant section 39 and 40 notices from the City and lodge the application with the DRGL.

Once the application is lodged, the DRGL has a strict process that is adhered to before a Tavern Restricted Licence is approved including the advertising of the proposal for a period of 28 days during which time objections/interventions are sought. In addition (prior to the advertisement being placed) the applicant is required to letter drop to businesses/residents within 200 metres of the premises advising of the intention to apply for a Tavern Restricted Liquor Licence.

The DRGL's assessment and final determination includes probity checks through the WA Police, assessment of plans of the premises for suitability, viewing of the lease agreement with the City and assessment of any objections from the advertising process. The applicant may also be required to prepare a Public Interest Assessment document available for public inspection.

From the Lessor's perspective there is nothing in the lease that would preclude the change in use. This is step one in a two part process and this request is only concerned with the planning aspect.

Comment

A Tavern Restricted Liquor Licence is the only type of licence that will adequately fit the Portofinos situation however the word 'Tavern' may cause some uneasiness particularly for nearby residents. The reality is that the only thing 'Tavern' about the premises would be the licence plaque should the application be approved.

Currently the distinction between a Tavern Licence and a Tavern Restricted Licence (which is a relatively new type of licence) is that under a restricted licence the sale of packaged or take away liquor is prohibited. In addition the tenant has agreed to further restrictions to be placed on the licence including:

- Premises will only be advertised and run as a restaurant and function centre (not a tavern);
- Music will predominantly be of a background nature;
- CCTV will cover all exit/entry points running 24 hours per day (records kept for 14 days); and
- The Lessee or any subsequent assignee will not attempt to apply for a full Tavern Licence.

The conditions that Administration would seek (and the tenant has agreed to) would be subject to the DRGL. Furthermore should the tenant or any future tenant subsequently desire to extend the Tavern Restricted License to a full tavern license this would be ultimately decided by the DRGL.

The City is not a normal commercial Lessor and has social community obligations due to its very nature. The City, as Lessor, seeks to have greater control over the liquor related uses of the facility over and above the reliance on the DRGL. This is not only for the conditions for the Restricted License but also right of veto should the tenant or future tenant desire to move to a full tavern license.

The most effective way to ensure the City has the legal right in these matters is to enshrine this aspect into the Lease via a Deed of Variation. The tenant has indicated acceptance to such an instrument. Such a Deed will be subject to WAPC approval. At the same time it is opportune to expand on the definition of "permitted use" within the Lease by adding "Function Centre" as a permitted use. This was always the intention and is the reason for seeking the new Liquor licence. A plan of the facility is contained in **Attachment 1** and the draft Deed of Variation is being prepared by the City's in house Property Lawyer.

Statutory Compliance

Nil

Strategic Implications

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

- "3 *Economic*
- 3.2 *Support business and initiatives*"

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

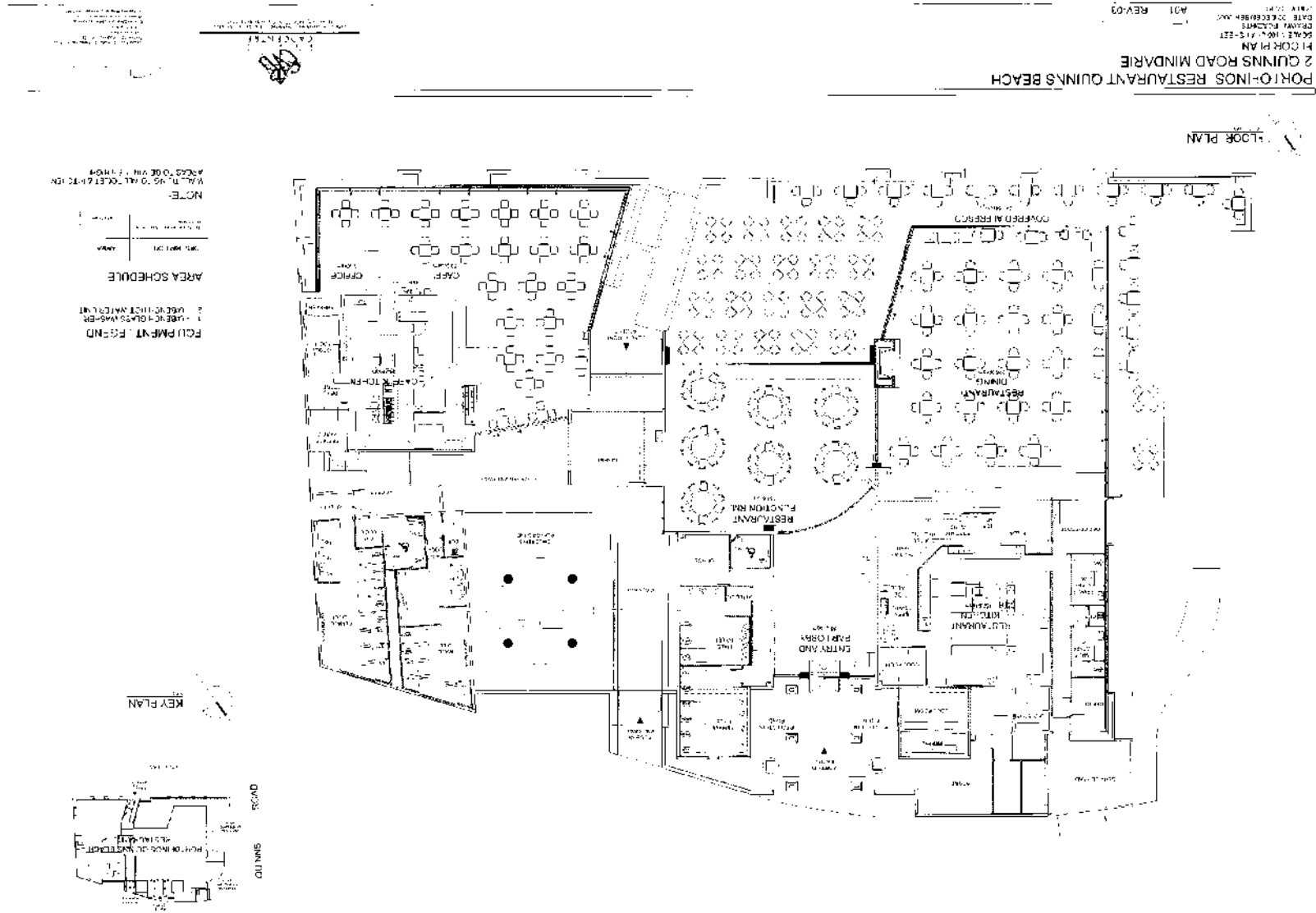
That Council:-

1. **AUTHORISES the Chief Executive Officer to negotiate a Deed of Variation to the Lease between Bogdanis Nominees Pty Ltd and the City for the purposes of the following:**
 - a) **Premises will only be advertised and run as a restaurant and function centre (not a tavern);**
 - b) **Music will predominantly be of a background nature;**
 - c) **CCTV will cover all exit/entry points running 24 hours per day (records kept for 14 days); and**
 - d) **The Lessee or any subsequent assignee will not attempt to apply for a full Tavern Licence;**
2. **AUTHORISES the Mayor and the Chief Executive Officer to affix the Common Seal of the City of Wanneroo to, and execute the Deed of Variation;**

3. **AUTHORISES** the Chief Executive Officer as the landowner, to sign the necessary Development Application to progress the Tavern Restricted Liquor License for Portofinos, Quinns Rocks; and
4. **SUPPORTS** the applicant to change the licence from a Restaurant Liquor Licence to a Tavern Restricted Liquor Licence.

Attachments:

1. *Plan of Portofinos 12/29098*



3.14 Proposed Excision of Portion of Crown Reserve 48306 (Jindalee Foreshore) for Road Reserve

File Ref: 4603 – 12/27508
Responsible Officer: Director, City Businesses
Disclosure of Interest: Nil
Attachments: 2

Issue

To consider the proposed excision of a portion of Crown Reserve 48306 (Jindalee Foreshore), Lot 500 on deposit plan, 69500, 231 Ocean Drive, Quinns Rock for dedication as road reserve, being approximately 1,815m² which represents 1.45% of the total reserve area (**Attachment 1 refers**).

Background

Crown Reserve 48306 is vested in the City for 'public recreation', which covers an area of 12.5448ha and is subject to the Foreshore Management Plan adopted by Council on 13 December 2005 and WAPC on 20 May 2006. The Foreshore Management Plan included provision for a kiosk or cafe.

The proposed location of the kiosk spanned Crown Reserves 48306 and 20561. Crown Reserve 20561 is vested in the City for 'recreation and incidental purposes' and has the power to lease. Crown Reserve 48306 is vested in the City for 'public recreation' and does not include the power to lease. Accordingly Administration worked with the Department of Regional Development and Lands ('DRDL') to have the proposed location of the kiosk included within the boundary of Crown Reserve 20561 ('Lot 502') (**Attachment 2 refers**).

Administration negotiated an agreement with Penhurst Nominees Pty Ltd, Carine Nominees Pty Ltd and Belgravia Pty Ltd, ('the Developer') for the development of a kiosk on Lot 502 and at its Ordinary Meeting of 14 December 2010 (CS12-12/10), Council resolved as follows:

"That Council:-

- 1. NOTES that no submissions or comments were received in response to the local public notice placed in the Wanneroo Times on Thursday 18 November 2010 outlining the proposed Agreement to Lease and Lease to Penhurst Nominees Pty Ltd, Carine Nominees Pty Ltd and Belgravia Pty Ltd;*
- 2. APPROVES the entering into an Agreement for Lease and Lease with Penhurst Nominees Pty Ltd, Carine Nominees Pty Ltd and Belgravia Pty Ltd for 588m² of Reserve 48306 (which will be excised and included in Reserve 20561) for the purpose of developing and then running the Jindalee Beach Kiosk for a term of five (5) years with an option to renew for a further five (5) years; and*
- 3. AUTHORISES the Mayor and Chief Executive Officer to affix the common seal of the City of Wanneroo and execute an Agreement for Lease and a Lease between the City and Penhurst Nominees Pty Ltd, Carine Nominees Pty Ltd and Belgravia Pty Ltd."*

Administration approved a building application by the Developer on 9 November 2011 to commence building works on Lot 502 in connection with a kiosk facility/public ablution.

Detail

The initial excision of Lot 502 was to allow the City power to Lease for the purpose of a Beach Kiosk facility.

When negotiations for the development of Lot 502 were undertaken no consideration was given to the servicing of the facility and there are no easements over Crown Reserves 48306 and 20561 for accessing of services. For the development and leasing of Lot 502 to proceed the City needs to facilitate access to services for connection and maintenance purposes. Conduits already exist under Jindalee Boulevard Road Reserve.

Administration has been liaising with the Developer and the DRDL to bring about a solution to servicing of Lot 502. Following these discussions it has been agreed that the most suitable solution would be to extend the Jindalee Boulevard Road Reserve to provide frontage to Lot 502 extending the full length of the cul-de-sac in the foreshore reserve (**Attachment 1** refers) which will allow services to run into Lot 502.

DRDL have provided in principle consent to the excision of approximately 1,815m² of Crown Reserve 48306 for dedication as road.

Consultation

Nil

Comment

Excision of approximately 1,815m² from Crown Reserve 48306 for dedication as road will allow services to run into Lot 502 which will facilitate the development and leasing of the lot.

The extension of the road reserve along the full length of the cul-de-sac in the foreshore reserve will also provide the police power to attend any anti-social behaviour that may occur in this area which is currently only accessible to Council Rangers

Statutory Compliance

Council will be required to indemnify the Minister for Lands in respect of any claim for compensation arising from the dedication to fulfil the statutory requirements of *Section 56(4) Land Administration Act 1997*.

Strategic Implications

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

“3 *Economic*

3.3 *Provision of timely and coordinated regional infrastructure*”

Policy Implications

Nil

Financial Implications

There will be costs arising from the dedication of approximately \$5,000 plus GST for fees associated with the survey, which will be paid by the City.

Voting Requirements

Simple Majority

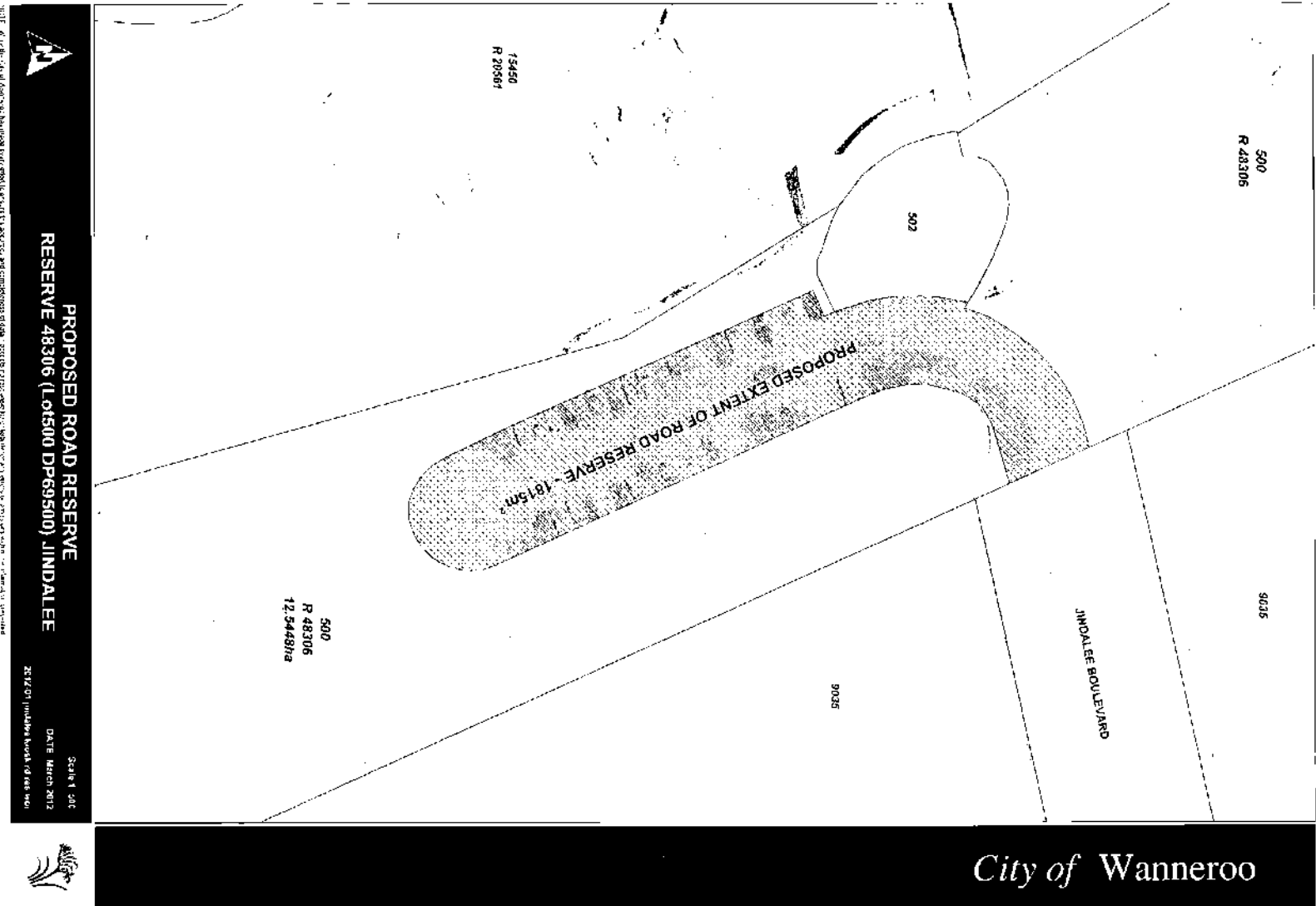
Recommendation

That Council:-

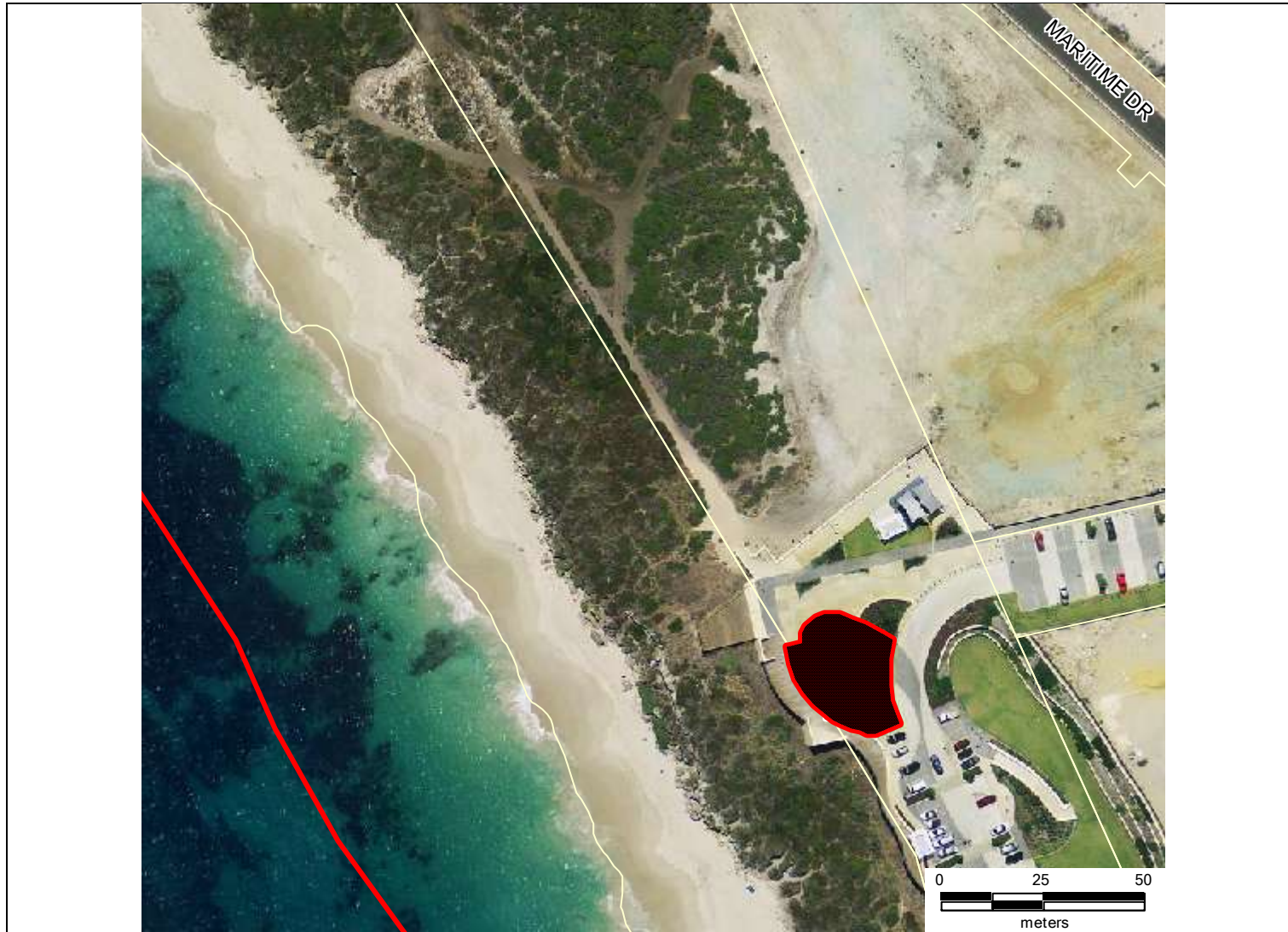
1. **AUTHORISES** the excision of approximately 1,815m² from Crown Reserve 48306 for dedication as road; and
2. **INDEMNIFIES** the Minister for Lands against any claim for compensation arising from the dedication of road reserve to be excised from a portion of Crown Reserve 48306.

Attachments:

1. *Proposed Extent of Road Reserve* 12/28020
2. *Lot 502 Crown Reserve 20561 - Proposed Jindalee Beach Kiosk* 12/28023



NOTE: Aerial photograph has been overlaid on the site plan for reference. All dimensions are in meters. All dimensions are to the centerline of the road. All dimensions are to the centerline of the road. All dimensions are to the centerline of the road.



Lot 502 Crown Reserve 20561 Proposed Jindalee Beach Kiosk

3.15 Proposed Lease of Lake Joondalup Kindergarten, 10 Neville Drive, Wanneroo to The Evelyn Enrichment Foundation Ltd.

File Ref: 5433 – 12/27616
Responsible Officer: Director, City Businesses
Disclosure of Interest: Nil
Attachments: Nil

Issue

To consider entering into a lease with The Evelyn Enrichment Foundation Ltd. (TEEF) over Lake Joondalup Kindergarten, 10 Neville Drive, Wanneroo (The Kindergarten).

Background

The Kindergarten is situated on Lot 288 on Diagram 39904, being the whole of the land comprised in Certificate of Title Volume 1330 Folio 584, and is owned freehold by the City of Wanneroo.

The Kindergarten is currently leased to the Department of Education (DOE) for a five (5) year term expiring on 1 February 2014, at a rental of \$18,000 per annum, CS04-02/09 refers. The DOE exercised the early termination clause contained within the lease providing six month notice to the City of its intention to terminate the lease on 22 June 2012. The DOE vacated the Kindergarten in February 2012 and the Kindergarten remains vacant.

The City has received enquiries from three entities wishing to lease the facility. Two of the entities are commercial childcare providers Skoolz Out and Kidz Biz and the third is a not for profit childcare provider, The Evelyn Enrichment Foundation Ltd. (TEEF).

Detail

TEEF is a not for profit organisation whose object is to assist children and their families with and without additional needs (due to disabilities) by providing day care/respice services. It creates programs tailored to children's individual capabilities, providing medical care via a registered nurse on site to support children with high dependency needs (e.g. oxygen dependant, physical and learning disabilities) and provides children with special needs the opportunity to play, interact and learn with other children.

TEEF is a public company limited by guarantee registered with the Australian Securities and Investment Commission on 13 July 2011. Registration was obtained for the purpose of obtaining a child care licence. TEEF derives income through the charging of fees of \$75 per child per day, and funding from Lotterywest. The service would open 5 days per week, 51 weeks per year. All income received goes into the provision of the services.

TEEF currently operates from a transportable building at Ocean Reef Primary School under a lease arrangement with DOE, which expires on 30 June 2012. The DOE is unwilling to renew the current lease arrangement with TEEF and is supportive of TEEF's wish to relocate from its existing site at Ocean Reef to The Kindergarten. The DOE has agreed to an early surrender of the lease, should Council approve the lease to TEEF to enable TEEF to fit out and seeking the appropriate child care licence over the Kindergarten.

According to information supplied by TEEF is in support of its request to lease the Kindergarten there are only two other respice centres offering services specifically catering to high needs children, the Princess Margaret Hospital in West Perth and a facility in Cottesloe. These sites are not easily accessible for families living north of the river. TEEF predominantly assist families from Clarkson, Joondalup, Heathridge and Wanneroo.

TEEF is 'a not for profit' organisation and as such under the City's Tenancy Policy TEEF is categorised as 'not for profit' with the terms of the lease being 'peppercorn rent, at no cost to the City' however TEEF charges fees to its clients which is considered a 'commercial activity' and lease terms are therefore by negotiation. Administration and TEEF have negotiated a rent of \$9,000 per annum for a three (3) year term with a two (2) year option, subject to Council approval. The rent represents 50% of \$18,000, the rent DOE currently pays for the use of The Kindergarten. TEEF is currently paying DOE a rent of \$13,000 which is inclusive of outgoings over the facility at Ocean Reef Primary School. The negotiated rent over The Kindergarten is net of outgoings and TEEF will be responsible to meet these costs in the lease.

Accordingly, the essential terms of the proposed lease to TEEF, subject to Council approval are as follows:-

Leased Area (Premises):	Being Lot 288 on Diagram 39904, being the whole of the land and structures thereon comprised in Certificate of Title Volume 1330 Folio 584
Term of Lease:	Three (3) years with a two (2) year option
Commencement Date:	Yet to be confirmed
Lease Rental:	\$9,000 per annum
Rates, Taxes and Outgoings:	The lessee will be responsible for all rates, taxes, assessments, impositions and outgoings of whatsoever nature together with all outgoings for water consumption, electricity, gas, and telephone used in relation to the Premises whether billed directly or otherwise.
Building Insurance:	Lessee's responsibility
Other Insurance (including contents, public liability, worker's compensation etc):	Lessee's responsibility
Maintenance of Premises:	The lessee shall keep and maintain the Premises in good and substantial repair and condition, except for matters of a structural nature.
Statutory Compliance:	Lessee's responsibility

Consultation

Nil

Comment

The City has received interest from two commercial entities (Skoolz Out and Kidz Biz) for the purpose of providing child care services and these would be able to pay a full 'Market Rent' for The Kindergarten. However, Administration supports the TEEF option and a 50% reduction in current lease fees and a proposed lease as detailed in this report, because of the unique services TEEF is able to provide to the community which are not currently provided within the City.

The two commercial child care providers have existing operations near the Wanneroo town centre. In addition there are similar type commercial operations in the nearby suburbs of Sinagra (Goodstart Early Learning) and Ashby (Kids Inn Ashby Child Care Centre) and operations of this nature extend beyond these adjacent suburbs.

In comparison, other than services provided at Princess Margaret Hospital in West Perth and from Cottesloe, there appears to be no other operations of the likes of TEEF in the northern suburbs.

TEEF is a group well equipped to provide specialist services beyond the usual levels of care provided by commercial child care providers. TEEF has paediatric trained staff enabling it to fill a significant gap in service delivery currently not provided by the commercial operators. TEEF has satisfied itself that The Kindergarten will meet its needs. Administration deems that TEEF's operations will have significant community benefit.

Statutory Compliance

Due to the benevolent nature of the operations of TEEF the proposed new lease is considered an exempt disposition under Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*, which states:

"30(2) A disposition of land is an exempt disposition if –

(b) the land is disposed of to a body, whether incorporated or not –

(i) the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting, or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;"

The constitution of TEEF has the following stated Objectives:

"(a) A not for profit organisation established to assist children with additional needs (due to disabilities) and their families through a long day care/respite centre.

(b) and to undertake and pursue all such other similar, related or compatible objects as may from time to time be considered appropriate by the Company."

This means that a public notice is not required.

Strategic Implications

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

"2 Social

2.3 Improve the capacity of local communities to support each other"

Policy Implications

The new lease has been negotiated in accordance with the City's Tenancy Policy.

Financial Implications

The City will receive an annual income of \$9,000 (50% of base rate of \$18,000) and will recoup all outgoings associated with the facility. Therefore the lease is on a 'no cost to the City' basis.

Voting Requirements

Simple Majority

Recommendation

That Council:-

- 1. NOTES the early termination of the lease between the City of Wanneroo and the Department of Education over 10 Neville Drive, Wanneroo;**
- 2. APPROVES the leasing of 10 Neville Drive, Wanneroo to The Evelyn Enrichment Foundation Ltd for a term of three (3) years plus a two (2) year option; and**
- 3. AUTHORISES the Mayor and Chief Executive Officer to affix the Common Seal of the City of Wanneroo to and execute a lease between the City and The Evelyn Enrichment Foundation Ltd. over 2 above.**

Attachments: Nil

3.16 Variation to Lease over Portion of Crown Reserve 28058 and Proposed New Lease Over a Portion of Crown Reserve 44878 to Wanneroo Districts Netball Association Inc.

File Ref:	4171 – 12/27035
Responsible Officer:	Director, City Businesses
Disclosure of Interest:	Nil
Attachments:	2

Issue

To consider a proposed new lease over a portion of Crown Reserve 44878, 130 Kingsway, Madeley and a variation to the existing lease of a portion of Crown Reserve 28058, 100 Kingsway, Madeley to the Wanneroo Districts Netball Association Inc. ('WDNA').

Background

WDNA currently leases a portion of Crown Reserve 28058 (more commonly referred to as the 'Kingsway Sporting Complex') which includes the netball clubrooms, veranda, barbeque and shed (**Attachment 1** refers). The existing lease is for a term of twenty one (21) years expiring on 14 July 2023 at a current annual rent of \$1,513.39. The existing lease was negotiated prior to the adoption of the City's Tenancy Policy.

Crown Reserve 28058 is vested in the City for recreational purposes under a Management Order issued by the Minister for Lands, with the power to lease for a term not exceeding twenty one (21) years subject to Ministerial approval.

WDNA facilitates regional netball competitions and coaching programs catering for in excess of 4,500 members and this number is growing every season. To accommodate the increasing popularity of the sport operating from the Kingsway Sporting Complex, WDNA has lodged two development and building applications with the City for a first aid post and disabled toilet ('First Aid Building' comprising an area of approximately 140m²) (**Attachment 1** refers) and a canteen facility ('Canteen Building' comprising an area of approximately 18m²) (**Attachment 2** refers).

The First Aid Building is immediately adjacent to the existing lease premises. The variation to the existing lease will include the First Aid Building within the leased premises.

The proposed Canteen Building will be located on the Crown Reserve 44878. Crown Reserve 44878 is vested in the City for the purpose of "sports stadium" under a Management Order issued by the Minister for Lands, with the power to lease for a term not exceeding twenty one (21) years subject to Ministerial approval. The proposed new lease will provide for the leasing to WDNA of the Canteen Building.

Detail

Lease Variation – First Aid Building

Administration has met with the WDNA and negotiated a variation to the existing lease, subject to Council and Ministerial approval, to include the First Aid Building (**Attachment 1** refers) within the leased premises.

The tenant shall retain ownership of the First Aid Building and will be fully responsible for everything in relation to the building, such as maintenance, repair, replacement, insurance including all costs of a structural and capital nature for the term of the existing lease. At the expiry of the lease, the structural responsibility of the First Aid Building will revert to the City. This will be reflected in the variation document.

Except for the increase to the lease area and the maintenance and structural provisions for the First Aid Building, all other essential terms and conditions of the existing lease will continue to apply until the expiry of the lease on 14 July 2023.

WDNA has agreed in principle to the variation of the existing lease to include the First Aid Building into the leased premises.

Proposed new lease – Canteen Building

Administration has met with the WDNA and negotiated a new lease, subject to Council and Ministerial approval, for the Canteen Building.

Under the City's current Tenancy Policy, WDNA are categorised as not for profit at a rental of \$1 per annum on a 'no cost to the City' basis. Accordingly the essential terms of the proposed lease have been agreed, subject to Council and Minister for Lands approval, as follows:-

Leased Area (Premises):	Being the Canteen Building (yet to be constructed) on Lot 12652 (Crown Reserve 44878) at 130 Kingsway, Madeley
Term of Lease:	Five (5) years
Commencement Date:	Date of practical completion of Premises
Lease Rental:	\$1 per annum plus GST
Permitted Purpose:	Club rooms and associated structures
Rates, Taxes and Outgoings:	The lessee will be responsible for all rates, taxes, assessments, impositions and outgoings of whatsoever nature together with all outgoings for water consumption, electricity, gas, and telephone used in relation to the Premises whether billed directly or otherwise.
Building Insurance:	Lessee's responsibility
Other Insurance (including contents, public liability, workers compensation etc):	Lessee's responsibility
Maintenance of Premises:	The lessee shall keep and maintain the Premises in good and substantial repair and condition. The lessee will be responsible for the structural integrity of the building for the Term of Lease.
Statutory Compliance:	Lessee's responsibility

Consultation

Nil

Comment

WDNA has been a stable tenant of the City for many years and has continued to meet its lease obligations throughout the term of the lease.

The additional structures proposed to be built by WDNA will support the increasing popularity of netball played at the Kingsway Sporting Complex.

The City has no immediate use for the area to be included into the existing leased premises or the area subject to the proposed new lease and Administration therefore supports the variation to the lease and the proposed new lease as described in this report.

Statutory Compliance

The variation to the existing lease is considered a 'dealing' under the *Land Administration Act 1997* and the consent of the Minister for Lands to the variation is required.

Under the Management Order for Crown Reserve 44878 the proposed new lease will require the approval of the Minister of Lands.

Both the variation and the proposed new lease are considered an exempt disposition under Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*, which states:

"30(2) A disposition of land is an exempt disposition if –

- (b) the land is disposed of to a body, whether incorporated or not –*
 - (i) the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;"*

This means that public notice is not required.

Strategic Implications

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

"2 Social

2.2 Improve the City's identity and community well-being through arts, culture, leisure and recreation"

Policy Implications

The new lease has been negotiated in accordance with the City's Tenancy Policy.

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council:-

1. **AGREES** to the variation to the existing lease over portion of Crown Reserve 28058 between the City and the Wanneroo Districts Netball Association Inc to include the area proposed to be a first aid and disabled toilet building, subject to the consent of the Minister for Lands;
2. **AUTHORISES** the Mayor and Chief Executive Officer to affix the Common Seal of the City of Wanneroo and to execute a Variation of Lease, prepared by the City's solicitor at the City's expense, between the City and the Wanneroo Districts Netball Association Inc over 1 above;
3. **APPROVES** the leasing of portion of Crown Reserve 44878 at 130 Kingsway, Madeley to Wanneroo Districts Netball Association Inc for a term of five (5) years commencing on the date of practical completion of the Canteen Building, subject to the consent of the Minister for Lands; and
4. **AUTHORISES** the Mayor and Chief Executive Officer to affix the Common Seal of the City of Wanneroo to and execute a lease between the City and Wanneroo Districts Netball Association Inc over 3 above.

Attachments:

1. *Wanneroo Districts Netball Lease Area (includes proposed First Aid Building)* 12/28239
2. *Wanneroo Districts Netball Association Inc. - Canteen Building* 12/28003



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).



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Other Matters

3.17 Mindarie Regional Council - New Establishment Agreement

File Ref:	4603 – 12/29623
Responsible Officer:	Director, City Businesses
Disclosure of Interest:	Nil
Attachments:	2

Issue

To seek endorsement of a new Establishment Agreement for the Mindarie Regional Council (MRC).

Background

Following the application by the City of Stirling for an Interlocutory Injunction in the Supreme Court of Western Australia in June 2010, a mediated Heads of Agreement was reached and was considered by the Council at a Special Council Meeting on 10 August 2010 (CR01-08/10).

Since this Heads of Agreement was signed and adopted by all MRC Member Councils, all parties have acted in good faith and considerable effort has been invested in progressing the withdrawal of the City of Stirling from the Mindarie Regional Council. This has included the two major components of:

- The drafting of an Establishment Agreement to set the governing parameters for the future Membership of the MRC, led by the MRC Strategic Projects Committee (MRC SPC) Chaired by the City's Director City Businesses; and
- Undertaking the valuation process of the MRC to adjust the assets and liabilities of the MRC.

At present the process of withdrawal is nearing conclusion with the current Ministerial deadline being 31 March 2012. It is noted that a one month extension has been raised by the MRC Chief Executive Officer (MRC CEO) with both the City of Stirling's Chief Executive Office Stuart Jardine and the Minister on this issue, who have both agreed that the extension is warranted. Correspondence has been sent by the MRC CEO to the Minister formally requesting the extension.

The final draft Establishment Agreement for Council consideration is as **Attachment 1**.

Detail

The Establishment Agreement is proposed to be presented to the Minister in place of the current Constitution Agreement to address one of the requirements of section 699 (3)(b)(i) and (ii) of the *Local Government Act 1960* to facilitate the withdrawal of the City of Stirling from the MRC. The other requirement is the adjustment of assets and liabilities of the MRC, which will be considered by the MRC Council at a special meeting to be held on Wednesday 28 March 2012.

The Establishment Agreement as attached, has been drafted by Woodhouse Legal for the MRC, and has been developed, refined and finalised by Administration representatives from all Councils via the MRC Strategic Projects Committee. It is noted that a new Establishment Agreement for the MRC has been in development since 2002, however consensus has not been achieved previously for it to have been finalised for consideration and adoption.

Since the withdrawal of the City of Stirling has been initiated, the importance of a more contemporary and detailed governance framework within the Agreement has been highlighted as necessary. Many months of detailed discussions and workshopping of the draft Agreement has occurred, in particular in relation to the following matters:

- Clause 9: Dealing with a Deficit or Surplus;
- Clause 11: Winding Up;
- Clause 12: Withdrawal of a Participant; and
- Clause 14: Participant's Obligation to Deliver Waste to the MRC, including a procedure for Exemptions.

The Agreement from a City of Wanneroo Administration perspective has provisions made for many elements that are supportive of a new business direction for the regional council such as:

- Delivering or facilitating a wide range of services on regional basis (see Clause 5: Regional Purposes and Clause 6: Objectives);
- Elected Member tenure is aligned to biennial ordinary elections (see Clause 8: The Council), and allows for the appointment of Deputy members;
- Dealing with a surplus or deficit is aligned annually to the Audited Financial Reports, with a process for distribution and/or collection of funds being outlined (see Clause 9); and
- Matters such as seeking an exemption, or seeking a withdrawal or winding up of the MRC are now no longer silent, with specific processes outlined based primarily on the business impact of the action against individual members and on the MRC.

Consultation

Significant consultation has occurred between the Administrations of the six Member Councils excluding the City of Stirling, inclusive of financial and legal Officers, over nearly an 18 month timeframe.

Comment

As the new Establishment Agreement sets out the governance and the roles of the member Councils it will require consideration and adoption by each of the member councils of MRC.

During recent discussions surrounding the withdrawal process, the notion of a "Cooperative Model" was introduced by the Town of Cambridge as an alternative option in relation to the adjustment of assets and liabilities of the City of Stirling's interest in MRC. Following in-house legal investigation it is considered that the MRC is not, and could not be considered a 'Co-op' as it fails to meet the basic legal standards required for a Co-op under the *Co-operatives Act 2009* (Co-op Act). An alternative Clause 12 (See **Attachment 2**) to the Agreement was drafted by the MRC to accommodate the adjustment of MRC's assets and liabilities based on this methodology as presented by the Town of Cambridge, however the MRC SPC did not support this alternative clause, and as such it is not reflected or included within the current Agreement presented for consideration.

Administration is supportive of the adoption of the attached Establishment Agreement, having been involved intimately with its development and refinement to this final version. If Council are not supportive of this new Agreement, then an alternative recommendation is required to be adopted whereby seeking approval for a Deed of Variation of the current Constitution Agreement to be created, addressing the requirements of the sections of the *Local Government Act 1960* to enable the withdrawal of the City of Stirling.

Statutory Compliance

The Establishment Agreement is to address one of the requirements of section 699 (3)(b)(i) and (ii) of the *Local Government Act 1960* in relation to the withdrawal of the City of Stirling, and as per the Heads of Agreement reached as a mediated outcome of Interlocutory Injunction in the Supreme Court of Western Australia in June 2010.

Strategic Implications

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

“4 Governance

4.3 Deliver excellence in business performance and service provision”

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council:-

1. **SUPPORTS** in principle an Establishment Agreement in the same or similar terms to that dated March 2012 as in Attachment 1:
2. **AUTHORISES** the Mayor and the Chief Executive Officer to sign the Establishment Agreement under the Common Seal, in the event that the withdrawal and the terms of the withdrawal of the City of Stirling are agreed and finalised; and
3. In addition to 1. and 2. above **APPROVES** that a Deed of Variation of the Constitution Agreement be created by the Mindarie Regional Council, addressing the sections of the *Local Government Act 1960* required in order to enable the withdrawal of the City of Stirling in the event that one of the five remaining constituent municipalities does not resolve to approve the Establishment Agreement detailed in 1. above.

Attachments:

1. Draft Establishment Agreement 12/30381 Minuted
2. Replacement Clause 12/30536

Dated ____ March 2012

**TOWN OF CAMBRIDGE
and
CITY OF JOONDALUP
and
CITY OF PERTH
and
TOWN OF VICTORIA PARK
and
CITY OF VINCENT
and
CITY OF WANNEROO
ESTABLISHMENT AGREEMENT
OF THE
MINDARIE REGIONAL COUNCIL**

Woodhouse Legal
Solicitors & Legal Consultants
325 Rokeby Road
Subiaco WA 6008
Telephone (08) 9382 2202
Fax (08) 9382 3011
JMW:2060429

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AGREEMENT

THIS ESTABLISHMENT AGREEMENT dated 2012

BETWEEN **TOWN OF CAMBRIDGE** of 1 Bold Park Drive, Floreat, Western Australia

AND **CITY OF JOONDALUP** of Boas Avenue, Joondalup, Western Australia

AND **CITY OF PERTH** of Council House, 27 St George's Terrace, Perth, Western Australia

AND **TOWN OF VICTORIA PARK** of 99 Shepperton Road, Victoria Park, Western Australia

AND **CITY OF VINCENT** of 244 Vincent Street, Leederville, Western Australia

AND **CITY OF WANNEROO** of 23 Dundobar Road, Wanneroo, Western Australia

RECITALS

- A. The districts of City of Perth, City of Stirling and City of Wanneroo were constituted as a regional district by virtue of an Order of the Governor made under the Former Act on 22 December 1987 and published in the Government Gazette on 31 December 1987.
- B. Pursuant to the Former Act and by virtue of the Order of the Governor, a regional council was then constituted.
- C. Under a Constitution Agreement undated but stamped 21 December 1988 made between City of Perth, City of Stirling and City of Wanneroo, the Regional Council so constituted was named the Mindarie Regional Council.
- D. By an undated Deed of Variation made between, City of Perth, City of Stirling and City of Wanneroo, the Constitution Agreement was amended in the manner set out in the Deed of Variation.
- E. By a Deed of Variation dated 25 November 1996 made between City of Wanneroo, City of Stirling, City of Perth, Town of Vincent, Town of Cambridge and Town of Victoria Park, the Constitution Agreement was amended in the manner set out in that Deed. The amendments included the admission of the Town of Cambridge, Town of Victoria Park and Town of Vincent as constituent municipalities of the Regional Council. The Deed was approved by the Minister on 25 November 1996.
- F. By a Deed of Amendment dated 20 October 1999, made between the City of Perth, City of Stirling, Town of Cambridge, Town of Vincent, Town of Victoria Park, City of Joondalup and City of Wanneroo, the Constitution Agreement was amended to include the City of Joondalup and City of Wanneroo as constituent municipalities.

- G. By virtue of transitional provisions of the Act, the regional council continues as a regional local government as if it had been constituted as a regional local government under the Act.
- H. The Participants have agreed to amend the Former Constitution Agreement by revoking it and substituting it with this Establishment Agreement.
- I. The Participants have resolved on the dates referred to in Schedule 1 to enter into this Establishment Agreement and to submit it to the Minister for approval.

OPERATIVE PART

1. CONDITIONS

This Establishment Agreement is subject to and conditional upon:

- (a) the approval of the Minister to this Establishment Agreement under section 699(3)(b) of the Local Government Act 1960 (repealed) and section 3.65 of the Local Government Act 1995; and
- (b) an Order to the Governor under section 699(1) of the Local Government Act 1960 (repealed) removing the district of the City of Stirling from the regional district of the MRC.

2. FORMER CONSTITUTION AGREEMENT

The Former Constitution Agreement is revoked and substituted with this Establishment Agreement commencing on the Operative Date.

3. NAME

The name of the regional local government continues to be the Mandarie Regional Council.

Footnote:

- 1. Section 3.62(1) of the Act provides that a regional local government is a body corporate with perpetual succession and a common seal.
- 2. A regional local government has the same general function of a local government including its legislative and executive functions. See Part 3 and section 3.66 of the Act.
- 3. Except as stated in section 3.63, the Local Government Act 1995 applies to a regional local government as if:
 - (a) the participants' districts together made up a single district; and
 - (b) the regional local government were the local government established for that district.

4. REGION

The MRC is established for the Region.

5. REGIONAL PURPOSES

The regional purposes for which the MRC is established are:

- (a) to undertake the processing, recycling, treatment, sale and disposal of waste for the benefit of the communities of the Participants;

- (b) to investigate and assess the possibilities of, and the methodologies for, carrying out a range of services on a regional basis; and
- (c) to carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the purposes referred to in paragraph (a) or (b) of this clause.

Footnote:

In certain circumstances, a proposal to undertake a Regional Purpose may require the preparation of a business plan under the Act – see section 3.59.

6. OBJECTIVES

- (1) The objectives of the MRC are:
 - (a) to provide effective and cost efficient waste disposal, consistent with safeguarding all environmental elements, for the benefit of the Participants and the residents of the Region;
 - (b) to operate programmes to dispose of waste accepted by the MRC via landfill, recycling and reuse in accordance with best practice;
 - (c) to implement one or more preferred waste treatment methods, including landfill, and waste-to-energy either separately, or with others, for treatment of at least that waste generated within the Region;
 - (d) to support initiatives to minimise waste-at-source generation through interaction with government, industry groups and the community;
 - (e) to establish business systems necessary for the ongoing management of the MRC's business;
 - (f) to obtain the appropriate level of resources, financial and physical, for the operation of the MRC's business activities; and
 - (g) to use best endeavours to operate effectively and efficiently, to be self-funding and to be responsible for the raising of any necessary capital or loans to meet its needs independent of the Participants.
- (2) No failure or alleged failure of the MRC to meet any of the objectives set out in subclause (1) is to preclude any of the Participants from meeting its obligations under this Agreement or otherwise give rise to any claim or entitlement on its part.

7. DEFINITIONS

In this Establishment Agreement, unless the contrary intention appears:

“Act” means the Local Government Act 1995;

“annual financial report” means the annual financial report which is audited and submitted to the Departmental CEO;

“CEO” means chief executive officer;

“Deficit”, for a financial year, means the amount, if any:

- (a) by which the expenses of the MRC exceeds the revenues and other income of the MRC; and
- (b) which is shown as such in the annual financial report of the MRC, for that year;

"Departmental CEO" means the chief executive officer of the department assisting the Minister to administer the Act;

"Fees Proportion", in relation to a Participant and for any financial year, is the proportion which the amount of the fees and charges paid by that Participant to the MRC for acceptance by the MRC of the Participant's waste, in that year, bears to the amount of the fees and charges paid by all of the Participants to the MRC for acceptance by the MRC of the Participants' waste, in that year;

"Former Constitution Agreement" means the constitution agreement undated but stamped 23 December 1988 as amended by the subsequent deeds referred to in Recitals D, E and F;

"Minister" means the Minister of the Crown to whom the administration of the Act is for the time being committed by the Governor and includes a Minister of the Crown for the time being acting for or on behalf of the Minister;

"MRC" means the Mirdarie Regional Council;

"MRC Council" means the council of the MRC;

"Operative Date" means the date upon which the Governor, by Order, removes the district of the City of Stirling from the regional district of the Mirdarie Regional Council;

"Participants' Surplus Reserve Account" means any reserve account established and maintained by the MRC for an express purpose which permits the use of the money in the reserve account to meet the amount of any Deficit or any part of a Deficit;

"Participant's waste" means waste which is:

- (a) collected or received by a Participant from the Region; or
- (b) generated by the operations of a Participant;

but excludes:

- (i) waste which is solely or predominantly comprised of liquid;
- (ii) sewage; or
- (iii) waste which is:
 - (A) placed, for collection by the Participant, in a receptacle intended for the deposit of glass, plastics, metals, paper or cardboard, separate from other waste; and
 - (B) collected or received by a Participant from the Region; or

- (iv) waste which is:
 - (A)(1) placed, for collection by the Participant, in a receptacle intended for the deposit for vegetative waste from gardens, trees or lawns, separate from other waste; and
 - (2) collected or received by the Participant from the Region; or
 - (B) vegetative waste from gardens, trees or lawns collected separately by the Participant from other waste;
- (v) waste which is produced by the processing or recycling of any waste referred to in paragraphs (i), (ii), (iii) and (iv) including any residual waste remaining after that processing or recycling;

“Participants” means Town of Cambridge, City of Joondalup, City of Perth, Town of Victoria Park, City of Vincent, and City of Wanneroo and “Participant” is a reference to any one of them;

“Region” means the districts of the Participants;

“Regional Purpose” means any regional purpose referred to in clause 5;

“Surplus”, for a financial year, means the amount, if any:

- (a) by which the revenues and other income of the MRC exceeds the expenses of the MRC; and
- (b) which is shown as such in the annual financial report of the MRC, for that year;

“waste” means matter which is:

- (a) discarded, rejected, abandoned, unwanted or surplus, whether or not intended for sale or for recycling; reprocessing, recovery or purification by a separate operation from that which produced the matter; or
- (b) prescribed under the Waste Avoidance and Resource Recovery Act 2007 to be waste.

8. THE COUNCIL

8.1 Appointment of members

- (1) Each Participant is to appoint a member or members of the council of the Participant to be a member of the MRC Council, in the numbers set out in Schedule 2.
- (2) The members of the MRC Council appointed immediately prior to the Operative Date are to remain in office after the Operative Date.
- (3) A Participant may terminate an appointment made under subclause (1) at any time.

Footnote:

Section 3.62(b) of the Act provides that a regional local government is to have, as its governing body, a council established under the Establishment Agreement and consisting of members of the councils of the participants.

8.2 Tenure of members of the MRC Council

A member of the MRC Council is to hold office until:

- (a) the appointment of the member is terminated by the Participant;
- (b) the member ceases to be a member of the council of the Participant;
- (c) the commencement of the first meeting of the MRC Council following the day on which the biennial ordinary election to elect councillors of the Participant which appointed that member, is held; or
- (d) the 35th day after the day on which the next biennial ordinary election to elect councillors of the Participant which appointed that member, is held under the Act,

whichever is the earlier.

Footnote:

Sections 2.32 and 2.33 of the Act set out circumstances in which the office of a member of a council becomes vacant.

8.3 Election of chairman and deputy chairman

- (1) The members of the MRC Council are to elect a member to fill the offices of chairman and deputy chairman:
 - (a) at the first meeting of the MRC Council following the day on which biennial ordinary elections to elect councillors to the Participants are held; or
 - (b) if those biennial ordinary elections are held on more than one day then at the first meeting of the MRC Council following the latest of those days;
- (2) If the office of chairman or deputy chairman becomes vacant then the members of the MRC Council are to elect a new chairman or deputy chairman, as the case requires.
- (3) The election referred to in subclause (2) is to take place at a meeting held at least 4 weeks after the date on which the office became vacant.
- (4) The election of the chairman is to be conducted by the CEO and the election of the deputy chairman is to be conducted by the chairman, in accordance with the procedure prescribed under the Act for the election of a mayor or deputy mayor, respectively, by a council.
- (5) The chairman and deputy chairman appointed immediately prior to the Operative Date are to remain in office after the Operative Date.

8.4 Term of office of chairman and deputy chairman

The term of a person holding the office of chairman or deputy chairman begins when the person is elected to the office and ends when the chairman or deputy chairman, as the case may be is next elected under clause 8.3.

8.5 Role of chairman

The chairman:

- (a) presides at meetings of the MRC Council;
- (b) carries out civic and ceremonial duties on behalf of the MRC;
- (c) speaks on behalf of the MRC;
- (d) performs such other functions as are given to the chairman by the Act, any other written law or this Agreement; and
- (e) liaises with the CEO on the MRC's affairs and the performance of its functions.

Footnotes:

1. The role of the MRC Council is set out in section 2.7 of the Act.
2. The functions of the CEO are set out in section 5.41 of the Act.
3. The chairman may agree to the CEO speaking on behalf of the MRC - see section 5.41(f) of the Act.

8.6 Role of deputy chairman

- (1) The deputy chairman performs the functions of the chairman when authorised to do so under this clause.
- (2) If:
 - (a) the office of chairman is vacant; or
 - (b) the chairman is not available or is unable or unwilling to perform the functions of chairman,
 then the deputy chairman may perform the functions of chairman.

8.7 Role of members of MRC Council

A member of the MRC Council:

- (a) represents the interests of the ratepayers and residents of the Region;
- (b) facilitates communication between the community of the Region and the MRC Council;
- (c) participates in the MRC's decision-making processes at meetings of the MRC Council and its committees; and

- (d) performs such other functions as are given to the member by the Act or any other written law.

8.8 Deputy members

- (1) A Participant may:
 - (a) appoint a member of the council of the Participant to be a deputy of a member of the MRC Council; and
 - (b) terminate the appointment at any time.
- (2) A deputy of a member of the MRC Council may attend a meeting of the MRC Council when the member is unable to do so by reason of illness, absence or other cause.
- (3) A deputy of a member, when attending as a member under subclause (2), has the functions of, and all the protections given to, a member.
- (4) A person must not concurrently hold office as a deputy of more than one member of the MRC Council.

9. DEALING WITH A DEFICIT OR SURPLUS

9.1 Application of clause

This clause 9 applies only to the financial year which ends after the Operative Date.

9.2 Where a Deficit occurs

If a Deficit occurs then the Participants must pay to the MRC, in their respective Fees Proportions:

- (a) the amount of the Deficit; less
- (b) any amount in the Participants' Surplus Reserve Account as shown in the annual financial report of the MRC for the financial year to which the Deficit relates,

and, for the purpose of clause 11.4(1)(a), the capital contribution of each Participant is taken to be reduced by the Participant's Fees Proportion of the amount referred to in paragraph(b).

9.3 Time for payment

Each Participant must pay to the MRC the amount payable by that Participant under clause 9.2:

- (a) within 3 months after the date on which the annual financial report is submitted to the Departmental CEO; or
- (b) at any earlier time agreed by the Participants; or

- (c) at any later time decided by the MRC and notice of which is given to the Participants.

9.4 Late payment

If a Participant fails to pay the amount referred to in clause 9.2 on or before the due date for payment then, in addition to the amount, the Participant must pay to the MRC interest on the amount at the overdraft rate charged by the MRC's bank on sums of the same size as the unpaid amount calculated from and including the due date to but excluding the actual date of payment.

9.5 Determination of Fees Proportions

For the purpose for determining the Fees Proportion, in relation to a Participant for any financial year, the amount of fees and charges paid by each of the Participants to the MRC for the acceptance by the MRC of a Participant's waste, is to be as shown in the annual financial report of the MRC or, if not shown in that report, then as advised by the MRC.

9.6 Where a Surplus occurs

If a Surplus occurs then, for the purpose of clause 11.4(1)(a), the capital contribution of each Participant is taken to be increased by the Participant's Fees Proportion of that amount.

9.7 Dealing with a Surplus which is paid

If, following any financial year, a Surplus for that year or any part of that Surplus is paid by the MRC to the Participants, then it is to be distributed to the Participants in the proportions set out in Schedule 3 and, for the purpose of clause 11.4(1)(a), the capital contribution of a Participant is taken to be reduced by the amount distributed to that Participant.

10. CONTRIBUTIONS TO THE ACQUISITION OF LAND

10.1 Proportions for contributions

Where the MRC Council determines that the Participants are to make contributions towards the acquisition of land then the Participants must make those contributions in the proportions set out in Schedule 3.

10.2 Capital contributions

For the avoidance of doubt, contributions paid under clause 10.1 are to be taken to be capital contributions for the purpose of clause 11.4(1)(a).

11. WINDING UP

11.1 Winding up by agreement

The Participants may agree in writing that MRC is to be wound up.

11.2 Direction to be given to the MRC

Where an agreement is made under clause 11.1, the Participants are to give to the MRC a written direction that the MRC is to commence to wind up its affairs and undertaking.

11.3 Regional Purposes limited to winding up

Commencing on the date on which a direction referred to in clause 11.2 is given to the MRC, the MRC continues to be established for the Regional Purposes but only so far as is necessary to enable the MRC to wind up its affairs and undertaking.

11.4 Division of assets

(1) If the MRC is to be wound up and there remains, after satisfaction of all of its debts and liabilities, any property and assets of the MRC then the property and assets are to be realised and:

- (a) the proceeds, along with any surplus funds are to be used to repay to the Participants their respective capital contribution as shown in the accounting records of the MRC; and
- (b) the balance, if any, is to be divided among the Participants in the proportions set out in Schedule 3.

(2) For the avoidance of doubt, for the purposes of subclause (1), the capital contributions of the Participants do not accrue interest.

11.5 Division of liabilities

If the MRC is to be wound up and there remains any liability or debt in excess of the realised property and assets of the MRC then the liability or debt is to be met by each of the Participants in the proportions set out in Schedule 3.

12. WITHDRAWAL OF A PARTICIPANT**12.1 Definitions**

In this clause 12:

"CEOs" means the chief executive officers of the Participants;

"Initial Period", in relation to a Participant which gives notice under clause 12.2, means a period of one month commencing on the date on which Participant gives the notice;

"Second Period", in relation to a Participant which gives notice under clause 12.2, means a period of 2 months commencing on the day following the expiry of the Initial Period;

"Withdrawal Period", in relation to a Participant which gives notice under clause 12.2, means a period of 15 months commencing on the date on which the Participant gives the notice.

12.2 Notice by a Participant wishing to withdraw

A Participant wishing to withdraw from the MRC must give to each of the other Participants and to the MRC, notice in writing of its wish to do so.

12.3 Procedure to be followed by the CEOs

- (1) As soon as practicable after a Participant has given notice under clause 12.2, the Participants are to cause a meeting to be held between the CEOs at which the CEOs are to endeavour to reach agreement on a timetable for:
 - (a) the preparation of:
 - (i) a valuation of the assets and liabilities of the MRC; and
 - (ii) a business impact statement with respect to the impact of a withdrawal of the Participant on the business and affairs of the MRC; and
 - (b) further meetings of the CEOs.
- (2)(a) If the CEOs agree in writing on a timetable referred to in subclause (1), then the CEOs are to implement the agreed timetable with a view to each of them preparing a recommendation to their respective councils concerning the proposed withdrawal and the terms on which a withdrawal might be agreed.
- (b) The Participant which has given notice under clause 12.2 must meet the cost of the preparation of the valuation referred to in subclause (1).
- (3) If the CEOs do not agree in writing on a timetable within the Initial Period, then the dispute is to be submitted to mediation during the Second Period in accordance with, and subject to, The Institute of Arbitrators & Mediators Australia Mediation and Conciliation Rules.
- (4) If the CEOs fail to agree on a timetable referred to in subclause (1) by the end of the Second Period then the Participants have no further obligations to one another under this clause 12.3.

12.4 Withdrawal only by written agreement

A Participant may only withdraw from the MRC in accordance with an agreement in writing between the Participants which agreement specifies the matters referred to in clause 12.5 and which takes effect under clause 12.5.

12.5 Requirements of agreement

An agreement under clause 12.4:

- (a) is to specify the agreed date on which the withdrawal of the Participant is to take effect;
- (b) is to specify the agreed amount to be paid to or by the withdrawing Participant; and

- (c) does not take effect unless the other Participants have agreed in writing to vary the establishment agreement so as to provide for the determination of the contributions to be made by those Participants to the funds of the MRC and for either:
- (i) the alteration of the number of members of the MRC Council; or
 - (ii) the alteration of the number of members of the MRC Council to be appointed by one or more of those Participants.

12.6 Restriction on giving another notice

A Participant which has given notice under clause 12.2 is not entitled to give another notice under that clause until the Withdrawal Period has elapsed.

12.7 Clause 15 not to apply

Any failure by the Participants to reach agreement under this clause is not to be treated as a dispute for the purpose of clause 15.

Footnote:

Disputes between local governments may be referred to the Minister for resolution under section 9.6.3 of the Act.

13. BORROWINGS

Part 6, Division 5, Subdivision 3 of the Act is to apply.

Footnote:

1. Section 3.66(4) of the Act provides that Part 6, Division 5, Subdivision 3 does not apply in relation to a regional local government unless the Establishment Agreement provides that it does.
2. Part 6, Division 5, Subdivision 3 of the Act deals with borrowings and includes the power to borrow and restrictions on borrowings.

14. PARTICIPANTS' OBLIGATION TO DELIVER WASTE TO THE MRC

14.1 Delivery of Participant's waste

A Participant must deliver the Participant's waste to the MRC and to any person with whom the MRC has entered into a contract for the receipt of the Participant's waste, at any location notice of which is given to the Participant by the MRC.

14.2 MRC may give exemption

The Participants agree to abide by any decision made by the MRC Council pursuant to clause 14.3 to grant to a Participant an exemption from the Participants' obligation under clause 14.1.

14.3 Procedure for exemptions

- (1) A Participant which wishes to be exempted from an obligation under clause 14.1, must give to the other Participants and to the MRC, a notice in writing which meets the requirements of subclause (2).
- (2) A notice given under subclause (1) must:

- (a) set out a description of those portions of the Participant's waste for which the exemption is requested;
 - (b) state the requested exemption period;
 - (c) specify the reasons for the request; and
 - (d) request the MRC to prepare, and give to all of the Participants, a business impact statement with respect to the requested exemption including its expected financial impact on the business and affairs of the MRC.
- (3) Within 2 months after receiving the business impact statement from the MRC referred to in subclause (2)(d), any of the other Participants are entitled to give to the MRC, the other Participants and the Participant which requested the exemption, a response to the requested exemption.
- (4) After the 2 month period referred to in subclause (3) has ended, the MRC Council may:
- (a) grant an exemption in accordance with subclause (5); or
 - (b) refuse the request.
- (5) A decision by the MRC Council to grant an exemption must set out:
- (a) the period of the exemption;
 - (b) a description of the exempted portion of the Participant's waste; and
 - (c) any conditions imposed on the exemption.

14.4 Exemptions under the Former Constitution Agreement

Notwithstanding the revocation of the Former Constitution Agreement under clause 2, an exemption which is:

- (a) granted under the Former Constitution Agreement; and
- (b) in effect immediately before the Operative Date,

continues in effect, according to its terms, as if it were an exemption granted under clause 14.2.

15. DISPUTE RESOLUTION

15.1 No proceedings

A party must not start arbitration proceedings in respect of a dispute arising out of this Agreement ("Dispute") unless it has complied with this clause.

15.2 Notification of Dispute

A party claiming that a Dispute has arisen must notify the other parties to the Dispute giving details of the Dispute.

15.3 Reasonable efforts to resolve Dispute

- (1) During the 14 day period after a notice is given under clause 15.2 (or longer period agreed in writing by the parties) ("**Negotiation Period**"), the parties must use their reasonable efforts to resolve the Dispute.
- (2) Within the first 7 days of the Negotiation Period, if the Dispute continues, the CEOs of the parties and the CEO of the MRC, must meet, and use their reasonable endeavours to resolve the Dispute.

15.4 Dispute resolution process

If the Dispute is not resolved within the Negotiation Period, the parties must meet and endeavour to agree on:

- (a) a process for resolving the Dispute other than by litigation or arbitration (such as by further negotiations, mediation, conciliation or expert determination);
- (b) the procedure and timetable for any exchange of documents and other information relating to the Dispute;
- (c) the procedural rules and timetable for the conduct of the selected mode of proceeding;
- (d) a procedure for the selection and compensation of any independent persons engaged by the parties to assist in resolution of the Dispute; and
- (e) whether or not the parties are to seek the assistance of a dispute resolution organisation.

15.5 Arbitration

If the Parties are unable to agree on a process for resolving the Dispute in accordance with clause 15.4 within 21 days after the Negotiation Period then any party may notify the others in writing ("**arbitration notice**") that it requires the Dispute to be referred to arbitration and, upon receipt of the arbitration notice by the recipients the Dispute is to be referred to arbitration under and in accordance with the provisions of the Commercial Arbitration Act 1985.

15.6 Legal representation

For the purposes of the Commercial Arbitration Act 1985, the Participants consent to each other and to the MRC being legally represented at any such arbitration.

16. INTERPRETATION**16.1 Interpretation**

In this Establishment Agreement, unless the contrary intention appears:

- (a) words importing the singular include the plural and vice versa;
- (b) words importing any gender include the other genders;
- (c) references to persons include corporations and bodies politic;
- (d) references to a person include the legal personal representatives, successors and assigns of that person;
- (e) a reference to a statute, planning scheme, or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any other legislative authority having jurisdiction);
- (f) references to this or any other document include the document as varied or replaced, and notwithstanding any change in the identity of the parties;
- (g) references to writing include any mode of representing or reproducing words in tangible and permanently visible form;
- (h) an obligation of two or more parties binds them jointly and severally;
- (i) if a word or phrase is defined other parts of speech and grammatical forms of that word or phrase have corresponding definitions;
- (j) references to a person or body which has ceased to exist or has been reconstituted, amalgamated, reconstructed or merged, or the functions of which have become exercisable by any other person or body in its place, are to be taken to refer to the person or body established or constituted in its place or by which its functions have become exercisable;
- (k) an obligation incurred in favour of two or more parties is enforceable by them jointly and severally;
- (l) reference to any thing (including any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them;
- (m) reference to a month and cognate terms means a period commencing on any day of a calendar month and ending on the corresponding day in the next succeeding calendar month but if a corresponding day does not occur in the next succeeding calendar month the period ends on the last day of the next succeeding calendar month;
- (n) includes means includes without limitation; and
- (o) references to this Establishment Agreement include its schedules.

16.2 Headings and footnotes

Headings and footnotes are to be ignored in construing this Establishment Agreement.

16.3 Time

- (1) References to time are to local time in Perth, Western Australia.
- (2) Where time is to be reckoned from a day or event, that day or the day of that event is to be excluded.

Footnotes:

Amendment of Establishment Agreement

1. The Participants may amend this Establishment Agreement by agreement made with the Minister's approval - see section 3.65(1) of the Act.

Admission of other local governments

2. This Establishment Agreement can be amended to include another local government as a party to the amending agreement - see section 3.65(2) of the Act.

SCHEDULE 1

Participant	Date of resolution to enter into this establishment agreement
Town of Cambridge	
City of Joondalup	
City of Perth	
Town of Victoria Park	
City of Vincent	
City of Wanneroo	

SCHEDULE 2

Participant	Number of Councillors
Town of Cambridge	1
City of Joondalup	2
City of Perth	1
Town of Victoria Park	1
City of Vincent	1
City of Wanneroo	2

SCHEDULE 3

Participant	Proportion
Town of Cambridge	$\frac{1}{8}$ th
City of Joondalup	$\frac{1}{4}$ th
City of Perth	$\frac{1}{8}$ th
Town of Victoria Park	$\frac{1}{8}$ th
City of Vincent	$\frac{1}{8}$ th
City of Wanneroo	$\frac{1}{4}$ th

EXECUTED by the parties

THE COMMON SEAL of TOWN OF CAMBRIDGE was hereunto affixed in the presence of:

Mayor

Chief Executive Officer

THE COMMON SEAL of CITY OF JOONDALUP was hereunto affixed in the presence of:

Mayor

Chief Executive Officer

THE COMMON SEAL of CITY OF PERTH was hereunto affixed in the presence of:

Lord Mayor

Chief Executive Officer

THE COMMON SEAL of TOWN OF VICTORIA PARK was hereunto affixed in the presence of:

Mayor

Chief Executive Officer

THE COMMON SEAL of CITY OF VINCENT was hereunto affixed in the presence of:

Mayor

Chief Executive Officer

THE COMMON SEAL of CITY OF WANNEROO)
was hereunto affixed in the presence of:)
)

Mayor

Chief Executive Officer

12. WITHDRAWAL OF A PARTICIPANT**12.1 Notice by a Participant wishing to withdraw**

- (1) A Participant which wishes to withdraw from the MRC must give to each of the other Participants and to the MRC, notice in writing of its wish to do so.
- (2) Notice under subclause (1) can only be given between 1 July and 31 December in any year.

12.2 When withdrawal to take effect

The withdrawal of a Participant is to take effect on the commencement of the financial year after the financial year in which notice of withdrawal under clause 12.1 is given.

12.3 Entitlement of withdrawing Participant

A Participant which has withdrawn from the MRC is entitled to payment of the total of the following amounts:

- (a) the capital contribution of that Participant as shown in the accounting records of the MRC; and
- (b) the Participant's proportion, as set out in Schedule 3, of the Participants' Surplus Reserve Account.

12.4 Time for payment

The total amount referred to in clause 12.3 is to be paid within 3 months after the withdrawal takes effect.

12.5 Participants may be required to make payment

If the MRC fails to pay the total amount referred to in clause 12.3 within 2 months after the withdrawal takes effect, then each Participant (other than the Participant which has withdrawn) is to pay a proportion of the total amount which proportion is to be determined in accordance with the following formula:

Participant's proportion = A divided B

Where:

A is the Participant's proportion as set out in Schedule 3;

B is the total of the proportions of the Participants (other than the Participant which has withdrawn) as set out in Schedule 3.

Infrastructure

Traffic Management

3.18 PT01-11/11 - Request Removal of Business Advertising on Ocean Reef Road and Traffic Calming on Shiraz Boulevard, Pearsall

File Ref: 3120 – 12/14795
Responsible Officer: Director Infrastructure
Disclosure of Interest: Nil
Attachments: 2

Issue

To consider a multi-signature complaint about unsightly advertising on the walls of businesses in Wangara Industrial Estate facing Ocean Reef Road and vehicles speeding on Shiraz Boulevard, Pearsall.

Background

Council received a multi signature letter in the form of a petition PT01-11/11 at its meeting of 13 December 2011. The letter has been signed by 23 residents and is addressed to the Deputy Lord Mayor. It reads:

"I would like to lodge a complaint about unsightly advertising on the walls of businesses in Wangara Industrial Estate Ocean Reef Road, and speeding vehicles on Shiraz Boulevard, Pearsall.

In these days of computer based advertising, websites, Yellow pages and newspapers I feel that there is no need for the unsightly adverts which are emblazoned on the walls of factories which back onto Ocean Reef Road creating a blackboard jungle which adds to the existing graffiti eyesore we long suffering residents of Pearsall are having to put up with.

With respect to comments which have been made about some candidates who are running for election while not even residing in the City of Wanneroo, I would suggest that the same could be said of many of the property owners in the Industrial Estate, they do not have to look at the adverts on their walls day in and day out as we do.

I sincerely hope that negotiations will commence as soon as possible to terminate the right to advertise in this way and for the removal of the existing unsightly blots on the horizon of Shiraz Boulevard residents, and future applications for this form of advertising should be denied by Council.

I suggest that there are many suitable dense fast growing native shrubs which could conceal the graffiti on these walls denying the perpetrators the ability to display their art form and at the same time substantially beautifying the area.

The mentality which says that because Wangara was here before Pearsall that we need to remain the poor relations on a first come first served basis needs to be changed, please help us to enhance the elegant expensive sounding name "Boulevard" so that it is not just in name only.

We need a wall to deflect the traffic noise, dense shrubbery to beautify the verge and traffic calming devices to slow down the hoons, then this street could indeed be on the way to becoming a Boulevard"

Refer to **Attachment 1** for a location plan of the subject area.

Detail

Signage

Administration has conducted a comprehensive investigation of signs adjacent to the residential estate fronting Ocean Reef Road in the locality of Wangara. The signage which was investigated included all advertisements on buildings from the intersection of Ocean Reef Road and Wanneroo Road, east, until the intersection of Ocean Reef Road and Brady Street in Wangara. In total, 23 signs were investigated to ensure compliance with the City of Wanneroo's District Planning Scheme No. 2 (DPS 2) and Signs Local Planning Policy (LPP).

As per the City of Wanneroo's Signs LPP, any 'wall sign' which is larger than 8m² or 25% of the total size of the wall (whichever is smallest) must have Planning Approval from the City. Nine of the 23 signs/advertisements required Planning approval under DPS 2 as they were over the criteria for being 'exempt' under the Scheme, although no relevant planning approvals had been granted for those signs.

The landowner of each property where the unauthorised signs were attached was sent a letter highlighting the requirements of DPS 2 and were provided 28 days to comply with the Scheme requirements. The landowners were given the option of removing, altering the sign so that it complied with DPS2 and the Signs LLP, or applying for retrospective approval for the sign. Eight of the nine non compliant signs/advertisements have since been altered or removed, and one landowner is currently in the process of seeking approval and has lodged a development application with the City for consideration.

Traffic

In accord with Agreed Structure Plan No.6 for East Wanneroo Cell 4 – Hocking/Pearsall (**Attachment 2** refers), Shiraz Boulevard has been constructed as a Local Access Road with a sealed pavement varying in width between 6 and 7 metres in an 20m wide road reserve. The road operates under the default 'built-up area' speed limit of 50km/h.

The following traffic data for Shiraz Boulevard was collected during the week commencing 26 October 2011:

Traffic Data Definitions

AWT - average weekday traffic

vpd - vehicles per day

85 percentile speed – the speed at or below which 85% of vehicles are travelling.

20km/h Pace – the 20km/h speed range in which the majority of vehicles are travelling

% in Pace – percentage of total vehicles travelling within the 20km/h Pace range

Shiraz Boulevard – East of Zingarello Street

AWT – 1,648 vpd

85 percentile speed – 64 km/h

Max speed – 111 km/h

20km/h Pace – 46 – 66 km/h

% in Pace – 73.2%

Shiraz Boulevard – West of Voyager Link

AWT – 1,106 vpd

85 percentile speed – 60 km/h

Max speed – 103 km/h

20km/h Pace – 42 – 62 km/h

% in Pace – 73.6%

Crash data provided by MRWA from the WA Police record that there has been one reported accident on Shiraz Boulevard during the five years 2006 to 2010.

The accident is recorded as 'Out of Control' and resulted in the vehicle leaving the road and colliding with a parked car.

Consultation

No public consultation was undertaken in the preparation of this report.

Comment

Signage

Administration is currently reviewing the City's Signs Local Planning Policy (LPP) and will consider the complainants request in relation to the termination of the right to advertise along Ocean Reef Road and other major arterial roads when reviewing this policy. However, at this point, local businesses within the Wangara Industrial area (and other areas of the City) are able to advertise their business without seeking Council approval where the signage complies with the LPP.

Traffic

With respect to the issue of traffic noise, the Western Australian Planning Commission (WAPC) has developed a policy document in relation to noise from transportation corridors entitled *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Consideration in Land Use Planning* (Transport Noise Policy). The objectives of the Transport Noise Policy are to:

- Protect people from unreasonable levels of transport noise by establishing a standardised set of criteria to be used in the assessment of proposals;
- Protect major transport corridors and freight operations from incompatible urban encroachment;
- Encourage best practice design and construction standards for new development proposals and new or redevelopment transport infrastructure proposals;
- Facilitate the development and operation of an efficient freight network; and
- Facilitate the strategic co-location of freight handling facilities.

With regard to road traffic noise, the Policy applies only to major roads, which are defined as one of the following:

- State roads and national highways;
- Urban primary distributors, as described on the metropolitan functional road hierarchy network;
- Other urban roads carrying more than 20,000 vehicles per day;
- Other rural primary distributors carrying more than 5,000 vehicles per day; and
- Primary freight roads in the Perth metropolitan region, southwest region or statewide.

As traffic volumes on Ocean Reef Road, east of Wanneroo Road, are currently in excess of 25,000 vehicles per day the City in response to an earlier enquiry has already engaged the services of a sound consultancy to conduct a Transport Noise Assessment to determine if noise abatement works along Ocean Reef Road are required.

In regard to the issue of 'hooning' Shiraz Boulevard has been assessed in accordance with the City's Traffic Management Investigation and Intervention Policy (TM Policy) in order to determine if traffic management works are justified and their priority. The TM Policy assesses roads against the following criteria:

- Speed
- Traffic volumes
- Crash history
- Road design and topography
- Vulnerable road users - Pedestrians/Cyclists

In assessing the current road layout, the TM Policy requires a score of > 60 to qualify for traffic management treatments, while scores between 30 and 60 points warrant increased attention to law enforcement and driver education. The assessment for Shiraz Boulevard achieved scores of 71 and 35 respectively, based primarily on speed and percentage of commercial vehicle use. It should be noted that the current high level of commercial vehicle use acknowledges the ongoing land development and housing construction still ongoing within the area.

The locality of Pearsall and the area adjacent to Shiraz Boulevard continues to undergo significant change in accordance with the City's District Town Planning Scheme and Agreed Structure Plan No.6 (ASP6) covering East Wanneroo Cell 4. In accord with the City's TM Policy), the City would not normally consider Shiraz Boulevard for traffic management treatment until such time as the adjacent land is fully developed and occupied. The purpose of this condition is to prevent the wasteful and costly installation of traffic treatments that may ultimately be inappropriate or that may compromise the function of the road when the area is fully developed.

Among the changes still to occur in the adjacent area, in accord with ASP6, is the realignment of Lenore Road to the east to intersect with Ocean Reef Road, at the Hartman Drive intersection, and the extension of Kemp Street to intersect with Lenore Road. These changes will result in Shiraz Boulevard no longer directly connecting to Lenore Road and Kemp Street attracting traffic away from Shiraz Boulevard. Consequently, Administration considers the early construction of traffic management treatments ahead of significant road network changes, as requested in the letter, cannot be justified ahead of other projects already listed in the 10YCWP. It is recommended that a further review be undertaken six months after the opening of the Lenore Road realignment.

The issue of speeding is considered a police issue. While the City is concerned for the safety of its residents, its authority and responsibility is limited to the safe construction and maintenance of its roads. Individual drivers have the responsibility to drive within the State road rules. If drivers choose to disregard those rules, the only organisation with the authority to enforce compliance is the WA Police.

Statutory Compliance

Nil

Strategic Implications

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

- “2 Social
2.4 Improve community safety”

Policy Implications

The City's Traffic Management Investigation and Implementation Policy is applicable to this petition.

Financial Implications

In 1999 and 2000 Council endorsed the recommendation of four Traffic Management Studies for:

- West Wanneroo
- East Wanneroo
- Alexander Heights
- Quinns Rocks

10 years later there are still 25 projects with an estimated cost of \$1,900,000 still to be undertaken

The City's Traffic Management Investigation and Implementation Policy was developed to assist Council in managing the allocation of resources to the many requests the City receives for traffic management. By considering a range of criteria it endeavours to separate those roads where issues are considered systemic and need action by the Council from those where opportunistic 'hoons' are creating isolated issues better handled by police enforcement.

Currently, the City's 10-Year Capital Works Program (10YCWP) allocates approximately \$600,000 of municipal funds to traffic treatments each year. While speeding does occur on Shiraz Boulevard, Administration considers the early construction of traffic management treatments ahead of significant changes to the local road network cannot be justified ahead of other projects already listed in the 10YCWP.

Voting Requirements

Simple Majority

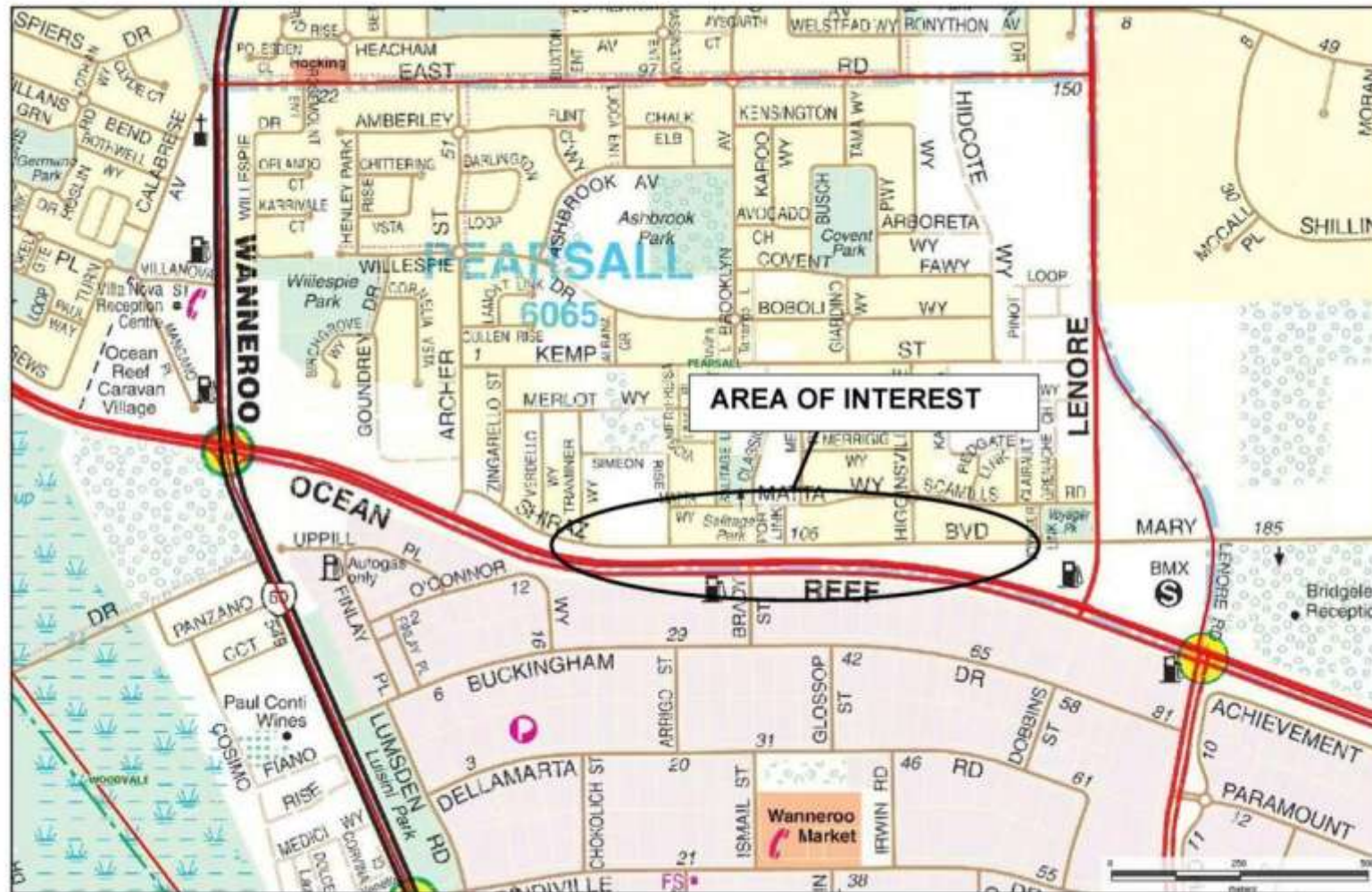
Recommendation

That Council:-

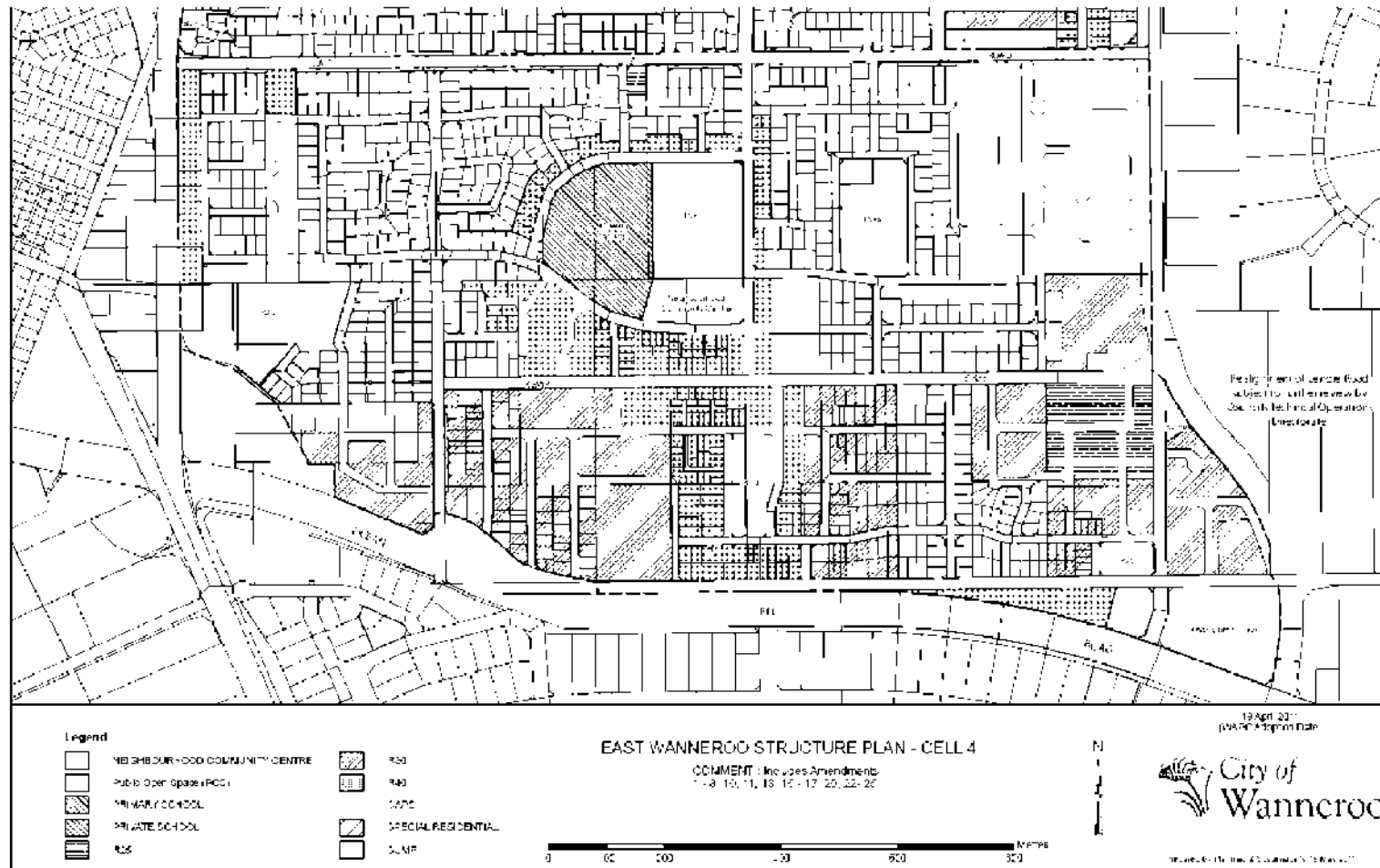
1. **NOTES** that Administration is currently undertaking a Transport Noise Assessment of Ocean Reef Road in the vicinity of Shiraz Boulevard;
2. In accordance with the City's Traffic Management Investigation and Intervention Policy **DOES NOT APPROVE** the installation of traffic management treatments along Shiraz Boulevard, at this time;
3. **NOTES** that Administration will undertake another assessment of Shiraz Boulevard in accordance with the City's Traffic Management Investigation and Intervention Policy, six months after the completion of the Lenore Road realignment between Ocean Reef Road and Kemp Street Pearsall; and
4. **ADVISES** the multi-signature letter (PT01-11/11 refers) organiser of Council's decision;

Attachments:

1. Location plan 12/29310
2. Agreed Structure Plan - Cell 4 12/29309



LOCATION MAP – SHIRAZ BOULEVARD, PEARSALL



ASP6 – EAST WANNEROO CELL 4 - PEARSALL

Other Matters

3.19 Request from Eventscorp Western Australia for a Contribution Towards the Provision of a Bus Turnaround Facility at the Barbagallo Raceway

File Ref: 2281 – 12/30129
Responsible Officer: Director Infrastructure
Disclosure of Interest: Nil
Attachments: 1

Issue

To consider a further request from Eventscorp Western Australia (Eventscorp) for further funding towards the provision of a bus turnaround facility at the Barbagallo Raceway to accommodate the requirements of the Public Transport Authority (PTA).

Background

Council considered a request from Eventscorp at its meeting on 6 March 2012, (Item No UB01-03/12 refers) for assistance with the construction of bus turnaround and storage facility to accommodate the requirements of PTA to enable a free public transport service to the V8 Supercar event and resolved as follows:

- “1. APPROVES a contribution towards the provision of bus turnaround/storage facilities for Barbagallo Raceway, as shown on Attachments 1 and 2, by transporting and carting to the sites, limestone pavement material removed from the existing section of Pinjar Road between Caporn Street and Messini Drive as part of the Pinjar Road Redevelopment Project; and
2. ADVISES Eventscorp WA and WA Sporting Car Club Inc of the Council's Decision.”

Eventscorp was advised of this resolution on 7 March 2012 and in subsequent discussions it was agreed that the limestone material should only be provided to the bus turnaround/storage facility at the Barbagallo Raceway location at the end of Mather Drive. The limestone material has been transported and stockpiled at this site.

Detail

Eventscorp has written to Council seeking a further contribution of \$60,000 towards the bus turnaround/storage facility at Barbagallo Raceway (Refer Attachment 1). This figure relates to the estimated cost for the City to construct a facility at the Pinjar Park tip site, as outlined in Item No UB01-03/12. The estimated cost of constructing a similar standard facility at the Barbagallo Raceway site is \$50,000.

As Eventscorp is now seeking a contribution towards the Barbagallo Raceway site, the total would then be \$50,000, not the \$60,000 as requested.

The City has already provided the limestone sub-base material to the site at an estimated cost of \$4,000, therefore the maximum contribution that should be considered by Council for the provision of this facility is \$46,000.

Consultation

Nil

Comment

Eventscorp has suggested that should funds not be available in the current budget, it will arrange, in conjunction with the Wanneroo Sporting Club Inc., the construction of the facility with reimbursement through the 2012/2013 budget. This would suggest that funds are available through the Barbagallo Raceway redevelopment project to accommodate these works.

The contribution of \$46,000 by Council to Eventscorp is not supported as it is considered that these funds could provide better value to the community by expenditure on improved or expanded services.

Statutory Compliance

Nil

Strategic Implications

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

- “3 *Economic*
- 3.2 *Support business and initiatives*”

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council DOES NOT APPROVE a contribution to Eventscorp Western Australia for the construction of a bus turnaround/storage facility area at Barbagallo Raceway beyond the already provided limestone sub base to the site.

Attachments:

1. *letter from Eventscorp 12/27878*

COW
13/03/12

Tourism WA File: EVT/2342

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

Friday 9 March 2012

Dear Daniel

I refer to the email sent by Dennis Blair, Director of Infrastructure at the City of Wanneroo on Wednesday 7 March 2012 regarding the City of Wanneroo's contribution towards the provision of bus turn around facilities at Barbagallo Raceway (file ref: 2281-12/25140).

Firstly, thank you for recognising the urgency of constructing the bus turn around facilities to meet the Public Transport Authority's (PTA) requirements for the upcoming V8 Supercars event and ensuring the Council was presented with an urgent/late report regarding this issue on Tuesday evening.

Thank you also for advising that the Council will assist this project by contributing the supply of limestone base material for the project however this still leaves a considerable amount of the work (and cost) to be covered by the WASCC and Eventscorp.

In our discussions on Tuesday 10 January 2011 in your office with Malcolm Bulley from the WA Sporting Car Club (WASCC) and Michael Penson, you advised Malcolm and I that you would put the funding request to Council to fund the project in its entirety.

In order for the PTA to come on board and provide free public transport and a shuttle services for patrons at the V8 Supercars event, there were two requirements that needed to be met before the event in May 2012.

- a) The provision of the bus turn around facilities aforementioned (to be provided by the City of Wanneroo)
- b) Chip sealing Mather Drive (Eventscorp and WASCC agreed in the meeting on Tuesday 10 January that we would cover the cost of this requirement)

Whilst the Council agreeing to supply the limestone road base material for the project is certainly appreciated, Eventscorp and the WASCC are unable to fund the rest of the project which will mean the PTA will be unable to provide free public transport and a shuttle service for patrons attending the V8 Supercars event.

As we both know, there is currently a negative public perception relating to access to Barbagallo Raceway and without the PTA's support for the largest event held at the venue, we will be unable to alleviate the public's concerns regarding access to a venue that is within your City.

I would like to ask that you request Council to reconsider their level of support for this project and assist Barbagallo Raceway and the V8 Supercars event with covering the cost of the bus turn around



A Division of Tourism Western Australia
 Level 9, 2 Mill Street PERTH WA 6000 GPO Box X2261 PERTH WA 6847
 Tel: +61 8 9262 1700 | Fax: +61 8 9262 1702 | events@westernaustralia.com.au | westernaustralia.com.au

City of Wanneroo IM 13/3/2012

facility at just one of the two sites discussed – site two which is located at Barbagallo Raceway at the end of Mather Drive.

To provide this facility, the City of Wanneroo will need to cover the cost of minor earthworks, sub-grade preparation, construction of the limestone sub-base 200mm thick (of which has already been agreed to by Council) as well as the construction of a 75mm thick bitumen stabilised base course.

If the City of Wanneroo is unable to fund this facility out of the 2011/12 budget, I would ask that you commit to allocating \$60,000 (the estimated cost of the works as indicated in the council decision paper) out of the 2012/13 budget for this activity. As the V8 Supercars event is just eight weeks away, it is imperative that this facility is complete in time for the event and the WASCC along with Eventscorp will pay for the works in the meantime with the view of being reimbursed by the City of Wanneroo post July.

I ask that you please consider this request in light of the presentation that WASCC and Eventscorp did to the Council in November 2011 as well as the value proposition that was sent to you in January 2012.

On both of these occasions it has been outlined to the City of Wanneroo the opportunities that exist with the Barbagallo Raceway facility as well as with the V8 Supercars event. There are many ways in which both the venue and the event are able to help the City of Wanneroo achieve its objectives, with one of the City's objectives in the 2011-2017 tourism strategy being:

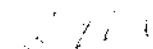
"All events of significance e.g. the V8 Supercars held at Barbagallo Raceway should all be used to attract additional visitors and to bring additional economic and social benefits to the area. The best means of achieving this is for the City to work in collaboration with event organisers to promote and support events. A collaborative approach will generate the maximum economic benefit for all stakeholders."

Both the WASCC and Eventscorp hope that we can work in collaboration with the City to ensure that Barbagallo Raceway is an accessible venue for the V8 Supercars event in May 2012 and beyond.

If you have any queries or would like to discuss this matter over the phone, I can be contacted on 9262 1729.

As you already know, this matter is of utmost urgency and I look forward to hearing from you soon.

Yours sincerely



Lisa McCarthy
Contract Manager

cc Mr Gwyn Dolphin, Executive Director, Eventscorp
cc Mr Malcolm Bulley, General Manager, WA Sporting Car Club
cc Mr Dennis Blair, Director Infrastructure, City of Wanneroo
cc Tracey Roberts, Mayor, City of Wanneroo

City of Wanneroo IM 13/3/2012

Community Development

Capacity Building

3.20 Disability Access and Inclusion Plan 2012-2015

File Ref: 4096 – 12/23955
Responsible Officer: Director, Community Development
Disclosure of Interest: Nil
Attachments: 2

Issue

To consider a review of the Access and Inclusion Plan 2007-2012 and the adoption of Disability Access and Inclusion Plan 2012-2015.

Background

Compliance with State legislation requires local government authorities to develop, implement and regularly review Disability Access and Inclusion Plans as a means of furthering the principles and objectives of the Disability Services Act 1993 (amended 2004). Each Disability Access and Inclusion Plan must aim to achieve six outcomes specified by Disability Services Regulations. These outcomes are central to people with disabilities having equity of access to:

- services and events;
- buildings and other facilities;
- information;
- quality of service;
- complaint processes; and
- public consultations.

Plans are in progress to legislatively implement a seventh outcome, employment (recruitment and retention), which is currently optional. This City has historically included this outcome in the document and strives to meet associated actions and tasks where possible.

A review of the City's *Access to Information & Services for People with Disabilities and their Families and Carers* policy is concurrently completed with each review of the plan.

Council last reviewed the City of Wanneroo Access and Inclusion Plan at its meetings of 26 June 2007 where it endorsed the following:

“Adopts the revised Access and Inclusion Plan 2007-2010 as outlined at attachment (1); and endorsed its registration with the Disability Services Commission”.

To allow for extension of the plan's currency, a progress report for the period 1 July 2010 to 30 June 2011 was lodged with Disability Services Commission in September 2011. At that time, Disability Services Commission also provided approval for an extension of the plan's currency to April 2012. This allowed for a comprehensive review and development process.

Detail

Administration has undertaken a comprehensive review of this plan. The document is now presented to Council for consideration under the new nomenclature of Disability Access and Inclusion Plan 2012-2015 (see **Attachment 1**).

Registration of the Disability Access and Inclusion Plan 2012-2015 with Disability Services Commission will occur in April 2012 following Council endorsement.

Statistical data included in the Disability Access and Inclusion Plan 2012-2015 provides the most current information available at the time, regarding the City's disability population. The 2011 Census Public Reports scheduled for release by the Australian Bureau of Statistics in June 2012, will provide much sought-after 2011 data. Relevant information from the 2011 Census Public Reports will be developed into a supporting document and posted on the City's website alongside the Disability Access and Inclusion Plan 2012-2015.

Consultation

Community consultation included:

- Five public meetings held at venues across the City;
- Individual consultation;
- An external Focus Group meeting of key stakeholders and people with disabilities;
- Internal Project Reference Group meetings;
- Public Comment Period for Draft Disability Access and Inclusion Plan 2012-2015;
- City of Wanneroo Staff Survey;
- City of Wanneroo Elected Member Survey; and
- Consultation with City of Wanneroo leadership team including managers, directors and Chief Executive Officer.

The consultation process was implemented over a four-month period spanning October 2011 to February 2012 and aimed to:

- Obtain feedback on achievements during 2007-2012;
- Identify disability-related access and inclusion gaps in the City's services, events, information, buildings and facilities; and
- Guide the development of the new draft plan for 2012-2015.

While diverse engagement strategies were applied to the internal and external consultation process, there was a low internal and external response rate to the request for comment on the document. Significant feedback which was provided as a part of the internal and external consultations process has been considered in the preparation of the DAIP 2012-2015. A summary of the information received via feedback forms, the staff survey and elected members survey is available (see **Attachment 2**).

Comment

As a part of the plan's implementation, actions will be regularly reviewed in more detail by the Community Development Officer (Access and Inclusion) together with the Internal Project Reference Group and responsible business units. In this way, the plan can be most responsive to prevailing issues and remain current in terms of providing strategies for addressing issues of disability access and inclusion within the City. It is however the responsibility of the entire organisation, both Administration and Council, to include the requirements of the plan in all aspects of the City's business.

It is proposed that copies of the plan will be available upon request, including alternate formats, as required. The document will also be available at community facilities in the City of Wanneroo.

Statutory Compliance

In 2007, Council adopted the Access and Inclusion Plan 2007-2010, with the removal of the reference to disability in the title of the plan. The rationale for this decision was acknowledgement of the complexity of our community, with a less obvious focus on disability as the only barrier to participation in the City's events, services, facilities and information. The focus on disability has been reinstated in the DAIP 2012-2015 as required by the Disability Services Act 1993 (amended 2004).

The plan is a public document, the format for which is also determined by the Disability Service Act 1993 (amended in 2004). To ensure compliance, liaison between the Community Development Officer (Access and Inclusion) and the Senior Disability Access Officer at Disability Services Commission occurred as a part of the review.

Strategic Implications

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

- “2 *Social*
 - 2.1 *Increase choice and quality of neighbourhood and lifestyle options”*
 - 2.2 *Improve the City's identity and community well-being through arts, culture, leisure and recreation*
 - 2.3 *Improve the capacity of local communities to support each other*
 - 2.4 *Improve community safety*
 - 2.5 *Improve transport options and connections*

- 4 *Governance*
 - 4.1 *Improve strategic partnerships*
 - 4.2 *Improve community engagement*
 - 4.3 *Deliver excellence in business performance and service provision*
 - 4.5 *Provide an engaging and supportive environment for our people*
 - 4.6 *Provide and maintain a high standard of governance and accountability”.*

Policy Implications

A review of the City's *Access to Information & Services for People with Disabilities and their Families and Carers* policy has been concurrently completed with the review of the Access and Inclusion Plan 2007-2012 and the development of the Disability Access and Inclusion Plan 2012-2015.

Financial Implications

While it is not anticipated that strategies outlined the Disability Access and Inclusion Plan 2012-2015 will have immediate budgetary impact, operational managers have been provided with an opportunity to consider 2012/2013 and further budgetary implications where required.

Voting Requirements

Simple Majority

Recommendation

That Council:

1. **ADOPTS** the revised Disability Access and Inclusion Plan 2012-2015 as shown in Attachment 1; and
2. **ENDORSES** its registration with the Disability Services Commission.

Attachments:

1. *Final Draft DAIP 2012-2015(2)* 12/26509 *Minuted*
2. *Consultation Summary Report* 12/26504

Draft



CITY OF WANNEROO

**DISABILITY ACCESS AND INCLUSION PLAN
2012-2015**

FINAL DRAFT

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Alternative Formats

This document is also available upon request in alternative formats. Please contact the City of Wanneroo on (08) 9405 5900, by fax on (08) 9405 5698 or send an email to enquiries@wanneroo.wa.gov.au and include the acronym "DAIP" in the subject line of the email. The Disability Access and Inclusion Plan 2012-2015 is available on the City of Wanneroo website at www.wanneroo.wa.gov.au.

Language Assistance

If you do not speak English but would like information about this document, please ring the Translating and Interpreting Service (TIS) on 131 450. Ask them to contact the City of Wanneroo Community Links section on (08) 9405 5900.

Terminology

This document contains many technical terms and references. Please see the Glossary of Terms and List of Acronyms in Appendix A.

1. Foreword

The City of Wanneroo is committed to building inclusive connected communities. Our Disability Access and Inclusion Plan clearly demonstrates how we are working with the residents to ensure all people have equal access to life's opportunities in the community.

The plan is a product of extensive community engagement and outlines how the Council is encouraging the participation of all community members through practical strategies, designed to address barriers that people with disabilities experience when they access our City's services and programs.

This plan is only one part of an ongoing process of working with the community to create universally accessible communities for all to enjoy. We welcome and value your input and look forward to your response and feedback.

Tracey Roberts JP
Mayor

"We are seeking nothing less than a life surrounded by the richness and diversity of community – a collective life, an everyday life, a powerful life."

John McKnight
Beyond Community Services (1989)

2. Introduction

The main type of disability in Western Australia (WA) is physical disability, while other disabilities include:

- Sensory (for example someone who is blind or deaf)
- Psychiatric (for example a person with Schizophrenia)
- Intellectual (for example a person with Down Syndrome)
- Neurological (for example someone who has Epilepsy)
- Cognitive impairment (someone with an Acquired Brain Injury)

Disability affects one third of the WA population (Disability in Western Australia, Australian Bureau of Statistics, 2004, www.dsc.gov.au).

People with disabilities represent a significant section of the WA community. According to the Disability Services Commission, 20.6% of the total population in WA live with a disability. Over 10% of the population are carers for people who live with disabilities and over 40% of carers also live with a disability.

The 2003 Disability Services Commission report entitled "Profile of Disability" identifies the number of people with disabilities in WA and the distribution of those people among local government areas. The table below summarises report findings and provides comparison figures between WA and the City of Wanneroo.

	Western Australia 2003	City of Wanneroo 2003
People with disabilities	405,500 (20.60%)	16,535 (17.92%)
Total population	1,964,100	92,272

Source: "Profile of Disability", Perth Statistical Division 2003, Disability Services Commission, www.dsc.gov.wa.au

WA's population of 2,346,400 as at June 2011 indicates a percentage growth of approximately 20% since 2003. The City's current population of 163,913 (forecast id) indicates a percentage growth of over 60% since 2003. An annual growth rate of over 3% from 2012 onwards is expected in the City of Wanneroo, and this is attributed to new land developments in various stages of planning and completion throughout the City.

Age Group	City of Wanneroo 2003	People with Disabilities in the City of Wanneroo 2003
Under 65 years old	84,896 (92%)	12,719 (13.78%)
Over 65 years old	7,376 (8%)	3,817 (4.14%)
Total population	92,272	16,535 (17.92%)

Source: "Profile of Disability", Perth Statistical Division 2003, Disability Services Commission, www.dsc.gov.wa.au

The above table shows us that in 2003, 13.78% of people with disabilities in the City of Wanneroo were under 65 years of age. Over 4% of the City's over 65-year-old population were people with disabilities.

The Bureau of Statistics has scheduled release of 2011 Census public reports for June 2012. This information will provide a current breakdown by age group of people with a disability, who live in the City of Wanneroo. It will also guide this plan's focus for implementation of outlined actions by assisting to identify community need and informing development of programs and services.

It is envisaged that relevant information gleaned from the 2011 Census Public Reports will be posted on the City's website, together with the Disability Access and Inclusion Plan 2012-2015, to provide ease of access to current disability population data.

3. City of Wanneroo Overview

The City of Wanneroo is:

- The fastest growing suburban local authority in Western Australia
- Covers an area of 687 square kilometres
- Has a population of 163,913 people
- Is in a corridor growing at a rate of 3.40% annually until 2031
- Employs over 940 people

NORTH WARD

Alkimos, Banksia Grove,
Carabooda, Carramar, Eglinton,
Neerabup, Nowergup, Pirjar,
Two Rocks and Yanchep

COASTAL WARD

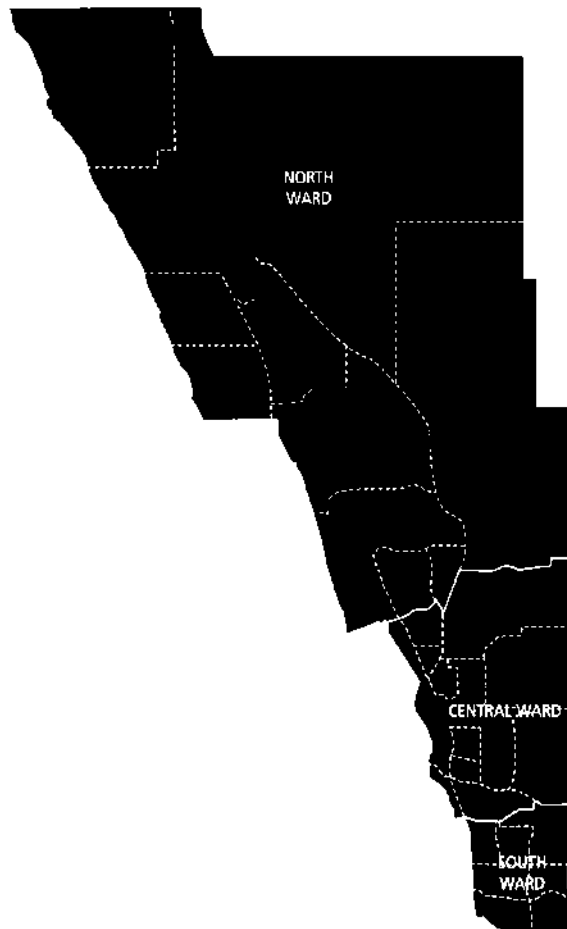
Butler, Clarkson, Jindalee,
Merriwa, Mindarie, Ridgewood,
Tamala Park and Quinns Rocks

CENTRAL WARD

Ashby, Gnangara, Hocking,
Jandabup, Mariginiup, Pearsall,
Sinagra, Tapping, Wangara,
Wanneroo and Woodvale

SOUTH WARD

Alexander Heights, Darch,
Girrawheen, Koondoola,
Landsdale, Madeley and
Marangaroo



Age of residents as at 2006

0-14 years	24.9%
15-29 years	21.2%
30-44 years	23.8%
45-64 years	21.2%
65 + years	8.9%

Total population 2006 – 114,302 people.

Source: forecast.id website, 2006, forecast2.id.com.au.

Household type

Number of Homes	26,870
Fully Owned	27.3%
Purchasing Rate	48.3%
Rental rate	16.9%
Same address 5 years ago	40.8%

Source: forecast.id website, 2006, forecast2.id.com.au.

The City of Wanneroo has seen substantial growth and will continue to do so as it remains the primary focus for residential development in the northern suburbs of Perth.

2011 Census public reports, which are scheduled for release in June 2012 will provide information regarding the current breakdown by age group of residents in the City of Wanneroo and household types.

4. Disability Access and Inclusion Statement of Intent

The City of Wanneroo is committed to furthering the principles and outcomes of the Disability Services Act 1993 (amended 2004) and meeting the Standards in the Disability Services Regulations 2004.

The following resources have contributed to the development of the Disability Access and Inclusion Statement of Intent:

- City of Wanneroo Strategic Plan 2006–2021
- Disability Access and Inclusion Plan 2004-2006, 2007-2010 (extended to 2012) and 2012-2015
- Responses from Disability Access and Inclusion Plan Community Consultations
- Responses from the Disability Access and Inclusion Plan External Focus Group
- Feedback received through internal staff consultations.

The City of Wanneroo seeks to build an inclusive community where all people are accepted, welcome and have the opportunity to participate and contribute to the life of the community.

5. Relevant Legislation, Codes and Guidelines

5.1. Disability Services Act 1993 (DSA)

The Western Australia Disability Services Act 1993 requires all State and Local Government authorities to implement a Disability Access and Inclusion Plan.

The Disability Services Regulations Amendments (2004) dictate how the provisions of the Act are applied to Disability Access and Inclusion Plans, which include:

- Standards for Disability Access and Inclusion Plans
- Information in reports about Disability Access and Inclusion Plans
- Publication of Disability Access and Inclusion Plans
- Procedure for consultation by authorities

5.2. Commonwealth Disability Discrimination Act 1992 (DDA)

The DDA makes it unlawful to directly or indirectly discriminate or impose unjustifiable hardship against a person with any form of disability (ie physical, intellectual, sensory, psychiatric and neurological). Discrimination as defined by the DDA (1992) is documented as having a broad legislative application in:

- a) Work, accommodation, education, access to premises, clubs, sports
- b) The provision of goods, services, facilities and land
- c) The administration of Commonwealth laws and programs

The DDA applies to public and private sectors and allows people to approach to Human Rights and Equal Opportunity Commission if they encounter discrimination.

It is the intention of the DDA to eliminate, as far as possible, discriminatory practices, but also to promote recognition and acceptance of the fundamental rights of people with disabilities.

The DDA covers a disability which a person has now, may have in the future, had in the past or is assumed to have. The DDA also makes it unlawful to discriminate against a person on the basis that their associate (partner, carer, friend, family member or business partner) has a disability.

The DDA covers existing premises, including heritage buildings, those under construction and future premises. The definition includes not only buildings, but also anything in the built environment such as car parks, sports fields, parks, pathways and transport systems, streetscapes and playgrounds.

5.3. Building Code of Australia (BCA)

The BCA references various Australian Standards and Codes to enable the achievement and maintenance of acceptable standards of structural sufficiency, safety (including safety from fire), health and amenity for the benefit of the community now and in the future.

Part D3 of the BCA (Vol 1) titled "Access for People with Disabilities" determines which types (Class) and parts of the buildings must comply with the access requirements currently referenced under the code.

5.4. Australian Standard (AS) 1428 – Design for Access and Mobility

AS 1428 (parts 1-4) is an important reference standard which prescribes the basic requirements for physical access for use in planning, development and construction of all buildings and facilities. Part 1 is a mandatory requirement, as referenced under the BCA.

The objective of the standard is to provide building designers and users (architects, property owners, regulators and such) with the minimum design requirements for new building work, to enable access for people with disabilities. The Australian Standard should also be used when providing improved or amended access to existing buildings and is usually used by professional access advisors as the basis for comprehensive access audits to identify access barriers across a wide range of premises.

6. Role of the City of Wanneroo

6.1. Responsibility for the Planning Process

Implementation of specific strategies within the Plan is mainly the responsibility of business unit managers and responsible officers within each directorate. Recognition of this responsibility should be reflected in annual business plans and budgets (where extra resources are required).

Coordination of the implementation of the Disability Access and Inclusion Plan 2012-2015 will be the responsibility of all units within the City of Wanneroo.

6.2. Functions and Services in the City of Wanneroo

The City provides a diverse array of functions, facilities and services, both in-house and externally contracted, some of which include:

Processes of Local Government

- Governance
- Elections
- Council meetings (committee and elector meetings)

Regulatory Services:

- Ranger services
- Planning Services
- Building Services
- Environmental Health Services

General Administration:

- Customer Service
- Community and Events
- Management of Human Resources, Finances, Information Technology and Assets

Services to Property:

- Waste management
- Building maintenance
- Transport Infrastructure
- Street lighting
- Streetscapes
- Roads
- Parks
- Foreshore Management

Service to the Community:

- Library Services
- Heritage, Museum and Arts Services
- Community Facilities
- Community Programs
- Community Services - youth, aged, people with disabilities and families
- Community Development - Early Childhood, multiculturalism, reconciliation, information technology and volunteering
- Community Safety
- Public events including community events and citizenship events
- Parks and Reserves
- Donations, sponsorship and partnerships, including community funding grants
- Advocacy and leadership with government and regional groups
- Information Services through social media.

The Disability Access and Inclusion Plan will be implemented by the staff, agents and contractors of the City of Wanneroo.

The City follows an established policy, "Access to Information and Services for People with Disabilities and their Family and Carers". This policy ensures that all information produced for public consumption is accessible to people with disabilities. It can be viewed on the City's website or a copy can be requested by phoning Community Links on (08) 9405 5900.

More detailed information on City services is outlined in service brochures and pamphlets and the City's website home page, located at www.wanneroo.wa.gov.au.

Details of the City future vision and direction are available in the City's Strategic Plan. For more information on the Strategic Plan 2006-2021 (revised 2010), please contact the Strategic Projects team on (08) 9405 5000.

7. Disability Access and Inclusion Plan 2007–2010 (extended to March 2012) - Achievements

This section summarises the major achievements of the City of Wanneroo through the implementation of the Disability Access and Inclusion Plan 2007–2010 (extended to March 2012) to reduce barriers for people living with a disability in the City of Wanneroo.

Outcome 1: People with disabilities have the same opportunities as other people to access the services of, and any events organised by, the City of Wanneroo.

- The Wanneroo Library and Cultural Centre (WLCC) has been completed and incorporates universal design features to facilitate access. These include a disabled toilet on each level, a lift to the first floor, external ramps, tactile surfaces inside and out, and wide, fully automatic doors
- Clarkson Library design incorporated required access features
- Each facility development which the City undertakes seeks to maximise accessibility within the constraints of the site and budget
- Aquamotion and Kingsway Indoor Stadium are now staffed and open for longer business hours, increasing accessibility to services
- City of Wanneroo staff members are based at the Hainsworth Centre and Banksia Grove Community Centre, providing increased access to information, services and the facilities
- Meeting one-on-one support needs is directly related to available staff and budget resources and if a person with a disability needs this level of attention, the assistance of external agencies is sought where possible
- In overcoming financial constraints for people with a disability, fees for the use and hire of community facilities can now be subsidised or waived
- Access at Cultural and Civic events forms a part of the event planning processes
- Growth Home and Community Care (HaCC) funding has enabled the City to set up a new respite program for young people with disabilities in the northern zone
- A beach wheelchair and mobi-matting have been purchased and installed at Quinns Rocks Beach, increasing access to the beach
- Tender documentation now includes a reference to the City's Disability Access and Inclusion Plan as well as contractor obligations in regard to Disability Service Commission Standards for Contractors

Outcome 2: People with disabilities have the same opportunities as other people to access the buildings and other facilities of the City of Wanneroo.

- The Disability Access and Inclusion Plan and related contractor requirements are referenced in the City's tender documentation
- Ongoing replacement of concrete slab footpaths with new concrete footpaths throughout the City
- Opportunity Playspace, an accessible and inclusive playground for children with disabilities, is now complete and open to the public
- 10 year indicative funding in the Council Strategic Financial Plan of \$200,000 per annum plus an estimated \$50,000 pa grant funding for universal access improvements, commencing in 2011/2012
- Ongoing improvement of accessible toilets

Outcome 3: People with disabilities receive information from the City of Wanneroo in a format that will enable them to access the information as readily as other people are able to access it.

- The Human Resources Service Unit has planning options to include recruitment packs in alternative formats, as well as including changes to the website
- Statutory requirements are met for rates notices and information is made as clear as possible
- On-hold telephone messages provide information on the City of Wanneroo and the community radio also provides information
- Research into large print formats and software
- Tax help is available on audiotape
- TIS language card and TTY information available
- Magnifying sheets are available at most libraries
- Phase 2 of the Welcome in Wanneroo project contributed to the accesswa.com.au website with information on access to key premises within the City of Wanneroo that attract a high volume of consumers, visitors and tourists

Outcome 4: People with disabilities receive the same level of quality of service from the staff at the City of Wanneroo as other people receive from the staff at the City of Wanneroo.

- Better hearing cards being provided for all libraries and the customer service areas
- Disability awareness training was provided to all customer service staff and has been added to corporate induction sessions for new and existing employees

Outcome 5: People with disabilities have the same opportunities as other people to make complaints to the City of Wanneroo.

- Supports such as hearing loops are provided in the Council Chambers for people with sensory disabilities, and reports are available in special formats upon request
- The City has a complaints handling policy in place

Outcome 6: People with disabilities have the same opportunities as other people to participate in any public consultation by the City of Wanneroo.

- The Wanneroo Link section of the local community newspaper promotes consultation processes on City issues, public events, community and cultural events and items of interest to residents
- The City has a community consultation policy with staff guidelines to support its implementation
- The City has established a presence on Facebook, an online social media tool at <http://www.facebook.com/CityofWanneroo>, to provide greater accessibility to council services and information for residents
- The City's website, www.wanneroo.wa.gov.au, can be accessed to engage in community consultations
- Documents can be provided in alternative formats upon request
- The Sportslink program currently running at Kingsway Indoor Stadium was developed in consultation with the community and parents of children with disabilities

Outcome 7: Opportunities for people with disabilities to be employed are increased.

- Upon request, aids have been organised through the appropriate agency
- Employment of people with disabilities is part of the City's Employer of Choice program
- The City provides health and wellbeing training
- The Employee Support Program was launched in October 2006 and continues to be available to all staff members
- A disability awareness training package has been expanded to provide training to all new City staff as part of their induction
- The City has extended staff support to volunteers with disabilities who assist in community programs and events
- The City has launched a Work Life Balance Policy that applies to all staff and includes flexible work arrangements

8. Development of the Disability Access and Inclusion Plan

In 2011/12, the Disability Access and Inclusion Plan 2007-2010 (extended to 2012) underwent a review of progress as a part of the development of the Disability Access and Inclusion Plan 2012-2015. This combined review and development process was supported by a series of actions. These include:

- Staff from the City of Wanneroo met with key stakeholders including clients of HaCC services, carers, advocates and people with disabilities and carer agencies, to identify any existing or new barriers to disability access and inclusion
- A survey was undertaken in October 2011 to seek feedback on existing or new barriers to disability access and inclusion
- Advertisements were placed in the Wanneroo Times and the Wanneroo Link, website information displayed and posters inviting feedback on the current plan were placed in libraries, community centres and leisure facilities
- A Staff Access Awareness Survey was undertaken in 2011 to assess the level of knowledge and skills of staff about disability issues
- A Disability Access Awareness Survey was undertaken in 2011 to determine disability access and training requirements for elected members
- A survey was undertaken in December 2011 and January 2012 to seek public comment on the first draft of the City's Disability Access and Inclusion Plan 2012-2015. The survey was provided in hard copy at key customer service locations, on the City's website or could be requested via email

Internal and external reviews and outstanding initiatives were then married to ensure to guide the development the Disability Access and Inclusion Plan for the period of 2012-2015. This new plan has been reviewed by:

- Disability Services Commission (DSC) staff
- City of Wanneroo leadership team including managers, directors and CEO
- City of Wanneroo Elected Members
- City of Wanneroo staff
- Client groups
- Community comprising of key stakeholders

The Disability Access and Inclusion Plan 2012-2015 will be presented for consideration by Council at a meeting in April 2012.

9. Community Consultation – Disability Access and Inclusion Barriers

This section summarises a range of barriers and strategies identified through community consultation and recent surveys to improve disability access and inclusion. These issues may contribute to Council's efforts to continuously improve access but will not necessarily be implemented in its core business activities during the term of the Disability Access and Inclusion Plan 2012-2015.

Outcome 1: People with disabilities have the same opportunities as other people to access the services of, and any events organised by, the City of Wanneroo.

- Review the extent and design of accessible parking
- Proactively promote access to cultural and community events
- Inform contractors employed by the City of Wanneroo of the Disability Access and Inclusion Plan 2012-2015
- Provide high quality HaCC funded services for people with disabilities through the Adult Day Centre programs, and services for young people with disabilities
- Promote the participation of people with disabilities and their carers in a wide range of community services for youth, families, frail and aged and other residents
- Consider transport as a barrier to accessing services

Outcome 2: People with disabilities have the same opportunities as other people to access the buildings and other facilities of the City of Wanneroo.

- Improve access to picnic areas, beach areas, playgrounds and facilities
- Improve access to new and redeveloped buildings as required by the Australian Standards
- Evaluate success of the Beach Wheelchair Pilot Project at Quinns Rocks Beach

Outcome 3: People with disabilities receive information from the City of Wanneroo in a format that will enable them to access the information as readily as other people are able to access it.

- Investigate software and alternative formats for corporate information provided through communication services
- Service Unit Planning to determine when Welcome in Wanneroo project will progress to phase 3

Outcome 4: People with disabilities receive the same level of quality of service from the staff at the City of Wanneroo as other people receive from the staff at the City of Wanneroo.

- Develop and provide compulsory disability awareness, access and inclusion training as a part of the City's staff training and development program

Outcome 5: People with disabilities have the same opportunities as other people to make complaints to the City of Wanneroo.

- Promote the City's feedback and complaints handling processes as suitable mechanisms for grievances
- Develop opportunities for disability awareness, access and inclusion training for City of Wanneroo elected members

Outcome 6: People with disabilities have the same opportunities as other people to participate in any public consultation by the City of Wanneroo.

- Improve the community consultation process to increase participation opportunities for people with disabilities and their advocates

Outcome 7: Opportunities for people with disabilities to be employed are increased.

- Provide work placement opportunities for people with disabilities
- Provide and promote the Employee Support Officer program
- Provide opportunities for traineeships with the City for people with a disability

10. Progressing the Disability Access and Inclusion Plan 2012-2015

The effectiveness of achieving outcome actions within the Disability Access and Inclusion Plan is dependent upon a holistic approach involving staff and support from elected members. All Disability Access and Inclusion strategies are linked to internal corporate service planning to be implemented from April 2012.

The City of Wanneroo Disability Access and Inclusion Plan will be evaluated by:

- An annual report to the Council on implementation and achievement of the Access and Inclusion Plan including the status of actions scheduled to be achieved over the seven outcome areas.
- Strategies implemented by the City of Wanneroo to inform its agents and contractors of the Disability Access and Inclusion Plan 2012-2015.
- Community consultation and feedback in the City's "What's Happening" newsletter as well as community consultation processes.

10.1. Review and Monitoring

The City will monitor and review progress towards achieving stated outcomes in the Disability Access and Inclusion Plan.

A progress report will be prepared every twelve months and submitted to the Disability Services Commission by 31 July of each year.

Information on the implementation of the Plan will also be included in Council's annual report.

10.2. Evaluation

Council will be requested to endorse any status reports on the disability service planning process.

Once a year, or as required, the City will arrange for formal consultations with people with disabilities, their families, carers and disability organisations to provide an update on the implementation of the Plan, and to receive feedback on how well strategies are overcoming barriers for people with disabilities.

In obtaining feedback, the City, will also seek to identify any additional barriers not previously identified in the initial consultations and will amend the Plan as required.

A register will be maintained of complaints received from people with disabilities, together with a record of the City's response and problem resolution.

Information updates in the local media will regularly invite people with disabilities, their families and carers to identify barriers and possible ways of overcoming these barriers.

The External Focus Group (EFG), a representative group of people with disabilities, advocates, agency representatives and interested community members will be periodically invited to comment on disability access and inclusion issues within the City. This group will provide feedback for revision to the City's policy entitled "Access to Information and Services for People with Disabilities and their Family and Carers".

Community and staff members can complete the feedback form at Appendix C to report any disability access and inclusion issues encountered.

Elected Members of Council and City of Wanneroo staff will be requested to provide feedback on how well they believe the strategies are working and to make suggestions for improvement.

10.3. Promotion

The City of Wanneroo will post the Disability Access and Inclusion Plan 2012-15 available on the City's website www.wanneroo.wa.gov.au. A reference to the Plan will also be created on the City's Facebook site <http://www.facebook.com/CityofWanneroo>.

The Disability Access and Inclusion Plan will also be promoted through the local Wanneroo Times "Wanneroo Link" section and the City's "What's Happening" newsletter which is sent to every household within the City of Wanneroo.

Key stakeholders, including people with disabilities, families, carers and advocates will be advised of the availability of the Plan once it is registered with the DSC. Copies in alternative formats will be made available at customer service points throughout the City and copies will be placed in each of the City libraries for reference.

11. Conclusion

The Disability Access and Inclusion Plan 2012-2015, which follows, has been developed as a strategic means for the City of Wanneroo to achieve equity of access to its facilities, functions and services for all people with disabilities, their families and carers.

The City of Wanneroo recognises that community feedback and ongoing monitoring is imperative to assist the City to reach its goal and will encourage comment from people with disabilities, advocates, carers, agencies and community members in a variety of ways.

Outcome 1

People with disabilities have the same opportunities as other people to access the services of, and any events organised by, the City of Wanneroo

Objective

Existing events and services are adapted to meet the needs of people with disabilities

Action	Timeline
1.1. Consider inclusion of disability access and inclusion clauses where appropriate, during scheduled policy and procedure reviews.	ongoing
1.2. Review the management of ACROD bays.	2013
1.3. Increase the prominence of notices detailing disability support resources at key customer service points within the City.	2013
1.4. Seek to identify opportunities to improve disability access and inclusion within existing programs, services and events.	ongoing
1.5. Develop partnership driven community education campaigns.	2014
1.6. Implement future phases of the Welcome in Wanneroo project.	2014

Outcome 2

People with disabilities have the same opportunities as other people to access the buildings and other facilities of the City of Wanneroo

Objective

Access to buildings and facilities is improved

Action	Timeline
2.1. Identify access and inclusion improvements in all existing buildings and facilities and develop strategies for action.	ongoing
2.2. Identify access and inclusion improvements at parks, reserves, and public areas and develop strategies for action.	ongoing
2.3. Ensure access and inclusion requirement regulations are applied by developers.	ongoing
2.4. Ensure access and inclusion issues are considered in planning policies.	ongoing
2.5. Applying building access design features and services to anticipated new buildings and building upgrades.	ongoing
2.6. Encourage developers to apply additional disability access features to buildings and facilities.	ongoing

Outcome 3

People with disabilities receive information from the City of Wanneroo in a format that will enable them to access the information as readily as other people are able to access it

Objective

Information about events, facilities and services is provided in formats which will meet the communication requirements of people with disabilities

Action	Timeline
3.1. Implement City of Wanneroo Administrative Standards and referenced best practice guidelines.	ongoing
3.2. Provide regular updates on access initiatives through City of Wanneroo promotional media.	ongoing
3.3. Events, facilities and services to be promoted with consideration given to: <ul style="list-style-type: none"> • Appropriate font colouring, styles and sizes suitable for people with visibility concerns • Appropriate symbolism to indicate accessible and inclusive events 	ongoing

Outcome 4

People with disabilities receive the same level and quality of service from the staff at the City of Wanneroo as other people receive from the staff at the City of Wanneroo

Objective

Staff awareness of the needs of people with disabilities and skills in delivering advice and services are improved

Actions	Timeline
4.1. Provide compulsory disability access awareness and inclusion training to staff: <ul style="list-style-type: none"> • Develop information sessions about the Disability Access and Inclusion Plan, the City's policy, "Access to Information and Services for People with Disabilities and their Family and Carers" and anti-discrimination legislation • Ensure all new staff are inducted in the City's Disability Access and Inclusion Plan 2012-2015 	2013 2013
4.2. Develop programs to raise staff awareness by internally promoting access and inclusion issue resolutions.	ongoing
4.3. Build specialised knowledge and skills of staff members where required.	ongoing
4.4. The Employee Support Officer program will be provided and promoted.	ongoing

Outcome 5

People with disabilities have the same opportunities as other people to make complaints to the City of Wanneroo

Objective

Opportunities for people with disabilities to participate in grievance mechanisms and decision making processes are provided and mechanisms for their resolution are in place

Actions	Timeline
5.1. Foster opportunities for people with disabilities to provide advice to the City on disability and access issues encountered by people with disabilities and special needs.	ongoing
5.2. Ensure information on the City's feedback and complaints handling processes is provided to people with disabilities.	ongoing
5.3. Ensure capacity of current Customer Request Management system to document access and inclusion issues and resolutions.	ongoing
5.4. Investigate appropriate communication mechanisms to enhance the participation of people with disabilities in complaints and decision making processes.	ongoing
5.5. Develop and implement training in disability awareness, access and inclusion for elected members.	2013
5.6. Improve opportunities for people with special needs to participate in council meetings.	ongoing

Outcome 6

People with disabilities have the same opportunities as other people to participate in any public consultation by the City of Wanneroo

Objective

People with disabilities to have opportunities to participate in community consultation processes organised by the City of Wanneroo

Action	Timeline
6.1. Ensure proposed Integrated Planning Framework accommodates disability access and inclusion guidelines and information.	2013
6.2. Foster opportunities for people with disabilities to provide advice to the City on access and inclusion issues.	ongoing
6.3. A City of Wanneroo representative will continue to attend the quarterly Metro-wide disability access network service providers meeting to consult on access issues.	ongoing

Outcome 7

Opportunities for people with disabilities to be employed are increased

Objective

Provide and maintain equal employment opportunities for people with disabilities

Actions	Timeline
7.1. Provide briefing sessions to Business Unit Managers on opportunities and benefits of employing people with disabilities.	2013
7.2. Provide work experience and traineeship opportunities for people with disabilities.	ongoing
7.3. Develop and maintain partnerships with specialist employment agencies to facilitate access to job vacancies for people with disabilities and provide job placement support.	2014
7.4. Provide guidelines/training to staff involved in recruitment and selection to ensure procedures do not discriminate against people with disabilities.	2013
7.5. Ensure current training and development opportunities are accessible and inclusive.	ongoing
7.6. Provide appropriate training to supervisors and co-workers of staff who have disabilities.	2013
7.7. Provide adjustments where possible, including altering access to the work place, the design of the work place and the provision of equipment or aids	ongoing
7.8. Use services of specialist employment agencies for support and advice if necessary.	ongoing

Note: Plans are in progress to legislatively implement Outcome 7. This outcome is currently optional.

Appendix A: Glossary of Terms and List of Acronyms

Glossary of Terms

Alternative formats	The City, upon request will make the documentation available in a range of formats including: CD-ROM or e-mail attachments of the information which can then be enlarged on a computer screen; enlarged documents in 18 point font or higher if required; enlarged photocopies of documents; audio CD-ROM; Braille copies including tactual graphics.
Australian Standard	Various Australian Standards set out requirements that must be referred to when making decisions that impact on people with disabilities. For example Australian Standard 1428 – Design for Access and Mobility.
Definitions of disability	The Commonwealth Discrimination Act 1992 provides protection for everyone in Australia against discrimination based on disability. The definition of "disability" in the DDA is as broad as possible and includes: Physical, Intellectual, Psychiatric, Sensory, Neurological, and Learning Disabilities as well as Physical Disfigurement and the presence in the body of disease-causing organisms.
Discrimination	Differential treatment or practice either intentional or otherwise that can occur through action, policy, procedure or practice.
HaCC	Home and Community Care (funding).
Impairment	Any disturbance or interference with the normal structure and functioning of the body including the systems of mental function, (World Health Organisation). This may or may not be a disability, for example high blood pressure is an impairment but not a disability.
Tactile Ground Surface Indicator (TGSi)	A tile with raised projections to indicate either danger or a change in level, or to act as a directional guide to people with vision impairment.
Universal Access	Means that a person with a disability is, without assistance, able to approach, enter, pass to and from and make use of an area and its facilities.
Universal Design	Product, environment, building design and construction that aims to accommodate the functional needs of everyone; including children, adults, and older adults with or without disabilities. The word universal is often seen coupled to specific design environments or products such as universal kitchen design or universal bathroom design.

List of Acronyms

ABS	Australian Bureau of Statistics
ACROD	Australian Council for Rehabilitation of Disabled
DAIP	Disability Access and Inclusion Plan
BCA	Building Code of Australia
CEO	Chief Executive Officer
The City	City of Wanneroo
DAIP	Disability Access and Inclusion Plan
DDA	Disability Discrimination Act (1992)
DSC	Disability Services Commission of Western Australia
EFG	External Focus Group
EEO	Equal Employment Opportunities
HREOC	Human Rights and Equal Opportunity Commission
KPI	Strategic Plan Key Performance Indicator
LAC	Disability Services Commission Local Area Coordinator
OPAC	Online Public Access Catalogue
WLCC	Wanneroo Library and Cultural Centre

Appendix B: Key Contact Service Providers

Service Provider	Telephone	Fax	Email
ACROD – National Industry Association for Disability Services	9242 5544	9242 5044	acrodwa@acrod.org.au
Association for the Blind WA Disability Services Commission	9311 8202 9426 9200	9361 8696 9226 2306	mailbox@abwa.afn.au access@dsc.wa.gov.au
People with Disabilities(WA) Inc	9386 6477	9386 6705	info@pwdwa.org
Human Rights & Equal Opportunity Commission	1300 369 711	(02) 9284 9611	complaintsinfo@humanrights.gov.au
Sussex St Community Law Service	6253 9500	9470 1805	sscls@sscls.asn.au
Independent Living Centre Advocare	9381 0600 9479 7599	9381 0611	enquiries@ilc.com.au rights@advocare.org.au
DADAA	9430 6616	9336 4008	reception@dadaawa.asn.au
Valued Independent People	9203 7500	9203 7511	vip@inet.net.au
City of Wanneroo	9405 5000	9405 5697	enquiries@wanneroo.wa.gov.au
Volunteer Taskforce (Wanneroo Base)	9318 5777		
Carers WA	1800 242 636	9228 7488	info@carerswa.asn.au
Access Point for HACC Services, Respite and Carelink	1800 052 222		
Family Support WA	9303 4660		
Dept. Veterans Home Care Commonwealth Carer Respite Centre	133 254 1800 052 222		homecare@dva.gov.au comcarelink@ilc.com.au
Silver Chain	9309 8000	9309 3573	
Health Consumers Council	1800 620 780	9221 5435	
Alzheimer's WA	9388 2800	9388 2739	
LAC – Girrawheen	9343 5627		
LAC – Wanneroo	9301 3781	9301 3778	
LAC – Marangaroo/Alex. Heights	9309 6731		
LAC – Quinn's Rock	9405 5000		
ACTIV (North Zone/ Wanneroo)	9387 0555	9387 0599	records@activ.asn.au
Adult Migration Ed Service	9229 3600		
Aged Care Services	9329 1600		
Mobility For U	9478 1477	9479 6248	

Amana Living (Anglican Homes)	9424 6820	9383 2939	
Australian Hearing	9204 4888		
Belgrade Village	9306 3666		
Care a Lot	9228 1825	9228 2675	admin@carealot.com.au
Carers WA	9444 5922		
CATA Disabled Group	9448 8804	9448 8558	
Commonwealth Dept Health & Ageing	1800 198 008	9346 5222	enquiries@health.gov.au
Dept. Veterans Affairs	133 254		generalenquiries@dva.gov.au
DO CARE	9339 8955		
Translating & Interpreting Services (TIS)	13 14 50	1300 654 151	
Glengarry Hospital	9447 0111	9448 2660	
Joondalup Health Campus	9400 9400	9400 9055	
Neurological Council	1800 645 771	9346 7534	admin@ncwa.com.au
	9346 7533		
North Metro Health	9400 9511		
HACC Central Office	1800 052 222	9222 2192	haccwa@health.gov.au
	9222 4222		
HACC Non Govt Funding Unit	9346 4433		
Head Injured Society (Head West)	1800 626 370	9317 2264	
	9330 6370		
Mercy Aged Care	9442 3498	9442 3433	
Mofflyn (Now Uniting Care West)	9458 5333		
Stanhope Nursing	1800 625 887	9446 8039	info.wa@stanhope.com.au
	9446 9855		
St. Basils	9201 9655	9201 9644	
	0414 715 170		
Southern Cross WA Aged Care	1300 669 189	9282 9999	info@scrosswa.org.au
		9314 2499	
Royal Perth Hospital	9224 2244	9382 7351	rph.general.enquiries@health.wa.gov.au
ACAT	9382 7171		
Sir Charles Gardner Hospital	9346 3333	9346 2534	
Patient Enquiries	9346 4444		
Adults With Disabilities (The Heights Community House)	9247 5507		
Australian Asian Association of WA	9328 6202	9227 8410	austasia1@inet.net.au
St. Vincent De Paul	9475 5400	9475 5499	info@svdpwa.org.au

Appendix C: Feedback Form

I/We believe the following situations cause difficulties with access and/or inclusion within the City of Wanneroo:

Situation:

Reason for Difficulty:

I/We would like to commend the City of Wanneroo on the following action initiative:

Action:

What is good about the initiative?

If you would like a response to your feedback, please provide details below:

Name: Date:.....

Address:.....

Email:..... Telephone:

Thank you for completing the Feedback Form.
Please return the completed form to the following address:
Community Links – DAIP, City of Wanneroo, Locked Bag 1.
WANNEROO WA 6946

Or return to your local library, marked attention of **Community Links – DAIP**

**REVIEW OF ACCESS AND INCLUSION PLAN 2007-2012
AND DEVELOPMENT OF
DRAFT DISABILITY ACCESS AND INCLUSION PLAN 2012-2015**

Consultation Summary Report

A total of 19 people completed feedback forms at Public Meetings at City of Wanneroo Facilities and Adult Day Centres during the period 19 October 24 October 2011:

- Clarkson Library
- Yanchep/Two Rocks Library
- Butler Community Centre
- Wanneroo Library and Cultural Centre
- Kingsway Indoor Stadium
- City of Wanneroo Adult Day Care Centres

QUESTION 1: Are you able to access facilities and services that are adapted to your needs?

Yes	No	Unsure	No Response
68.5%	16%	5%	10.5%

Feedback:

- Some Books on Wheels.
- Many disabled bays used with no ACROD sticker.
- Pedestrian crossings needed from the banks (NAB & Commonwealth) to Post Office side (Wanneroo).
- As far as I can remember - most of the sporting facilities are located on the ground floor at the Kingsway Recreation Centre. The staff at the Centre are always very friendly and understanding of the different types of issues and concerns people with a disability might have.
- Disability toilets:
 - Not easy to find them - so signage improvement would help
 - Sometimes able-bodied people are using them, this makes it hard when my clients sometimes can't wait
 - Sometimes we found whole families in there who didn't appear to have a disability
- Parking bays:
 - Rear alignment when alighting vehicle is difficult when not in a designated longer bay.
 - Not a lot of consideration is given to placement of bays and traffic around them & other cars don't consider you
 - Would like to see a separate car park/section only for disabled parking so traffic/people behave more safely
- Library:
 - Remember some aisles need to be a little bit wider. People in wheelchairs can't get close enough to the shelves
 - Shelves could start higher

- Carer has to move the chair to get to the book & the person in the wheelchair
- There is not enough time to cross the road at traffic lights on the main road, and lots of us kids have to run across when it's dangerous, especially when we have school bags on and the road is uneven.
- Crossover from - Lakeside to City-side only footpath (the rest is a steep embankment).
- Unsure of other facilities available during the holidays for teenage children.
- Some facilities have easy access. Buildings such as Kingsway Stadium, with stairs to access the upper level which makes it difficult for people in wheelchairs to access.
- Parks in Girrawheen, Koondoola areas have no facilities/toilets for families to utilise if families require.
- Also access to parks in general for wheelchairs is difficult i.e. at Koondoola wheelchair access is impossible.
- Depending on Transport - I cannot depend upon my family for transport.
- I have very good friends who will always take me where I want to go (eg church). I do love the help with my shopping once a fortnight. I appreciate the pick-up and return service provided.
- I am disabled and only go to rec programs and libraries where there are facilities
- There are more facilities available than before.

QUESTION 2: Has access to buildings and facilities improved in the City of Wanneroo?

Yes	No	Unsure	No Response
52.5%	16%	31.5%	0%

Feedback:

- Some access ways have a step that is not accessible by gopher. Post Office area is very hazardous. Bus services are not satisfactory.
- Need buses into Rocca Way and into Ashley Road, to service the Lifestyle Village.
- I cannot say if the building has been improved as I am not aware of its previous structure.
- Near Aquamotion there are big trees with magpies and they swoop on us. Can the trees be trimmed so they don't hit the power lights and so not so many magpies live there.
- Roundabout near the City is dangerous - you cannot see car approaching and the surface of the road is uneven.
- Parking bays need to be accessible with entrances open nearby at big events.
- The new council building accessibility has improved greatly.
- Accessibility to Girrawheen Library for wheelchairs is still difficult.
- Parking bays in general for people with disabilities has improved.
- Facilities for children with a disability in parks are no accessible i.e. swings, etc.
- Would like to see more disabled parking.
- Haven't lived in the area for long.

- I can't say for the whole of the city but apart from council administration buildings, I find the other two all right but I would appreciate more invalid parking spaces at shopping centres.
- Community Centres - I am disabled but I am not having any difficulty.
- Over the past 5 or 6 years, buildings and facilities have improved immensely.

QUESTION 3: Do you find that information about functions, facilities, events and services is provided in plain English, or in the format for your specific needs?

Yes	No	Unsure	No Response
68.5%	21.5%	5%	5%

Feedback:

- Perhaps some of the flyers that are located on the noticeboard could include some language to encourage people with a disability to come along and give it a go.
- Participants who have visual impairments cannot read small print on rates notices, flyers, government letters, phonebooks. We try to teach people to do it themselves - if print is too small they can't see what they need to do.
- Would be better for big pictures at key locations/sign so they can relate to picture if they want to, not words.
- More than 12/14 font would be best.
- Colours in letters and picture are not easily visible.
- Most of the time, I don't know that an important event is on. We don't get the paper. It would be good if all information is shown at the Shopping Centre.
- The website is sometimes hard to find things on because there are so many things on it.
- Not enough advertising - advertise at Shopping Centre. Talk to special education units at schools.
- Information is in an easy format to read.
- No, people with intellectual disability, cultural backgrounds struggle with understanding paperwork. Facility for phone translator or opportunity.
- I am English but I don't have a computer.
- Explain food.
- I only speak English - I don't have any trouble.
- Lots of information found in the local paper

QUESTION 4: Do you think a person with an impairment has the opportunity to participate in the City's public consultations, complaints processes and decision-making processes?

Yes	No	Unsure	No Response
21%	16%	36.5%	26%

Feedback:

More notice than average is required for any events, activities because people with disabilities often need to organise paid support staff, carers, etc as well as transport.

- Speak slowly and clearly and in a tone that people with disabilities can hear.
- Also need the visual enhancement to support what is being discussed - it helps some people with disabilities to interpret information.
- There is often too much talking for people with sight, perception and hearing difficulties.
- I know that sometimes if I speak I might get people into trouble because they might think I'm dobbing.
- No, elderly people feel that they would be classed a "whinger" or they would lose services.
- Was unaware of public consultations until today.
- No, people don't feel they know the process - things still very bureaucratic for most people with a disability.
- It is imperative people with a disability have a voice and are more involved in decision-making and have the opportunity to be involved in committees such as the Disability & Access Committee.
- I'm a bit too old to need a job (90) or go for one so I really can't answer this.
- Old age needed.
- We don't get any answers to our questions/complaints. I am having difficulty accepting why my 69th birthday last week was not remembered by the group.

QUESTION 5: Do you think there are now more opportunities for people with disabilities to be employed at the City of Wanneroo?

Yes	No	Unsure	No Response
16%	16%	47%	21%

Feedback:

- Unless support worker or family shows them the information they would probably not know that a job is available. Creation of a role for less complex tasks, so that anyone can do it: clean up staff kitchen, wiping tables, folding flyers. Even though they would have a support worker with them, they would still be doing the work.
- It doesn't do work experience for high school students with disabilities and we are not allowed to come and do a tour of the Wanneroo shire to see what it's like.
- Work experience for people with disabilities.
- Many people when getting older do not keep up with internet and email access.
- No, as an advocate for people with disabilities there has only been on individual that was welcomed as a volunteer after many attempts to assist others to volunteer. This has been very disappointing. PWD can contribute to their community and this should be welcomed.

QUESTION 6: Do you have any other comments or suggestions you would like to make about access and inclusion for people with any sort of disability within the City of Wanneroo? Comments about this survey are also welcome.

Feedback:

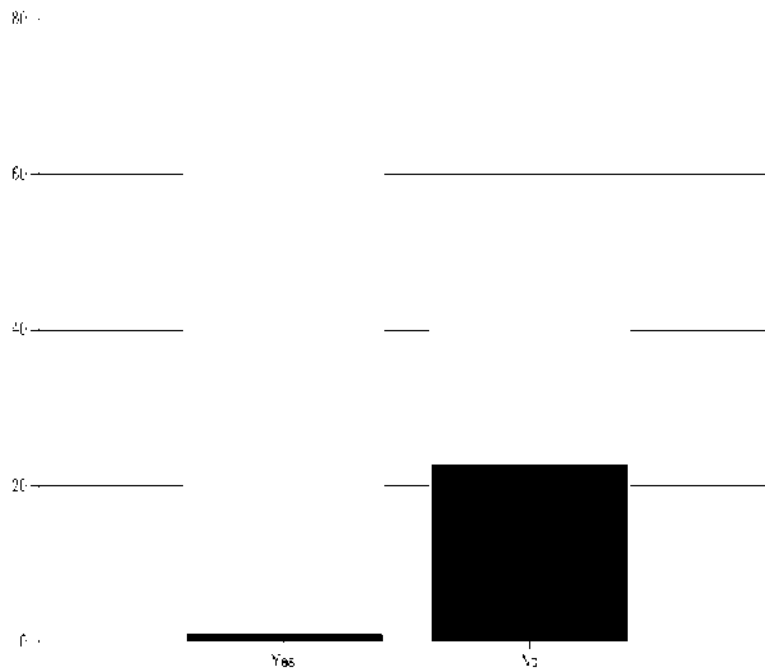
- Verges need to be kept more mown in warmer weather, some are a bit hazardous.
- Need for an after-hours medical centre in the central Wanneroo area.

- Traditionally Inclusion WA has not had much involvement in running inclusive programs with the City of Wanneroo. However, we would like to explore the possibility of developing some inclusive sporting programs in the sport of hockey and indoor cricket to name a couple. So we are very interested in hearing the results of this survey.
- The feedback we have received from families and people with disabilities living north of the river (so not necessarily falling just within the City of Wanneroo) is that there is generally not a lot of sporting activities for them to participate in (particularly those individuals going through the transition phase from leaving school).
- For the Shire to organise a talk or some art/craft/music/photography in the Wanneroo area so we can more easily attend. Instead of going to Burns Beach you can do it at Wanneroo Showgrounds. I'm 14 but this survey was a little bit too hard for me to fill out.
- Youth 16+ volunteer program.
- Groups for people with disabilities - i.e. art and craft.
- They ought to have been back access to the Wanneroo Library. People with a disability have to park at the rear and then get up the ramp to come to the front entrance.
 - Include people with disabilities in planning and decision-making.
 - For people to be independent they need to be able to access community/parks/shops/community buildings need to be accessible and usable including toileting facilities.
 - People with disabilities can contribute and being involved as volunteers, paid employment, decision-making is vital to change the community perception.
- Volunteer drivers needed. Could a 9 to 5 set-up be provided or 9 to 1 o'clock if possible? Other than your existing one of course.
- I found this survey very difficult to complete because I felt it didn't apply to me personally. The only thing is that I would like a higher seat in the ladies at Quinns.
- Keep up the good work.
- I do wonder why our outings have been cut when we pay quite a lot for them.

CITY OF WANNEROO STAFF ACCESS AWARENESS SURVEY

City of Wanneroo staff members were asked to complete an Access Awareness Survey, either by hard copy or electronically. 109 staff responses were received.

Are you aware of the City of Wanneroo Disability Access and Inclusion Plan (DAIP)?



Graph: Staff Disability Access and Awareness Survey, "Question 3", Survey Monkey, <http://www.surveymonkey.net>

1. Please state your length of employment with the City of Wanneroo:

Option	Staff
0-12 months	17.3%
1 – 5 years	42.7%
More than 5 years	40%

2. In your job do you interact with the public (in person, by telephone, correspondence, other)?

	Option	Staff
Yes	a) Frequently	73.6%
	b) Occasionally	17.3%
	c) Rarely	9.14%
	d) Not at all	0.9%

3. Are you aware of the City of Wanneroo Disability Access and Inclusion Plan (DAIP)?

	Option	Staff
Yes		60%
No		40%

4. How would you rate your level of understanding of the access and inclusion requirements of people with various types of disabilities who may have difficulty with:

	Option	Staff
Vision	High	19.4%
	Mod	62%
	Low	18.5%
Hearing	High	17.4%
	Mod	58.7%
	Low	23.9%
Mobility	High	35.2%
	Mod	52.8%
	Low	12%
Expressing themselves	High	13.9%
	Mod	53.7%
	Low	32.4%
Understanding information or who are confused or disorientated	High	17.4%
	Mod	46.8%
	Low	35.8%

5. Please list any problems you have been able to identify that prevent people with disabilities from accessing the service/s you provide (e.g. access to buildings and facilities, information or level of staff awareness)?

- Staff awareness is low, not specifically customer service but those behind the scenes who make the plans and policies.
- Customer Service Counter at Clarkson Library is too high for people in wheelchairs making access and transactions difficult for both customer and Customer Service Officer.
- Information and awareness of facilities and services within City of Wanneroo.
- No toilet for the disabled, shelves are too high and too low.

- Access to the library - soon to be rectified by new doors. Toilet access - also soon to be rectified.
- Poor access design of older buildings is a problem and expensive to retro-fit but must be done. In the past lack of usage of social media techniques to promote services, opportunities, events etc has disadvantaged but now we have Facebook and other exciting media to use!
- Disabled parking for staff and customers access issues into facilities for disabled staff language barriers.
- No auto doors at GIR library, no disabled toilet at GIR library, shelving too high at GIR library.
- Not enough disability parking close to the library.
- Larger screen monitors for staff with impaired vision. Modified telephony equipment for staff with hearing problems.
- Lack of accessibility to public areas.
- Information in a format that can be read by vision impaired.
- Some patrons with mobility disabilities have trouble accessing the Wanneroo Library. They can't manage the steps to get into the Great Court to then take the lift up to 1st floor. They can also not make it up the ramp, it is too far from the car park and too long and steep.
- Simple concepts sometimes explained in 'business language' rather than plain English.
- High counters. There should be table high areas for elderly and wheelchair clients.
- First week in the position but would note that grant applicants require cognitive function to read and write grants for submission. Some disabled persons would require assistance from another person or organisation to undertake the task.
- Toilet doors to disabled toilets are very heavy to open for people in wheelchairs especially when exiting and having to pull the door open.
- Door to office near front counter.
- Gradient of paths to park facilities, placing tactile pavers on pram ramps.
- Failure to ensure accessible connectivity for on-road path networks.
- Communication by letter to customers does not allow for different levels of understanding regarding its content. The print size is 'standard' and should be in larger print to suit some people with vision disabilities. Are all events and buildings wheelchair friendly? The phone system could be upgraded for the hard of hearing. Could 'spoken' information be sent to the vision impaired i.e. spoken messages sent to their mobile?
- City Officers don't usually take ownership of enquiries, if a public member doesn't know who they want/need to speak to they could be 'bounced around' on the phone from officer to officer which would be very difficult for someone with difficulties understanding information or easily confused.
- Lack of understanding - an example a colleague took a call and would not take his payment by credit card even though he stated he could not read or write.
- Staff awareness of intellectual disabilities and mental illness could be higher.
- Lack of understanding by other staff members of universal access principles.
- Building access. No self opening doors to staff areas.

- Access for people with disabilities having access to public open space - active and passive.
- Access to tea and coffee facilities when in a wheelchair.
- Building access.
- Independent access to main office from foyer.
- Accessing services such as TTY, etc.
- People with sight impairment or reading difficulties cannot easily read our letters, business cards, rates notices etc. Also, universal signs, parking and traffic signs etc are not easy to read or recognise.

6. Do you know if the City of Wanneroo makes its public information available in alternative formats when requested?

Option		Staff
Yes		31.8%
No		68.2%
If yes	Computer disk	7.5%
	Audio cassette	14.0%
	Large print	28.0%
	Braille	1.9%

7. Do you know how to provide or arrange for the provision of public information in alternative formats when requested?

Option	Staff
Yes	11.0%
No	89.0%

8. Do you know if the City provides other assistance for customers with disabilities to access its public information?

Option		Staff
Yes		70.1%
No		29.9%
If yes	Direct staff communication	29%
	Better Hearing Counter Card	41.1%
	Auslan sign language interpreter	6.5%
	Telephone typewriter (TTY)	21.5%
	Fax	34.6%
	Email, internet	49.5%
	Audio Loop	11.2%
Other...	6.5%	

Other:

- Alternative formats for website information
- Still being inducted
- Customer Relations team has a card for those who are hearing impaired to present to us so that we are aware.

- I'm sure assistance is available I just don't know what it is yet
- Foreign language interpreters
- We don't advertise the above well enough or provide information to staff on the process to access the above.
- Sends out information in hard copy if people can't access internet

9. Are you able to communicate information to individuals who have a hearing impairment or are deaf, by the following?

Option	Staff
Writing things down	Yes 96.3%
	No 3.7%
Displaying the Better Hearing Counter Card and speaking clearly	Yes 47.5%
	No 52.2%
Knowing how to use a TTY or the National Relay Service	Yes 16.7%
	No 83.3%
Arranging an audio loop for use at public meetings	Yes 9.9%
	No 90.1%
Arranging an Auslan sign language interpreter at public meetings or on request	Yes 12.0%
	No 89.1%

10. Have you ever had any training to raise your awareness of the different types of disabilities?

Option	Staff
Yes	34.3%
No	65.7%

11. Have you ever had any training in relation to the access needs of people with disabilities in receiving the City's services?

Option	Staff
Yes	17.4%
No	82.6%
If yes	In the last 12 months 3.7%
	2 years ago 7.3%
	5 years ago or longer 6.4%

12. Do you consider you need more training in the areas below?

Option	Staff
General disability awareness	Yes 61.0%
	No 40.0%
Access issues for people with disabilities	Yes 62.0%
	No 38.0%
Inclusion issues for people with	Yes 68.9%

disabilities	No	31.1%
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13. If you answered YES to any item in Question 12, what issues and areas do you think should be included in the training?

- Perception of disability, that they're a liability when they're usually the opposite.
- How to communicate clearly.
- More information on communicating with people who have problems expressing themselves.
- What are the alternative means of communication, how to arrange "other assistance" for all types of disabilities.
- What is available to the public for free.
- How to market to these individuals.
- Provision where possible of access particularly.
- Dealing with people with disabilities. Each disability addressed and examples of how to provide the type of service required for difficult situations.
- Hearing, vision, national relay service.
- The TTY service and AUSLAN should be promoted throughout the City. I think maybe have it as part of the City's conference.
- Challenging Awareness training should be compulsory. Training and workshops to build confidence and interest of staff on HOW they can make their workplace more inclusive ie practical measures, how to engage, listen and make it happen.
- Mental issues, facility and building access issues, hearing.
- Arranging Auslan sign language. Knowing how to use a TTY or the TTY national relay service.
- What are the issues that people with disabilities face and are we catering for their needs.
- To better assist the various clients with various disabilities - predominantly mental illness based.
- Advocacy services, planning buildings and information leaflets.
- I am involved with the Housebound Library service. All my training with disabled patrons has been on the job and from my own observations. Training should include wearing vision.
- What are the factors that should be considered when creating and/or maintaining City infrastructure.
- Communicating to people how and where to get the assistance they need.
- All areas. If access is to be universal then all staff need to know the issues and how to meet the challenges
- The grant application process will be in electronic form only from 2012. I may need training to communicate to persons over the phone, at the CoW libraries. Maybe the grant application process could be made available in Braille?
- Types of issues those with disabilities experience when viewing websites.
- Just more awareness, that they have dignity and we should help maintain their dignity.
- Approaching people, promotion and agencies.

- Compliance with legislative access requirements in the design of public infrastructure.
- More training in general awareness of a disability, regarding things that may not be obvious at first, for example when communicating with the customer at their home. Mass Council mailings are not adapted in any way for the individual, nor are standard letters or contracts.
- Although I rarely deal with the public I think it is a good idea for all staff members to have basic training to raise their awareness, empathy and understanding.
- Better awareness by long term employees - things change and a better understanding is required so this should be a regular training process.
- How to reach this sector of community to include them.
- Areas other than mobility.
- Specifics on council's provisions that we could access.
- A clear indication of the services we should be providing for people with special needs, budget allocation for such services based on accessibility and service provision.
- Legislation, raising awareness, solutions.
- What methods and services the City has to provide staff with the opportunity to be better prepared to include people with disabilities in our activities.
- Every day issues that confront people with disabilities and their solutions, how their lives are different and what sacrifices they have to make.
- I believe it is important to have disability awareness training regularly - whilst I believe my understanding is quite good I believe understanding the issues encountered by people with disabilities is a good way of raising awareness.
- How to find additional staffing and other resources to be able to offer more inclusive and accessible projects/activities/programs/services.

14. How often do you think disability, access and/or inclusion awareness training should be provided to staff members?

Option	Staff
Annual	32.3%
Bi-annually	68.8%

- If different people, every quarter. If it's reinforcement, annually.
- As long as senior staff are aware.
- Depends on amount of customer interaction an employee has.
- Three people recommend training as required or requested, specifically when new information becomes available.
- Multiple suggestions that compulsory training is provided to all new staff on induction.
- One-off for general awareness for all staff - but every two years for staff who directly deal with people with disability issues on a frequent basis.
- Including the person who decided to have such a dark background as the lack of contrast can be an issue for people with visual challenges.
- Depending on what the training is and who goes.

- Short and simple information sessions on points in question 6, 8 & 9 should be regularly offered so that all staff can become aware of how to provide or arrange to provide a basic CoW service to a person living with a disability.

15. Do you have any preferences for a particular training format?

Option	Staff
Lecture	63.8%
Experiential	71.7%
Video	65.1%
Workshop	85.5%
Course	65.5%

- Video with subtitles.
- Better to 'do' where possible.
- Must be interactive and practical.
- Depends whether initial or repeat - a variety of formats is essential so that people don't feel it is the same again every time they do a refresher. Best session I did was WITH a person with a disability.
- Previous awareness training included 2 disabled attendees (blindness & wheelchair bound). We were able to discuss the issues they faced - helped with awareness.
- Online.
- A section/short presentation on the City's Disability Action and Inclusion Plan needs to be included in all staff inductions as a starting point. Then a bi-monthly or quarterly workshop to be offered on an ongoing basis which covers all essential disability awareness, access and inclusion information. These can be delivered internally with some external support/consultation involved. This will accommodate information and training needs for new staff and staff that move to different roles that need to develop awareness and working knowledge. I think we need to start from the beginning and ensure that everyone can understand all the points raised in questions 4, 6, 8 & 9, in a clear, easy format.
- I would like to see the introduction of corporate volunteering whereby staff members are encouraged/required to perform voluntary activities in disability organisations for 3 to 4 hrs per month in paid work-time.

CITY OF WANNEROO
DISABILITY ACCESS AWARENESS SURVEY
FOR ELECTED MEMBERS

Elected Members were asked to complete a hard copy Disability Access Awareness Survey in December 2011. The following questions were asked and five responses received.

Length of time served as an Elected Member or length of employment as a City of Wanneroo staff member: Four of the five respondents have served for more than five years with one elected within the last 12 months.

- 1. In your role do you interact with the public (in person, by telephone, correspondence, other)?**

Of the four who replied, three have frequent interactions and one interacts with the public occasionally.

- 2. Are you aware of the City's Disability Access and Inclusion Plan (DAIP)?**

Three members are aware of the DAIP, two were not.

- 3. How would you rate your level of understanding of the access and inclusion requirements of people with various types of disabilities who may have difficulty with:**

The difficulties facing people with vision and mobility impairments are moderately well understood on average, however understanding of access and inclusion requirements for people who have difficulty expressing themselves, experience confusion or disorientation was ranked quite low by all members. Three members have a low understanding of difficulties facing people with hearing problems.

- 4. Have you been able to identify any problems that prevent people with disabilities from accessing City of Wanneroo services (eg. access to buildings and facilities, information or level of staff awareness)?**

Two members stated they have noticed a disability access problem in the City of Wanneroo.

IF "Yes", what are they?

- No beach access for physically disabled people in Yanchep or Two Rocks.
- No disabled toilet facilities in Yanchep or Two Rocks.
- Quinns Rocks Caravan Park wheelchair access to toilets.

5. Are you aware that the City of Wanneroo makes its public information available in alternative formats when requested?

Two members are aware of the alternative formats available.

6. Are you aware that the City provides other assistance for customers with disabilities to access its public information?

Two members are aware, both indicating they are aware of direct staff communication, the Better Hearing Counter Card and sign language interpreting. One is aware that a TTY, fax, email and the internet can be used to facilitate public access to information. No-one was aware of Audio Loops.

7. Are you familiar with the following aids used to communicate information to individuals who have a hearing impairment or are deaf?

Four members are familiar with writing things down, two know of the Better Hearing Counter Card and speaking clearly, one knows of the National Relay Service and the TTY. One member knows of the option to set up an audio loop at public meetings and two know that Auslan interpreters are available on request.

8. Have you ever had any training to raise your awareness of the different types of disabilities?

No training has been received in disability awareness.

9. Have you ever participated in any training regarding disability awareness, access and inclusion needs of people with disabilities in receiving the City's services?

No training has been received regarding the needs of people with disabilities in relation to the City's services.

10. Do you consider you need further training in the areas below:

Two members would like to receive training in general disability awareness and access issues for people with disabilities. All four respondents would like to learn more about inclusion issues for people with disabilities.

11. If "Yes" to question 10, what issues and areas do you consider should be included in the training?

- As a person who is classified as partially disabled myself I am totally interested in any methods we can apply to assist disabled people.
- Some of the higher level inclusion issues/ways to encourage participation.
- Ongoing training in relation to disability access is always appropriate and an important aspect of the work of Local Government.
- How we (the City) address the issues. How we do it better, ever developing what resources do we need to improve.

12. How often do you consider training in this area for Elected Members should be provided? (Please tick your preferences).

All five Members agree that bi-annual training would be ideal.

- Perhaps it could also be a subject in the initiation process worth of a presentation.
- Provision of information whenever there are any changes to legislation is important (information updates annually, raise awareness bi-annually).
- Every two years as part of the election cycle.

13. Do you have any preferences for a particular training format?

The preferred delivery medium for training is a workshop, slightly less popular options include experiential or a course. Least preferred formats are a video and a lecture.

14. Would you support development of an advisory initiative which can guide Council on access and inclusion issues?

All responses supported the development of an advisory initiative.

3.21 Review of Access to Information & Services for People with Disabilities and their Families and Carers Policy

File Ref:	4096 – 12/26629
Responsible Officer:	Director, Community Development
Disclosure of Interest:	Nil
Attachments:	1

Issue

To consider the review of the Access to Information & Services for People with Disabilities and their Families and Carers Policy.

Background

A review of the Access to Information & Services for People with Disabilities and their Families and Carers Policy is concurrently completed with each scheduled review of the City's Disability Access and Inclusion Plan.

Council last reviewed the Access to Information & Services for People with Disabilities and their Families and Carers policy at its meeting of 26 June 2007 (CD02-06/07), where it endorsed the following:

"Adopts the revised Policy: Access to Information & Services for People with Disabilities and their Families and Carers".

The policy aims to further the principles of the Western Australian Disability Services Act 1993 (amended 2004) and the Commonwealth Disability Discrimination Act 1992.

Detail

The revised policy (see **Attachment 1**) provides guidance to all City of Wanneroo employees and elected members on equity of access to the full range of information and services provided for the community by the City.

Consultation

A review of the policy has been completed in concurrence with the review of the City's Access and Inclusion Plan 2007-2012 and the development of the Draft Disability Access and Inclusion Plan 2012-2015. Community consultation included:

- Five public meetings held at venues across the City's zones;
- Individual consultation;
- An External Focus Group meeting of key stakeholders and people with disabilities;
- Internal Project Reference Group meetings;
- Public Comment Period for Draft Disability Access and Inclusion Plan 2012-2015;
- City of Wanneroo Staff Survey;
- City of Wanneroo Elected Member Survey; and
- Consultation with City of Wanneroo leadership team including managers, directors and Chief Executive Officer.

The consultation process was implemented over a four-month period spanning October 2011 to February 2012.

Comment

The policy review highlighted changes in relation to:

- Incorporation of the new policy format requiring distribution of existing policy content against additional headings;
- Reflection of current organisational structure; and
- Accuracy of terminology.

Statutory Compliance

This review of a Council Policy is undertaken in compliance within the requirements of the Local Government Act (WA) 1995.

Strategic Implications

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

“2 Social

2.1 Increase choice and quality of neighbourhood and lifestyle options”

2.2 Improve the City's identity and community well-being through arts, culture, leisure and recreation

2.3 Improve the capacity of local communities to support each other

2.4 Improve community safety

2.5 Improve transport options and connections

4 Governance

4.1 Improve strategic partnerships

4.2 Improve community engagement

4.3 Deliver excellence in business performance and service provision

4.5 Provide an engaging and supportive environment for our people

4.6 Provide and maintain a high standard of governance and accountability”.

Policy Implications

This policy forms part of the City of Wanneroo's adopted Council Policy Manual and it is within Council's capacity to confirm, modify or rescind Council policies.

Financial Implications

The City's operating budget funds the development and delivery of accessible and inclusive information and services.

Voting Requirements

Simple Majority

Recommendation

That Council ADOPTS the revised Access to Information & Services for People with Disabilities and their Families and Carers Policy as detailed in Attachment 1.

Attachments:

1. *Access to Information & Services for People with Disabilities and their Families and Carers policy 12/26507 Minuted*



Policy Manual

Access to Information & Services for People with Disabilities and their Family and Carers

Policy Owner: Community Development
Contact Person: Manager Community Capacity Building
Date of Approval:

POLICY OBJECTIVE

*"The purpose of this policy is to provide equity of **access** to the full range of information and services provided for the Community by the City."*

POLICY STATEMENT

The City of Wanneroo is committed to ensuring that information and services offered to the community by the City are accessible to all people including people with **disabilities**, their families and carers.

The City of Wanneroo interprets an accessible community as one in which all Council facilities, programs and services are available to people with disabilities, providing them with the same opportunities, rights and responsibilities enjoyed by other people in the community.

Council recognises that people with disabilities are valued members of the community with the same fundamental rights as all residents of the City of Wanneroo to participate in and contribute to local community life.

Council will also seek to raise general community awareness regarding access issues in order to facilitate the integration of people with disabilities into all aspects of life in the community.

SCOPE

This policy applies to City of Wanneroo employees, elected members, people with a disability who reside within the City of Wanneroo, their families, carers, advocates and disability organisations.

BACKGROUND

The Access Policy aims to further the principles of the Western Australian Disability Services Act (1993) and the Commonwealth Disability Discrimination Act (1992).

CONSULTATION WITH STAKEHOLDERS

To achieve a more accessible community the City of Wanneroo is committed to active consultation with people with disabilities, their families and carers and where required disability organisations to identify access barriers and appropriate solutions or responses.



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IMPLICATIONS (Financial, Human Resources)

This policy will work in conjunction with 'best practice' guidelines which can be consulted to ensure that community information provided by the City will be accessible to all residents in a variety of formats and mediums.

Within the annual budget process, Council will consider the allocation of funds for production and distribution of information to people with disabilities.

Council staff will be provided with training to raise awareness of disability issues and increase skills in responding to the needs of people with disabilities.

IMPLEMENTATION

Council will assess individual needs and use alternative communication strategies, as appropriate, and within available resources, where possible to enable people with a disability to access its community information.

Council will monitor the demand for additional communication methods/technologies eg. Telephone Typewriter service.

Council will monitor developments in communication technology and electronic media, and their applications in order to continually improve access to, and the accessibility of, its information for people with disabilities.

Council will develop staff skills in the provision of information in formats or forms which meet the communication requirements of individuals with a disability, on a timely basis.

Every effort will be made to ensure that any person who lives or works in, or visits the City of Wanneroo will not be denied access to any Council facility, program or service on the basis of personal disability.

All new facilities operated by Council will be designed in accordance with New Buildings – Disability (Access to Premises – Buildings) Standards.

Existing facilities operated by Council will, as far as possible, be progressively modified to optimise their accessibility.

Programs and services provided by Council will have operating guidelines which optimise their availability to people with disabilities.

Council will ensure that the needs of people with disabilities are taken into account in the design of all proposed developments involving public access, in accordance with the relevant legislation.

Council will inform developers of their changing responsibilities in relation to the access requirements of Commonwealth disability discrimination legislation. The City will inform contractors employed by the City of the Disability Access and Inclusion Plan 2012-2015.



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Council will ensure that building regulations and standards relating to access for people with disabilities are promoted and enforced.

Council will encourage local businesses and organisations to make their facilities, products and services as accessible as possible for people with disabilities.

Council will promote community awareness of people with disabilities as part of the diverse community of the City of Wanneroo with the same rights as any other resident.

ROLES AND RESPONSIBILITIES

The Community Development Officer (Access and Inclusion) will be responsible for review of this policy.

DISPUTE RESOLUTION

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

WHO NEEDS TO KNOW ABOUT THIS POLICY?

All City of Wanneroo employees and elected members need to know details of the Access Policy.

EVALUATION AND REVIEW PROVISIONS

This policy is to be concurrently reviewed with the City's Disability Access and Inclusion Plan every three years.

DEFINITIONS

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

Disabilities	The loss or reduction of functional ability and activity that is consequent upon impairment. Disabilities can be sensory, neurological, physical, intellectual, cognitive or psychiatric and people can have more than one type of disability.
Access	The absence of environmental and/or social barriers to the full participation in their community of people with disabilities.

RELEVANT POLICIES/MANAGEMENT PROCEDURES/DOCUMENTS OR DELEGATIONS

Disability Access and Inclusion Plan 2012-2015.

REFERENCES

Council will ensure that all strategic policy and planning documents are consistent with Council's policy on access.



Policy Manual

RESPONSIBILITY FOR IMPLEMENTATION

All Directors and Managers

Version	Next Review	Record No:
February 2012	February 2015	12/26361

3.22 RAP Working Group Recommendation to Council

File Ref: 6382 – 12/29609
Responsible Officer: Director, Community Development
Disclosure of Interest: Nil
Attachments: Nil

Issue

To consider a recommendation from the Reconciliation Action Plan Working Group to investigate contracted services for translation into Noongar language.

Background

At the direction of Council, the RAP Working Group has developed the draft Reconciliation Action Plan 2012-2014 document which has undergone a period of public comment. The final draft Plan will be endorsed by Council at its meeting on 1 May 2012.

Detail

The Working Group believes the inclusion of the definition of Reconciliation in both English and Noongar Language will enhance the RAP 2012-2014. Administration will investigate suitable Noongar language translators to undertake the translation of the following definition: "Reconciliation is the healing journey that builds respect and recognises the uniqueness, equality and rights of Aboriginal and Torres Strait Islander people and all Australians through understanding and accepting the past and working together for a better future."

At its meeting on 14 March 2012, the RAP Working Group endorsed a recommendation that Administration be tasked with investigating contracting this translation service according to the City's Procurement procedures. The RAP Working Group has recommended a number of suitably qualified people with the specialist skills essential for this task. Administration will adhere to strict guidelines in the City's Procurement Policy and Procedures to ensure a fair and equitable process in selection.

Consultation

RAP Working Group consultation occurred in the meeting on 14 March 2012.

Comment

Inclusion of the definition of Reconciliation in both English and Noongar Language will enhance the RAP 2012-2014.

Statutory Compliance

Nil

Strategic Implications

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

- "4 Governance
- 4.2 Improve community engagement"

Policy Implications

Procurement of Goods and Services Policy and Procedures.

Financial Implications

The Community Links operating budget for 2011/12 includes funding for contract services and quotes will be sought for the services. It is expected that this project can adequately be covered by existing budget allocations.

Voting Requirements

Simple Majority

Recommendation

That Council ENDORSES the recommendation of the Reconciliation Action Plan Working Group for Administration to arrange translating the definition of Reconciliation into Noongar language for inclusion in the final Reconciliation Action Plan 2012-2014.

Attachments: Nil

Communication and Events

3.23 Civic Functions, Ceremonies and Receptions Policy

File Ref: 6193 – 12/27631
Responsible Officer: Director, Community Development
Disclosure of Interest: Nil
Attachments: 1

Issue

To consider a new Civic Functions Ceremonies and Receptions Policy.

Background

Each year Council adopts a budget that provides for the provision of civic events for the benefit of the City. In the past these events and associated activities have been delivered without a policy framework which can leave the City vulnerable if questions were asked as to the principles underlying the selection and priority of these events.

Detail

The City has developed a new policy covering the staging of Civic Functions, Ceremonies and Receptions. The new policy provides a brief description of events that it is expected may be held annually, outlining the relevant protocols and responsibilities.

Consultation

Consultation has been undertaken with all relevant internal units.

Comment

This Policy provides a framework under which the Civic Functions, Ceremonies and Receptions will be administered. This will assist the City to continue delivering top class events at the civic level such as the ceremonies at which over 1,000 people a year become Australian citizens.

NB: Race in Your Rates and the Mayor's Christmas Appeal will be the subject of separate reports to Council at a future date.

Statutory Compliance

This Policy complies with relevant statutory requirements.

Strategic Implications

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

“2 *Social*

2.2 *Improve the City's identity and community well-being through arts, culture, leisure and recreation”*

Policy Implications

This policy has been developed in accordance with existing relevant policies and procedures.

Financial Implications

Costs related to coordinating the functions in this policy will be included in the operating budget of each responsible service unit and adopted through the annual adoption of the City's budget by Council.

Voting Requirements

Simple Majority

Recommendation

That Council ADOPTS the revised Civic Functions, Ceremonies and Receptions Policy as outlined in Attachment 1.

Attachments:

- 1. draft Civic Functions, Ceremonies and Receptions Policy - Council Forum 13 March 2012 12/25701 Minuted*



Policy Manual

Civic Functions, Ceremonies and Receptions

Policy Owner:	Manager Communications and Events
Contact Person:	Manager Communications and Events
Date of Approval:	Date the policy was approved by Council and Resolution Number

POLICY OBJECTIVE

To provide guidance for the approval of civic functions, ceremonies, receptions and/or the provision of hospitality.

POLICY STATEMENT

To fulfil its civic objectives the City of Wanneroo will host various civic functions and receptions as well as official openings of Council facilities and other specific receptions or functions from time to time as the need arises.

Civic Functions, Ceremonies and Receptions

- (i) The Mayor may host functions and receptions with light refreshments for local residents who are recipients of awards or prizes from the City, exchange students and visitors from other local authorities from Australia and overseas, in accordance with adopted budget.
- (ii) The Chief Executive Officer authorises the approval of all civic functions, ceremonies, receptions, provision of hospitality and the use of the Administration and Civic Centres.

SCOPE

This policy applies to the Mayor and the Office of the Mayor staff, Elected Members, the Chief Executive Officer and the Office of the Chief Executive Staff, Executive Services, Community Capacity Building and Communications & Events team.

BACKGROUND

Every year, the City hosts several civic functions, ceremonies and receptions. This policy provides a brief description of each as well as protocols such as invitees.

The City of Wanneroo's annual civic events calendar includes, but is not limited to the following:

1. Citizenship Ceremonies

The City hosts Citizenship Ceremonies on behalf of the Department of Immigration and Citizenship every four weeks in the Council Chamber, with the exception of Australia Day and will be coordinated by the Administration Officer, Communications and Events.

Ceremonies will, where possible, be scheduled on non-Parliamentary Sitting Days and where possible, will be held the same evening as Council Forum Sessions.



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Responsible Unit: Communications and Events.

2. Australia Day Ceremony and City of Wanneroo Australia Day Awards Presentation

The Australia Day Citizenship Ceremony will be held on the Australia Day public holiday and held at the Wanneroo Showgrounds incorporating a BBQ Breakfast.

In addition to the guest list detailed for Citizenship Ceremonies, further guests to be invited will be as per the "Australia Day Awards" Policy.

Responsible Unit: Communications and Events.

3. Pioneers Lunch

Each year, a function will be held to celebrate the City's family of pioneers as well as award eligible people the title of Wanneroo Pioneer. To be eligible for the title of Wanneroo Pioneer, individuals must have lived in the City for 50 years or more of their adult life.

Other invitees shall include all current Elected Members, the Chief Executive Officer, Freeman of the City, eligible former elected members and other relevant staff of the City at the discretion of the Chief Executive Officer.

Responsible Unit: Communications and Events, with cooperation from Community Capacity Building.

4. Volunteers Appreciation function

Each year, a function will be held to show the appreciation of the City to volunteers for the City. Communications and Events, in consultation with the relevant service units, will prepare an invitee list which shall include all City of Wanneroo volunteers who have been a volunteer for 12 months or more, all current Elected Members, eligible former elected members, the Chief Executive Officer and other relevant staff of the City at the discretion of the Chief Executive Officer.

Responsible Unit: Communications and Events, with support from Community Capacity Building.

5. City of Wanneroo Art Awards

Each year, a function is held for the opening of the City's Art Awards. The Chief Executive Officer is authorised to prepare a guest list, which shall include all current Elected Members, eligible former elected members, the Chief Executive Officer, other relevant staff of the City at the discretion of the Chief Executive Officer and all entrants to the City of Wanneroo Art Awards.

Responsible Unit: Community Capacity Building.

6. Mayor's Prayer Breakfast

Each year, a function will be held for various community groups to come together in unity and prayer for our school community, police, fire and emergency workers, community leaders; and business sector.

Representatives from the above groups as well as all current Elected Members, eligible former elected members, the Chief Executive Officer, Chaplains from Government High



Policy Manual

Schools within the City of Wanneroo, YouthCARE representatives, and other relevant staff of the City at the discretion of the Chief Executive Officer will be invited to this function.

Responsible Unit: Communications and Events.

7. Blessing of the Roads

Each year, a Blessing of the Roads event will be held prior to Easter to highlight road safety issues and promote good driving practices. Invitees shall include Ministers of Religion and senior police as well as current Elected Members, the Chief Executive Officer and other relevant staff of the City at the discretion of the Chief Executive Officer.

Responsible Directorate: Infrastructure, with the support of Communications and Events.

8. Civic Mayoral Receptions

At the discretion of the Mayor and Chief Executive Officer, the Mayor may host receptions and celebrate local milestones. These may include but are not limited to commemorate the opening of new or substantially refurbished Council facilities, recognise an achievement of substantial significance or to recognise notable visitors to the City. The invitation list shall be at their discretion but is to include all current Elected Members, the Chief Executive Officer, and other relevant staff of the City at the discretion of the Chief Executive Officer.

Catering is to be determined by the CEO in consultation with the Mayor and in consideration of its appropriateness to the purpose of the event. Protocol gifts may be provided by the City.

Responsible Unit: Communications and Events.

9. Ministerial / Cabinet Visits

The City may host visits to the District by State and Federal government Ministers and Shadow Ministers either individually or collectively as Cabinet to ensure that the City's profile is enhanced and that appropriate focus is provided to the City's strategic objectives.

The Chief Executive Officer in consultation with the Mayor may determine to host a Ministerial Visit, and in making the decision will have regard to ensure that such visits are for a purpose that advances the City's strategic objectives.

In consultation with the Mayor, the Chief Executive Officer will determine a program that fulfils the objective of the visit and showcases the City. Protocol gifts may be provided by the City.

Responsible Unit: Office of the Mayor with support from Communications and Events.

10. School Tours

The City may facilitate and host tours of the Civic Centre to promote greater knowledge and understanding of the role of local government.

School tours/visits should be facilitated where possible without negatively impacting on the operations of the City.

School tours will be facilitated and managed by the Office of the Mayor, who will provide information relevant to the role of local government and specifically the City of Wanneroo.



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Responsible Unit: Office of the Mayor.

CONSULTATION WITH STAKEHOLDERS

Key stakeholders of this policy include Chief Executive Officer, Director Community Development, Manager Executive Services, Manager Community Capacity Building, Coordinator Governance and the Communications and Events team.

IMPLICATIONS (Financial, Human Resources)

Costs related to coordinating the functions in this policy will be included in the operating budget of each responsible service unit.

IMPLEMENTATION

Communications and Events will submit an annual civic events calendar for information to the City's Executive Management Team. Prior to the individual events, Communications and Events and Community Capacity Building, will draft briefing notes and guest lists for each individual civic event detailing the respective date, venue and order of proceedings. Once these briefing notes have been endorsed, Communications and Events will execute the event.

ROLES AND RESPONSIBILITIES

The Manager Communications and Events is responsible for this policy together with the Coordinator Communications and Events.

DISPUTE RESOLUTION

All disputes in regard to this policy will be referred to the Director Community Development in the first instance. In the event that an agreement cannot be reached, the matter will be referred to the CEO.

WHO NEEDS TO KNOW ABOUT THIS POLICY?

Mayor and Office of the Mayor; Elected Members; CEO and Office of the CEO; Directors, Managers, Coordinators; Community Capacity Building and Communications and Events.

EVALUATION AND REVIEW PROVISIONS

The following key performance indicator will be used to review this policy:

- Events delivered within scope and budget.

DEFINITIONS

Nil



Policy Manual

RELEVANT POLICIES/MANAGEMENT PROCEDURES/DOCUMENTS OR DELEGATIONS

- Honorary Freeman of the City of Wanneroo
- Award of the Title "Wanneroo Pioneer"
- Australia Day Award
- Recognition of Elected Members
- Use of the Civic Centre – Function Room and Public Areas
- Naming of Facilities and Recognition of Outstanding Community Contributions
- Youth Reward and Recognition
- Welcome to Country Protocols
- Swearing in and Induction
- Disability Access and Inclusion Plan 2012-15

REFERENCES

Nil

RESPONSIBILITY FOR IMPLEMENTATION

Manager Communications and Events

Version	Next Review February 2014	Record No: 10/1231
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Other Matters

3.24 Vietnamese Community in Australia/WA Chapter - Tet Festival 2012

File Ref: 6489 – 12/25739
Responsible Officer: Director, Community Development
Disclosure of Interest: Nil
Attachments: 4

Issue

To consider requesting a refund of \$5,000 Community Event Sponsorship Funding from the Vietnamese Community in Australia/WA Chapter.

Background

The City has supported the development and successful delivery of the annual Tet Festival by the Vietnamese Community in Australia/WA Chapter (VCA/WA) at Wanneroo Showgrounds since the event's inception in 2009. A total of \$22,075 has been contributed from the City's Community Funding Program from 2008 to 2011 inclusive.

In the October 2011 Community Funding round the VCA/WA requested \$10,000 to conduct the Tet Festival for 2012. Council approved \$5,000 subject to the following:

1. A detailed budget illustrating how the grant amount would be spent;
2. Quotes for items over \$100.00 that the City is being requested to fund;
3. A Risk Management Plan, including an evacuation plan and Fire Management Plan that meet the approval of the City's Chief Fire Control Officer and FESA;
4. Statement by supplier form;
5. Letters of support to demonstrate a high level of community support for the event

Detail

All documentation for the 2012 event was submitted including a revised budget illustrating \$30,000 income generated from sponsors including the City, Lotterywest and Healthway refer **(Attachment 1)**. The VCA/WA advised a cash contribution of \$12,700 giving a total budgeted income of \$42,700. No ticket sales income was stated in the revised budget. Total budgeted expenditure was \$42,700.

An event application was lodged with the City on 21 October 2011 for the 2012 Tet Festival. The application confirmed that "no" entry fee was to be charged for this event refer **(Attachment 2)**.

On Monday 30 January 2012, following the weekend event, a City of Wanneroo resident sent an email of complaint regarding an entry fee charge of \$7 per adult. The resident followed up her concern with a letter of complaint.

Upon receipt of the VCA/WA grant acquittal on Thursday 1 March 2012, the VCA/WA stated that the 2012 Tet Festival had generated a profit of \$44,925 refer **(Attachment 3)**. Income of \$91,990 was generated from grants (\$20,000), sponsors (\$19,400), stall hire (\$15,540) and ticket sales (\$32,050). No cash contribution was made by the VCA/WA. Total expenditure was \$47,065.

Consultation

An email was sent by Administration to the VCA/WA on Friday 2 March 2012, requesting a telephone call to discuss issues arising from the grant acquittal including the ticket sales not documented in the original funding application. On Tuesday 6 March 2012 the VCA/WA contacted the City and apologised for the incorrect information regarding ticket sales for the Tet Festival. A written apology was also received on Friday 9 March 2012 refer **(Attachment 4)**. The VCA/WA advised that the organisation did not intend to mislead the public.

Comment

Community Event Sponsorship has been developed to assist community organisations in the development and operation of a range of events across the City. Over the past four years the VCA/WA has entertained audiences with an array of outdoor music, dance and other Vietnamese cultural activities in celebration of the Lunar calendar year. The VCA/WA has met funding criteria and demonstrated its ability to successfully develop, manage and implement a substantial two day community event that is available to all sections of the community, including the culturally and linguistically diverse.

The VCA/WA has now reached a point where it is self sufficient in the delivery of this event, which is to be commended. The 2012 income and expenditure statement illustrating a \$44,925 profit supports this. Conversations between Administration and other funding bodies suggest that there will be continuing support from Lotterywest and Healthway for the event as it continues to meet their funding objectives.

Administration acknowledges that past acquittals had not identified the matter of entry fees as a concern, but more rigorous attention to the acquittal process this year highlights that a more consistent approach is required for all recipients of City of Wanneroo Community Funding grants. Administration is constrained by the requirements of the policy in what is acceptable for the purposes of audit and acquittal, and this report will recommend entirely in line with the policy requirements.

It is however within the capacity of Council to consider a range of options to resolve the concerns of both the City and the Vietnamese Association in this matter. These include:

1. Seek a refund of the full amount of the community funding grant for the 2012 Tet Festival (\$5000) and not support future community funding grants on the basis of self sufficiency through entry fees and other funding opportunities.
2. Not seek a refund of the community funding grant for the 2012 Tet Festival but not support future community funding grants on the basis of self sufficiency through entry fees and other funding opportunities.
3. Not seek a refund of the community funding grant for the 2012 Tet Festival but allow the possibility of future funding.

In any of the above scenarios it is recommended that the City of Wanneroo support the VCA/WA in its applications to other funding bodies, as this is a highly valued and valuable community event. If any future community funding applications are made to the City it will be essential that the terms of the grant, and any impacts of entry fees, are clarified at the time of approval so that Administration is able to appropriately monitor and acquit the City's contribution.

Therefore in line with the City's Community Funding Policy and guidelines for eligibility, it is recommended that the VCA/WA be requested to refund the City's contribution of \$5,000 for the 2012 Tet Festival. This refund will enable other emerging community projects to be supported.

Statutory Compliance

Nil

Strategic Implications

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

"2 Social

2.2 Improve the City's identity and community well-being through arts, culture, leisure and recreation"

Policy Implications

In accordance with the City's Community Funding Policy: General Funding Guidelines Eligibility, a community funding application should be not-for-profit or financial gain to the organisation or any individual.

The 2012 Tet Festival has made a substantial profit of \$44,925 as per the VCA/WA acquittal information, income and expenditure statement.

Financial Implications

The refund of \$5,000 will enable Council to support additional community funded projects in the current financial year.

Voting Requirements

Simple Majority

Recommendation

That Council ENDORSES a request for a refund of \$5,000 from the Vietnamese Community in Australia/WA Chapter to be used for future City of Wanneroo Community Funding applicants.

Attachments:

- | | |
|--|----------|
| 1. VCA WA 2012 Event Budget | 12/25839 |
| 2. Vitenamese Tet Festival – Event Application | 12/31671 |
| 3. VCA WA Acquittal Income and Expenditure Statement | 12/25835 |
| 4. VCA WA letter 9 March 2012 | 12/26557 |



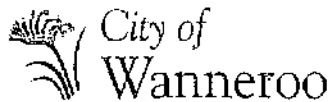
CỘNG ĐỒNG NGƯỜI VIỆT TỰ DO ỨC CHÂU / TÂY ỨC
VIETNAMESE COMMUNITY IN AUSTRALIA/WA CHAPTER INC.
 Units 4 & 5, 131-133 Brisbane St, Perth, W.A. 6000
 (08) 9328 8914 Email: vietcomaustralywa@gmail.com Website: http://austrivietwa.wordpress.com/

Tel:

Tot New Year Festival 2012 @ Wanneroo Showgrounds - 27th and 28th January 2012

ESTIMATE INCOME & EXPENDITURE

INCOME		AMOUNT
Funding	Lotterywest	\$ 15,000.00
	City of Wanneroo	\$ 10,000.00
	Healthway	\$ 5,000.00
Own funds	Event Organiser's own funds/continants	\$ 12,700.00
Total Income		\$ 42,700.00
EXPENSES		AMOUNT
Entertainment	Local Vietnamese Singer Lam Gio Hny	\$ 800.00
	Vietnamese Band	\$ 1,000.00
	Famous Female Vietnamese Singer - performance & air ticket	\$ 4,000.00
	Famous Male Vietnamese Singer - performance & air ticket	\$ 4,000.00
Venue Hire	Wanneroo Showgrounds hire	\$ 1,300.00
	License for Food Stalls	\$ 800.00
Insurance	Insurance	\$ 2,800.00
Contractors	Sound & Lighting	\$4,000.00
	Airwest Coolrooms	\$ 3,000.00
	Manque Magic	\$5,000.00
	Water Tank	\$1,500.00
	Complete Portable Toilets	\$1,000.00
	Kennedy's Hire - Generator	\$6,000.00
	Security - Black Diamond Protection	\$6,500.00
	Bin hire from City of Wanneroo	\$1,000.00
Total Expenses		\$ 41,700.00
Total Income less Total Expenses		\$ 1,000.00



EVENT APPLICATION

PLEASE NOTE

Applications for approval should be submitted at least 8 weeks prior to the proposed event.

Applications submitted less than -8 weeks may not be approved.

Please complete **ALL** sections to avoid delays in processing.

Please return completed form to:
City of Wanneroo Communication & Events
Locked Bag 1, Wanneroo, WA 6946

Event Details:	
Organisation <i>(if applicable)</i>	VIETNAMESE COMMUNITY IN AUSTRALIA WA CHAPTER INC.
Name of Event or Activity	TET FESTIVAL 2012
Brief description of activities planned.	CELEBRATE TET NEW YEAR FESTIVAL
Office Use:	Has this Event been assessed to be High Risk? <i>(If yes, please ensure all relevant sections are completed, particularly ALL questions in "H" are required to be answered in full)</i> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Date/s of event/activity	Start Date: 27/1/12 End Date: 28/1/12
Time of event/activity	Start Time: 9.00 am End Time: 11.00 am
Age Group:	All ages Expected Number of Attendees: 8,000 - 10,000

Venue Details:	
F1	Do you wish to hire a Park or Building? Park <input checked="" type="checkbox"/> Building <input type="checkbox"/>
F2	Name of Park or Building where Event is to take place (Please include a copy of the street directory Map if necessary) WANNEROO SHOWGRANDS
F3	Is this Facility a City of Wanneroo facility? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
F4	Have you made a tentative booking? <i>(Note: if event is not approved, booking will be cancelled).</i> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> ID Number
F5	Will you be charging entry for this event? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Entry Cost \$
F6	Have you organised an Event of this nature before? <i>(Please Provide Details)</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
F7	Do you require access to: (Note: \$53 key band applies) Clubrooms <input type="checkbox"/> Power <input checked="" type="checkbox"/> Toilets <input checked="" type="checkbox"/> Changerooms <input checked="" type="checkbox"/> Lights <input checked="" type="checkbox"/> Park <input checked="" type="checkbox"/>

City of Wanneroo

**CITY OF WANNEROO COMMUNITY FUNDING PROGRAM:
ACQUITTAL INFORMATION**

Income & Expenditure Statement

Income Received:

City of Wanneroo Community Funding Program \$5,000.00

Other sources of income:

Specify, e.g. sponsorship, other funding, donation.

Govt Grants	20,000 (1)
Sponsors - Corporate	15,000
Sponsors - Private (Donations)	4,400
Stall Hire	15,540
Ticket Sales	32,050

Total Income **\$ 91 990** ^A

Expenses:

Entertainment (Live)	2,200
Equipment Hire	
Portable Toilets	1,491
Coolrooms	1,720
Power Generator	1,008
Lighting Systems/Setup	3,661
Sound Systems/Setup	12,870
Marquee	13,914
Bins	1,676
Insurance	2,586
Venue Hire/Licences	306
Venue Security	5,544
Volunteer Amenities	90

Total Expenditure **47,065** ^B

Notes:

(1) Includes \$15,000 Lotterywest grant income accrued.

Net Total

(Total Income minus Total Expenditure or ^A minus ^B) **\$ 44925** ^C


AUTHORISATION

I, Nam Pham, (*print name*) as *Treasurer* of the Vietnamese Community in WA Inc., hereby certify that the above income and expenditure statement is a true and correct record of acquittal for funds received by this organisation from the City of Wanneroo Community Funding program.

Signed: _____ on 28/02/12 (*insert date*).

In the presence of:

Name: Dr Anh Nguyen (*print name*)

Signed: 

Signed: _____ President: - *Vietnamese Community in WA Inc.*



CỘNG ĐỒNG NGƯỜI VIỆT TỰ DO ỨC CHÂU / TÂY ỨC
VIETNAMESE COMMUNITY IN AUSTRALIA/WA CHAPTER INC.
 Unit: 4 & 5, 131-155 Brisbane Street, Perth WA 6000 Tel 9329 8914
 Mailing address: 167 Palmerston St, Perth WA 6000 Tel 9227 6255, Fax 92276116
 President direct contact: 0488 042 182
 Email: vietnaresewa@gmail.com Website: <http://ausvietwa.wordpress.com/>

9 March 2012

Her Worship Tracey Roberts
 Mayor
 City of Wanneroo

Dear Ms. Roberts,

RE: Acquittal Issue, Vietnamese Tet Festival: January 2012

I am aware that the Vietnamese Committee is encountering a problem with the Acquittal Process on the City of Wanneroo's sponsorship of \$5,000.00 to the Tet Festival. The issue has been relayed to me via our Treasurer, Nam Pham working with Ms. Rachel Funch, the City of Wanneroo Grants Officer.

Somehow in the application form for sponsorship, the question of entry fees was marked as 'free'; this could well be an honest error in the initial application.

The Tet Festival has been paying fees since the history of the Vietnamese Community in Perth, dating back to 1982. The last Tet Festival on the same Wanneroo Showgrounds in 2011 charged \$5.00 per adult. Regular attendees to this festival have been always been well aware of this routine.

This year, the entry fee was set at \$7.00 per adult; it was advertised in the circulated posters and printed materials. The Tet Festival is the one off annual event that requires users to pay a nominal fee to keep the Community Committee services active. Even the Committee members, after many long days spent organising this event, were more than happy to pay in the spirit of assisting and building the Vietnamese Community.

The Vietnamese Community Committee in Western Australia has been always been non-profit, only raising enough to cover the committee's continuation and its events. This year, the festival (which serviced almost 10,000 people) required exactly 197 volunteers working two full days prior to the opening ceremony. The cost of the festival approximately matched its estimated expenditure of \$50,000.00.

The Vietnamese Committee has had to rely upon donations from the private sector, the Vietnamese public and from within the committee itself to make the festival a reality. Government funding was also sought to relieve financial pressure.

I would also like to remind you that we have had the support of the Premier and his wife, Lynn, MPs, MLAs, Your Worship, Councilors of the Council of Wanneroo, the local media and many other VIP and guests, whom have praised the event as a huge success.


Unfortunately, if this issue is not resolved, the Vietnamese Committee will certainly go bankrupt. If the entry remains as free of charge, the committee will be forced to close its office, as well as all services to the public and face legal actions for not being able to cover corporate fees and utility charges. They will also lose the capacity to hold many free annual events such as the Childrens' Full Moon Festival, Black April Commemoration and many other cultural activities and functions.

I believe the nominal entry fee is fair; however, I deeply apologise to the City of Wanneroo for this error. It was not our intention to mislead the public.

May I represent the Vietnamese people in Western Australia in thanking you in advance for the generous assistance of the City of Wanneroo in resolving this issue regarding the 2012 Vietnamese Tet Festival.

I look forward to hearing from you soon.

Kindest Regards,



Dr Anh Nguyen
President.

Corporate Strategy & Performance

Finance

3.25 Financial Activity Statement for the Period Ended 29 February 2012

File Ref:	1859 – 12/28461
Responsible Officer:	Director, Corporate Strategy and Performance
Disclosure of Interest:	Nil
Attachments:	4

Issue

To consider the Financial Activity Statement for the period ended 29 February 2012.

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity, presented according to nature and type, by program, or by business unit. Administration has opted to present the statement of financial activity by nature and type and in a similar format to that presented in the 2011/2012 Annual Budget. This format separates Revenue and Expenses from Other Revenue and Expenses and provides improved disclosure of the City's underlying Operating Result.

The Financial Activity Statement is in the form of an Income Statement, which compares year to date actual income and expenses with the year to date budget, shows variances and the adopted and revised budgets (if any). Revised budget figures are inclusive of endorsed amendments from Council (including the Mid Year Budget Review). It is accompanied by a Balance Sheet together with information relating to Capital Projects, an Investment Portfolio Summary, Statement of Net Current Assets and Rate Setting Statement.

In addition to the above, *Regulation 34(5) of the Local Government (Financial Management) Regulations 1996* 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 2011/2012 financial year Council has adopted 10% for the reporting of variances, which is in line with previous years.

Detail

The Financial Activity Statement and February 2012 year to date financial performances of the City are detailed in **Attachments 1, 2, 3 and 4**.

Consultation

Nil

Comment

In accordance with the requirement of *Regulation 34(5) of the Local Government (Financial Management) Regulations 1996*, the commentaries on 10% variances to revised budgets in the Financial Activity Statement for the period ended 29 February 2012 are provided below:

Income Statement (Refer to Attachment 1)

<u>Net Result</u>	<u>\$ million</u>
Year to Date Actual	47.960
Year to Date Budget Estimate	33.736
Year to Date Variance	+14.224 (+42%)
Full Year Adopted Budget	38.696
Full Year Revised Budget	37.227

The following information is provided on key aspects of the year to date financial results:

<u>Revenues</u>	<u>\$ million</u>
Year to Date Actual	119.611
Year to Date Budget Estimate	117.213
Year to Date Variance	+2.398 (+2%)
Full Year Adopted Budget	133.806
Full Year Revised Budget	132.538

Interest Earnings

The value recorded from Interest Earnings is dependent on the level of investment funds available, prevailing interest rates and the ability to closely monitor and manage. February year to date interest earnings amounts to \$6.230 million, being a favourable variance of \$0.808 million (+15%) comparing to year to date budget.

Reserve Bank of Australia (RBA) meeting February 2012 had decided to put cash rate on hold at 4.25%. It is difficult to predict the movements of interest rates in the coming months which will depend highly on the global economic and financial conditions. On the assumption that cash rate remains unchanged until end of June 2012, full year interest earnings were increased by 14% (+\$1.010 million) through the mid-year budget review.

Other Revenue

The Other Revenue category shows a favourable year to date variance to budget of \$0.608 million (+21%). The main contributor towards this variance is the unbudgeted payment of \$0.258 million received by the City for the sale of sand at Lot 15 Motivation Drive, Wangara and a \$0.481 million favourable year to date variance in Sale of Products Income for the Materials Recycling Facility.

<u>Expenses</u>	<u>\$ million</u>
Year to Date Actual	76.759
Year to Date Budget Estimate	86.305
Year to Date Variance	+9.546 (+11%)
Full Year Adopted Budget	132.686
Full Year Revised Budget	131.078

Employee Costs

Under Employee costs a favourable year to date variance of +14% (\$5.052 million) has been reflected for the end of February. The main contributors towards this are the current level of unfilled positions, together with the delay in increases associated with a new Enterprise Agreement with staff. Many vacancies have been advertised in the early part of 2012, with selections and appointments currently underway. In respect to the Enterprise Agreement for inside staff, negotiations are continuing on a revised agreement. At present favourable variances to year to date budgets of +\$1.932 million and +\$0.478 million are reflected for Salaries and Wages respectively. It is anticipated that expenditure on Salaries and Wages will come in close to the revised Budget by end of year.

Utility Charges

The variance to year to date budget for Utility Charges is currently +14% (+\$0.568 million). Most accounts are within budget expectations except for Electricity which represents the majority of the variance. Furthermore, through the Mid-Year Budget Review, the electricity budget was increased based on the current monthly trends and back charges by Synergy for previous periods.

Insurance

A favourable variance to year to date budget of +15% (+\$0.228 million) is noted as at February month end for Insurance costs. The reason for this variance is from the timing of the payments of the annual premiums, which are staged over the year and should not result in any savings by year end.

Other Revenue and Expenses\$ million

(Excluding Contributions of Physical Assets)

Revenue in excess of expenses:

Year to Date Actual	5.108
Year to Date Budget Estimate	2.829
Year to Date Variance	+2.280 (+81%)
Full Year Adopted Budget	7.577
Full Year Revised Budget	5.766

Non-Operating Grants, Subsidies and Contributions

An unfavourable year to date budget variance of -71% is reflected under the Non-Operating Grants, Subsidies and Contributions category which relates primarily to Capital Grants for Capital Works. However through the Mid Year Budget Review an increase in the annual estimates were identified and now reflected in the forecast end of year projections (+\$0.349 million).

Town Planning Scheme (TPS) Revenues

Income for TPS's currently report an unfavourable variance to year to date budget of -27%. These revenues are required to be set aside for specific costs associated with a particular scheme and will not affect the Result from Operations for the City.

Town Planning Scheme (TPS) Expenses

TPS Expenses as at February month end reflects a +73% variance (+\$10.281 million) to year to date budget. These costs relate to expenditures within specific Scheme areas and are funded by contributions received from land owners. If timings of works carried out change there will be no impact on Municipal accounts.

Contributions of Physical Assets\$ million

Year to Date Actual	0.000
Year to Date Budget Estimate	0.000
Year to Date Variance	0.000 (0%)
Full Year Adopted Budget	30.000
Full Year Revised Budget	30.000

Each year Developers hand over physical assets (such as parklands) to the City, for its ongoing management and control. These assets can be of considerable value and will be calculated and booked to the accounts during the preparation of end of year Financial Statements. It should be noted that variations on the amounts of contributions of physical assets comparing to budget has no direct impact to the City's current financial year financial results.

Balance Sheet (Refer to Attachment 2)**Capital Works Program**

The current status of the Capital Works Program as of 29 February 2012 is summarised below by Program Category:-

Capital Works Detail by Program

Program Category Description	*Annual Revised Budget \$ million	Year to date Actual \$ million	Commitments \$ million
Community	3.828	0.971	0.405
Corporate	7.156	2.763	1.764
Drainage	0.659	0.191	0.097
Investment	4.128	0.669	0.150
Recreation and Sport	16.647	4.489	2.558
Transport	35.320	15.260	5.008
Waste Management	4.299	0.411	1.396
Total	72.037	24.754	11.378

*Note: *Annual Revised Budget figures are inclusive of endorsed amendments from Council (including the Mid Year Budget Review).*

The table above notes a total Annual Revised Budget for the Capital Works Program as \$72.037 million. As at the end of February \$24.754 million has been spent against capital works and in addition to the actual expenditure, \$11.378 million is recognised as Committed. (*Note: Commitments are life to date and will also relate to future financial periods.*)

To further expand on the Capital Works Program information above, key projects are selected to be reported on, on a regular basis, which are listed in the following table:

Capital Works Details for Selected Projects

Project Description	Annual Revised Budget \$ million	Year to Date Actual \$ million	Commitments \$ million	Comments
Ocean Reef Road Wangara	10.291	7.534	0.267	Civil works completed. Remaining landscaping/ environmental offset works to be undertaken.
Flynn Drive Neerabup	6.215	0.077	0.056	Design scheduled for completion in April 2012. Tender advertising subject to receipt of Federal Government Environmental Approval and finalisation of design.
Hepburn Avenue Alexander Heights	3.801	0.373	3.530	Design completed. Construction commenced on 16 January 2012, expected completion June 2012.
Upgrade Kingsway RSC Stage 5	3.230	1.495	0.667	Expect project to be completed by 30 June 2012 with the exception of the Netball Carpark (scheduled for construction during September/ October 2012)
Pinjar Road Ashby	3.990	2.236	0.628	Civil works to be completed April 2012. Landscaping works due for completion by June 2012.

Project Description	Annual Revised Budget \$ million	Year to Date Actual \$ million	Commitments \$ million	Comments
Develop Industrial Estate Neerabup	2.818	0.599	0.077	On hold pending resolution of environmental issues.
Joondalup Drive Carramar	2.645	2.150	0.255	Road Open with works complete except mulching of northern section.
Replace Waste Management Plant	2.142	0.288	0.704	On track to be completed by 30 June 2012.
Replace Light Plant	2.083	0.395	0.784	Progressing.
Lenore Road Wanneroo	1.450	0.010	0.042	Design being finalised with tender advertisement subject to finalisation of land acquisition matters.
Yanchep District Playing Fields	1.199	0.048	0.000	Developer in the process of subdivisional application. Landscape design has commenced with irrigation design to follow. Bulk earthworks are scheduled to commence on finalisation of Deed of Agreement.
Yanchep Lagoon	1.042	0.087	0.002	Brazier Road realignment construction scheduled to commence in April 2013.

Investment Portfolio Summary (Refer to Attachment 3)

In accordance with the City's Investment Policy, Council endorsed the City to continue maintaining a "cautiously optimistic" approach to its investments to ensure full protection of the City's financial assets. As such, the City will only invest in government guaranteed products or short to medium term deposits with major banks during the present economic climate.

As at 29 February 2012, the City holds an investment portfolio (cash and cash equivalents) of \$206.051 million. Interest Earnings were budgeted at 5% yield. For the financial year to date ending February, Council's investment portfolio return has exceeded the bank bill index benchmark by 0.95% pa (5.79% pa vs. 4.84% pa). Further explanation of the current economic climate, market conditions and City's portfolio analysis is detailed in Attachment 3.

Rate Setting Statement (Refer to Attachment 4)

The Rate Setting Statement outlined in Attachment 4 represents a composite view of the finances of the City, identifying the movement in the surplus/(deficit), primarily based on the operations and capital works revenue and expenditure, and resulting rating income required.

Overall Comment

The Operating Result for the City to February month end presents an overall favourable variance of +39% (+\$11.944 million) to year to date budget. Operating Income presented a minimal favourable variance to year to date budget of +2% (+\$2.398 million).

Expenditures from Operations continue to present a favourable variance to year to date budget of +11% (+\$11.944 million) with the major influences being the favourable year to date variances stated for Employee Costs (+\$5.052 million) and Materials & Contracts (+\$2.394 million). Activities within the Capital Program are progressively increasing as reflected in the February year to date figures and in respect of Commitments.

It is noted that substantial analysis was undertaken in preparing the Mid Year Budget Review, which was recently adopted by Council at its 6 March meeting. For the 2012 financial year positive financial results against original budget were forecast however Administration are particularly mindful of the current slowdown in income producing activities effecting the City and continue a conservative and cautious approach to ensure the effective use of resources for the remainder of the year.

Statutory Compliance

This monthly financial report complies with *Section 6.4* of the *Local Government Act 1995* and *Regulations 33A and 34* of the *Local Government (Financial Management) Regulations 1996*.

Strategic Implications

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

“4 Governance

4.6 Provide and maintain a high standard of governance and accountability”

Policy Implications

Nil

Financial Implications

As outlined above and detailed in **Attachments 1, 2, 3 and 4**

Voting Requirements

Simple Majority

Recommendation

That Council RECEIVES the Financial Activity Statements and commentaries on variances to Budget for the period ended 29 February 2012, consisting of:

- **Annual Original and Revised Budgets,**
- **February 2012 Year to Date Budget Estimates,**
- **February 2012 Year to Date Income and Expenditures,**
- **February 2012 Year to Date Material Variance Notes, and**
- **February 2012 Year to Date Net Current Assets.**

Attachments:

- | | | |
|---|----------|---------|
| 1. Income statement for the period ended 29 February 2012 | 12/30040 | Minuted |
| 2. Balance sheet for the period ended 29 February 2012 | 12/30037 | Minuted |
| 3. Investment Portfolio February 2012 | 12/30041 | Minuted |
| 4. Rate setting statement for the period ended 29 February 2012 | 12/30042 | Minuted |

CITY OF WANNEROO

INCOME STATEMENT BY NATURE OR TYPE

FOR THE PERIOD ENDED 29 FEBRUARY 2012

Description	Year to Date				Full Year			
	Actual \$	Budget Estimates \$	Variance		Adopted Budget \$	Revised Budget \$	Variance	
			\$	%			\$	%
Revenues								
Rates	30,143,933	29,056,337	1,087,603	1	29,889,666	30,418,595	(528,929)	1
Operating Grants, Subsidies and Contributions	6,276,817	6,375,192	(98,366)	(2)	10,407,206	9,562,774	844,432	(8)
Fees and Charges	13,251,997	13,263,909	(12,312)	(0)	22,110,792	19,895,664	2,214,528	(10)
Interest Earnings	6,229,865	6,422,000	(802,866)	16	7,122,950	6,133,000	1,010,050	14
Other Revenue	3,473,333	2,865,343	608,190	21	4,045,228	4,298,015	(252,787)	6
Service Charges	235,361	230,000	5,361	2	230,000	230,000	0	0
Total Revenues	119,611,107	117,212,765	2,398,342	2	133,805,842	132,538,248	(1,267,594)	(1)
Expenses								
Employee Costs	(31,904,525)	(30,266,169)	5,051,544	14	(56,610,764)	(55,197,169)	1,413,595	2
Materials and Contracts	(23,224,960)	(25,678,860)	2,393,900	9	(38,792,469)	(38,728,290)	64,179	0
Utility Charges (electricity, gas, water etc)	(3,393,711)	(3,368,174)	568,463	14	(6,076,202)	(6,951,098)	(874,896)	(14)
Depreciation	(15,359,313)	(16,667,670)	1,308,357	9	(26,001,565)	(25,001,565)	1,000,000	4
Interest Expenses	(1,584,279)	(1,594,279)	0	0	(3,689,236)	(3,689,236)	0	0
Insurance	(1,287,610)	(1,510,227)	222,617	15	(1,515,890)	(1,510,227)	5,663	0
Total Expenses	(76,759,389)	(86,305,279)	9,545,891	11	(132,680,066)	(131,077,555)	1,602,511	1
Result from Operations	42,851,709	30,907,486	11,944,223	39	1,119,776	1,460,723	(340,947)	30
Other Revenue and Expenses (excl. Contr of Physical Assets)								
Non Operating Grants, Subsidies and Contributions	1,831,401	6,418,140	(4,586,739)	(7)	9,324,271	9,873,564	(549,293)	4
Town Planning Scheme Revenues (including Interest Earnings)	7,173,411	5,788,704	2,615,293	(27)	14,668,927	14,688,921	0	0
Town Planning Scheme Expenses	(3,815,733)	(14,096,543)	10,280,810	73	(21,164,091)	(21,433,963)	(269,872)	(1)
Profit on Asset Disposals	0	1,215,440	(1,215,440)	(100)	5,473,160	3,583,160	1,890,000	(35)
Loss on Assets Disposals	(80,675)	(197,200)	416,524	84	(745,552)	(745,552)	0	0
Total Other Revenue and Expenses	5,108,403	2,828,541	2,279,862	81	7,578,709	5,766,130	(1,813,579)	(24)
Contributions of Physical Assets	0	0	0	0	30,000,000	30,000,000	0	0
Net Result	47,960,112	33,736,027	14,224,085	42	36,696,485	37,225,653	(529,168)	(1)

Note: *Revised Budget figures are inclusive of endorsed amendments from Council (including the Mid Year Budget Review).

CITY OF WANNEROO

BALANCE SHEET

FOR THE PERIOD ENDED 29 FEBRUARY 2012

Description	2011/2012
	YTD Actual \$
Current Assets	
Cash at Bank	3,953,491
Investments	204,261,859
Receivables	27,277,979
Inventory	366,634
Total Current Assets	235,859,963
Current Liabilities	
Payables	(9,444,946)
Provisions	(9,633,666)
Total Current Liabilities	(19,078,602)
Net Current Assets	216,781,361
Non Current Assets	
Receivables	8,760,641
Land	2,736,862
Buildings	82,304,136
Plant	22,629,623
Equipment	27,528,892
Furniture and Fixings	3,647,545
Infrastructure	678,121,229
Work in Progress	25,292,951
Total Non Current Assets	860,921,878
Non Current Liabilities	
Interest Bearing Liabilities	(60,778,188)
Provisions	(1,024,389)
Total Non Current Liabilities	(61,802,577)
NET ASSETS	1,015,900,662
Equity	
Accumulated Surplus	(960,525,163)
Municipal Reserves	(55,129,407)
Non Cash Reserves	(246,092)
TOTAL EQUITY	(1,015,900,662)

NET CURRENT ASSETS SURPLUS/(DEFICIT) CARRIED FORWARD

Description	2011/2012		
	YTD Actual \$	Full Year	
		Adopted Budget \$	Revised Budget \$
Current Assets			
Cash - Unrestricted	36,597,998	13,203,981	13,203,981
Cash - Restricted	171,617,352	121,102,208	121,102,208
Receivables	27,277,979	9,121,554	9,121,554
Inventory	366,634	450,000	450,000
Less Current Liabilities			
Payables and Provisions	(19,078,502)	(24,407,255)	(24,407,255)
Net Current Assets	216,781,361	119,470,488	119,470,488
Plus Leave Provisions Cash Backed	1,506,400	1,631,720	1,631,720
Less Cash Restricted	171,617,352	121,102,208	121,102,208
Less Interest Bearing Liabilities	0	0	0
SURPLUS/(DEFICIT) CARRIED FORWARD	46,670,409	0	0



City of Wanneroo Economic and Investment Portfolio Commentary February 2012

Global issues:

- Greece launched its debt-swap offer to private creditors, who are being offered approximately 50 cents in the dollar. If the private sector does not 'voluntarily' agree to participate in the offer, a €130billion (\$160billion) bailout of Greece would be jeopardised, potentially forcing Greece to default on its debts.
- The European Central Bank's (ECB) 2nd round of 'long term refinancing operations' injected another €530billion (\$660billion) into the banking system, bringing the total lent by the ECB to more than €1 trillion (\$1.25trillion).
- There was further evidence of a recovery in America's economy with the Q4 GDP rate being revised upwards to 3% from an initial estimate of 2.8%.
- Oil prices surged to near 3 year highs due to concerns about military action in Iran.

Domestic issues:

- Employment fell by 15,400 in February, the third time in the last four months that employment has fallen. The jobless rate rose to 5.2%.
- Retail sales rose by 0.3% in January, after a flat end to 2011. In annual terms, the mining states (WA, QLD) rose 5.6% while the non-mining states rose a more modest 1.4%.
- Australia's Q4 GDP increased by just 0.4% against consensus of 0.8%, while Q3 was revised down to 0.8% from the previous 1.0%.

Interest rates:

- The governor of the RBA, Glenn Stevens, noted that funding costs for banks had 'increased a bit' and that 'the banks have responded to that in a way that you would expect they would' with their out of the cycle rate increases.
- The RBA kept Australia's official cash rate unchanged at 4.25% following its March meeting.

Investment Portfolio Commentary

Council's investment portfolio posted a marked to market return in February of 3.94% p.a. This was 0.33% p.a. below the bank bill index benchmark return of 4.27% p.a. For the financial year to date ending February, Council's investment portfolio return has exceeded the bank bill index benchmark by 1.84%pa (6.68%pa vs 4.84%pa).

Without marked to market influences, Council's investment portfolio currently still has an overall yield of 5.79%pa. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the securities/deposits.

Conditions in wholesale funding markets remained tight although they improved slightly in February as risk sentiment improved. Reflecting this, the latest 5 year senior issue from Westpac was priced at BBSW + 1.65%, the same margin as their 5



year covered bond in January despite the fact that the covered bond carries a higher credit rating. Council continues to monitor opportunities for its long term portfolio that may arise from the widening of spreads in bond markets.

City of Wanneroo Investment Profile 29-Feb-12				
Overall Portfolio Credit Profile				
	Investment Balance \$ million	Weighting	Investment Policy Limits	Investment Policy compliance
Direct Securities				
AAA / A1+ Category	\$100.6	49%	100%	Yes
AA / A1 Category	\$58.1	28%	60%	Yes
A / A2 Category	\$47.3	23%	40%	Yes
	\$206.1	100%		
Individual Counterparty Limits				
Largest Exposure per Credit Rating:				
Direct Securities				
AAA / A1+ Category	\$71.0	34%	50%	Yes
<i>Westpac/SI George TDs + Westpac GG FRN</i>				
AA / A1 Category	\$28.1	14%	35%	Yes
<i>Suncorp TDs</i>				
A / A2 Category	\$36.0	17%	20%	Yes
<i>Bank of Queensland TDs</i>				
Term to Maturity Limits				
Portfolio % < 1 yr	\$160.9	78%	Min 40% Max 100%	Yes
Portfolio % > 1 yr	\$45.2	22%	60%	Yes
Portfolio % > 3 yrs < 5 yrs	\$0.0	0%	50%	Yes

Disclaimer: The statements and opinions contained in this report are based on currently prevailing conditions in financial markets and are so contained in good faith and in the belief that such statements and opinion are not false or misleading. In preparing this report, Oakvale Capital Limited has relied upon information which it believes to be reliable and accurate. Oakvale Capital Limited believes that this report and the opinions expressed in this report are accurate, but no warranty of accuracy or reliability is given. Oakvale Capital Limited does not warrant that its investigation has revealed all of the matters which a more extensive examination might disclose. This report may not be reproduced, transmitted, or made available either in part or in whole to any third party without the prior written consent of Oakvale Capital Limited. AFS Licence No. 229642.



Corporate Bond Investment Group	Borrower	Rating	Maturity	Purchase Price	Purchase Date	Current Value	Deal	Accrued Interest	Dealing	Reference
20-Aug-12	Commonwealth Bank of Australia - Government Guaranteed	AAA	20-Feb-14	4,261,936.30	20-Feb-09	4,264,901.40	205503	5,192.31	CEAP	
20-Aug-12	Commonwealth Bank of Australia - Government Guaranteed	AAA	20-Feb-14	1,970,926.30	4-Mar-09	1,974,901.00	210227	3,761.79	CEAP	
23-Aug-12	Commonwealth Bank of Australia - Government Guaranteed	AAA	20-Feb-14	2,956,926.30	15-Mar-09	2,959,960.00	210230	9,850.11	ABM/ML	
23-Aug-12	Commonwealth Bank of Australia - Government Guaranteed	AAA	20-Feb-14	5,019,350.30	18-Mar-09	5,039,050.00	211814	3,434.07	ABM/ML	
27-Aug-12	Investec BK (Australia) Ltd - Government Guaranteed	AAA	27-Feb-15	4,952,350.30	27-Feb-09	4,952,350.00	207018	2,050.44	CEAP	with gas transfer
3-Nov-12	Westpac Banking Corporation - Government Guaranteed	AAA	5-Mar-14	10,376,900.00	17-Mar-09	10,046,530.00	210535	232,783.33	CEAP	
25-Nov-12	Nustralian Postal Corporation	AAA+	25-Mar-14	5,916,620.30	25-Mar-09	10,246,530.00	211817	237,684.62	CEAP	
Totals				49,080,672.00		45,605,397.40		484,450.56		
Current Account Investment Group										
As at	Borrower	Rating								
29-Feb-12	Bendigo and Adelaide Bank Limited	A-2				1,314,423.19	320207			
29-Feb-12	Commonwealth Bank of Australia Perth	A-1				4,300,000.00	165881			
Totals						5,704,423.19				
Term Investment Group										
	Borrower	Rating	Maturity	Purchase Price	Purchase Date	Current Value	Deal	Accrued Interest	Dealing	Reference
	St. George Bank Limited	A-1+	26-Mar-12	10,300,000.00	5-Sep-11	11,241,948.81	320292	253,602.74	CEAP	
	Credit Union Australia	A-2	27-Mar-12	10,300,000.00	2-Sep-11	10,300,971.02	316645	254,517.03	CEAP	
	Suncorp Newsway	A-1	24-May-12	10,146,652.75	7-Mar-11	10,308,468.00	320736	130,937.06	CEAP	
	ING Bank (Australia) Limited	A-1	10-Aug-12	20,300,000.00	10-Mar-11	21,126,599.05	304736	1,387,490.31	CEAP	
	Bank of Queensland	A-2	16-Jul-12	26,300,000.00	10-Mar-12	23,280,833.99	332526		CEAP	
	Westpac Bank of Queensland - Local Govt	A-1+	16-Jul-12	7,000,000.00	10-Mar-12	7,095,988.95	332526	121,663.04	CEAP	
	Bank of Queensland	A-2	16-Jul-12	7,000,000.00	11-Mar-12	7,095,988.95	332526	53,484.74	CEAP	
	Westpac Banking Corporation - Local Govt	A-1+	11-Jul-12	10,300,000.00	11-Mar-12	10,435,973.67	331277	58,527.62	CEAP	
	Suncorp Deposits and Transactions Products	A-2	16-Jul-12	18,300,000.00	16-Mar-12	18,231,072.25	333076	82,101.76	CEAP	
	Bank of Queensland	A-2	16-Aug-12	9,000,000.00	16-Mar-12	9,125,344.19	333066	134,360.27	CEAP	
	Westpac Banking Corporation	A-2	22-Aug-12	12,300,000.00	29-Feb-12	12,048,253.57	338627	62,130.14	CEAP	
	Westpac Banking Corporation - Local Govt	A-1	23-Aug-12	10,300,000.00	29-Feb-12	12,048,253.57	338605	15,224.52	CEAP	
	St. George Bank Limited	A-1+	21-Aug-12	17,300,000.00	29-Feb-12	17,092,604.57	336528	1,939.81	CEAP	
Totals				155,146,465.75		158,259,687.72		3,381,149.68		
						Total Current Value				
						209,568,918.31				

CITY OF WANNEROO

RATE SETTING STATEMENT

FOR THE PERIOD ENDED 29 FEBRUARY 2012
(Including results of the Mid Year Budget Review)

Description	Year To Date				Full Year			
	Actual \$	Budget Estimates \$	Variance		Adopted Budget \$	Revised Budget \$	Variance	
			\$	%			\$	%
Revenues								
Operating Grants, Subsidies and Contributions	6,276,817	6,375,183	(98,366)	(2)	10,407,206	9,562,774	(844,432)	(8)
Fees and Charges	13,251,597	13,263,909	(12,312)	(0)	22,110,792	19,895,864	(2,214,928)	(10)
Interest Earnings	6,279,866	5,422,000	857,866	15	7,122,950	8,133,000	(1,010,050)	(14)
Other Revenue	3,473,533	2,865,343	608,190	21	4,045,228	4,298,015	(252,787)	(6)
Service Charges	235,361	230,000	5,361	2	230,000	230,000	0	0
Total Revenues	29,467,174	28,156,435	1,310,739	5	43,916,176	42,119,653	(1,796,523)	(4)
Expenses								
Employee Costs	(31,904,625)	(31,958,080)	5,381,544	14	(50,610,764)	(55,197,169)	4,586,405	9
Materials and Contracts	(23,224,950)	(25,618,860)	2,393,910	9	(38,792,469)	(38,728,290)	64,179	0
Utility Charges (electricity, gas, water etc)	(3,399,711)	(3,965,174)	565,463	14	(6,076,202)	(6,951,098)	(874,896)	(14)
Depreciation	(15,358,313)	(15,567,670)	1,309,357	8	(26,001,505)	(25,001,505)	1,000,000	4
Interest Expenses	(1,584,279)	(1,584,279)	0	0	(3,659,236)	(3,659,236)	0	0
Insurance	(1,287,610)	(1,510,227)	222,617	15	(1,515,890)	(1,510,227)	5,663	0
Total Expenses	(76,759,398)	(86,305,275)	9,545,881	11	(132,686,066)	(131,077,525)	(1,608,541)	(1)
Other Revenue and Expenses								
Non-Operating Grants, Subsidies and Contributions	1,031,401	6,418,440	(4,586,739)	(71)	9,324,271	9,673,584	(349,293)	(4)
Town Planning Scheme Revenues (including Interest Earnings)	7,173,411	9,788,704	(2,615,293)	(27)	4,688,921	14,688,921	0	0
Town Planning Scheme Expenses	(3,815,733)	(14,086,543)	10,280,810	73	(21,164,091)	(21,433,963)	(269,872)	(1)
Profit on Asset Disposals	0	1,215,440	(1,215,440)	(100)	5,473,160	3,583,160	(1,890,000)	(35)
Loss on Asset Disposals	(80,676)	(497,200)	416,524	84	(745,552)	(745,552)	0	0
Contributions of Physical Assets	0	0	0	0	30,000,000	30,000,000	0	0
Total Other Revenue and Expenses	5,108,402	2,828,541	2,279,862	81	37,576,709	35,766,130	(1,810,579)	(5)
Adjustments for Cash Budget Requirements								
(Profit)/Loss on Asset Disposals	80,676	(718,240)	(798,916)	(111)	(4,727,606)	(2,837,606)	1,890,000	40
Depreciation on Assets	15,358,313	(10,587,670)	1,309,357	8	26,001,505	25,001,505	(1,000,000)	(4)
Physical Assets Received from Developers	0	0	0	0	(30,000,000)	(30,000,000)	0	0
Total Adjustments for Cash Budget Requirements	15,438,989	18,949,430	510,441	3	(6,726,103)	(7,836,103)	890,000	11
Adjustments for Non-Operating Expenditure and Income								
Capital Acquisitions	(24,753,895)	(48,024,747)	(23,270,941)	(48)	(7,001,330)	(7,037,121)	(35,791)	(1)
Proceeds from Disposal of Assets	865,778	2,895,370	2,029,592	70	6,233,056	4,343,055	(1,890,000)	(4)
Movement in Leave Provisions to Reserve	0	0	0	0	50,000	50,000	0	0
Total Adjustments for Non-Operating Expenditure & Income	(23,888,088)	(45,129,377)	(21,241,289)	(47)	(64,778,275)	(67,644,066)	(2,915,791)	(4)
Transfers								
Movement in Restricted Grants, Contributions and Loans	(1,404,290)	8,345,921	9,750,201	117	12,516,882	12,516,882	0	0
Transfers to Reserves	(224,077)	(10,716,330)	(10,492,253)	(98)	(18,557,495)	(16,074,495)	2,483,000	15
Transfers from Reserves	0	9,597,605	6,597,605	100	12,180,825	12,896,407	735,582	6
Transfers to Schemes	(7,173,411)	(5,788,704)	(2,615,293)	(27)	(14,688,921)	(14,688,921)	0	0
Transfers from Schemes	9,545,460	24,750,493	15,205,033	61	36,908,890	37,165,739	276,841	1
Total Transfers	743,692	21,222,985	20,485,233	96	26,342,189	31,837,612	5,495,423	11
Surplus/(Deficit)								
Surplus/(Deficit) July 1 Brought Forward	6,415,704	6,415,704	0	0	6,415,704	6,415,704	0	0
Surplus/(Deficit) Carried Forward	(6,670,409)	(3,250,739)	(14,409,640)	(15)	0	0	0	0
Movement in Surplus/(Deficit)	(2,254,705)	2,785,065	(14,469,640)	(56)	(6,415,704)	(6,415,704)	0	0
Amount Required to be Raised from Rates	(90,143,933)	(89,056,330)	1,087,603	(1)	(89,869,666)	(90,418,595)	(528,929)	(1)

Note: *Revised Budget figures are inclusive of endorsed amendments from Council (including the Mid Year Budget Review).

Governance and Executive Services

3.26 Naming of Facilities and Recognition of Outstanding Community Contributions

File Ref: 2409 – 12/23528
Responsible Officer: Director, Corporate Strategy and Performance
Disclosure of Interest: Nil
Attachments: 2

Issue

To consider amendments to the Naming of Facilities and Recognition of Outstanding Community Contributions Policy.

Background

The Naming of Facilities and Recognition of Outstanding Community Contributions Policy was adopted by Council on 7 February 2012, CS04-02/12. Two applications received from residents requesting that their deceased children be memorialised were assessed according to the criteria of the policy and a recommendation provided to the Chief Executive Officer.

Feedback received from the Chief Executive Officer was that the policy was unclear on where the authority exists to approve or refuse requests in the first instance.

Detail

The policy (**Attachment 1**) has been amended (changes shown in underline or strike through) to clarify that in instances where applications do not meet the criteria of the policy to memorialise individuals through the naming of a Council asset or a memorial with a commemorative plaque, that the Chief Executive Officer has the authority to not approve the request and to recommend that the individual be memorialised through the planting of a tree without a plaque.

Where the request meets the criteria of the policy, the Chief Executive Officer is to cause the application to be processed through the Council's adopted management procedure (**Attachment 2**) which is to provide a confidential memo to all Councillors and the Executive for comment prior to reporting to Council for determination. Where the proposal is to name or rename a facility after an individual, the report is to be kept confidential.

Comment

In order to provide clarity when assessing requests for either recognition initiatives or applications for memorial plaques and to ensure that requests or applications are managed in an equitable and consistent manner, a revised policy is proposed.

Statutory Compliance

Nil

Strategic Implications

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

“4 Governance

4.6 Provide and maintain a high standard of governance and accountability”

Policy Implications

Nil

Financial Implications

As detailed in the revised policy.

Voting Requirements

Simple Majority

Recommendation

That Council ADOPTS the revised Naming of Facilities and Recognition of Outstanding Community Contributions Policy as shown in Attachment 1.

Attachments:

1. Policy 12/23778 Minuted
2. Management procedure 12/23779



Policy Manual

Naming of Facilities and Recognition of Outstanding Local Community Contributions

Policy Owner: *Executive Services*
Contact Person: *Coordinator Governance*
Date of Approval: *07 February 2012 – CS04-02/12*

POLICY OBJECTIVE

To provide a framework for the recognition of outstanding local community contributions.

POLICY STATEMENT

The City of Wanneroo recognises that there are members of the community who work in a voluntary, vocational or professional capacity who contribute substantially to their local communities within the City. To honour these individuals and organisations, or to commemorate an historical event, the City will establish a system of recognition through:-

1. The naming or renaming of Council buildings or parts of buildings, gardens, parks, reserves, roads/streets and other structures under the control of the City of Wanneroo (hereinafter referred to as "council assets"); and
2. Memorials and commemorative plaques on appropriate sites.

The "Naming of Facilities and Recognition of Outstanding Local Community Contributions" Management Procedure supports this policy.

SCOPE

In most circumstances Council will name assets according to the Geographic Names Committee Western Australia's (GNC) Principles, Guidelines and Procedures. (GNCPGP).

Where appropriate, Council may consider naming or renaming council assets to recognise individuals or associations who have contributed substantially to the cultural, political or social development of Wanneroo or who, in the opinion of Council, are worthy of such an honour. Council assets may also be named or renamed after an historical event associated with or near a site. In all cases proposals will be determined giving consideration to the GNCPGP and the criteria detailed in this policy.

The City also recognises that honouring individuals and/or groups in the community through Memorials and commemorative plaques, for significant achievements or outstanding service encourages community leadership, engagement, ownership and the overall wellbeing of the community. Council will therefore consider applications for the installation of Memorials and commemorative plaques in public reserves in accordance with the criteria detailed in this policy.



Policy Manual

BACKGROUND

Whilst appropriate memorials and the naming of council assets may serve as appropriate recognition for outstanding community contributions, they need to be carefully considered to ensure that they do not negatively impact on the greater good of the community.

CONSULTATION WITH STAKEHOLDERS

Consultation has been undertaken with City Administration and Elected Members.

IMPLICATIONS (Financial, Human Resources)

Costs associated with a Council decision to recognise individuals and organisations for significant contributions to the City of Wanneroo community will be carried by the City. Costs associated with Memorials and commemorative plaques will be met by the applicant including design, manufacture, installation and maintenance. Payment for approved Memorials and commemorative plaques will need to be made prior to the commencement of works and the applicant must meet all ongoing costs including those associated with vandalism and theft.

IMPLEMENTATION

Naming of Council Assets

Where proposals are received for naming or renaming of council assets to recognise an individual, association or event, the City will have regard for the GNCPGP and the following City of Wanneroo criteria:-

- The locality within which the development is situated.
- Any historical events associated with or near the site (e.g – Perry's Paddock).
- Indigenous and cultural heritage relevant to the site; (Jandabup Nature Reserve).
- Community or corporate sponsorship.
- Marketing opportunities (e.g Aquamation).
- Pioneering families (family names only) associated with the immediate area (5-10 kilometres radius); (e.g Cockman House).
- Social or calendar events.
- Individuals or associations who have contributed substantially to the cultural, political or social development of Wanneroo over a significant period of time (generally not less than 20 years).
- Significant anniversary of an event unique to Wanneroo's history and development.
- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long term improvements for the community or area.
- The costs associated with the changing of the facility's name.
- Death or ownership of the land on which the facility is developed is not normally acceptable as a criteria for nomination.



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Memorials and commemorative plaques

Memorial proposals should be presented in a form that has a broad community interest and applicants should be encouraged to consider the restoration of an existing memorial or landscape or urban design feature that is not explicitly memorial in form, for example; trees, landscaping or seating rather than the construction of a new memorial.

The City of Wanneroo will take into account the number of existing Memorials and commemorative plaques in a specific location prior to considering a proposed new memorial. It is recognised that a particular location may reach a saturation point and it would then be appropriate to consider limitations or a moratorium of future memorial installations at a particular location or area. The City of Wanneroo has final approval of appropriate site/s and will determine the exact location of any memorial, however preference will be given to nearest public open space.

Criteria:

- Recognition of an individual or association that has contributed significantly to the cultural, political or social aspects of Wanneroo's development over a significant period (generally not less than 10 years).
- While the contribution may be in a paid, vocational or voluntary capacity, it should have a positive impact on the social well-being of the local community.
- The service should be easily recognisable as having a direct benefit to the City and have produced substantial long term improvement for the City.
- An individual or association strongly linked to Wanneroo and its history.
- A significant anniversary of an event unique to Wanneroo's history and development, or historical or other information relevant to the site/location of the plaque.
- Being a former councillor or former Member of Parliament is not sufficient grounds on which to nominate an individual.
- Death or former ownership of the land on which the facility is developed is not normally acceptable as criteria for nomination.

The above criteria does not apply to "Tree Memorials without a plaque" intended as a private memorial for individuals or families. Family and friends may wish to commemorate the death of a loved one with the installation of a tree memorial in keeping with the City's guidelines. Roadside Memorials are the subject of a separate Council policy available on the City's web site.

Application Process

Proposals for the naming or renaming of a council asset and applications for the installation of Memorials and/or commemorative plaques must be made in writing to the Chief Executive Officer.

All proposals should include sufficient information to allow the City of Wanneroo to effectively assess the proposal or application against the criteria detailed in this policy. Where applications do not meet the criteria of the policy to memorialise individuals through the naming of a Council asset or a memorial with a commemorative plaque, the Chief Executive Officer is authorised to refuse the request and to recommend that the individual be memorialised through the planting of a tree without a plaque.



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Where the request meets the criteria of the policy, the Chief Executive Officer is to cause the application to be processed through the Council's adopted management procedure which is to provide a confidential memo to all Councillors and the Executive for comment prior to reporting to Council for determination. Where the proposal is to name or rename a facility after an individual, the report is to be kept confidential.

Removal, Relocation & De-accession

All memorials or plaques that are installed on land owned in freehold, crown land or land under the care and control of the City of Wanneroo that has not obtained the necessary approvals will be removed.

Categories of Memorials and commemorative plaques

There are three categories for memorials and/or commemorative plaques:-

Category 1 - Commemorative trees without plaques: A tree consistent with Council's requirements for any of the City's parks, gardens or reserves, placed in a grassed location approved by the City, intended as a private memorial for individuals or families. Council will maintain the tree. If due to unforeseen circumstances the tree must be removed (e.g. it dies, or due to changes to the site) it will, where possible, be replaced at Council's expense in a mutually agreed location. This category is not subject to the criteria listed above and all applications will be considered having regard for the City's guidelines relating to the planting of trees in parks, gardens and reserves.

Category 2 - Commemorative trees with plaques: Identification of appropriate locations within the City where mature trees and accompanying small commemorative metal plaque may be located which recognise the contributions of community members. Applications will be assessed according to the criteria listed above.

Where the City agrees to recognise community contributions in this way the City will plant a tree that is in keeping with the City's guidelines in an appropriate location along with the placement of a plaque.

Category 3 - Memorial plaques

To be placed on features of buildings (i.e. a room, courtyard or garden) and on structures constructed and maintained by the City (i.e. a lookout, recreational equipment, seat or park bench). Applications will be assessed according to the criteria listed in this policy for outstanding community contributions.

ROLES and RESPONSIBILITIES

The City's Governance and Executive Service Unit will be responsible for application of this policy.

DISPUTE RESOLUTION



Policy Manual

All disputes in regard to this policy will be referred to the ~~Director Corporate Strategy and Performance in the first instance. In the event that an agreement cannot be reached, the matter will be submitted to Council for a ruling.~~

DEFINITIONS

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

Council Assets	Buildings or parts of buildings, other structures, gardens, parks and reserves, roads, streets.
Memorial	An object that is designed to preserve the memory or to commemorate a person, group, association, event or occasion.
Plaque	a flat tablet of metal that includes text and/or images designed to commemorate or preserve the memory of a person, group or event and may include historical text or information relevant to its location.

RELEVANT POLICIES/MANAGEMENT PROCEDURES/DOCUMENTS OR DELEGATIONS

Youth Reward & Recognition Policy: - The City of Wanneroo annually recognises individuals who have made a significant contribution to their school and local community and who are achieving well academically. This is done through the City of Wanneroo Student Citizenship Award presented to a student who has demonstrated an interest and participation in the school and community affairs and has strived for personal development; and the City of Wanneroo Student Scholarship Award presented to individuals who have demonstrated outstanding levels of academic achievement or citizenship and are at financial or social disadvantage, which may limit their educational opportunities.

Award of the Title "Honorary Freeman of the City of Wanneroo" recognises individuals who have lived in the City of Wanneroo for a significant number of years (significant would usually mean at least 20 years). The recipient should have given extensive and distinguished service to the community over and above that associated with local government (e.g. service to other organisations, voluntary and community groups) in a largely voluntary capacity.

Award of the Title "Wanneroo Pioneer" Policy provides for recognising residents who have lived in the City of Wanneroo for 50 years or more by awarding the title 'Wanneroo Pioneer'.

Australia Day Award Policy provides a framework for recognising individuals and organisations through the City of Wanneroo Charles Searson Australia Day Youth Award presented to an individual under 25 years of age and the Australia Day Award presented to an individual over 25 years of age who have made an outstanding contribution to the local community; and the Australia Day Community Group or Event Award presented to an outstanding local community group or event.

Naming of Facilities and Recognition of Outstanding Local Community Contributions Management Procedure



Policy Manual

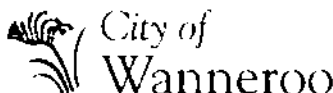
The above policies are available on the City of Wanneroo's website at www.wanneroo.wa.gov.au.

RESPONSIBILITY FOR IMPLEMENTATION

Corporate Strategy and Performance – Executive Services

Version	Next Review	Record No:
07 February 2012 – CS04-02/12	February 2014	TRIM. 12/22694

**Naming of Facilities and Recognition
of Outstanding Local Community
Contributions Management Procedure**



Procedure Owner:	Governance
Distribution:	Community Development, Infrastructure, Corporate Strategy and Performance
Date approved:	07 February 2012 – CS04-02/12

POLICY SUPPORTED

Naming of Facilities and Recognition of Outstanding Local Community Contributions Policy.

PURPOSE

The City of Wanneroo recognises that there are members of the community who work in a voluntary, vocational or professional capacity who contribute substantially to their local communities within the City. To honour these individuals and organisations, or to commemorate an historical event, the City, through the above mentioned policy has established a system of recognition through the naming or renaming of Council buildings or parts of buildings, gardens, parks, reserves, roads/streets and other structures under the control of the City of Wanneroo (hereinafter referred to as "council assets") or through the planting of a tree or provision of a seat or bench along with a plaque.

There is also the opportunity for individuals to be memorialised through tree planting without a Plaque. In assessing proposals or applications, the above mentioned City policy and associated criteria need to be adhered to.

PROCEDURE

Naming of Council Assets

1. Proposals must be made in writing to the Chief Executive Officer.

All proposals must include:-

- Proposed location.
 - Proposed name.
 - Date and place of birth and date of passing away if applicable.
 - Period of residence in the locality.
 - History of the person being honoured.
 - Outline of their contribution to the community, including membership of clubs and voluntary organisations.
 - Justification statement regarding why the person should be honoured.
 - Contact details of the person being honoured or their immediate family.
 - Agreement by the local community, if possible.
2. Initial review of the proposal will be made by Council officers for its conformance based on the criteria identified in the associated City policy and a recommendation provided to the Chief Executive Officer.

3. If assessed as conforming, a confidential memo is to be forwarded to all Councillors and the Executive for comment prior to reporting to Council for determination. Where the proposal is to name or rename a facility after an individual, the report is to be kept confidential.
4. Where there is more than one proposal received, Elected Members will be invited to select their preferred option through a show of hands. If an absolute majority preference is not achieved through this process, the vote will be recast, based on the two (2) most popular choices. The vote will be recast as appropriate until a clear decision is reached.
5. Approval is to be sought from the facility users, where possible, and the person being honoured or their family prior to forwarding the proposal to the Geographic Names Committee to be assessed under their Principles, Guidelines and Procedures (where required to do so).
6. All proposals forwarded to the GNC shall include a covering letter outlining Councils approval, the details of the person being honoured, a justification statement, the proposed name and the location of the council asset being named, including a map.
7. Once approved, a plaque with appropriate wording is to be coordinated by Governance and Executive Services. The wording of the plaque is to be approved by the Manager Communications and Events in consultation with the Director Community Development. The supply and installation shall be the responsibility of the City's Infrastructure Directorate and is to be securely fixed to the asset as appropriate.
8. An official opening or naming ceremony may be held if required. The decision to hold an opening or naming ceremony will be at the discretion of the Chief Executive Officer in consultation with the Mayor. Ceremonies are to be conducted by the Mayor (or his nominee) and the CEO of the City, unless the Mayor elects to refer the matter to Council for nomination of another Councillor.
9. The ceremony is to be coordinated through the Office of the Mayor in consultation with the City's Communications and Events Service Unit.

An invitation list shall be developed by the Mayor, in conjunction with the CEO and a speech prepared by the Communications and Events Service Unit giving a brief history of the person being honoured and the reasons for naming of the council asset.
10. The associated costs are to be borne by the City of Wanneroo unless a voluntary contribution is made by the appropriate party.

Registration of Building Names

Although the names of City of Wanneroo buildings do not have to be registered with Landgate, in order that the new name change will be shown on maps etc. where appropriate Landgate is to be advised.

Memorials and commemorative plaques

1. Applications or proposals must be made in writing to the Chief Executive Officer and is to include:-
 - three (3) feasible sites/locations;
 - explanation of the significance and relationship to each site;
 - proposed text or images to be included;
 - what policy criteria does the application/proposal meet; and

- any other pertinent information including the names of other persons who may be contacted to act as referees for the proposal.
2. Initial review of the proposal will be made by Council officers for its conformance based on the criteria identified in the City's policy and a recommendation provided to the Chief Executive Officer except in the case of commemorative trees without plaques.

Commemorative trees without a plaque intended as a private memorial for individuals or families will be considered on a case by case basis and a determination made by the Chief Executive Officer. Assessment of applications will take into account the City's guidelines relating to the planting of trees in parks, gardens and reserves.

3. If the proposal for a memorial and plaque is assessed as conforming, a confidential memo is to be forwarded to all Councillors and the Executive for comment prior to reporting to Council for determination.
4. Once approved the applicant, where appropriate, to be advised in writing and the installation of the memorial and plaque with appropriate wording (i.e. *In recognition of (name) for contribution to the community (year)*) to be coordinated by Governance and Executive Services. The supply and installation shall be the responsibility of the City's Infrastructure Directorate.
5. The City of Wanneroo has final approval of appropriate site/s, and will determine the exact location of any plaque or memorial.
6. Memorials can only be installed where there is minimal impact on the local amenity and surrounding residents.
7. Where a memorial is approved through a nomination by the Council to recognise an outstanding contribution by an individual or association, the costs associated with this are to be met by the City of Wanneroo - (Elected Members Account).

A ceremony may be held, if required. The decision to hold a ceremony will be at the discretion of the Chief Executive Officer in consultation with the Mayor. Ceremonies are to be conducted by the Mayor (or his nominee) and the CEO of the City, unless the Mayor elects to refer the matter to Council for nomination of another Councillor.

The Manager Marketing, Communication and Events will arrange for a press release and/or photograph to be taken of the recipient, (if possible) together with the Mayor and Ward Councillor at the planting or laying of the plaque.

8. The memorial shall be located at the designated site for a period of up to five (5) years from the time of installation with the following exceptions:
- The area in which the item is sited is to be redeveloped.
 - The use of the area in which the item is sited changes significantly in character and the item is not deemed suitable for the site.
 - The structure or support on which the item is located is to be removed or permanently altered.

The City does not guarantee to retain the memorial after a period of 5 years

9. The applicant must meet all costs associated with design, fabrication, transportation, installation, site preparation work and maintenance of the memorial. Payment for approved Memorials and commemorative plaques will need to be made prior to the

commencement of works and the applicant must meet all ongoing maintenance or replacement costs including vandalism and theft.

Should for any reason an installed memorial become disturbed through works, either by the City or by external contractors working for another Government Department, the memorial shall be removed and returned to the family where possible. Subject to CEO approval, the memorial may be reinstated, if appropriate, in the same location or installed in another location nearby.

10. If the condition of the memorial has deteriorated significantly the City will endeavor to contact the owners to discuss its condition and to confirm their wish for the memorial to remain (repair to be at the expense of the owner) or be removed. In the event that a memorial is damaged and the original applicant is no longer in existence, Council may resolve to repair or remove the memorial. Any memorial that presents a safety hazard of any kind, will be removed without notice.
11. The City of Wanneroo will maintain a register of all memorials so that person/s responsible for the memorial can be contacted if necessary.
12. No new memorial or plaque will be permitted which commemorates a person, event or occasion already memorialised in the City of Wanneroo unless there are exceptional circumstances.

Categories of Memorials and commemorative plaques

There are three categories for memorials and/or commemorative plaques:-

Category 1 - Commemorative trees without plaques.

A tree consistent with Council's requirements for any of the City's parks, gardens or reserves, placed in a grassed location approved by the City, intended as a private memorial for individuals or families. Council will maintain the tree. If due to unforeseen circumstances the tree must be removed (e.g. it dies, or due to changes to the site) it will be replaced at Council's expense in a mutually agreed location.

The requested tree type must be stated as part of the application/approval process and the City will verify the appropriateness of the plant type for the location. It is recommended that the applicant contact the City of Wanneroo for guidance on the selection of a tree species.

Category 2 - Commemorative trees with plaques.

A tree and plaque consistent with Council's requirements for any of the City's parks, gardens or reserves, intended to recognise outstanding community contributions. An appropriate location is to be approved by the CEO. Plaque to be set at base of tree.

Category 3 – Memorial Plaque

To be placed on features of buildings (i.e. a room, courtyard or garden) or on structures constructed and maintained by the City (i.e. a lookout, recreational equipment, seat or park bench etc). Particularly, features of regional buildings may be named in honour of an individual who has made a significant contribution to the locality in general.

Design Specifications and Technical Notes:

- Small rectangular metal plaque - maximum size 100 mm x 150 mm (h x w)

- 3mm brass or 1.6mm stainless steel
- Acid etched (black paint fill if appropriate)
- No imagery or varnish to be used

Responsibility for Implementation

Governance and Executive Services.

REVISION HISTORY

Version	Next Review	Record No:
07 February 2012 – CS04-02/12		11/65382

3.27 Donations to be Considered by Council - April 2012

File Ref:	2855V02 – 12/29910
Responsible Officer:	Director, Corporate Strategy and Performance
Disclosure of Interest:	Nil
Attachments:	Nil

Issue

To consider requests for sponsorships, donations and waiver of fees in accordance with the City's Donations, Sponsorships and Waiver of Fees and Charges Policy.

Background

The Donations, Sponsorships and Waiver of Fees and Charges Policy require applications over \$500 from individuals and organisations to be determined by Council. Consequently a report is prepared for Council meetings, coinciding with a period where applications of this nature have been received.

With respect to requests for sponsorships, the City's Policy specifies that for National Events the amount provided will be \$200.00 per individual, capped at \$600.00 per team, and for International Events the amount provided is \$500.00 per individual with no capped amount. Schools are capped at \$2,000 per school per financial year.

Detail

During this period, the City has received nil sponsorship requests, nil community donation requests and one request for a waiver of fees and charges, which is summarised as follows. Copies of the full applications are available from Governance upon request.

Comment

Community Group Donations

Applicant 1 – Postie Bike Challenge	
Request amount	\$4,230.60
Description of request	Request for 100% waiver of fees for hire of Margaret Cockman Pavilion from 20 August to 2 September 2012 for storage of approx. 50 postie bikes prior to departure for Postie Bike Challenge from Perth to Broome.
Criteria	Evaluation
Potential for income generation	Generic fund raising event.
Status of applicant organisation	Commercial
Exclusivity of the event or project	Fifty to sixty motorbike riders participating in the event.
Alignment with Council's existing philosophies, values and strategic direction	This request supports Objective 2.2 of Council's Strategic Plan being <i>"Improve the City's identity and community wellbeing through arts, culture, leisure and recreation."</i>
Alternative funding sources available or accessed by the organisation	Not stated

Criteria	Evaluation
Contribution to the event or activity made by the applicant or organisation	Not stated
Previous funding assistance provided to the organisation by the City	Nil
Commitment to acknowledge the City of Wanneroo	Yes
Comments	The Donations, Sponsorships and Waiver of Fees and Charges policy states Council will not consider funding applications for donations, sponsorships or the waiver of fees and charges for: <i>“2.9 Fund raising activities, for example, prizes for quiz nights, fetes and generic fundraising campaigns from individuals or National Charities”</i> and <i>“2.5 Requests from non-resident individuals or organisations which do not directly serve or represent the community of the City of Wanneroo.”</i> and also, <i>“4.2 75% of membership of groups requesting support must be City of Wanneroo residents.”</i> Whilst this event fundraises for many different community groups such as Rotary, Girl Guides, Lions Club, Hospitals etc they are not specifically for groups in the City of Wanneroo and they do not have 75% membership within the City of Wanneroo. The policy also only supports a 50% waiver of fees.
Recommendation	NOT APPROVE a 100% donation of a waiver of fees in the sum of \$4,230.60 for hire of Margaret Cockman Pavilion from 20 August to 2 September 2012 for storage of approx. 50 postie bikes prior to departure for Postie Bike Challenge from Perth to Broome.
Reason	This request does not satisfy the criteria of the policy.

Statutory Compliance

Nil

Strategic Implications

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

“2 Social

2.2 *Improve the City's identity and community well-being through arts, culture, leisure and recreation”*

Policy Implications

The City of Wanneroo Donations, Sponsorship and Waiver of Fees and Charges Policy states that sponsorship applications for attendance at National Events will be capped at \$600.00 per team and Regional or State capped at \$600 per club. International events will be capped at \$1,500.00 per team and schools capped at \$2,000.00 per school per financial year.

Financial Implications

Budget 2011/12	\$80 000.00
Amount expended to date (as at 19 March 2012)	\$43,882.03
Balance	\$36,117.97
Total of requests for this round: Donations (in this report):	0
Total this Round	0
CARRY FORWARD	\$36,117.97

Voting Requirements

Simple Majority

Recommendation

That Council NOT APPROVE a 100% donation of a waiver of fees in the sum of \$4,230.60 for hire of the Margaret Cockman Pavilion from 20 August to 2 September 2012 for storage of approximately 50 postie bikes prior to departure of the Postie Bike Challenge from Perth to Broome.

Attachments: Nil

Chief Executive Office

Office of the CEO Reports

3.28 Extension of Civic/Administration Centre

File Ref:	2755 – 12/21012
Responsible Officer:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil

Issue

To consider the provision of additional Civic and administration accommodation to meet the growth of the City of Wanneroo.

Background

The City of Wanneroo is the largest growing local government in Western Australia and one of the fastest growing local governments in Australia.

The City of Wanneroo has a current population of almost 160,000 residents and this will grow to over 237,000 by 2021 and 305,000 by 2031. Furthermore, new population forecasts released this month by the State Government reveal that the City of Wanneroo will continue to experience the largest population growth of any local government in the state, with the City's population predicted to increase by an additional 128,000 (or an average of 8,000 people p.a.) within the next 14 years. These new forecasts also acknowledge that the City's population will have doubled in the period from 2006 to 2026, to be a City of some 300,000 residents. When reviewing these figures against the statistical forecasts for other metropolitan local governments (sourced from Directions 2031), it is expected that the City of Wanneroo will also become the most populated local government in Western Australia within the next 10 years (before 2021).

If the City is to continue providing the same range and quality of services to its future residents, then staff numbers must increase commensurately and consistently to keep pace with the needs of the City's ever-expanding community.

In 2011 Council supported the Chief Executive Officer in engaging the services of Syme Marmion and Co to assist the CEO in the development of a Workforce Plan and Governance Review for the City of Wanneroo which were presented to Council at the Council Forum on the 29 November 2011.

The main outcomes of this work are summarised below and were incorporated into the City's submission on the review of the Metropolitan Local Government which can be viewed on the City's web site.

Governance Review

- That the City of Wanneroo should remain as one local government up to 2031.
- That any scenario to split the City is not supported and would only be feasible to contemplate beyond 2031.
- That the main Civic and Administration Centre in the Wanneroo Town Centre would remain as the City's core administrative hub.

Workforce Plan

- As the population of the City increases so too will the requirement for skilled staff in the organisation. However the rate of increase in staff will be lower than the rate of increase in population, which implies that overall the ratio of population to employee will increase over time.
- If the City remains as one large municipality in the future, there will be a requirement for an estimated increase in full time equivalent positions (FTEs) of 254 by 2021 and a further estimated 211 FTEs will be required between 2021 and 2031 (shared between administration and operational staff).

It should be noted that the above projections are based around an assumption that the City will continue to provide the same level and variety of services and functions as it currently does. This is an appropriate base to start from but is by nature a conservative assumption as history has shown the City being involved in activities over the last five years that it would never have considered being involved in during the past which will have an increasing impact on staff projections.

10 Year Financial Plan review

Council at its Ordinary Council Meeting on 13 December 2011 adopted the revised 10 Year Financial Plan. This review incorporated the following:

- *“Forecast rate increases have been reduced down to 5.9% with an aim that the Budget Principle be amended to reflect a reduction in the range from the currently adopted 3-6% above CPI down to 2-3% above CPI (assuming CPI of 3%);*
- *Growth in the rate base has been adjusted to reflect recent outcomes (still conservative/prudent but delivering a slight increase over the next four financial years);*
- *Employee costs adjusted to reflect:*
 - *an increase in the establishment to meet current shortfall*
 - *establishment growth in 2012/13 limited to 1% (down from 3%)*
 - *an increase in the establishment in 2015/16*
 - *adjustment down of the annual salary incremental growth applicable through collective agreements.”*

The increase in the establishment was in recognition of the need to urgently increase staff numbers in both Administrative and Operational areas to address the previous growth of the City.

Metropolitan Local Government Review Submission

Council at its Ordinary Council Meeting on the 13 December 2011 resolved as follows:

“That Council:-

1. *ADOPT IN PRINCIPLE the framework as outlined in this report as its submission to the Metropolitan Local Government Review Panel being the Governance Model and Draft Whole of Government Review Submission.*
2. *AUTHORISE the Chief Executive Officer to make further modifications to the City’s submission and then submit the two submissions to the Metropolitan Local Government Review Panel and publish the City’s submissions on the City’s website.*

3. *AUTHORISE the Mayor and Chief Executive Officer to provide a deputation to present the City's submission to the Metropolitan Local Government Review Panel on 16 January 2012.*

CARRIED UNANIMOUSLY"

The above resolution formalised Council's position to remain as one single local government to 2031.

Detail

As indicated in the Background section above Council has now considered how best to govern the City of Wanneroo in light of the adoption of the two District Structure Plans for Alkimos/Eglinton and Yanchep/Two Rocks and made a recommendation to the Local Government Review Panel that the City of Wanneroo remain as one single local government until at least 2031.

The Council Workforce Plan has recommended that the Civic and Administration Centre remain within the Wanneroo Town Centre.

It is now time to urgently consider the need for additional permanent accommodation for the organisation. In the past the City's growth in staff has been accommodated through:

- the construction of the Wanneroo Library and Cultural Centre which allowed for staff to move from the Civic/Administrative Centre;
- conversion of the Banksia Rooms to allow the Finance Unit to relocate;
- conversion of other areas within the Civic/Administrative Centre;
- moving Service Units to the City's Operations Centre; and
- relocation of Infrastructure to the former Wanneroo Library.

Whilst this has provided capacity to grow, it has also provided inefficiencies as the Administration is run from various centres. These temporary measures have also removed community and civic spaces from public use.

With the uncertainty created by the Global Financial Crisis (GFC), some degree of uncertainty was created in regards to the rate that the City will continue to grow and as a result the subsequent rate of growth in staff numbers. It is now clearer that based on the past two years, it is more likely that the City will continue to experience strong growth rates in this type of environment and whilst this growth may slow down, it will still maintain a rate of growth that will continue to require that the organisation also grows.

As a result, consideration now needs to be given to a permanent expansion of the Civic and Administration Centre to address the future growth of the City and to return some important community meeting venues back to the community.

The extension of the Civic and Administration Centre will require detailed review of several design options to ensure that it can meet the needs of both the organisation and the community. It is estimated that, subject to the outcome of the detailed design, funding of between \$10-\$17M will be required. A comprehensive funding and risk model will also need to be developed for further consideration by Council.

The extension, in addition to returning the Banksia Rooms for civic use, will also allow consideration to be given to the need to return the option of commercial tenancies to the building that faces onto Dundobar Road. In addition design for an additional 125-150 new staff by 2021 and a further 120-130 new staff by 2031 plus additional car parking and staff amenities, will need to be explored.

With the construction of the GP Super Clinic opportunities now also exist to explore different options in regards to increasing the number of car parking bays within the Town Centre. An option that will be explored, subject the support of Edith Cowan University through their involvement in the GP Super Clinic, is the construction of a deck car park at the Civic and Administration Centre that could cater for the need for parking at the GP Super Clinic (with cost contribution from Edith Cowan University), Civic and Administration Centre and the general Wanneroo Town Centre.

It is now proposed to appoint a Project Manager to manage this important project based on the following timeline:

2012/13 Completion of a concept proposal, detailed design, cost estimates and tender documentation, fit out and transfer of staff

2013/14/15 Construction

This time frame also will allow Council to consider any possible outcomes of the current local government reform process prior to committing to construction contracts.

Part of the work that will also be completed will be to explore the option of incorporating additional commercial/commerce space within the extension, if market advice confirms there is capacity within the Wanneroo Town Centre for this to be beneficial.

Statutory Compliance

Not applicable.

Strategic Implications

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

“4 *Governance*

4.6 *Provide and maintain a high standard of governance and accountability”*

Policy Implications

Not applicable.

Financial Implications

Whilst this project is not currently listed in the 10 Year Capital Works Plan, the City's Financial Reserves have been strengthened over the last three financial years, consistent with the adopted Budget Principles. This allows the Council to react to this extraordinary funding requirement through allocation of funds from the following Reserves:

- Strategic Projects Reserve
- Asset Replacement Reserve

In addition, a strategic review of the various Refuse Reserves has identified an opportunity to transfer surplus funding into the Strategic Projects Reserve to meet any shortfall.

A comprehensive funding and risk model will be developed for review by Council in this regard.

Voting Requirements

Simple Majority.

Recommendation

That Council:-

1. **REAFFIRMS** the City of Wanneroo should be administered from the current Civic and Administration Centre located in the Wanneroo Town Centre to 2031 with satellite facilities being considered through the City's libraries network; and
2. **AGREE** listing for budget consideration over the next three financial years a sum of \$10-\$17M for the extension of the Civic and Administration Centre office accommodation, and **REQUEST** the Director Corporate Strategy and Performance to develop a comprehensive funding and risk model for this capital project for consideration by Council.

Attachments: Nil

Item 4 Motions on Notice**Item 5 To Be Tabled at the Briefing****5.1 Advocacy Plan 2012-2013**

Item 6 Public Question Time**Item 7 Confidential****7.1 WRC Future Directions and Strategic Risk Assessment**

File Ref: 5642 – 12/26614
Responsible Officer: Director, City Businesses

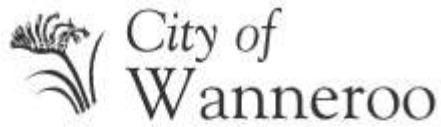
This report is to be dealt with in confidential session, under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

(e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government

Item 8 Date of Next Meeting

The next Ordinary Council meeting has been scheduled for Tuesday on 3 April 2012, to be held at Civic Drive, Dundobar Road, Wanneroo.

Item 9 Closure



Council Chamber Seating Diagram

