



# City of Wanneroo

Notice is given that the next Ordinary Council Meeting will be held at Wanneroo Administration Centre, Dundobar Road, Wanneroo on **TUESDAY** 27 November, 2001 commencing at **7.00pm**.

Charles Johnson  
Acting Chief Executive Officer  
22 November 2001

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# A G E N D A

## **Item 1 Attendances**

## **Item 2 Apologies and Leave of Absence**

## **Item 3 Public Question Time**

## **Item 4 Confirmation of Minutes**

### **OC01-11/01 Minutes Of Ordinary Council Meeting Held On 06 November 2001**

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That the minutes of the Ordinary Council Meeting held on 06 November 2001 be confirmed.

## **Item 5 Announcements by the Mayor without Discussion**

## **Item 6 Questions from Elected Members**

## **Item 7 Petitions**

### **New Petitions Presented**

### **Update on Petitions**

#### **P01-11/01 Petition to Stop Pesticides**

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At the 06 November 2001 Council Meeting, Cr Goodenough presented a petition signed by 205 residents calling for Council to review its pesticide spraying policy.

#### **ACTION**

This matter is currently being investigated and a report will be put to Council in early 2002.

## Item 8 Reports

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

### Planning and Development

#### Town Planning Schemes and Structure Plans

#### **PD11-11/01 East Wanneroo Cell 3 Local Structure Plan: Payment of Compensation.**

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File Ref:	08560
Responsible Officer:	Acting Director Planning & Development
Disclosure of Interest:	Nil
Attachments:	1

#### Issue

To approve compensation for areas of public open space and road widening ceded for cell works in East Wanneroo Cell 3 Local Structure Plan (LSP), Wanneroo.

<b>Applicant</b>	Beamish Property Group
<b>Owner</b>	Carnegie Park (No 3) Pty Ltd
<b>Location</b>	Dundebar Road & Steven Street, Wanneroo
<b>Site Area</b>	N/A
<b>DPS 2 Zoning</b>	Residential

#### Background

East Wanneroo Cell 3 LSP is situated between Dundebar Road, Steven Street and High Road, Wanneroo as shown on Attachment 1. The LSP provides for residential development on the small land holdings that were used previously for rural purposes. The Western Australian Planning Commission (WAPC) approved residential subdivision over this land in January 2001 (WAPC No.114870).

The residential subdivision and development in accordance with the ASP is to be managed under the terms of Part 10 of District Planning Scheme No. 2. Part 10 sets down the basis on which subdividing land owners are to contribute to the infrastructure costs of the cell and are entitled to be compensated for the land given up for cell works in the form of public open space (POS) and road widening.

## **Detail**

Beamish Property Group is the major land owner in Cell 3. It is currently developing the first stage of its subdivision, which creates 57 residential lots, a POS area of 8548m<sup>2</sup> and road widening of 1208m<sup>2</sup> along the southern alignment of Dundobar Road.

The subdivider is required to pay infrastructure contributions amounting to \$164,714.40 on the 57 residential sites and the subdivision potential of the POS site. The subdivider is entitled to compensation amounting to \$333,658.00 for the full area of the POS ceded, a pro rata credit for the POS created by the previous subdivision of the original land holdings in the cell, and the road widening ceded. The net of these liabilities and entitlements is a credit of \$168,943.60 to the subdivider and, the subdivider has requested that payment be made.

## **Comment**

The infrastructure contributions due by the subdivider are based on the adopted cell infrastructure cost per lot (ICPL) of \$2,745.24, and the compensation entitlement is calculated at the adopted valuation rate of \$260,000 per hectare on an en globo basis. The subdivider has accepted the gross compensation entitlement calculated on this basis.

## **Statutory Compliance**

The charging of infrastructure contributions and payment of compensation is authorised by clause 10.6, and Schedule 9 respectively of District Planning Scheme No. 2.

## **Strategic Implications**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

Receipt of the infrastructure contributions and payment of the compensation is covered by the financial model devised for Cell 3. Sufficient funds are held in the Cell 3 account to meet the net compensation payment and it will not impact on any other aspect of the City's operations.

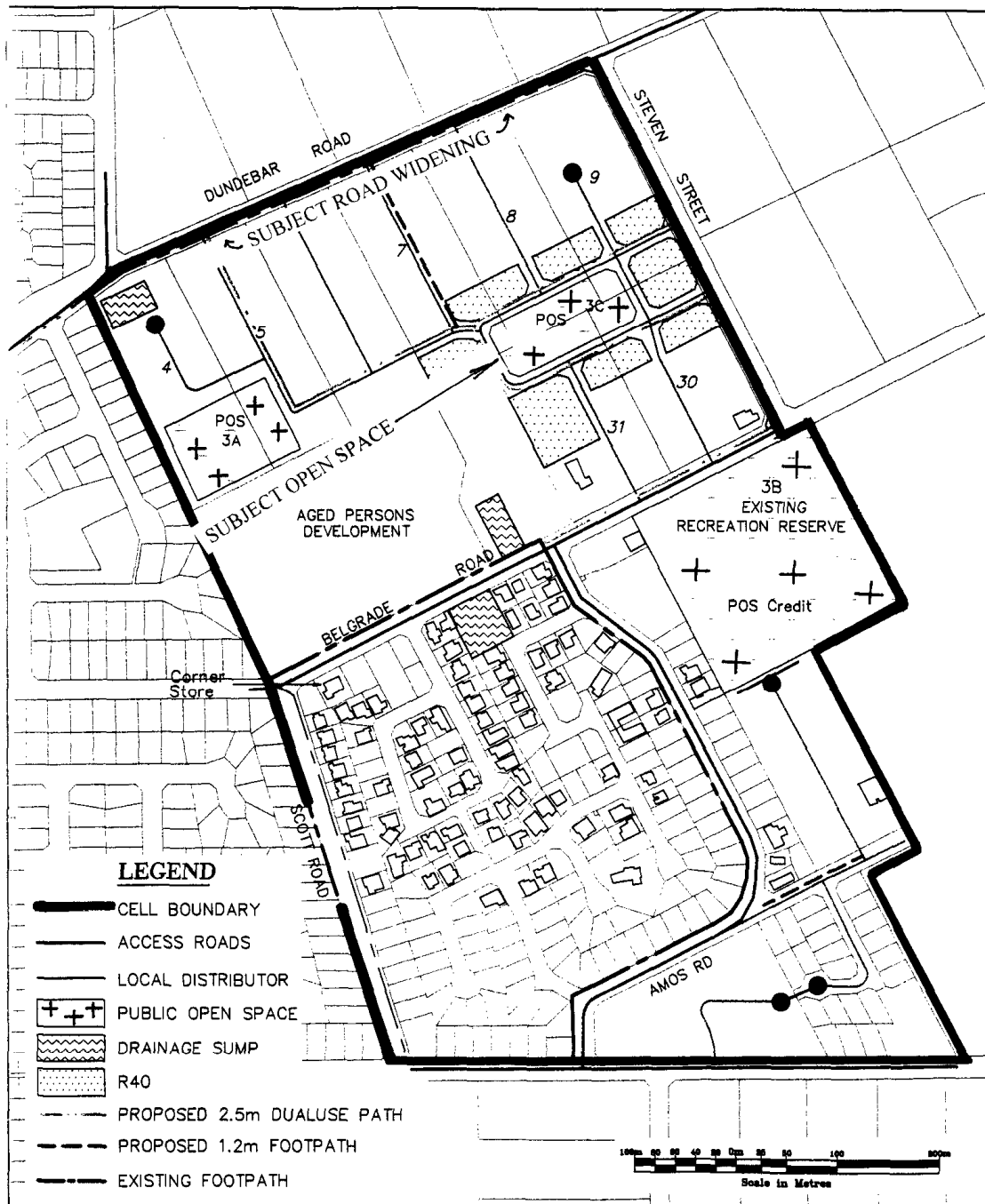
## **Voting Requirements**

Simple Majority.

## **Recommendation**

**That Council AUTHORISES payment of \$168,943.60 from the East Wanneroo Cell 3 Local Structure Plan account to Beamish Property Group in payment of its net compensation entitlement for public open space (including the historic pro-rata POS credit) and road widening ceded in stage 1 of its subdivision.**

ATTACHMENT 1

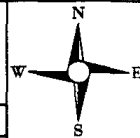


CELL 3

Agreed Local Structure Plan

AMENDED DATE : 18th October 2000

COMMENTS :



Not to Scale



## PD12-11/01 East Wanneroo Cell 4 Local Structure Plan: Payment Of Compensation.

File Ref: 44083  
 Responsible Officer: Acting Director Planning & Development  
 Disclosure of Interest: Nil  
 Attachments: Three

### Issue

To approve compensation for an area of public open space ceded for cell works in East Wanneroo Cell 4 Local Structure Plan (Hocking/Pearsall).

<b>Applicant</b>	Five Star Asset Pty. Ltd.
<b>Owner</b>	Five Star Asset Pty. Ltd.
<b>Location</b>	East Road, Pearsall
<b>Site Area</b>	N/A
<b>DPS 2 Zoning</b>	Residential

### Background

East Wanneroo Cell 4 Local Structure Plan covers the suburbs of Pearsall and Hocking. The structure plan for the cell provides for residential development on the small land holdings that were used previously for rural purposes. The structure plan has yet to be finally endorsed by the Western Australian Planning Commission (WAPC) who have requested a number of modifications to the plan. A revised plan including these modifications will be put to Council for its consideration and endorsement shortly. Despite the plan not being finalised, the WAPC is approving subdivision over Cell 4 in accordance with the current draft plan. The WAPC approved the subdivision for the area the subject of this report in September 1999 (WAPC No. 111049). The part of Cell 4 that is the subject of this report is shown on Attachment 1.

The residential subdivision and development in accordance with the agreed structure plan is to be managed under the terms of Part 10 of District Planning Scheme No. 2. Part 10 sets down the basis on which subdividing land owners are to contribute to the infrastructure costs of the cell and are entitled to be compensated for the land given up for cell works in the form of public open space (POS).

### Detail

Five Star Asset Pty. Ltd. is the owner of 9 lots containing 32.7607 hectares in aggregate. It has developed stage 1 of its subdivision with 56 residential lots and a POS area of 2.0947 hectares and a drainage sump site of 0.2487 hectares as shown on Attachment 2.

The subdivider is required to pay infrastructure contributions of approximately \$394,635 on the 56 residential sites and the subdivision potential of the POS site, and is entitled to compensation for the POS ceded.

The subdivider has requested that the first stage compensation entitlement be paid however, the true value of the POS has not been agreed to. A preliminary valuation assessment by the City's valuer puts the value at \$260,000 per hectare but, the subdivider is seeking compensation at the rate of \$340,000 per hectare based on his sale price for a nearby primary school site.

## **Comment**

The aggregate infrastructure contributions of \$394,635 payable by the subdivider are based on a provisional cell infrastructure cost per lot (ICPL) of \$5,261.80.

At the preliminary valuation rate of \$260,000 per hectare the POS site compensation is \$554,684, exclusive of any allowance for the compulsory nature of the ceding (solatium). If solatium is included, and it appears to be appropriate given that the total area of POS to be ceded by the subdivider will be in excess of the usual 10% requirement, the gross compensation due would be \$610,152.40 (ie \$286,000 per ha). Council will note that the area of POS being considered for compensation is 2.1334 hectares, ie 2.0947 hectares POS and an area of 0.0387 hectares as POS buffer which was created as part of the drainage reserve on the deposited plan of survey but for all intents and purposes, comprises part of the POS (Attachment 3). Based on these figures the net compensation payable to the subdivider for stage 1 of its subdivision, after deducting the infrastructure contribution, is \$215,517.40.

If the average cell value of \$330,000 per hectare inclusive of solatium is applied, the net adjustment due to the subdivider would be \$309,387.00. It should be noted that infrastructure costs for the cell have not been calculated on the basis of site specific valuations for every site that is to be acquired as part of future cell works. Instead, costs have been based on representative (or average) values that were determined across the cell.

At the \$340,000 per hectare being sought by the subdivider the net adjustment would be \$330,721.00.

In view of the disparity between the owner's request and the City's initial valuation, a second valuation for the POS site has been requested by the City. However, it is unlikely to be available before the Council meeting at which this report is being considered. The subdivider is seeking immediate payment in order to secure a cash flow for its operations. Under these circumstances it would be appropriate for Council to make an immediate payment of \$215,517.40 to the subdivider. Payment of any further amount is dependent on the revised valuation being agreed between the City and the subdivider and would be the subject of a further report to Council.

## **Statutory Compliance**

The charging of infrastructure contributions and payment of compensation is authorised by clause 10.6, and Schedule 9 respectively of District Planning Scheme No. 2.

## **Strategic Implications**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

The receipt of the infrastructure contributions and payment of compensation, regardless of the rate of compensation agreed to, will be covered by the financial model devised for Cell 4. Sufficient funds are held in the cell account to meet the net compensation payment and will not impact on any other aspect of the City's operations.

The cell costs estimates are revised from time to time according to the best available information and are applied on an average basis across the cell. It is important however to establish the true value of the separate areas of POS ceded in order to maintain the integrity of the cost estimates and ensure equity amongst the cell land owners.

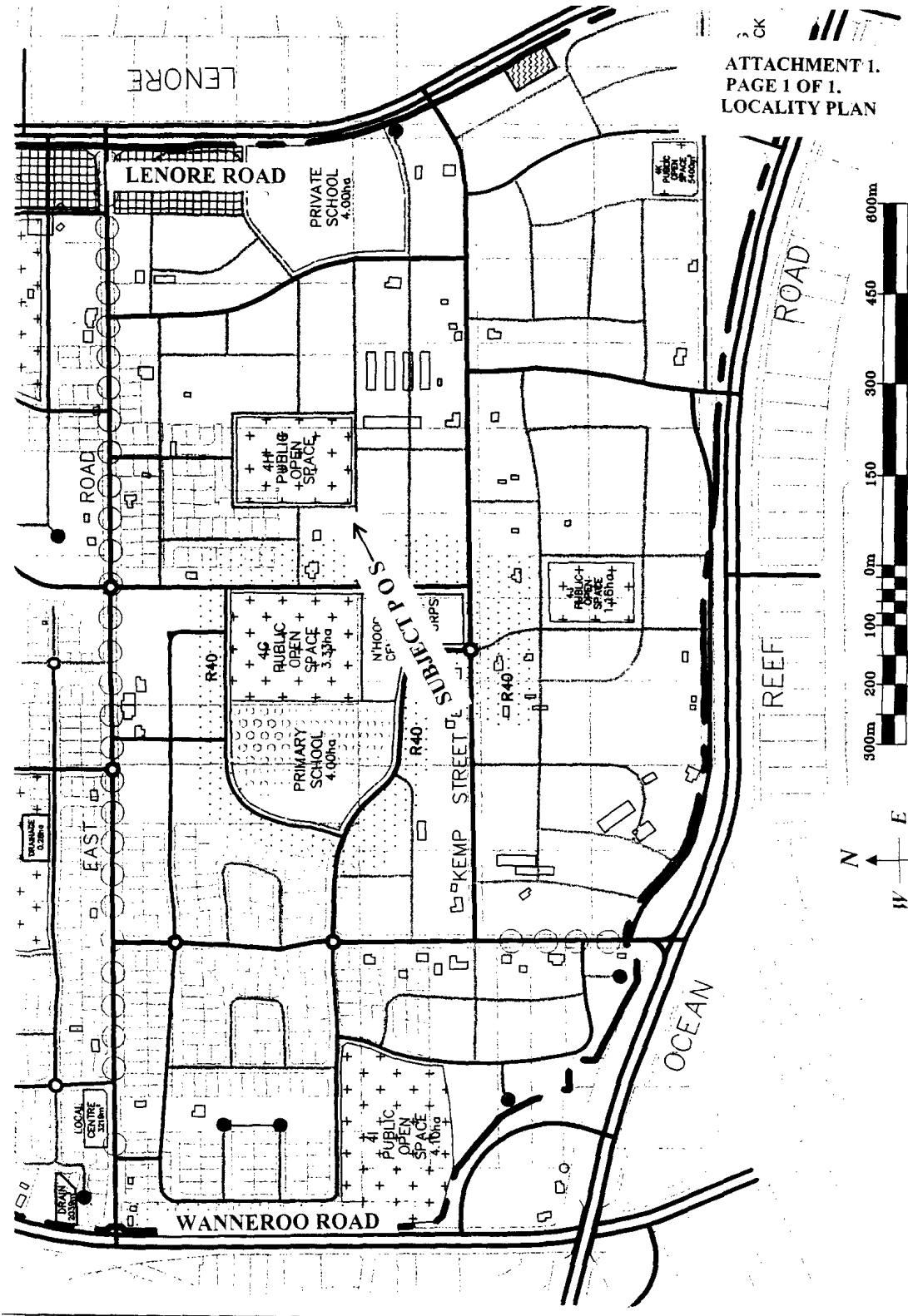
## **Voting Requirements**

Simple Majority.

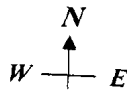
## **Recommendation**

**That Council:-**

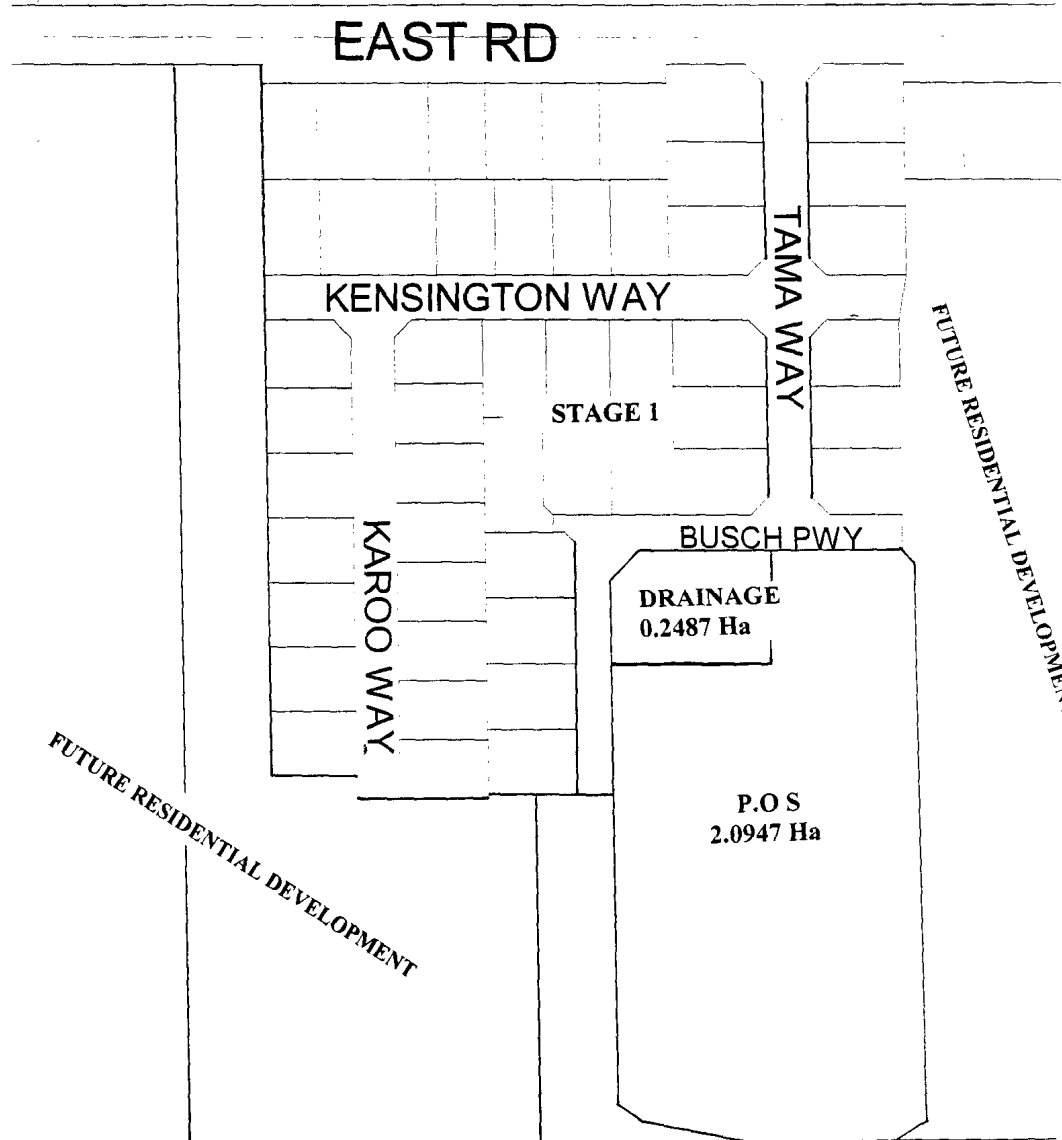
- 1. AUTHORISES payment of \$215,517.40 from the East Wanneroo Cell 4 Local Structure Plan account to Five Star Asset Pty. Ltd. in payment of provisional net compensation due for public open space ceded in stage 1 of its subdivision.**
- 2. OBTAINS a second valuation of the public open space ceded by Five Star Asset Pty. Ltd. to confirm the full and fair compensation due.**



ATTACHMENT 1.  
PAGE 1 OF 1.  
LOCALITY PLAN



ATTACHMENT 2  
PAGE 1 OF 1  
SITE ENLARGEMENT



**DP 24468**

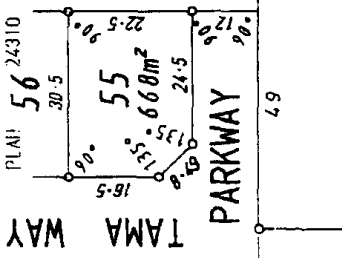


**TOTAL AREA**  
2-4102 HA

LAND DESCRIPTION	ON	CERTIFICATE OF TITLE	FIELD BOOK
PT LOTS 2 AND 48 OF SWAN LOCATION 1590	PLAN: 16505, 61221 DIPGRAM: BE35(2) 11.04 PUBLIC.	VOLUME	82390
		FOLIO	82391
			84252

LOCAL AUTHORITY: CITY OF WANNEROO  
LOCALITY: PEARSALL

PLAN: 56 24310



north



ATTACHMENT 3  
PAGE 1 OF 1  
DRAINAGE SITE DETAIL

PT 48  
DIA 61221

RESERVE FOR RECREATION  
109  
2.0947 HA

CY-981

## PD13-11/01 Proposed Modifications to The Merriwa Local Structure Plan (LSP 15)

File Ref: 46007  
 Responsible Officer: Acting Director Planning and Development  
 Disclosure of Interest: Nil  
 Attachments: Three

### Issue

Consideration of proposed modifications to the Merriwa Local Structure Plan 15.

<b>Applicant</b>	Taylor Burrell
<b>Owner</b>	Caversham Property
<b>Location</b>	Part Lots 904, 905, 906 and 907 Baltimore Parade, Merriwa
<b>Site Area</b>	44 Hectares (Approximately)
<b>Proposed DPS 2 Zoning</b>	Residential

### Background

The City has received an application from Taylor Burrell Planning Consultants on behalf of Caversham Property Pty Ltd to consider a structure plan over approximately 44 hectares of land located north of the existing residential area in the suburb of Merriwa (refer Attachment 1).

The proposal represents the remaining portion of land available for 'broad-acre' subdivision in this locality and the applicant has requested Council to consider the proposal in a timely fashion to enable the subdivision and subsequent creation of lots to satisfy first home buyer demand. The proposed structure plan represents a variation to the previously considered structure plans (refer Attachment 2) and promotes a redistribution of public open space areas and the realignment of Baltimore Parade.

The Local Structure Plan (LSP) area has been the subject of previous subdivision approvals issued by the Western Australian Planning Commission (WAPC) and consequently the main issues relate to road, public open space (POS) and drainage revisions.

The subject land is predominately cleared as a result of previous agricultural use, although some areas of remnant vegetation can be identified across the site.

The land is surrounded by existing residential development to the south and west with the 'Butler' Joint Venture landholdings to the north and east (Brighton and Ridgewood).

The land is currently zoned Residential under District Planning Scheme Number 2 (DPS 2). Although this zone does not specifically require the preparation of a 'Part 9' structure plan under the provisions of the scheme, it is considered appropriate to pursue a 'statutory' framework for future subdivision and development to ensure a high standard of residential amenity and traffic safety which could otherwise be compromised through the continued 'ad hoc' subdivision of the balance of this land.

The structure planning process will ensure opportunity for existing residents to comment on these changes via a public advertising period, which would otherwise not be available through the subdivision process. The final stages of subdivision within this locality are currently being held in abeyance by the WAPC pending the formal consideration of this LSP.

## **Detail**

The Merriwa Structure Plan and report has been prepared on behalf of Caversham Property to provide a rationale and framework to support future subdivision and development within the structure plan area.

The structure plan has been prepared in accordance with the 'Part 9' provisions of the scheme and has been promoted as a "Liveable Neighbourhoods" application.

The key features of the proposed plan are;

### Merriwa Local Structure Plan (LSP 15)

That portion of Merriwa generally located between the future Tomago Way, Seagrove Boulevard, Baltimore Parade and Marmion Avenue (as identified on Attachment 1) is the subject of an Agreed Local Structure Plan. Local Structure Plan Number 15, was first adopted on 20 January 2000 and has guided the subsequent subdivision and development of this portion of the landholding.

It is desirable to incorporate this proposed structure plan into the ALSP 15 to ensure a consolidated approach to subdivision and development provisions within this locality

### Residential Landuse

It is anticipated that the additional structure plan area could ultimately accommodate the creation of approximately 400 lots and applying an average of 3 persons per household, a total population of 1182 persons. Whilst lot sizes are not identified on the LSP, the lot module depth and general design layout is consistent with the R20 density coding that exists on the land. The applicant has suggested a future lot size range of between 450 m<sup>2</sup> and 700 m<sup>2</sup>. Based on current market demand the land would most likely be developed in three stages over the next 3 to 4 years.

The predominant feature of this proposal relates to the introduction of residential landuse within the central POS area as a result of the Department of Education relinquishing its second primary school site.

### Public Open Space/Drainage

A small pocket of approximately 2500 m<sup>2</sup> has been identified in the north eastern portion of the LSP area and approximately 6 hectares in the central area, representing the balance of the applicants 10% obligation. The central area has been divided into two distinctive portions with the northern portion promoted as an active playing field and the southern area as passive recreation and includes a large drainage sump of approximately 3500 m<sup>2</sup>. A narrow linear area of POS has also been provided to link the two POS portions, however it should be noted that the proposed drainage sump effectively blocks this link.



### Retail Floorspace

In accordance with the Merriwa Structure Plan, the City of Wanneroo Centres Strategy and District Planning Scheme Number 2, a local centre node has been identified at the intersection of Baltimore Parade (south) and Deepwater Circuit. The centre comprises of a supermarket, service station, tavern and fast food outlet and services the needs of the Merriwa locality. Local level retail is also promoted at the intersection of Baltimore parade (north) and Marmion Avenue and although as yet mostly undeveloped will ultimately provide for Business and Commercial uses. As a result, no retail has been promoted within the LSP area.

### Local Distributor Roads

The original structure plan identified Baltimore Parade as looping back onto Marmion Avenue. This proposal promotes the realignment of Baltimore Parade as a central spine linking Hester Avenue with Lukin Drive. As a result, existing portions of Baltimore Parade (north) will require re-naming. Hughie Edwards Drive is the suggested naming by the applicant.

The extension of Seagrove Boulevard through to the future Connolly Drive has also been promoted.

### ***Consultation***

This proposal has been referred to various government agencies and affected bodies as well as internal departments for comment to enable Council's initial consideration of the LSP for the purposes of public advertising.

Preliminary comments have been received from the Department of Planning and Infrastructure (DPI), Main Roads WA (MRWA) and the Department of Education (EDWA) with the Department of Environmental Protections' (DEP) advice still outstanding. No objection to public advertising has been raised by these authorities and any subsequent issues will be reported to Council in due course.

Several areas of concern have however been raised by the City's Administration and shall be highlighted in the 'comment' section of this report.

It should be noted that the application was accompanied by a letter of support from the Royal Australian Air Force Association which represents a major landholder located north of the subject land.

### **Comment**

#### ***Public Open Space/ Drainage***

The applicant has provided a public open space schedule as part of the LSP report, which is considered to be generally acceptable for demonstrating that the 10 % obligation can be accommodated. Whilst the amount of POS is acceptable in principle, further consideration of exact land areas will be required through the subdivision process to ensure the proposed land areas are accurately provided.

It should also be noted that several of the deductions claimed by the applicant will not be granted until the City has received confirmation at the subdivision stage that these uses do, or will ultimately exist on the land.

The distribution of POS is considered to be generally consistent with previous structure plans and subdivision approvals with the exception of the introduction of residential lots in the centre of the Dalvik Park area. The introduction of residential lots into the POS area represents reactive planning to the deletion of the 4-hectare primary school site.

The City has expressed concern over the identification of residential lots within the central area and the fragmentation of the POS area. The main concern relates to the ability of the northern area of proposed POS to accommodate a senior active oval.

Other significant issues are summarised as follows;

1. Further details are required for site analysis including, landscape values, contours, vegetation surveys and site constraints to determine the suitability of the proposed POS.
2. The identification of existing drainage disposal systems in the POS and the need to rationalise and improve these drainage disposal systems to comply with Councils requirements and consistent with principles of water sensitive urban design.
3. Consideration of the impact of drainage systems on the 10% POS provision subsequent to the upgrade of drainage systems to meet the City's requirements.
4. Impact of the southern most drainage sump on existing residents along Baltimore Parade. It should be noted that the proposed sump is substantially larger than the existing temporary sump in this location and extends for a distance of approximately 100 metres along the Baltimore Parade frontage (opposite existing residents).
5. POS development details to ensure that a senior active oval, clubroom facilities and carparking can be accommodated.
6. Commitments should be required from the developer to remove existing drainage treatment from the southern most POS area and the reinstatement of landscaping.

The proposed drainage strategy for the structure plan and its sub-catchments fail to accord with the City's Guidelines for the development and subdivision of Land. The proponent suggests the drainage will be discharged via an existing bubble-up pit into the POS. The City no longer supports this arrangement given the operational inadequacies of a bubble-up pit and safety risks associate with the lack of interception or removal of gross pollutants and syringes. Furthermore, the structure plan indicates the sump will overflow and inundate the POS. Such an arrangement will be required to comply with particular design criterion and the proponent will also be required to undertake a monitoring program in accordance with the above guidelines.

The drainage areas fail to accommodate the 1 in 10 and the 1 in 100 storm event as required by Councils standards and may impact on the area and usability of the POS.

### ***Environmental Considerations***

While the City is still awaiting comments from the Department of Environmental Protection, it is anticipated that these comments will be received prior to the commencement of public advertising. Any issues that may have a significant impact on the LSP will be further considered during advertising and will be forwarded to Council in due course.

It should be noted however, that no significant environmental issues are anticipated as they would have been addressed as part of previous structure planing and subdivision approvals for the site.

### ***Modifications to Design Provisions***

In addition to existing scheme provisions, the statutory section of the LSP (Part 1) proposes several exceptions to the normal development criteria for residential. These exceptions include amongst other things, a reduction in the average front setback from 6 metres to 4 metres, an increase in the front setback for garages from 4.5 metres to 5 metres and the screening of boats and vehicles from view of the street.

Whilst the overall format of the proposed statutory section is generally acceptable, the requirements being proposed are considered too onerous for implementation under the scheme and in some instances conflict directly with the provisions of the Residential Planning Codes.

On this basis, and given that the proposed LSP design only relates to single residential development, the Part 1 section should be modified to relate directly to existing scheme provisions, which are considered appropriate and acceptable for regulating future single residential development by the City.

The applicant should be advised that the proposed development criteria (where it does not conflict with the scheme) would be more appropriately implemented as ‘developer covenants’, where the obligation to enforce and regulate the covenants does not rest with the City.

### ***Road Network***

The proposed LSP identifies several areas of variation to the previously approved structure plans and subdivisions for this locality. The most significant variation relates to the discontinuation of Baltimore Parade (proposed to be renamed to Hughie Edwards Drive) from Marmion Avenue and the realignment of the southern portion of Baltimore Parade to Lukin Drive, thereby creating a central distributor road between Hester Avenue and the future Lukin Drive.

The road layout has been modified to promote greater vehicle and pedestrian permeability consistent with the grid style of subdivision that is promoted in the “Liveable Neighbourhoods” concept.

The City’s Technical Services Department has indicated concern over the accuracy of the traffic volumes identified for the main distributor roads in the LSP area and in particular in relation to the ultimate traffic volumes for Hughie Edwards Drive, Seagrove Boulevard, Greyhound Drive and Baltimore Parade. The projected traffic volumes will need to be further considered in consultation with the applicant, MRWA and the City to enable subsequent road and traffic treatments, access and intersection requirements to be implemented at the subdivision stage.

No objection has been raised in relation to the general road layout for the lower order road system, however it should be noted that the City shall require these roads to comply the ‘Austroads’ standards of design and the City’s policy’s in regard to road design.

Several of the peripheral subdivisional roads have been identified in the LSP as protruding into the Connolly Drive and Lukin Drive road reserves. The City's Technical Services Department has requested that the applicant provide further engineering justification and appropriate documentation to enable a proper assessment of the downgrading of these road reserves to accommodate the local road protrusion.

### ***Public Transport***

Comments received from the DPI have suggested that the realignment of the distributor road is an improvement on the previously considered LSP for the area. Should Lukin Drive be dualled in the future it has been requested that the median island provide for a 'hold' embayment to enable the bus to turn right in two stages, this detail can be addressed as part of the detailed engineering design for Lukin Drive should dualing occur in the future. It is desirable for a bus stop to be provided every 350 metres, however of most importance is that a bus stop be provided in Baltimore Parade just south of the Seagrove Boulevard to service the private primary school site and POS area. On this basis it is preferable that the applicant identify appropriate bus stops on the LSP to clarify these locations.

### ***Employment and Sustainability***

No retail facilities or other employment generating activities have been identified within this landholding.

It is anticipated that local level retail facilities will ultimately be provided within the appropriately zoned land at the intersection of Baltimore Parade (north –proposed Hughie Edwards Drive) and Marmion Avenue.

No District shopping facilities have been identified for the Merriwa area and it is anticipated that these facilities will be accommodated within the future development of the 'Butler' landholding and the existing Clarkson Centre.

Given the limited size of the LSP area and the fact that much of the Merriwa area is already developed, no employment generating activities in the proposed LSP is considered acceptable in this instance. However, it should be noted that the City has received a draft employment strategy from its consultant and is currently reviewing this document. Once adopted, it is envisaged that a formal basis for the consideration of employment and economic development issues will be available for all levels of LSP and subdivision.

### ***Pedestrian and cyclist routes***

The applicant has not provided suitable detail for the future pedestrian/cyclist networks for the LSP. These details shall be required to ensure appropriate consideration of footpaths, shared paths and bicycle facilities including the identification of 'on road' facilities.

### ***Existing legal agreement over Lot 906***

In September 2000 the City entered into an agreement with Caversham properties to ensure the completion of Regional Road works relating to the provision of two pedestrian underpasses in the south Merriwa area (Connolly Drive and Hester Avenue). This agreement specifically relates to the resolution of outstanding works prior to any subdivision of development occurring on the subject land.

Whilst this obligation remains unresolved at this time, it is anticipated that it will be addressed as part of the subdivisional process and it is not considered to fetter the City's consideration of the LSP.

### ***Regional Road contributions***

The Merriwa locality is within the 'Clarkson-Butler' planning district. The provisions of Part 11 of the Scheme apply to this land, where the aim is to provide a simple framework for landowners to contribute to the acquisition and construction of District Distributor Roads and Pedestrian Crossings.

This obligation is suitably addressed through Part 11 of the scheme and appropriate conditions will be imposed at the time of subdivision in accordance with these provisions.

### ***School Site***

The original structure plans for the Merriwa locality identified two school sites with one in the north and one in the south. The southern school site is existing and the northern site has now been relinquished by the EDWA as a result of its revision of school site catchments upwards to 1800 lots.

However, EDWA has advised that as part of the overall consideration for relinquishing the northern school site, provision should be made for the opportunity to establish a 'schools in houses' site should the demand for additional schools in the area occur prior to the development of a second school site in Ridgewood.

In this regard, it is noted that the principles of the 'schools in houses' program utilises the infrastructure and design standard for residential houses and this use can be identified as a transitional or interim use on the land. On this basis it is most desirable to plan effectively for the ultimate use of the land, ie. residential as promoted within the LSP.

The EDWA should be advised to liaise directly with the developer should these forms of interim land uses be required within the LSP area and reflected in the LSP accordingly.

### ***Heritage/Aboriginal***

The applicant has not advised of ethnographic or archaeological sites of any significance in the study area.

Although the applicant has identified no sites within this area, clarification should be obtained from the Department of Aboriginal Affairs as to whether further assessment is required.

### ***Community Facilities***

No Community facilities exist or are proposed for the northern portion of Merriwa in this LSP with the exception of preliminary concepts for a 'change room' facility associated with the future active oval.

An existing lot on the corner of Dalvik Avenue and Tomago Way has been identified for private childcare facilities.

A Council owned Community facilities building exists in the southern portion of Merriwa along Jenolan Way.

### ***Unexploded Ordnance (UXO)***

It is likely that portions of the site have been used for munitions training and that UXO may occur within the application area. The applicant has not identified this issue in the detail of their submission, however it is normal practice that further assessment will be undertaken prior to the commencement of subdivisional works.

To date, UXO searches are usually carried out as a requirement of subdivision approval and imposed by the WAPC. The following condition has been previously imposed by the WAPC on subdivision approvals for this land and is considered appropriate for addressing this issue.

*“Arrangements being made by the owner to ensure that the land has been searched and cleared for unexploded ordnance to the satisfaction of the Western Australian Police – Unexploded Ordnance Branch. Should it be considered necessary by the WA Police, the subdivider making arrangements to the satisfaction of the WAPC to ensure prospective purchasers of the proposed lots are aware of the matter of unexploded ordnance”.*

### ***Conclusion***

The north west portion of the proposed LSP (Lot 906) is considered to be generally acceptable. The existing road alignment and levels constrain the opportunity to effectively plan and retrofit residential subdivision (subsequent to the deletion of the school site) into the central POS area.

The City’s Technical Services Department has raised significant issues in relation to projected traffic volumes associated with the realignment of Baltimore Parade, the suitability and effectiveness of the proposed drainage systems, the usability of the POS for active recreational purposes and the associated impacts on existing Merriwa residents.

It is anticipated that should these issues be addressed, the proposed modifications to the current Merriwa LSP could be suitable for public advertising consistent Part 6.7 of the City’s Town Planning Scheme.

### **Statutory Compliance**

The structure plan has been submitted for consideration as a ‘Part 9’ structure plan under the provision of District Planning Scheme Number 2 (DPS 2). The applicant has submitted statutory provisions in the form of a ‘Part 1’ section to accompany the explanatory section of the structure plan proposal. Once adopted the Part 1 section will have the same force and effect as the City’s scheme and as such, due consideration of the implications of these provisions is required.

### **Strategic Implications**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

Nil

## **Voting Requirements**

Simple Majority

## **Recommendation**

**That Council:-**

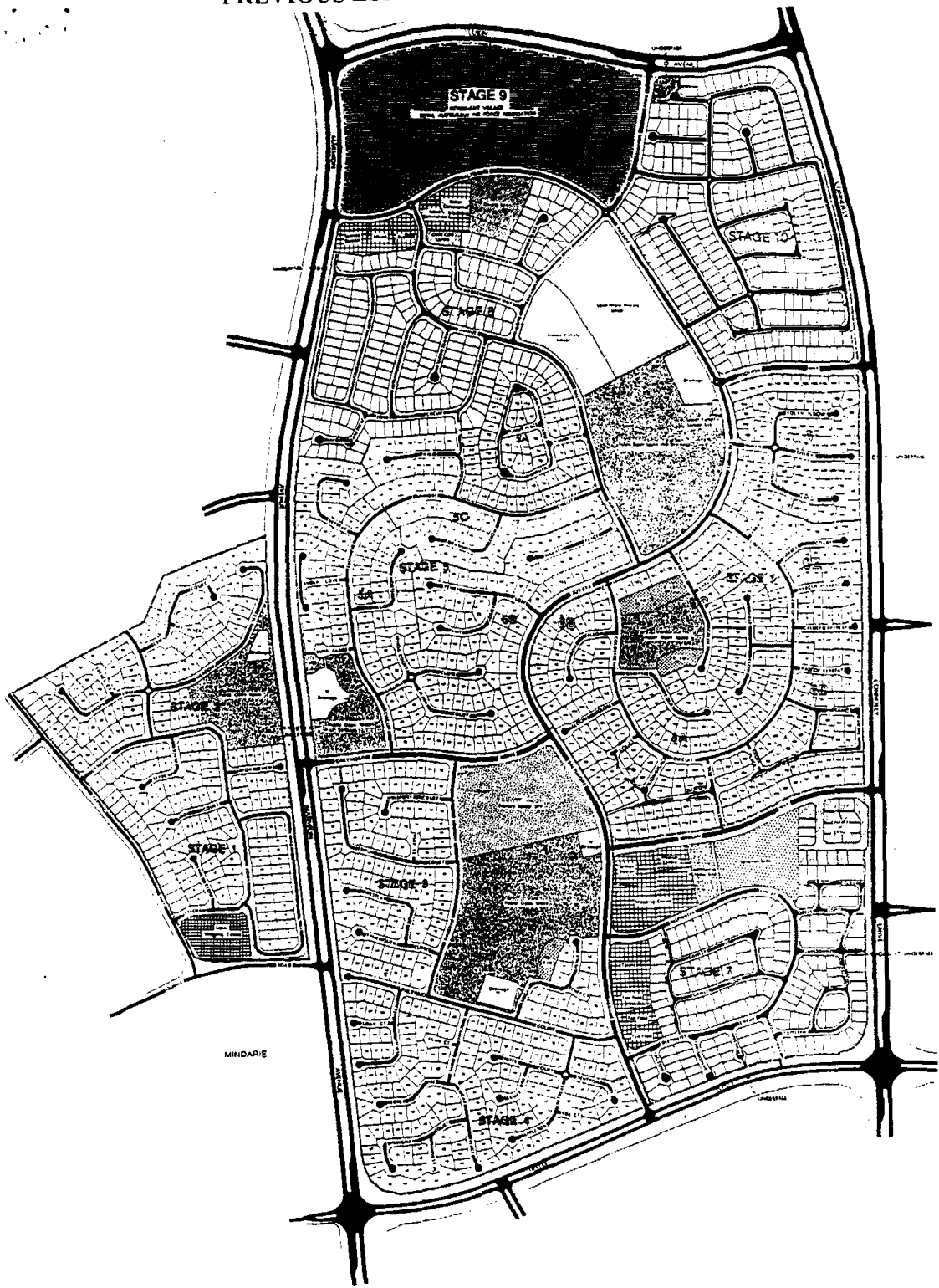
1. Pursuant to Clause 9.4.1 of the City of Wanneroo District Planning Scheme No 2, **DETERMINES** that the draft Merriwa Local Structure Plan, as amended, is **SATISFACTORY** and make it available for public advertising for a period of 42 days, subject to the following modifications:
  - a) **Modification of the wording of the Part 1 provisions to better accord with District Planning Scheme No.2, and better address the design and setback requirements of the City for the proposed land uses.**
  - b) **The proposed Public Open Space being designed to accommodate a senior active oval and associated parking and change room facilities and the linear POS link adjacent to Baltimore Parade being deleted unless appropriate justification for its retention can be provided to the satisfaction of the Director, Planning & Development.**
  - c) **The provision of a suitable drainage management plan which appropriately reflects the City's standards for drainage disposal within proposed sumps and areas of Public Open Space.**
2. **ADVISE** Taylor Burrell Consultants, acting on behalf of Caversham that **PRIOR** to final adoption of the Modified Merriwa Local Structure Plan Number 15 that it will require resolution of the following to the satisfaction of Council.
  - a) **A vegetation assessment of the site is to be undertaken, to identify any important and rare species of vegetation located within the application area and its location in regard to future land use.**
  - b) **An ethnographic and archeological survey of the site being undertaken to determine if there are sites of Aboriginal significance located on the subject land;**
  - c) **The applicant providing suitable detail for the future pedestrian/cyclist networks for the LSP including footpaths, shared paths, bicycle facilities the identification of 'on road' facilities to the satisfaction of the City.**
  - d) **The identification of appropriate bus stops on the LSP to the satisfaction of the Department of Planning and Infrastructure.**

- e) **The applicant demonstrating the accuracy of the projected traffic volumes identified within the LSP to the satisfaction of the Main Roads WA and the City.**
- f) **Further engineering justification and appropriate documentation to enable a proper assessment of the downgrading of the Connolly Drive and Lukin Drive road reserves to accommodate the local road protrusion.**
- g) **The proposed location of any future 'schools in houses' being shown on the Local Structure Plan to the satisfaction of the EDWA and Council.**





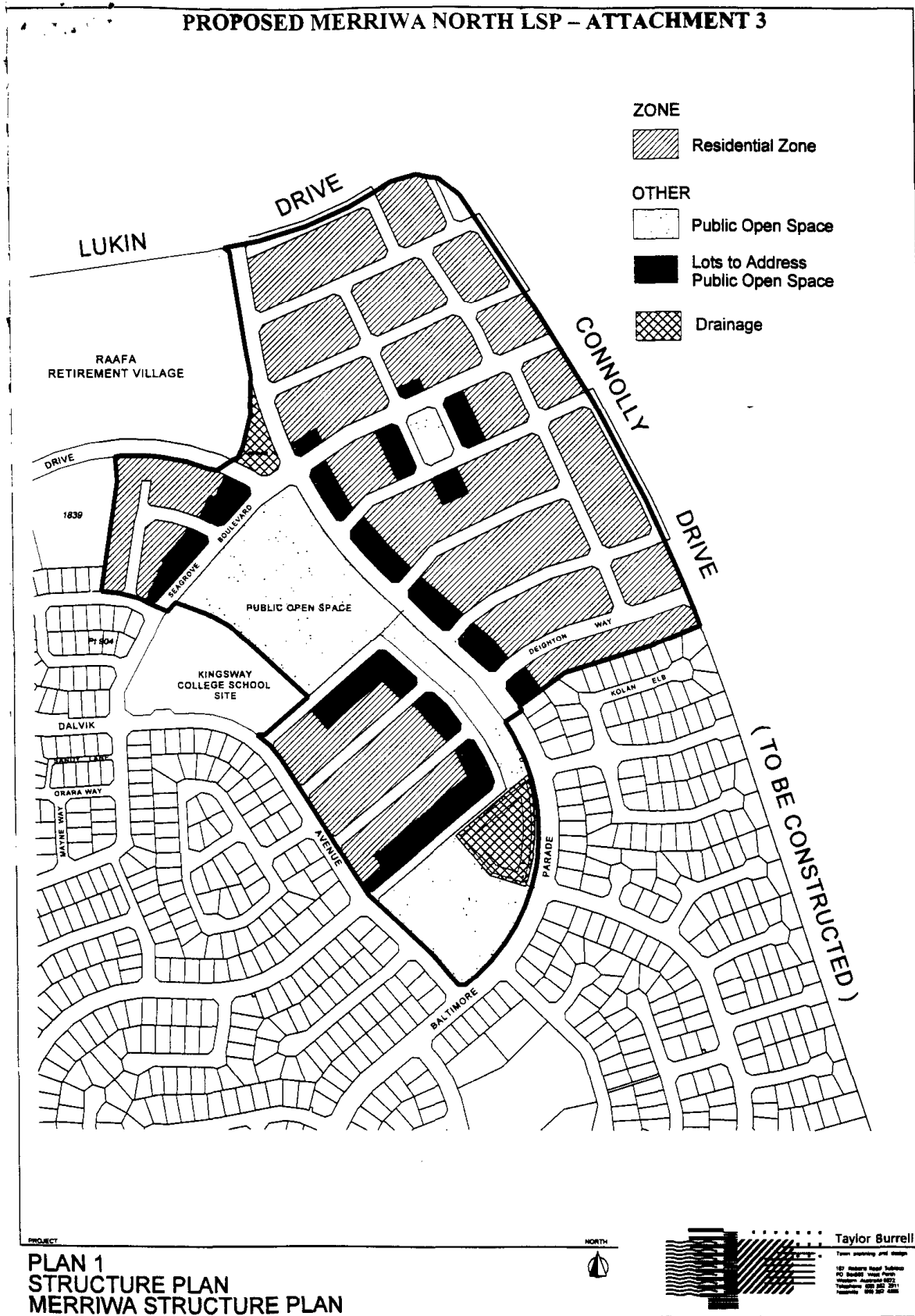
PREVIOUS LSP - ATTACHMENT 2



PROJECT  
MERRIWA ESTATE  
DEVELOPMENT PLAN

FIGURE NO  
4

Legend for land use zones and roads:  
- Thick solid line: Main Road  
- Double line: Secondary Road  
- Dotted line: Footpath  
- Diagonal hatching: Residential  
- Wavy hatching: Parks  
- Horizontal hatching: Community  
- Vertical hatching: Commercial



## PD14-11/01 Proposed Local Structure Plan for Lot 201 Breakwater Drive, Two Rocks

File Ref: 70709  
 Responsible Officer: Acting Director Planning And Development  
 Disclosure of Interest: NA  
 Attachments: 2

### Issue

Consideration of a Structure Plan for Lot 201 Breakwater Drive, Two Rocks.

<b>Applicant</b>	Chappell & Lambert
<b>Owner</b>	Mirvac-Fini
<b>Location</b>	Lot 201 Breakwater Drive, Two Rocks
<b>Site Area</b>	278.5ha
<b>DPS 2 Zoning</b>	Rural Community

### Background

A Structure Plan application for Lot 201 Breakwater Drive has been submitted by Chappell and Lambert Planning Consultants on behalf of Mirvac-Fini. Lot 201 is located to the north west of the intersection of Breakwater Drive and the Mitchell Freeway reservation, some 6 kilometres north east of Two Rocks. As shown on Attachment 1, the subject land is bounded by the Mitchell Freeway reservation to the east, Breakwater Drive to the south, Parks and Recreation Reservation to the west and the Wilbinga conservation reserve to the north.

The land is currently zoned Rural under the Metropolitan Region Scheme and Rural Community under the City of Wanneroo DPS 2. Clause 3.23 of DPS2 outlines the objective for the Rural Community zone, which is to provide for the orderly and integrated subdivision and development of larger areas of land proposed for rural residential use, in a manner which maintains the environment, vegetation and landscape characteristics of the area. Sub-clause 3.23.2 of DPS2 provides that no subdivision should be, and no development shall be, undertaken in the Rural Community Zone until a Structure Plan for the land concerned has been adopted under Part 9 of DPS2. It also provides that no subdivision should, and no development shall, be undertaken otherwise than in conformity with the adopted Structure Plan and the relevant Special Provisions in Schedule 15 of DPS2.

Rural Community Zone No 1 comprises Lots 201 and 202 Breakwater Drive, which formed part of the extensive Yanchep – Two Rocks area landholding owned by Tokyu Corporation Pty Ltd. Lot 201 has recently been purchased from Tokyu by Mirvac-Fini.

The Rural Community zone (and Zone No 1) was created by Amendment No 837 to former Town Planning Scheme No 1, which was initiated in 1998 and subsequently finalised in 2000. The amendment was subject of a requirement for a formal Environmental Review. The Environmental Review process resulted in environmental conditions being included in the City's Scheme (these are in Schedule 12 to DPS2). In addition, Special Provisions for Rural Community Zone No 1 are included in Schedule 15 to DPS2.

The Special Provisions and environmental conditions in DPS2 address a range of environmental, land use and land management issues to maintain the environmental and landscape qualities of the land. These are summarised below:

### *Environmental Conditions*

- Management Plans to be prepared for Karst Landform and Drainage Nutrient and Water.
- Measures addressing interface with regionally significant vegetation.
- Aboriginal Heritage Management (does not apply to Lot 201, but to Lot 202).

### *Special Provisions*

- Identification of heritage, environmental, landscape features and significant vegetation to be retained, and management provisions to maintain these qualities, including preparation of a Vegetation and Fauna Management Plan and fire management measures (Fire Management Plan).
- Geotechnical assessment of karstic hazard risk (especially for building envelopes, roads).
- Preliminary UXO (unexploded ordnance) assessment.
- Identification of areas to be ceded to the Crown free of cost as POS and buffers for areas of environmental significance, and provision of a community purposes site of 5000m<sup>2</sup>.
- Determination of maximum lot yield based on the various environmental assessments, not to exceed average of 1 lot per 2ha (i.e 139 lots for Lot 201).
- Minimum lot size of 1ha.
- Measures addressing interface with regionally significant vegetation (included in Vegetation and Fauna Management Plan).
- Drainage system based on water sensitive design principles.
- Exclusive use of aerobic treatment units, modified septic systems to minimise groundwater pollution.
- Maximum of one horse per lot subject to management conditions (unless otherwise permitted by Council).
- Land use to be rural-residential only, with maximum one dwelling per lot. Home businesses and one appropriately located corner store may be considered by Council as 'D' uses. (DPS2 defines 'rural-residential' as 'a land use where land is utilised primarily for residential purposes in a rural landscape but often also for some form of limited agricultural or rural use'.)
- Landscape buffers of 15m width required to Breakwater Drive and future Freeway frontages.
- Maximum cleared building envelope of 2000m<sup>2</sup> permitted on each lot. Clearing otherwise prohibited except where required for fencing, fire breaks, access and servicing.
- Keeping of livestock and poultry for commercial purposes prohibited.
- Interface with Crown land to north and west must be perceived as publicly accessible (i.e roads, POS, bridle paths etc).
- Building envelopes for lots abutting future Freeway to be located to western side of lot to minimise noise impact and visibility.

It should be noted that Lot 201 includes a narrow strip of land (approx. 20m wide) extending some 2 kilometres west from the northwest corner of the major parcel/ body of the lot.

This coincides with a road connection between the western boundary of Lots 201 and 202 and Urban zoned land further to the west (beyond the Parks and Recreation reserve) which was depicted in the North West Corridor (Yanchep) Structure Plan.

## **Detail**

The Structure Plan has been included in Attachment 2. Key features of the plan are:

### ***Rural Residential Lots***

The creation of 139 rural residential lots with lot sizes ranging from 1ha to 4.5ha with an average of approximately 1.6ha. At 3 persons per dwelling, this would equate to a population of 417 persons. The 2000m<sup>2</sup> building envelopes are strategically located on the lots to maximise retention of significant vegetation.

### ***Public Open Space / Drainage***

The allocation of 10.5% of the site for public open space (POS). As required by the Special Provisions, the POS has been located to protect two stands of significant vegetation, a Jarrah woodland area at the north west corner of Lot 201 and a Tuart-Jarrah woodland area near the south east. There is also a 5 hectare (ha) area of POS to the south of the Tuart-Jarrah woodland along the entry road through to Breakwater Drive. This is proposed to include a community purposes site of 5000m<sup>2</sup>.

Water Sensitive Drainage measures are being proposed to cater for surface water from roads. The main treatment principle will be to divert the road run-off into nutrient stripping swale drains and sumps at appropriate localities.

### ***Road and Transport Network***

Access to Lot 201 is via Breakwater Drive which is a recently constructed east west district distributor road that connects the Two Rocks Township to the west with Wanneroo Road. There are two subdivisional access roads connecting with Breakwater Drive. In the long term, it is envisaged that Breakwater Drive will intersect with the Mitchell Freeway which will provide regional access to the area.

### ***Retail Floorspace***

A possible homestore or corner store site has been identified on one lot on the main eastern entry road. No other business / mixed uses are proposed for the site.

### ***Bridle Trails / Firebreaks***

Bridle trails of a 10 metre width are provided along the western, northern and eastern boundaries of the land connecting the POS areas. Several other bridle trails connect with the subdivisional road network. All these trails also serve as strategic fire breaks and emergency vehicle access points.

### ***Water Supply and Services***

Lots are to be serviced by a reticulated water supply. Sewage disposal is to use aerobic treatment units or modified septic systems to minimise groundwater pollution in accordance with Special Provisions for the site.

### ***Environmental Management Plans***

The structure plan includes four Management Plans: a Fauna and Vegetation Management Plan, Karst Landform Management Plan, Drainage Nutrient and Water Management Plan and a Fire Management Plan. These plans are required by the environmental conditions and/or Special Provisions and are detailed briefly below.

#### **1. Fauna and Vegetation Management Plan**

The Fauna and Management Plan addresses:

- a. The identification and retention of locally significant areas of native vegetation, especially those areas of native vegetation that provide fauna habitat.
- b. Clear delineation and retention of all three significant stands of trees to avoid fauna, particularly threatened fauna
- c. Details of arrangements for maintenance of native vegetation
- d. Allocation of management responsibilities relating to native vegetation and identification of timing for implementation, as appropriate
- e. Control of off road vehicles and rubbish dumping.
- f. Interface of the proposed development and adjoining populations of rare fauna.

#### **2. Karst Landform Management Plan(KLMP)**

The KLMP is aimed at reducing the risk of any ground destabilisation associated with Karst features, adversely impacting on buildings or people in the proposed development. Two karst risk areas have been identified at the western side of the site.

#### **3. Drainage Nutrient and Water Management Plan**

The report examines the drainage, nutrient, and water issues for Lot 201. The implementation of the plan is to be the responsibility of the landowner for 24 months after construction to the satisfaction of the local authority.

#### **4. Fire Management Plan**

The implementation of the Fire Management Plan has two main objectives:

- a. To protect life and property from wild fires; and
- b. To protect the environmental values of the surrounding bushland

This plan has also been prepared to meet a Ministerial condition which requires that regionally significant vegetation which surrounds the amendment area shall be protected from indirect and direct impacts associated with the development of the subject area.

### *Consultation*

The application has been considered by the City's Administration and referred externally to various government agencies for preliminary comments. This is important given the environmental issues and concerns requiring assessment and input from agencies including the Department of Environmental Protection (DEP), Water and Rivers Commission (WRC) and Department of Conservation and Land Management (CALM). The comments and issues raised in the various referral responses are outlined in the Comments section below.

### **Comment**

In general, it is considered the proposed Lot 201 Local Structure Plan is acceptable. The distribution of POS, the road network and integration with surrounding land uses gives rise to some minor concerns, however the proposal addresses many of the special provisions and environmental conditions detailed previously.

The Structure Plan is considered satisfactory to be advertised as a draft for public comment. However, it should be subject to a number of modifications which should be carried out prior to advertising. There are also a number of further requirements which will need to be addressed prior to consideration of final adoption by Council.

The required modifications and matters to be further addressed are outlined in the following assessment comments and audit of environmental conditions and special provisions.

### *POS / Drainage*

The identified POS areas are considered to be acceptable, although there is the need for more detail about the use and integration of the community purpose site and passive recreation area for the southern POS area at the entry road adjoining Breakwater Drive (this POS area comprises the required community purposes site of 5000m<sup>2</sup>).

Technical Services support the proposed water sensitive design proposals subject to the drainage being contained within the road reserves. It is also important that stormwater is contained within the open drains/swales and does not sheet across the carriageway or intersections as seen in other similar subdivisions.

### *Environmental Issues*

#### **1. Fauna and Vegetation Management Plan (FVMP)**

The DEP has advised it considers the FVMP satisfactorily addresses the relevant environmental condition, subject to CALM also confirming its acceptance of proposals relating to the interface with adjoining regional Parks and Recreation reserves. CALM's preliminary advice is that it has no objections to the proposed Structure Plan, however will provide more detailed comments during the formal advertising period.

A number of modifications to the plan are considered appropriate. These are detailed as follows:



- a. The identified POS areas are considered acceptable, although there is some concern at the extent and proposed purpose of the southern POS area at the entry road adjoining Breakwater Drive (noting that this POS also comprises the required community purposes site of 5000m<sup>2</sup>). The FVMP should be modified to include a concept plan incorporating layout details and rehabilitation and maintenance proposals for this POS area.
- b. The FVMP should integrate the site and the 2 bushland POS areas as close as possible to the surrounding bushland. Firebreaks cause artificial separation of connected areas (see comments on Fire Management Plan for more detail).
- c. The Freeway reserve to the east is unlikely to be constructed for perhaps 30 years or more. It is possible however that the freeway may not be constructed. Consideration needs to be given therefore to maximum integration with the surrounding bushland with an assumption that a bushland connection will remain for at least the foreseeable future.
- d. The FVMP should provide particulars of how the tracks proposed through the POS areas and the bridle trails are to be formalised – these should be upgraded to limestone standard.
- e. All bridle trails should be modified to 6m maximum width and constructed to above standard. See comments on Fire Management Plan also.
- f. Revegetation occurs best if plants are given adequate time to establish before summer – i.e. first significant rains after summer. Revegetation should take place at this time.
- g. Revegetation densities are relatively low and should be increased to more appropriate densities.
- h. Prospective purchasers should be notified before purchasing via a written statement of the need to control weed infestation; eg Apple of Sodom, and methods by which this is possible.
- i. The FVMP should include a section outlining commitments, timing and responsibilities as per other Management Plans.

## 2. Karst Landform Management Plan (KLMP)

The instructions for the KLMP in the Minister for the Environment's Statement No 537 (referred to in the environmental conditions) states (inter alia) that: "The subdivider shall prepare a KLMP at the Local Structure Planning stage, to the requirements of the Responsible Authority [the City] on advice of the Water and Rivers Commission, a geotechnical consultant and an environmental scientist to avoid development over high risk karst areas. The definition of high risk areas is subject to further assessment by a geotechnical engineer and environmental consultant. ...Development shall not be approved in areas or close to any location where large karstic structures are known or suspected to be present unless deemed acceptable by a qualified geotechnical engineer and environmental scientist."

Given these issues it is considered that the City should commission an independent expert to advise on these matters prior to consideration of final adoption of the Local Structure Plan. The cost of such advice should be the responsibility of the applicant, which is in accordance with Regulation 8 (1) of the *Town Planning (Local Government Planning Fees) Regulations 2000*.

In addition to the fundamental question of the adequacy of the KLMP, Council officers consider that the KLMP should also address/ consider several other matters which are detailed below:

- a. The two identified higher-risk karst areas are sited adjacent to roads and building envelopes. Whilst it may be technically possible to develop in the proposed locations it may not be the most practical location. Greater consideration should be given to peripheral requirements such as driveways and drainage, therefore it is considered that larger lots of perhaps 4ha minimum would be more appropriate in these areas. Notwithstanding this, further consideration of this issue should be deferred pending specialist independent advice.
- b. The report indicates that the likelihood of sytgo fauna and troglobitic fauna being present is low given that there are no caves in the study area. Specialist advice on the viability of this should be sought from the WRC, WA Museum, DEP and CALM.
- c. The KLMP notes that construction personnel will be advised of the risks associated with karstic terrain – specific details should be included as to how this will be done – i.e. through an induction form requiring signing by contractors, if this is to be the method used then the induction form should be included in the report.

### **3. Drainage Nutrient and Water Management Plan (DNWMP)**

On advice from Water and Rivers Commission, the DEP advises that the DNWMP is considered satisfactory.

The City is generally satisfied with the DNWMP, subject to several minor modifications:

- a. The schedule of commitments lists septic systems and groundwater monitoring as being the responsibility of the City after 2 years. The former should be noted as being the responsibility of landowners and the latter as being the responsibility of the WRC. The City does not undertake groundwater monitoring.
- b. As groundwater extraction bores are not permitted within 200m of high risk karst areas (specified in Attachment 1 of the Minister's Statement) then restrictive covenants should be placed on titles of all lots affected by this provision advising landowners that bores are not permitted.

### **4. Fire Management Plan (FMP)**

The FMP is generally satisfactory, subject to the following modifications:

- a. External fire-breaks (east, north and est) to be reduced to 6m.
- b. Fire breaks through the two POS areas are to be sufficiently wide and to be re-aligned to take advantage of existing tracks, avoiding proposed rehabilitation areas where possible. Fire breaks on the eastern perimeter of the southern area of POS to also be sufficiently wide.
- c. Fire break between Wilbinga conservation reserve and Lot 203 (P & R reserve) is not to be constructed.
- d. Rehabilitation required on eastern boundary is to take place west of the firebreak.

- e. Status of the portion of land that is Lot 201 between Wilbinga and Lot 203 (P & R reserve) needs to be fully evaluated – future status is unclear but should have a primary consideration as being integration with the surrounding bushland for conservation purposes.
- f. A standard firebreak gate to be used on access paths and POS areas. Emergency services will require keys to facilitate access during emergencies.

### ***Roads and Transportation Network***

The City's Technical Services area has raised a number of issues regarding the road system, and some of the matters should be reflected in the Structure Plan and Environmental Management Plans (noting that some of the requirements are normally dealt with at the subdivision approval stage). The issues that should be addressed include the provision of passing lanes and left slip lanes for the two access road intersections with Breakwater Drive in the design stage, consideration of adequate sightline distances at all intersections and ensuring that consideration of the acceptability of road alignments and design in the karstic areas has sufficient flexibility to minimise impact on these natural features. It is considered appropriate that these matters be dealt with prior to Council's final consideration of the Local Structure Plan or at the subdivision stage.

In addition to the matters above, the Structure Plan should make reference to the narrow strip of land at the northwest corner of Lot 201 including particulars of current intentions regarding the road that was depicted in the North West Corridor (Yanchep) Structure Plan. Recent verbal advice from the Department of Planning and Infrastructure was that the road is now unlikely to be required, however some confirmation is required as this has the potential to impact significantly on the Structure Plan design.

### ***Unexploded Ordnance***

The Structure Plan report indicates that Fire and Emergency Services Authority (FESA) advised that it carried out a 10% field validation survey in 1999 for Lots 201 and 202 which revealed no evidence of UXO, therefore requiring no further investigation. This was confirmed by FESA in its written submission on Amendment 837 in 1999.

### ***Heritage / Aboriginal Heritage Management***

An environmental condition on this subject only relates to an identified site of aboriginal significance on Lot 202 Breakwater Drive. Notwithstanding this, DEP has recommended that the Department of Indigenous Affairs be consulted on this Structure Plan prior to its finalisation, considering that the archaeological and ethnographic surveys for the subject land were undertaken in 1991. The proposal has consequently been referred to that Department as recommended.

### ***Employment and Sustainability***

While a home-store will provide for certain convenience items, it is envisaged that residents within this Rural Community zone will travel to larger centres such as Two Rocks, Wanneroo or Clarkson. Because of the rural/residential nature of the development, employment opportunities for persons living in the area will be limited to adjoining urban and rural areas.

### ***Audit of Special Provisions and Environmental Conditions***

An audit of the environmental conditions as determined by the Minister for the Environment has been undertaken and it is concluded that subject to the matters raised above being addressed, the environmental conditions will be deemed to have been satisfactorily addressed.

In terms of the Special Provisions in Schedule 15 of DPS2, it is considered that the Structure Plan satisfactorily addresses these, with the exception of the following:

- Issues associated with geotechnical testing of the site, building envelopes and roads as outlined under the sub-heading KLMP above.
- Relocation of building envelopes for lots abutting the future Freeway reserve.

### ***Part 1 Statutory Document***

The applicant has submitted a Part 1 document simply referring to the clauses and Special Provisions included in DPS2 as relevant to the Structure Plan. It is considered that the Part 1 document should be modified to ensure the relevant recommendation of the four Environmental Management Plans are incorporated into the Scheme by reference to enable proper implementation and enforceability.

### **Statutory Compliance**

The Structure Plan has been submitted for consideration under Part 9 of DPS 2. As such the applicants are required to prepare the appropriate statutory provisions in the form of a 'Part 1' document to accompany the explanatory Structure Plan proposal.

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Voting Requirements**

Simple Majority.

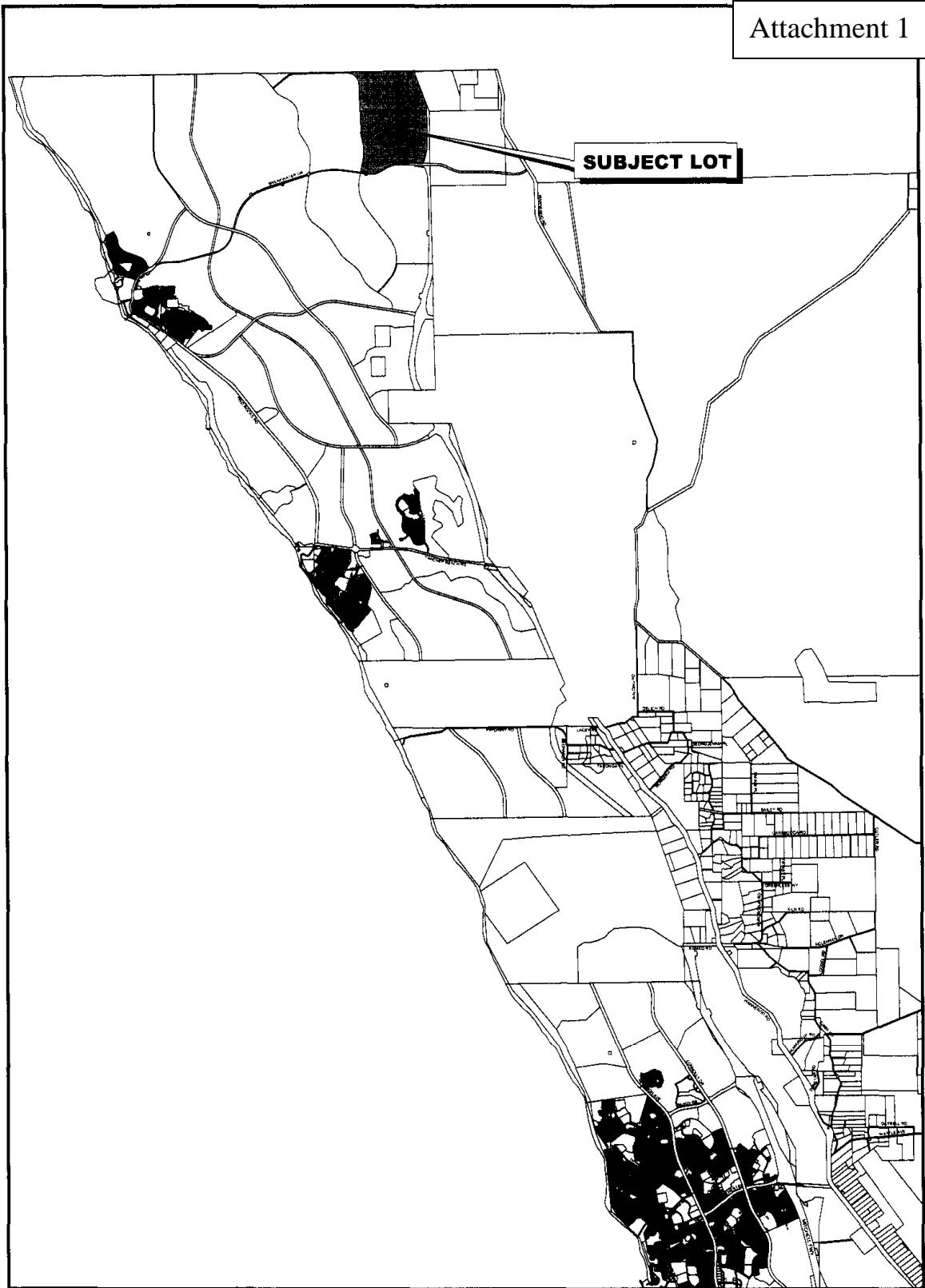
## Recommendation

### That Council:

1. Pursuant to Clause 9.4.1 of the City of Wanneroo District Planning Scheme No 2 DETERMINES that the draft Structure Plan for Lot 201 Breakwater Drive, Two Rocks submitted by Chappell and Lambert Planning Consultants and dated 15 October 2001 is satisfactory to advertise for public comment for a period of 42 days subject to the following modifications:
  - a) The applicant including a satisfactory 'Part 1' statutory section into the Local Structure Plan;
  - b) Relocation westwards of building envelopes for lots abutting the future freeway reserve to comply with Special Provisions 1.2.7 and 1.2.8 as detailed in Schedule 15 of District Planning Scheme No. 1;
2. APPROVES the commissioning of a specialist consultant to advise on the acceptability of the Structure Plan and Environmental Management Plans in addressing issues associated with karstic landform during the public advertising period. The cost of such advice is to be the responsibility of the applicant, in accordance with Regulation 8 (1) of the Town Planning (Local Government Planning Fees) Regulations 2000.
3. ADVISES Chappell and Lambert Consultants, acting on behalf of the Mirvac-Fini Group that PRIOR to final adoption of the draft Lot 201 Local Structure Plan, that it will require resolution of the following planning issues to the satisfaction of Council.
  - a) The appropriate treatments of the following roads-related matters:
    - i) storm water drainage to be contained within the road reserves;
    - ii) provision of passing lanes and left slip lanes for the two access road intersections with Breakwater Drive;
    - iii) ensuring flexibility in the alignment and design of roads in karstic areas to minimise impact on these natural features;
    - iv) confirmation by the Department for Planning and Infrastructure that the road shown on the North West Corridor (Yanchep) Structure Plan of 1993 to pass along the western edge of the subject land is no longer intended.
  - b) Inclusion of provisions within the Fauna and Vegetation Management Plan addressing the following matters:
    - i) layout details, rehabilitation and maintenance proposals for the southern public open space area near Breakwater Drive;

- ii) provision for greater integration between the subject land and the bushland existing within the freeway reserve abutting the eastern boundary of the subject land, acknowledging that freeway construction is many years off;
  - iii) provision of details regarding how the tracks proposed through the public opens space areas are to be formalised;
  - iv) bridle trails being modified to 6m maximum width;
  - v) assessment of appropriate vegetation densities;
  - vi) provision of appropriate measures to prevent weed infestation;
  - vii) inclusion of details regarding commitments, timing and responsibilities of works.
- c) Inclusion of provisions within the Karst Landform Management Plan addressing the following matters:
  - i) specific details as to how construction personnel will be advised of the risks associated with karstic terrain;
  - ii) modifications as may be considered appropriate arising from the specialist advice to be obtained as recommended in item 2. above.
- d) Inclusion of provisions within the Drainage Nutrient and Water Management Plan addressing the following matters:
  - i) provisions addressing respective responsibilities for works;
  - ii) controls prohibiting bores within 200m of high risk karst areas.
- e) Inclusion of provisions within the Fire Management Plan addressing the width, management measures and other detail arrangements for fire-breaks.

Attachment 1

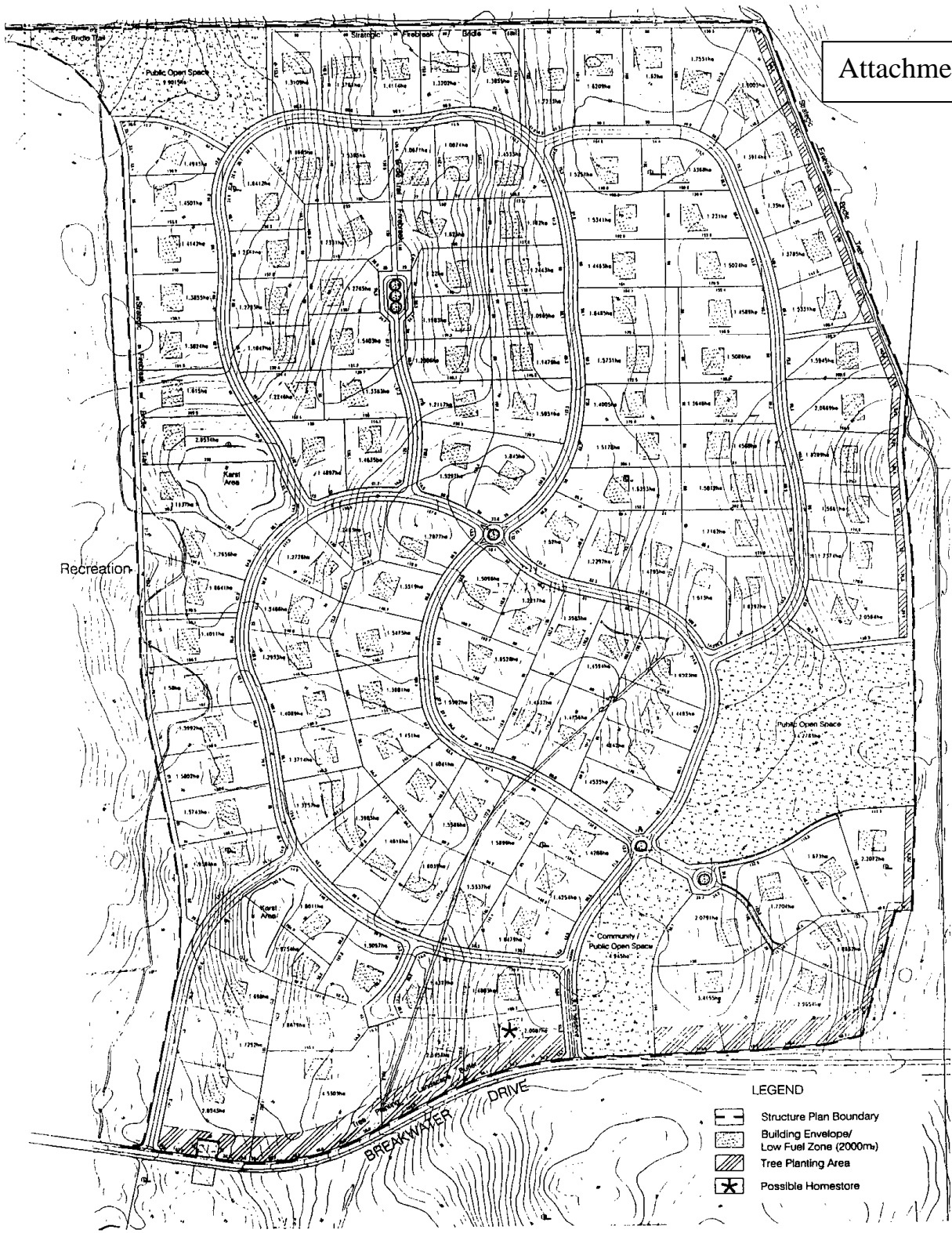


LOCATION PLAN  
Lot 201 Breakwater Drive, TWO ROCKS

DATE: 5th November 2001

Lot 201 breakwater drive apr

Attachment 2





**PD15-11/01 Proposed Amendment No 6 to District Planning Scheme No 2  
- Lot 49 (56) St Andrews Drive, Yanchep: Yanchep Holiday  
Village - Proposed Shop and Recoding from R20 To R40**

File Ref: 29003  
Responsible Officer: Acting Director Planning and Development  
Disclosure of Interest: Nil  
Attachments: Two

### Issue

Consideration of an application to amend District Planning Scheme No. 2 (DPS2) to enable the existing Yanchep Holiday Village to be converted to a local shop and to residential dwellings for permanent accommodation.

<b>Applicant</b>	Gray and Lewis
<b>Owner</b>	Hazel Lake Holdings Pty Ltd
<b>Location</b>	Lot 49 (56) St Andrews Drive, Yanchep
<b>Site Area</b>	4726 square metres
<b>Existing DPS 2 Zoning</b>	Residential R20

### Background

The subject lot is located on the north-eastern corner of the intersection of St Andrews Drive and Carnoustie Court, in the 'St Andrews Estate', Yanchep. The site backs onto the Sun City Country Club Golf Course and is otherwise surrounded by low density residential housing. Attachment 1 indicates the location of the site.

A holiday village, comprising 16 holiday units, a reception building with a gym, games room and communal toilets, a swimming pool and 27 car parking bays was constructed on the lot in 1990. A site plan showing the layout of the existing development is included as attachment 2.

On 4 September 2001, Council resolved to initiate Amendment No.3 to DPS2 to accommodate a 20 square metre local shop from within the existing reception building and a 50 seat restaurant from within the adjacent unit 14 (item PD04-09/01 refers). It was intended that the shop and restaurant would be available for use by both the holiday village guests and also the general public.

### Detail

The applicant has now requested that the amendment be modified as follows:

1. To recode Lot 49 from R20 to R40, to enable the existing holiday village to be converted to residential dwellings for permanent accommodation.
2. To increase the floorspace of the proposed shop from 20 square metres to 44 square metres to be consistent with the portion of the building intended to be used for shopping purposes.

3. To delete reference to the restaurant use, as this component is unlikely to be viable.

### ***Consultation***

There is a statutory requirement for Town Planning Scheme Amendments to undergo a public advertising period of 42 days. However given the relatively minor nature of this amendment, the Western Australian Planning Commission's consent could be requested to reduce the advertising period to 28 days. This advertising period is more consistent with the period Council normally advertises development proposals.

The Town Planning Regulations provide that where an amendment is consistent with State plans, policies etc, then the local authority may proceed to advertise the amendment. Given the minor nature of this amendment the WAPC's consent will not be required other than for the reduced advertising period.

### **Comment**

Amendment No. 3 is yet to be advertised for public submissions. The Town Planning Regulations do not provide for an amendment to be modified at this stage of the process and therefore it would be appropriate that the Council resolve to discontinue the current amendment and initiate a new amendment based on the applicant's revised proposal.

The site has already been developed as a holiday village. The R40 coding is required to facilitate converting the use of the existing holiday units to residential dwellings for permanent accommodation. Whilst under the R40 density code, up to 18 dwellings could be accommodated (two more than the number of existing holiday units), the site appears to be fully developed and there is unlikely to be sufficient room to accommodate any additional units. The owners have also advised that they have no intention to develop any additional units. The proposal to increase the density code is consistent with State policies which seek to encourage the development of a wide variety of housing types.

There are currently no shopping facilities within the 'St Andrews Estate'. The estate comprises some 300 residential lots and a population of approximately 800.

Council's Centres Strategy, adopted in August 2000 as a Planning Policy, seeks to promote and provide for a system of local shops throughout residential areas in order to provide for the daily convenience shopping needs of the neighbourhood and to provide a focus for neighbourhood services and facilities. The policy provides that a local shop should not exceed 200 square metres NLA, should be designed to serve 200 homes and be located on a local distributor road. The proposal is consistent with this policy.

If the amendment proceeds, a planning approval, building licence and health approval will be required for the physical conversion works. These applications will consider the detail of car parking provision, open space, courtyards, pedestrian access, refuse collection, signage, servicing, building fit-out etc. It is possible for most of the City's normal design requirements to be accommodated in this case. Some discretion will however be required in respect to private open space provision for some of the units. The site has however been uniquely designed with an abundance of communal open space, a swimming pool area, communal recreation building and the site backs onto the Sun City Country Club Golf Course. It is considered that these areas will more than compensate the modest reductions in private open space of some of the units.

Prior to submitting the previous proposal the applicant circulated a survey to all residents within the St Andrews Estate to gauge local opinion regarding the shop and previously proposed restaurant. Forty four responses were received, with all but four supporting the proposal. Notwithstanding this informal consultation, the amendment will still require statutory advertising and an opportunity for the Council to consider the proposal in light of any submissions.

The current zoning of the site is Residential. It is recommended that this base zone be retained, with DPS2 being amended to recode the site from R20 to R40 and to list the additional shop use in section 1 of schedule 2. This would enable Council to place conditions on the size of the shop to ensure that it did not expand to a size that would compromise the functioning of the remaining portion of the development or impact on the amenity of the area.

### **Statutory Compliance**

The proposal is consistent with State Government policies and the City's Draft Centres' Strategy. The amendment will follow the statutory process outlined in the Town Planning Regulations.

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Voting Requirements**

Simple Majority.

### **Recommendation**

**That Council:-**

1. **ADVISES the Western Australian Planning Commission that it no longer intends to proceed with Amendment No. 3 to District Planning Scheme No. 2 and that the amendment be discontinued;**
2. **In pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), PREPARES Amendment No. 6 to the City of Wanneroo District Planning Scheme No. 2 to:**
  - a) **Recode Lot 49 (56) St Andrews Drive, Yanchep, from R20 to R40.**

- 
- b) **Rezone Lot 49 (56) St Andrews Drive, Yanchep, from Residential to Residential, Additional Use.**
  - c) **Specify the following details as item number 1-28 in Section 1 of Schedule 2:**
    - i) **Street/Locality – St Andrews Drive, Yanchep;**
    - ii) **Particulars of Land – Lot 49;**
    - iii) **Additional Use and Conditions – Shop not exceeding 44 square metres NLA.**
- 3. SUBMITS Amendment No. 6 to the City of Wanneroo District Planning Scheme No. 2 to the Western Australian Planning Commission seeking a reduced advertising period from 42 days to 28 days;**
- 4. REFERS Amendment No. 6 to the City of Wanneroo District Planning Scheme No.2 to the Environmental Protection Authority pursuant to Section 7A1 of the Town Planning and Development Act.**





## **PD16-11/01 Proposed Amendment No 4 To District Planning Scheme No 2 - Portion Of Lot 1010 Marmion Avenue, Yanchep - Proposed Recoding From Residential R20 To Centre Zone**

File Ref: 70709  
 Responsible Officer: Acting Director Planning and Development  
 Disclosure of Interest: N/A  
 Attachments: 3

### **Issue**

Consideration of an application seeking amendment of the City of Wanneroo District Planning Scheme No 2 (DPS 2 ) to rezone portion of Lot 1010 at the corner of Marmion Avenue and Lagoon Drive, Yanchep from Residential R20 to Centre Zone. The amendment is intended to facilitate the development of a local shop, coffee shop/café, local office and medical centre/ pharmacy.

<b>Applicant</b>	Shrapnel Urban Planning
<b>Owner</b>	Jomapet Pty Ltd
<b>Location</b>	Portion of Lot 1010 Marmion Ave, Yanchep
<b>Site Area</b>	3537m <sup>2</sup>
<b>Current DPS 2 Zoning</b>	Residential R20
<b>Proposed DPS 2 Zoning</b>	Centre

### **Background**

The subject property is located near the south west corner of the junction of Yanchep Beach Road and Marmion Ave in Yanchep. Access to and from the subject land will be restricted to the new subdivision access road (see Attachment 1). Surrounding land uses include the proposed small urban pocket isolated from Yanchep residential area by undeveloped POS, Community Centre, Church and the school. The subject land is currently zoned “Urban” in the Metropolitan Region Scheme and Residential R20 in the City of Wanneroo’s DPS 2.

In May 2001 the WAPC granted approval to subdivide part of Lot 1010 to create Stage 1 of 25 residential lots consistent with the R20 density code (WAPC 115964). The plan of subdivision indicated the possible future use of six lots on the main subdivision access road for local shops, a medical centre and a pharmacy.

### **Detail**

The applicant requests an amendment to DPS 2 to rezone the portion of Lot 1010 shown on Attachment No 1. from Residential to Centre zone to accommodate a local shop, coffee shop/café, local office, and a medical centre and pharmacy. The area proposed to be rezoned is 3537m<sup>2</sup>.

The centre would consist of the following:

- (a) A Foodland type supermarket of 350m<sup>2</sup> floorspace
- (b) An adjoining coffee shop/ café of 100m<sup>2</sup> floorspace

- (c) A medical centre of approximately 300m<sup>2</sup> floorspace
- (d) An adjoining pharmacy of 100m<sup>2</sup> floorspace
- (e) A local office of 100m<sup>2</sup> floorspace

The total retail floorspace proposed is 550m<sup>2</sup> net lettable area and is comprised of the supermarket, café and the pharmacy.

A copy of the applicant's submission has been placed in the Councillors' reading room.

The applicant has submitted the following rationale / justification in support of the proposal:

### ***Population***

The applicant argues that there is a substantial population in Yanchep and significant population growth is anticipated. The amendment estimates the population to be 2290 persons in 2001. Based on the current metropolitan average for Neighbourhood/ Local Shop Retail floor space (0.53m<sup>2</sup>/capita) this would equal some 1200 m<sup>2</sup> of neighbourhood/ local floor space. The supply of retail floor space in the study area is 150 m<sup>2</sup>, leaving a shortfall of at least 1000m<sup>2</sup>.

In the longer term (by 2006) the population is estimated to be 5700.

### ***Centres Strategy***

The City's Draft Centres Strategy identifies two proposed neighbourhood centres in this general area:

- (a) A centre of 1000m<sup>2</sup> retail floor space on Pt lot 614 (124) Lagoon Drive (this is South of the subject land).
- (b) A centre of 1500 m<sup>2</sup> retail floor space on lot 12 Newman Rd (located to the west of the subject land).

Council's Centres Strategy was adopted in August 2000 and seeks to promote and provide for a system of local shops throughout residential areas in order to provide a focus for neighbourhood facilities and services. The policy provides that a local shop should not exceed 200m<sup>2</sup> NLA, should be designed to serve 200 homes and be located on a local distributor road. The policy also provides that the local shop may include a small licensed café not exceeding 100 m<sup>2</sup>.

The proposal involves a variation from this policy. It differs from the strategy in that one of the proposed shops (the supermarket) is proposed to be 350m<sup>2</sup> instead of the strategy's recommended 200m<sup>2</sup> for a single shop. The applicant notes that a 350m<sup>2</sup> supermarket would be the minimum size necessary to ensure adequate patronage. If it was smaller it would stock too limited a range and defeat the main purpose of reducing the number of convenience shopping trips out of the area.

The medical centre is intended to accommodate two doctors, a waiting room and a reception area. A room would also be provided for visiting specialists such as physiotherapists, dentist, pathology and possible radiology.

### ***Traffic Safety Issues***



Two connected access roads into the overall subdivision are planned:

- (a) From Lagoon Dve via Primary Road.

Primary Road will serve residential lots on site, but will continue to serve as vehicular access to one of the high school car parks.

- (b) Directly from Marmion Avenue, half way between Lagoon Drive and Marmion Avenue's intersection with Yanchep Beach Road.

In the course of preparation of the rezoning submission, the City's Technical Services had raised concerns with the applicant that there may not be enough distance between Yanchep Beach Rd and Lagoon Drive to safely accommodate an additional access to the subdivision. The applicant has had this issue investigated by Uloth and Associates. The report concluded that the proposed additional access would represent a minimum but satisfactory standard and could be achieved safely.

The WAPC has also approved this concept with its subdivision approval.

### *Need for the Centre*

The applicant indicates that the existing shopping facilities in Yanchep are considered minimal, with the only existing retail outlet being a small beachside kiosk. Other centres that have been proposed have little prospect of being developed in the short term. There is a genuine need for the proposed retail and service facilities to be provided immediately to serve the Yanchep Community.

### **Comment**

The following comments are made in relation to the points made by the applicant:

#### *Centres Strategy*

The Centres Strategy requires that Local Shops should provide an outlet for daily consumables and services to the local neighbourhood. No single outlet should exceed 200m<sup>2</sup>, with an aggregate not to exceed 1000m<sup>2</sup>. The shops should also be designed to service 200 homes when located in a residential area. Based on the population estimates the catchment figure of 200 homes is met, however the location of the centre is of concern. A central location for a catchment is not provided as the proposed location is on the north east extremity of the existing residential land and is a relatively small urban pocket isolated from Yanchep residential area by undeveloped POS, community centre, Church and the school. A centre in the proposed location would result in a car based centre which is particularly undesirable for local shops.

The proposal also differs from the centre strategy requirements in that the centre would be located on an intersection with a district distributor road rather than a local distributor road.

DPS 2 identifies two zoned sites for neighbourhood centres: Lot 12 Newman Rd as having a 1500m<sup>2</sup> NLA and the future Lagoon Drive centre at 1000m<sup>2</sup> NLA. Although these centres have not as yet been developed, the creation of an additional centre may compromise the guidelines of Council's Centres Policy in relation to ultimate development and centre planning for this general area. Attachment 2 shows the locations of the proposed centres in Yanchep.

### ***Traffic Issues***

- (a) The City has maintained that the proposal represents a major safety issue given the subdivisional road intersection onto the future Marmion Avenue is in close proximity to the regional road intersection of Yanchep Beach Rd and Marmion Avenue. Technical Services has however indicated that the proposal may be acceptable based on evaluation of the traffic data in the Uloth Study.
- (b) Given the close proximity of the intersection where the centre is proposed, it is likely that only left in left out access would ultimately exist, potentially compromising the future use of the site. The proposal needs to be considered in the context of the future development of the Yanchep area and the function of Marmion Avenue as a major regional road.
- (c) The location of the proposed centre would encourage additional traffic through the subdivision (via Primary Road) and is considered undesirable given the location of the high school and residential surrounds.

### ***Yanchep Structure Plan***

The Yanchep Structure Plan was adopted by the Western Australian Planning Commission in January 1993 and provides the broad planning framework for the Yanchep Two Rocks District. The Yanchep Structure Plan (refer Attachment 3) designates a major commercial (district) centre on lot 102 which is to the east of the subject land. This district centre is referred to as the Yanchep South District Centre in the Metropolitan Centres Policy. It is not considered appropriate on planning grounds that a local centre would be located opposite or in close proximity to a district centre. It is noted that lot 102 (owned by Landcorp) is currently for sale and the City has received several enquires from prospective purchasers regarding the planning issues affecting that land. These prospective purchasers have been advised about the Yanchep Structure Plan and this may factor significantly in any decision to acquire the land.

### ***Enquiry By Design Workshop***

Further strategic planning via the Yanchep Enquiry by Design (EBD) workshop is planned for March 2002 and will focus on the land north and east of the subject site. It is likely that the EBD will consider the suitability of future land uses on adjacent landholdings and may include substantial retail and employment generating uses. The creation of a centre in this location may compromise the effective strategic consideration of retail uses within this locality and as such it is considered appropriate to maintain flexibility until local retail/employment distribution has been considered in the broader context.

### *Need for the Centre*

In early discussions the applicant was requested to consider mechanisms for commitment to construction of the proposed facility in the short term. The applicant subsequently lodged the application with no response to this matter aside from statements such as “the landowner is responding to a clear and urgent need. It is surely in the community interest that this need be met”.

The proposed location may also conflict with the two zoned sites for neighbourhood centres and compromise the guidelines of Council’s Centres Policy in relation to ultimate development and centre planning for the area.

The more immediate concern of Council Officers was that the creation of yet another zoned but undeveloped centre site in Yanchep would serve as a major impediment to a developer seriously contemplating development of a centre in the short to medium term, hence the discussions regarding a possible mechanism to ensure that development would take place in the short term. The report to Council on the Centre Strategy in August 2000 (in section 2.8) considered the issues and undesirability of such circumstances.

### **Conclusion**

The proposed amendment to DPS 2 is considered inappropriate in the current location. The applicant notes that there is a need for the centre but has not effectively responded to Administration’s concerns regarding the need for a mechanism for commitment to construct this facility in the short term.

Notwithstanding the above, the proposed location also conflicts with planning requirements such as a central location on a local distributor road for a local centre. The location is isolated from the main residential areas of Yanchep and the catchment to the proposed centre is therefore restricted. It is not considered appropriate on planning grounds that a local centre would be located opposite or in close proximity to a district centre (as proposed in the Yanchep Structure Plan).

The Yanchep Enquiry By Design workshop, scheduled for March 2002, will consider future planning requirements in this area and will involve a detailed analysis of future centre requirements for this locality.

The proposed amendment is not considered appropriate in the given location and accordingly support for the proposal is not recommended.

### **Statutory Compliance**

Nil

### **Strategic Implications**

Nil

## **Policy Implications**

If the application is supported , corresponding amendments to Council's Centres Planning Policy would also be appropriate.

## **Financial Implications**

Nil

## **Voting Requirements**

Simple Majority.

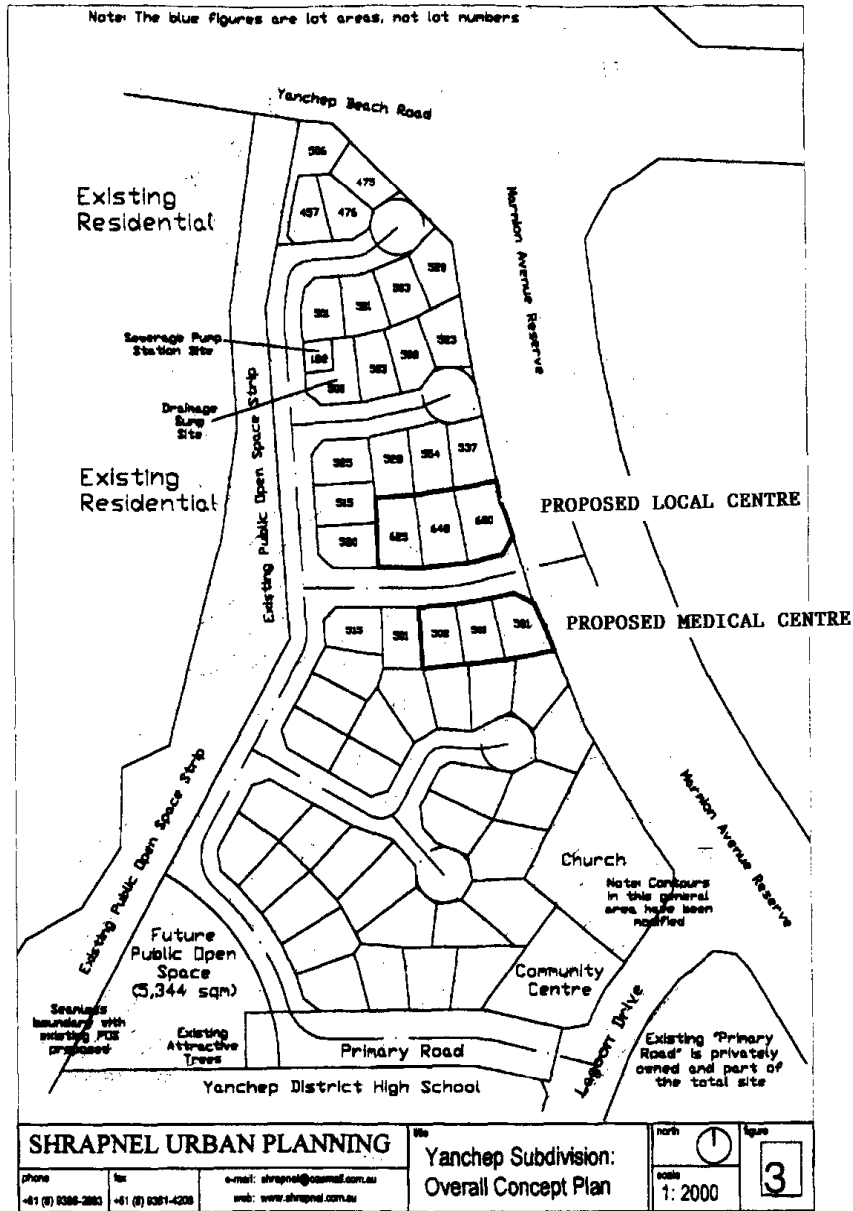
## **Recommendation**

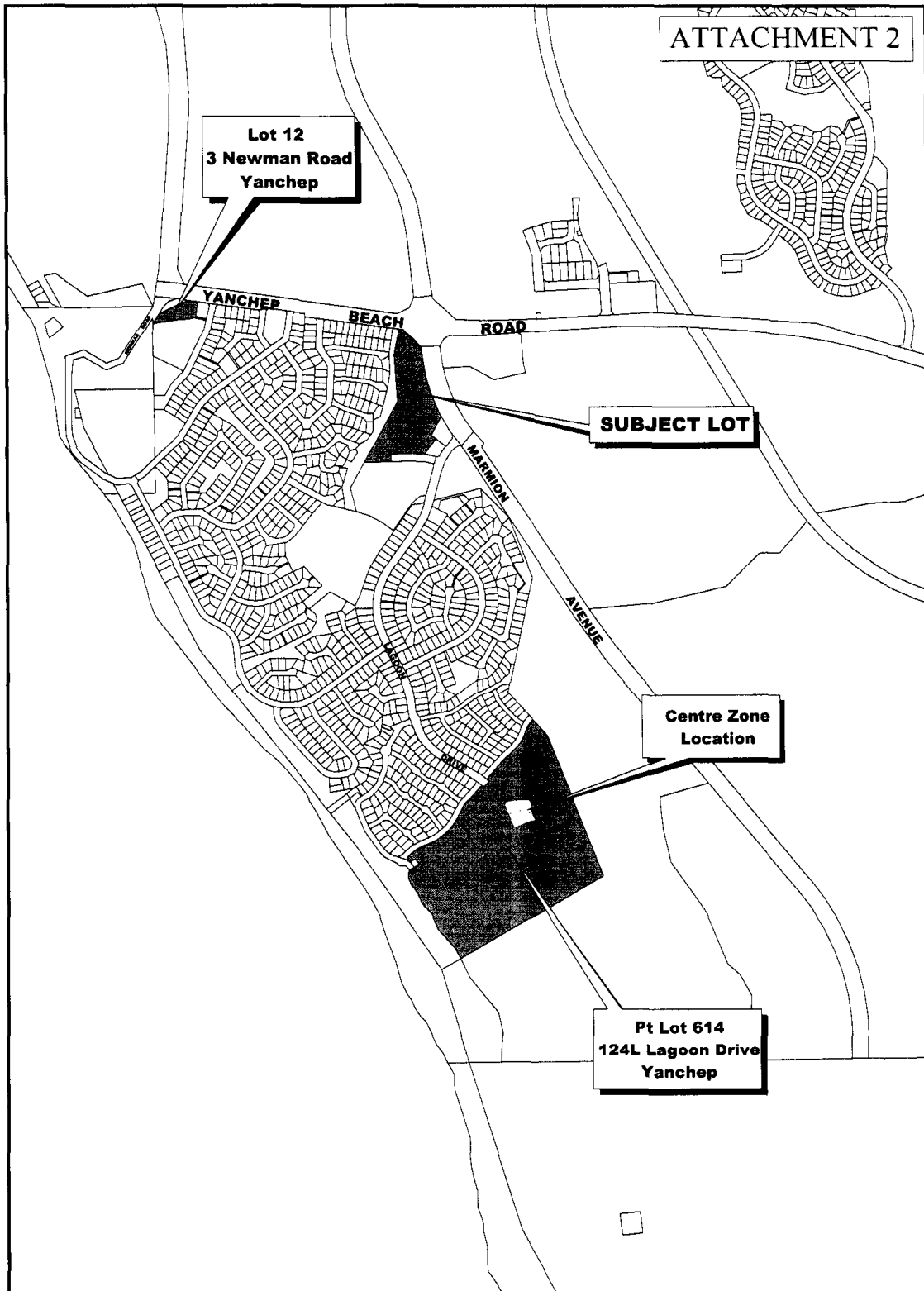
**That Council RESOLVES not to support the proposed rezoning of Lot 1010 Marmion Avenue, Yanchep from Residential R20 to Centre Zone as requested by Shrapnel Urban Planning on behalf of Jomapet Pty Ltd, for the following reasons:**

- 1. The application conflicts with Council's Centres Strategy as the location is considered undesirable. The strategy recommends that local centres be located centrally within residential neighbourhoods and on a local distributor road. The proposed location is on the north east extremity of the existing residential area and is within a relatively small future urban pocket relatively isolated from the main Yanchep residential area.**
- 2. The creation of an additional centre may compromise the guidelines of Council's Centres Policy in relation to ultimate development and centre planning for the general area and may serve as a major impediment to an owner of one of the other zoned centres seriously contemplating development of their centre site in the short to medium term.**
- 3. With regard to pending outcomes of the Yanchep Enquiry by Design workshop the creation of a centre in this location may compromise the effective strategic consideration of retail uses within this locality. It is considered appropriate that flexibility be maintained until local retail/ employment distribution has been considered in the broader context.**
- 4. It is not considered appropriate on planning grounds that a local centre would be located opposite or in close proximity to a proposed district centre site (as identified in the Yanchep Structure Plan).**

Planning and Development Attachment Location Plan	Amendment No 4	27.11.01 Page 1 of 1
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Attachment 1





ATTACHMENT 2

Lot 12  
3 Newman Road  
Yanchep

SUBJECT LOT

Centre Zone  
Location

Pt Lot 614  
124L Lagoon Drive  
Yanchep



City of  
Wanneroo

LOCATION PLAN  
Lot 1010 Marmion Ave, YANCHEP

DATE: 15th November 2001

Lot 1010 Marmion Ave Yanchep.apr



## **PAW Closures**

### **PD17-11/01 Requested Closure Of Pedestrian Access Way Between Kempton Grove And Connolly Drive, Clarkson.**

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File Ref: 69976, 62067  
Responsible Officer: Acting Director Planning & Development  
Disclosure of Interest: Nil  
Attachments: 1

#### **Issue**

Consideration of a request for the closure of the Pedestrian Access Way.

#### **Background**

A petition containing 23 signatures calling for the permanent closure of the pedestrian access way (PAW) between Kempton Grove and Connolly Drive, in Clarkson was submitted to the Council meeting held on 1 May 2001. The petition was submitted on the grounds of alleged incidents of anti-social behaviour that were said to take place in or be facilitated by the PAW.

#### **Detail**

The PAW between Kempton Grove and Connolly Drive leads directly to the Clarkson Community High School and a bus stop along the Connolly Drive bus route.

The petition arranged by the owner of one of the properties that adjoin the PAW cites incidents of unruly behaviour, offensive language, drug taking, damage and graffiti to fences, entry and theft from property and vehicles and improper use of the PAW by motorcycles. The 23 signatories to the petition represent 15 households out of the 97 households in the 5 streets in the immediate vicinity of the PAW.

#### ***Consultation***

The Western Australian Police Department and the City's Ranger Services and Safer Citizens Unit were requested to provide statistics on the incidents reported to them.

The Police Department advised that between January 2000 and June 2001, there were 2 incidents of offenders being on premises, 2 alarm call outs and 1 motor vehicle theft in the surrounding streets. The Police report states that a direct link between these incidents and the PAW was not established. The City's Ranger Services and Safer Citizens Safety Officers advised that there have been no incidents reported.

The Education Department has expressed the view that the PAW should remain open for the benefit of the high school students.



The Transport arm of the Department for Planning and Infrastructure (DPI) strongly opposes closure on the grounds that the PAW is of strategic importance to the local pedestrian network. It services bus stops along Connolly Drive and the High School and closure would result in a considerably longer journey for the users of these facilities.

The owners of the properties that adjoin the PAW were advised of the need for them to grant an easement to protect an existing sewer line, and because of the restrictions the easement would place on use of the land they have opted not to purchase the PAW.

Having regard for the above, the City has not undertaken public consultation in the form of on site signs, newspaper notices and direct mail to the surrounding households. If closure action is to proceed and a submission made to the Department of Land Administration (DOLA) the City will first have to undertake this public consultation and inform the Minister for Lands of the outcome.

### **Comment**

The PAW represents the most direct route to the Clarkson Community High School for the 91 households shown within the border on the Attachment, and for other households west of Aldersea Circle. This factor forms the basis of the DPI objection to the requested closure.

### **Statutory Compliance**

It is a core requirement of DOLA's policy that the land within a closed PAW is to be purchased and amalgamated into adjoining properties, or reserved and vested in an appropriate authority for public utility purposes.

The property owners adjoining this PAW have declined to buy the land because of the restrictions placed on it by a sewer easement. Given the requirement of DPI for the PAW to remain open it is to be assumed that the Water Corporation would not be prepared to take on a management role for utility purposes.

### **Strategic Implications**

Nil

### **Policy Implications**

Council's adopted Pedestrian Accessway Planning Policy applies to this application as follows:

#### ***Access to community facilities and services.***

The policy states that generally closure should not be supported where a PAW leads directly to a school and public transport route.

#### ***Anti-social behaviour considerations related to the PAW***

The incidents reported are consistent with the factors considered in the policy. It has been suggested that the perpetrators of these incidents are in the main drawn from the primary group that uses the PAW that is, students of the high school.

### *Access for disabled and seniors*

There are no institutions or community facilities that cater for persons in these groups within the vicinity of the PAW.

### *Availability of alternative access routes*

The policy states that closure of a PAW should only be supported where a viable alternative access route is available.

There are two alternative routes to the PAW that provide access to the high school and bus stop on Connolly Drive, but both are considered not to be viable alternatives.

The route north along Pitchford Glade then south down Connolly Drive, when measured from the ends of the PAW involves an extra distance of 570 metres for a one way journey over the PAW distance.

The route west along Pitchford Glade, south along Aldersea Circle then east along Haskell Gardens to Connolly Drive, involves an extra distance of 1100 metres for a one way journey.

### *Importance of the PAW to the pathway system and the Wanneroo Bike Plan*

The PAW does connect the local path system to Connolly Drive and the bike route along Walyunga Boulevard to the east.

### *Alternatives to closure of the PAW.*

The PAW is the standard 4 metres wide and the properties that adjoin it have constructed dwellings that prevent the widening of it for landscaping or other remedial treatment works. The street lighting could be brought marginally close to either end but this would incur some cost.

## **Financial Implications**

Nil.

## **Voting Requirements**

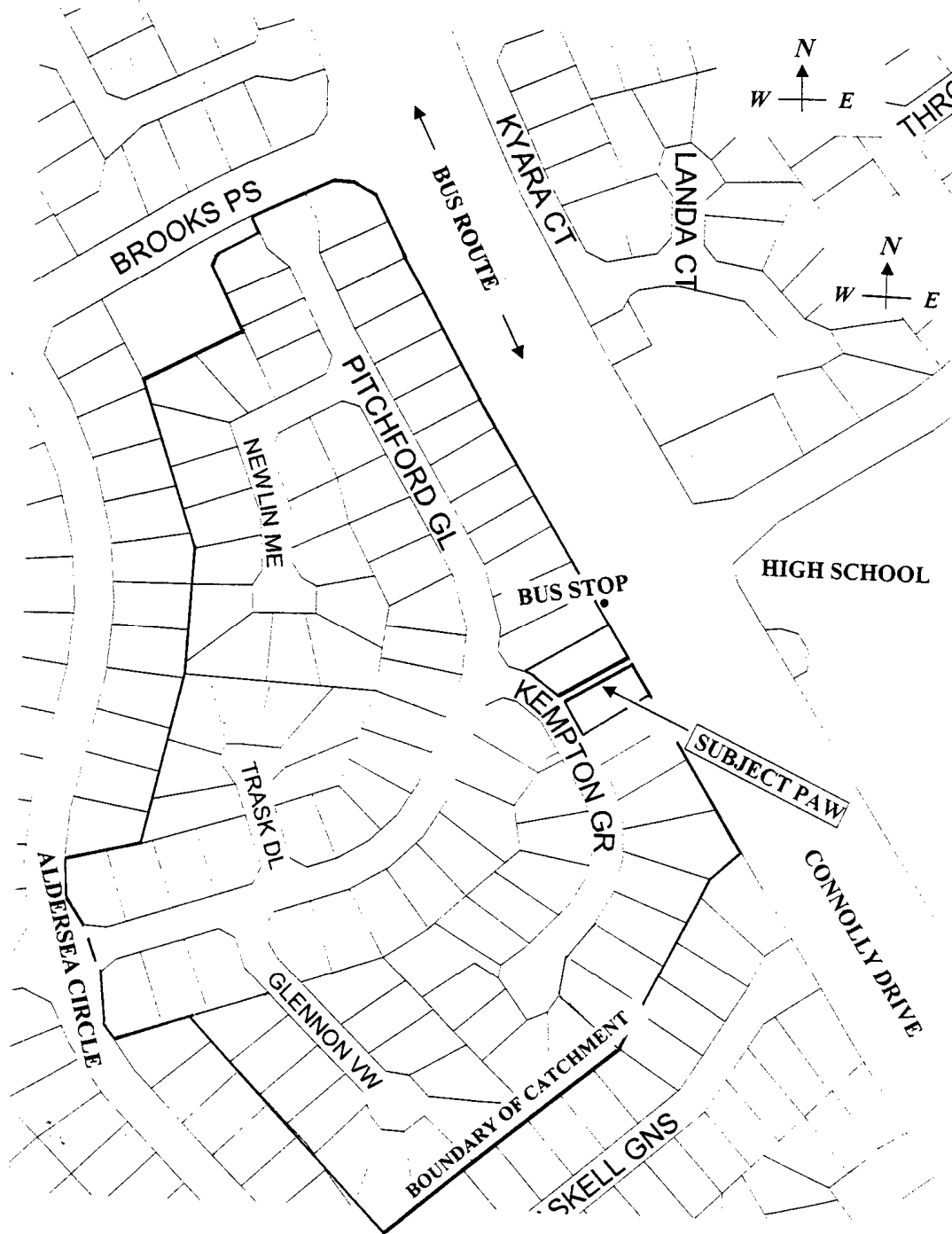
Simple Majority.

## **Recommendation**

**That Council:**

- 1. DISCONTINUES closure action in respect to the pedestrian access way between Kempton Grove and Connolly Drive, Clarkson.**
- 2. ADVISES the petitioners of the reasons for this decision.**

Attachment 1



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## **PD18-11/01 Requested Closure of Pedestrian Access Way Between Seabrook Grove and Ainsbury Parade, Clarkson.**

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File Ref: 27050  
Responsible Officer: Acting Director Planning & Development  
Disclosure of Interest: Nil  
Attachments: One

### **Issue**

Consideration of a request for the closure of a Pedestrian Access Way.

### **Background**

A petition containing 139 signatures calling for the permanent closure of the pedestrian access way (PAW) between Seabrook Grove and Ainsbury Parade in Clarkson was submitted to the Council meeting held on 22 May 2001. The petition was submitted on the grounds of alleged incidents of ant-social behaviour that were said to take place in or be facilitated by the PAW.

### **Detail**

The PAW between Seabrook Grove and Ainsbury Parade leads directly to the Clarkson Primary School and a Local Shopping Centre.

The petition arranged by the tenants of one of the properties that adjoin the PAW was made on the grounds of unspecified incidents of anti-social behaviour. Separate reports cite incidents of rock throwing, unruly behaviour, offensive language, drug taking, sexual activity, damage and graffiti to fences and theft from premises.

Fifty-one of the signatories to the petition either live outside the locality or in parts of Clarkson that have no connection to the PAW. Several more live north of Nalder Way and although they are near the PAW they do not rely on it for access. Three of the signatories later requested that their names be removed from the petition, and these people signed a later petition that opposes closure. Another 9 signatories also signed the later petition.

The net effect of these changes is that 24 households out of the 74 households in the 6 streets that are directly served by the PAW signed the petition for its closure. The later petition in objection to the closure was signed by 19 households in the same streets.

### ***Consultation***

The Western Australian Police Department and the City's Ranger Services and Safer Citizens Unit were requested to provide statistics on the incidents reported to them.

The Police Department advised that between January 2000 and June 2001, there were 2 burglaries, 1 offender on premises, 3 assaults, 8 alarm call outs, 2 incidents of suspicious persons, 21 disturbances and 3 incidents of damage. The Police report states that a direct link between these incidents and the PAW was not established. The City's Ranger Services and Safer Citizens safety Officers advised that there have been no incidents reported to it.

The Education Department has expressed the view that the PAW should remain open for the benefit of the primary school students.

The Transport arm of the Department for Planning and Infrastructure (DPI) strongly opposes closure on the grounds that the PAW is of strategic importance to the local pedestrian network. It services bus stops along Renshaw Boulevard and the primary school, and closure would result in a considerably longer journey for the users of these facilities.

The owners of the properties that adjoin the PAW were advised of the need for them to grant underground power and drainage easements to the relevant authorities. One of these owners has advised that they are not prepared to buy the land in the PAW and the other owner has not responded to repeat enquiries on the matter.

Having regard for the petitions received and the advice from the government agencies the City has not undertaken public consultation in the form of on site signs, newspaper notices and direct mail to surrounding households. If closure action is to proceed and a submission made to the Department of Land Administration (DOLA) the City will first have to undertake this public consultation and inform the Minister for Lands of the outcome.

## **Comment**

The PAW represents the most direct route to the Clarkson Primary School for the 74 households shown within the border on the Attachment. This factor forms the basis of the DPI objection to the requested closure.

## **Statutory Compliance**

It is a core requirement of DOLA's policy that the land within a closed PAW is to be purchased and amalgamated into adjoining properties, or reserved and vested in an appropriate authority for public utility purposes.

The property owners adjoining this PAW have declined to buy the land. Given the requirement of DPI for the PAW to remain open it is to be assumed that Western Power would not be prepared to take on the management role for utility purposes.

## **Strategic Implications**

Nil

## **Policy Implications**

Council's adopted Pedestrian Accessway Planning Policy applies to this application as follows;

### ***Access to community facilities and services.***

The policy states that generally closure should not be supported where a PAW leads directly to a school, public transport route or shops.

### ***Anti-social behaviour considerations related to the PAW***

The incidents reported are consistent with the factors considered in the policy. Although the Police report does not link all of the incidents directly to the PAW it is evident that the vicinity has been subjected to a high level of incidents.

### ***Access for disabled and seniors***

There are no institutions or community facilities for persons in these groups within the vicinity of the PAW.

### ***Availability of alternative access routes***

The policy states that closure of a PAW should only be supported where a viable alternative access route is available.

This PAW services primarily the residents of Sandow Green, Seabrook Grove and Cheney Vale. The alternate routes to the PAW using Rooke Way and Ainsbury Parade, when measured from the ends of the PAW involve an extra distance of between 570 and 665 metres for a one way journey.

### ***Importance of the PAW to the pathway system and the Wanneroo Bike Plan.***

The PAW connects directly to the patrolled school crossing at the round- a- bout at Ainsbury Parade/Renshaw Boulevard and the bike route to the south.

### ***Alternatives to closure of the PAW.***

The PAW is the standard 4 metres wide and the properties that adjoin it have constructed dwellings that prevent the widening of it for landscaping or other remedial treatment works. The street lighting at the Seabrook Grove end could be brought marginally closer but this would incur some cost. The lighting at Ainsbury Parade is directly at the end of the PAW.

## **Financial Implications**

Nil

## **Voting Requirements**

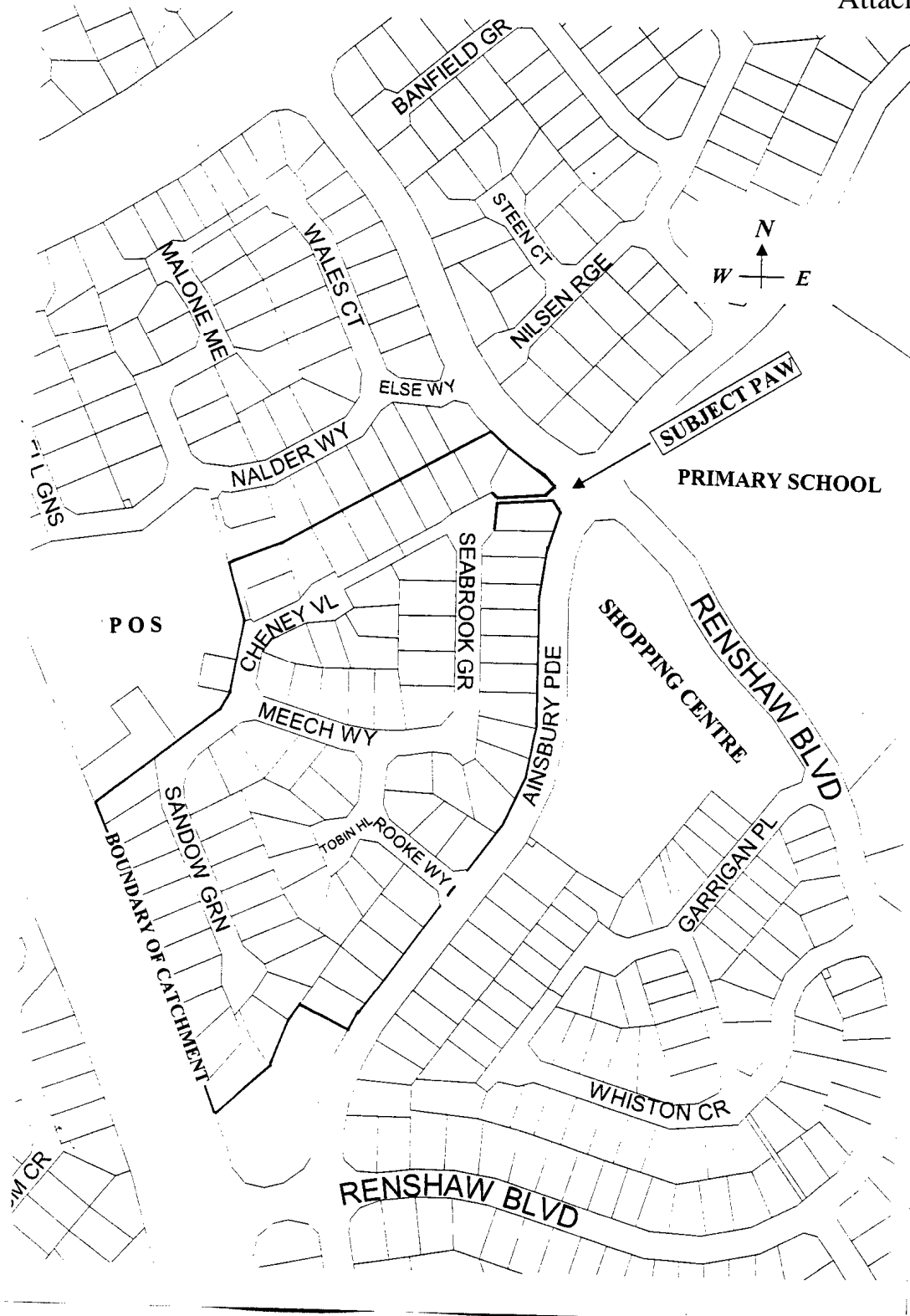
Simple Majority.

## **Recommendation**

### **That Council:**

- 1. DISCONTINUES closure action in respect to the pedestrian access way between Seabrook Grove and Ainsbury Parade, Clarkson.**
- 2. ADVISES the petitioners of the reasons for this decision.**

Attachment 1



## Development Applications

### PD19-11/01 Lot 51 (1) St Malo Court, Mindarie - 16 Multiple Dwellings

File Ref:	30879
Responsible Officer:	Acting Director Planning and Development
Disclosure of Interest:	Nil
Attachments	2

### Issue

To determine an application for a four storey 'apartment' style building, comprising 16 multiple dwellings.

<b>Applicant</b>	Chris Borella
<b>Owner</b>	Bullfinch Nominees Pty Ltd & Ridgcroft Holdings Pty Ltd
<b>Location</b>	Lot 51 (1) St Malo Court, Mindarie
<b>Site Area</b>	0.2791 ha
<b>DPS 2 Zoning</b>	Marina

### Background

In November 1999, a request was lodged by Peter Webb and Associates on behalf of the landowners to amend the Mindarie Harbourside Local Structure Plan, by increasing the residential density of Lot 51 from R40 to R60 and to adopt design provisions to facilitate the development of a 4 storey, 16 unit apartment style building.

The amendment, with associated concept plans, was adopted for the purpose of advertising in April 2000, with a requirement that the amendment not be finalised until such time as Council determines an acceptable design for the site.

In August 2000, Administration advised the landowners that the amendment would be presented to the next available meeting of Council, however a number of issues relating to the design of the development remained outstanding and would need to be addressed when submitting plans for development approval. These issues included:

- Justification for the height with north/south and east/west elevations of the proposed development and the surrounding development;
- Plot ratio
- Visitor car parking bays;
- Setbacks to Anchorage Drive and the southern boundary of the site, and;
- Storerooms and bin storage.



The application was presented to Council in October 2000, where it was resolved to not support the amendment, but to modify the Structure Plan with the aim of limiting development to a maximum of 3 storeys or 9 metres above natural ground level, measured to the eaves for a pitched roof dwelling or 10 metres above natural ground level for a flat roof dwelling. The Council considered that the R60 coding should not proceed as it would be inconsistent with the density coding of land in the immediate vicinity of Lot 51.

An appeal was subsequently lodged by the applicant against the Council's decision. The appeal was upheld in February 2001. The Ministers decision was to approve the amendment to the Local Structure Plan to increase the R Code density from R40 to R60 and the adoption of specific design guidelines within the Local Structure Plan to facilitate the development of a four storey apartment-style building with a total height of 12 metres.

The issue as to whether the height was to be measured from natural ground level or the highest level on the site required further clarification. This was later resolved through the Western Australian Planning Commission's endorsement of the Local Structure Plan which qualified 12 metres with "in total height (above natural ground level) across the site".

## **Detail**

### *Site*

The subject site is 0.2791 hectares in area and is bound by Anchorage Drive to the east, St Malo Court to the north, Toulon Circle to the west and a small lot subdivision to the south.

The site is vacant and slopes significantly with levels varying between 18.0 AHD in the southeastern corner to 9.38 AHD at the western boundary. A cliff on the eastern side of Anchorage Drive separates the site from residential areas to the east. The cliff face is approximately 7 metres in height.

### *Proposal*

The application proposes an apartment style building comprising 16 Units across four (4) habitable floors and a basement carpark and storage area. The building has been designed as four sectors linked with a continual curved wall. Each sector of the building has been stepped and a mixture of external cladding materials and colours are proposed to reduce its impact on the streetscape and to provide for visual variation.

Each floor has 4 units of between 135m<sup>2</sup> and 145m<sup>2</sup> of livable floor space. The units have three bedrooms, 2 bathrooms, kitchen, lounge, dining and a covered balcony which has a westerly outlook. Access to the units is gained through a central foyer that can be accessed from the basement or rear garden by residents, or from the formal entry of Anchorage Drive by visitors.

Each unit is provided with a storage area and a minimum of 2 car bays. Additional facilities include ten boat sheds, a pool terrace and gazebo.

### *Consultation*

The application was advertised for a period of 30 days from the 6 April 2001. A sign was placed on site on Anchorage Drive and letters were sent to the surrounding landowners. During this period no objections were raised. Two letters of support were received from the owners opposite the subject site.

Following the consultation period an objection was received from the Mindarie Community Group Inc. The objection is summarised in the Table below:

	Comment	Administration Comment
Mindarie Community Group	<p>Mindarie has been the subject of planning and development particularly designed to enhance a unique marine lifestyle. The development will seriously compromise the well balanced planning that has recently been approved by the City.</p> <p>Approval of the proposal will almost certainly invoke a plethora of further applications for multi-rise apartments and by such means totally destroy the ambience of the area.</p> <p>The height is 2 full stories above any other development, with the exception of the proposed Fini group apartment which is on an exposed promontory of land wherein it will be an icon landmark operating as an effective safety guide to marine craft. The current application cannot be said to be either an icon landmark or a safe guide to maritime activities.</p> <p>All other buildings are limited to a total of 8 metres and two storey construction. This proposed group of buildings will have a serious adverse impact on the amenity of the area.</p> <p>A 12 metre high blank wall (as originally proposed) surrounding the site cannot be satisfactorily</p>	<p>Noted.</p> <p>Council is required to determine each application on its own merits.</p> <p>Noted.</p> <p>A specific height limit of 12 metres has been incorporated into the Local Structure Plan for this site. This is measured in total height above natural ground level across the site.</p> <p>The applicant has sought to address this issue by stepping the building, the provision of balconies and an array of material finishes to add interest and</p>

	<p>masked by landscaping or other treatments and can only be described as a monstrous eyesore, totally out of character with the area.</p> <p>Flaws with original proposal outlined.</p>	<p>variation to the facades of the building.</p> <p>The application previously advertised formed part of the structure planning process as a concept drawing. The application has since been amended and submitted through the development application process. This application must be determined on its own merit.</p>
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## Comment

The proposal was assessed against the District Planning Scheme, Residential Planning Codes and the Mindarie Harbourside Local Structure Plan. The following variations are sought to the above:

### *Height*

Specific height guidelines have been incorporated into the Mindarie Harbourside Local Structure Plan. The structure plans states the following:

*“Development on Lot 51 St Malo Court/Anchorage Drive Mindarie may be up to four storeys but shall not exceed 12 metres in total height (above natural ground level) across the site.”*

The following heights have been provided across the height taken from the three highest points of the development, being a feature finial, screen wall and main roof line. The heights are measured from natural ground level.

Natural Ground Level (RL in AHD)	Finial – RL 32.50	Screen Wall – RL31.50	Roof – RL 30.0
Anchorage Drive – North RL 16.84	15.7m	14.7m	13.2m
Anchorage Drive – South RL 17.0	15.5m	14.5m	13m
Highest Level – RL 18.0	14.5m	13.5m	12m

The development exceeds the 12 metre height limit of the Structure Plan at all points apart from the highest natural ground level of the site, situated in the southeast corner of the lot adjacent to Anchorage Drive.

Council has discretion under Clause 4.2 of District Planning Scheme No2 to vary the provisions of the Structure Plan, providing it is satisfied that the variation will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or upon the likely future development of the locality.

It is considered inappropriate in this instance to allow the additional height when clearly issues such as overshadowing, visual bulk, privacy and plot ratio have not been satisfactorily addressed. In addition, no satisfactory argument has been presented by the applicant to justify that the development would not have any adverse effect upon the inhabitants of the locality or upon the likely future development of the locality.

### ***Plot Ratio***

Table 1 of the Residential Planning Codes permits a Plot Ratio of 0.5. Clause 4.7.6 of the same provides for an additional 20% Plot Ratio as a bonus for the provision of additional facilities being provided on site for the occupants of the development.

The applicant has sought the additional 20% bonus by providing an elevator, BBQ area, Pool, Gazebo and boat sheds. The maximum plot ratio permitted could therefore be increased by the 20% to 0.66 (1842.06m<sup>2</sup>). The proposed Plot Ratio for the development has been calculated at 0.8 (2234.16m<sup>2</sup>). The development exceeds the higher 'bonus' plot ratio by 0.14 (392m<sup>2</sup>).

A summary of the applicants' justification for an increased plot ratio is "*...to enable the development of units of a sufficient size which will meet the needs of that group in the community which will be attracted to the secured apartment lifestyle and which group will have accumulated furniture and other household effects which need a larger apartment to accommodate this*". The justification centres on the applicants' desire to maximise the density potential of the site and at the same time, provide reasonable sized units. No justification has been given based on the amenity impact of the development with a significantly increased plot ratio.

The Residential Planning Codes do not specify that applicants must construct the maximum number of dwellings permitted on the site. Rather a minimum area of lot per dwelling is specified to ensure amenity is retained. Should the applicant wish to increase the living area of the units then a reduction in the potential maximum number of units accommodated on the site should be expected. If the applicant is seeking to have larger apartments then the number of units could be reduced in order to reduce plot ratio and the subsequent building bulk. The additional floor area sought in terms of plot ratio equates to just under 3 units. The reduction in the number of the units would also assist in resolving other outstanding issues such as height and overshadowing.

### ***Overshadowing***

The Residential Planning Codes state that no development shall cause more than 50% of an adjoining lot to be in shadow at noon on June 21, save with the approval of Council.

Approximately 66.3% of Lot 7 Anchorage Drive (which adjoins the southern boundary of the site) and 60.4% of Lot 8 Anchorage Drive (which adjoins Lot 7) will be in shadow at noon on June 21.

The policy, which will guide development on the adjacent Lots 7 and 8, tends to promote the construction of boundary walls along the common boundary of Lot 51. Overshadowing of the building footprints to Lots 7 and 8 is therefore not so much a concern, rather overshadowing of the rear courtyard area, which will be in approximately 70% - 75% shadow during this time. The applicant has pointed out that the courtyards to these lots will still enjoy sunlight for much of the afternoon.

Although no objections have been received from the owners of the adjacent lots, it is considered inappropriate to allow living areas to be in extended shadow, which will clearly affect the amenity of the future residents of these lots.

### *Setbacks*

#### *Street Setbacks*

The Mindarie Harbourside Local Structure Plan stipulates that a 6.0m minimum setback is required to street frontages.

The development proposes the following:

Anchorage Drive (East)	6m average with minimum of 1.8m to curved wall
Toulon Circle (West)	6m average with a minimum of 3.0m
St Malo Court (North)	6m average with a minimum of 2.1m

The Residential Planning Codes allows for a 6.0m average setback to the primary street frontage with a 3m minimum. The setback to Toulon Circle complies with this requirement. The setback to St Malo Court does not comply with the Structure Plan setback requirements, however complies with the requirements of the Residential Planning Codes when considered as a secondary street with a minimum setback of 1.5m required. The setback to Anchorage Drive does not comply with either the Structure Plan or Residential Planning Codes requirement, with a 6m average and 1.8m minimum provided. The applicant has indicated that the setback to Anchorage Drive could be made to comply with the Residential Planning Codes requirements. Council has regularly exercised discretion in the past and approved street setback requirements in this area in accordance with the Residential Planning Code requirements.

#### *Side Setbacks*

The following variations are sought to Figure 3 of the Residential Planning Codes:

South Side	Required	Provided
Ground Floor	Bed 2/3 - 1.5m Balance of Wall - 1.4m	1.2m-2.2m, 1.2m – 2.2m
First Floor	Bed 2/3 - 2.8m Balance of Wall - 2.3m	1.2m-2.2m 1.2m – 2.2m
Second Floor	Bed 2/3 - 4.2m Balance of Wall - 3.2m	1.2m-2.2m 1.2m – 2.2m
Third Floor	Bed 2/3 - 5.8m Balance of Wall - 4.2m	1.2m-2.2m 1.2m – 2.2m

The variations proposed to the side setbacks are not considered to greatly affect the adjacent owners in terms of bulk on the boundary, as the policy for the adjacent lots will tend to encourage the development of boundary walls. However, privacy is a concern as major openings are situated along the southern façade of the building with overlooking issues into potential courtyard/rear garden areas not having been addressed. In this respect the amenity of the adjacent owners may be significantly affected.

### ***Carparking***

Under the Residential Planning Codes, car parking spaces are required to be provided at the rate of 0.35 spaces per dwelling unit, plus 0.015 spaces per square metre of plot ratio floor area to a maximum requirement of 3 car spaces per dwelling. Visitor bays are to be provided at a rate of not less than 10% of the required car parking spaces. A total of 39 bays, including 4 visitor bays are required.

Thirty six (36) resident bays, plus 10 boat bays have been provided for resident parking. Whilst some of the boat bays could be allocated to individual dwellings and therefore satisfy the resident requirement, only 2 of the required 4 visitor bays have been provided.

The applicant has indicated that security gates and an intercom system to the dwellings will be installed to allow guests to access parking areas on the site. However the detail on how this will function effectively has not been outlined in the application.

Visitor parking is required to be marked and retained permanently for the use of visitors. The provision of visitor car parking does not meet this requirement at present.

### ***Summary***

Whilst the applicant has attempted to incorporate features into the building design which will have the effect of reducing its visual bulk and impact, the application still does not comply with the standards, or the objectives behind, some of the fundamental design requirements of the Residential Planning Codes and the structure plan for the area. The applicant has sought Council discretion to vary height, plot ratio, setbacks, car parking and overshadowing provisions of the Residential Planning Codes. Whilst it may be appropriate to exercise some areas of discretion in isolation, when viewed in the context of all the variations sought, it is considered that the overall amenity impact of the development would be too great to warrant approval. The applicant has been given ample opportunity to provide revised plans addressing the issues raised or to demonstrate how the amenity objectives can be satisfied with this development. Whilst some justification has been provided, it is not considered sufficient and the plans remain essentially the same as those originally submitted. Under the circumstances the application is recommended for refusal.

### **Statutory Compliance**

The proposal seeks variation to plot ratio, setback, carparking and overshadowing provisions of the Residential Planning Codes and variation to setback and height requirements of the Mindarie Harbourside Local Structure Plan.

Council has discretion to allow the variations outlined above, notwithstanding that in this case it is not considered appropriate for the reasons outlined above.

### **Financial Implications**

Nil

### **Voting Requirements**

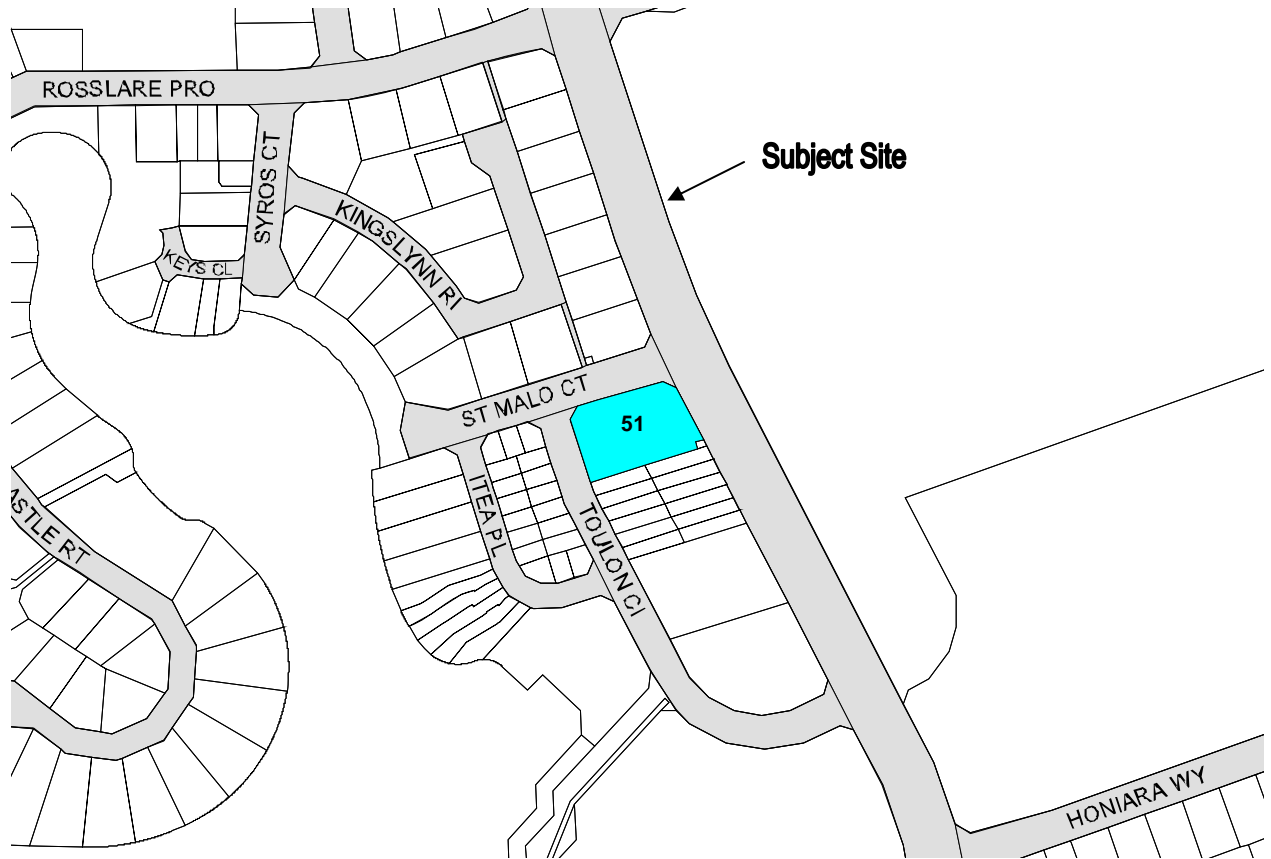
Simple Majority

## **Recommendation**

**That Council REFUSES the application submitted by Chris Borella on behalf of Bullfinch Nominees Pty Ltd and Ridgcroft Holdings Pty Ltd for 16 multiple dwellings on Lot 51 (1) St Malo Court, Mindarie, for the following reasons:**

- a) The development is inconsistent with the height and scale of development in surrounding area, will be visually obtrusive and would compromise the amount of sunlight and privacy to the adjacent residential sites.**
- b) The development does not comply with the plot ratio, setback, overshadowing or carparking requirements of the Residential Planning Codes.**
- c) The development exceeds the 12 metre height limit as set out in the Mindarie Harbourside Local structure Plan.**
- d) The development would adversely affect the amenity of the locality.**
- e) The development is considered contrary to the principles of orderly and proper planning and would establish an undesirable precedent for further approvals of a similar height and scale in the area.**

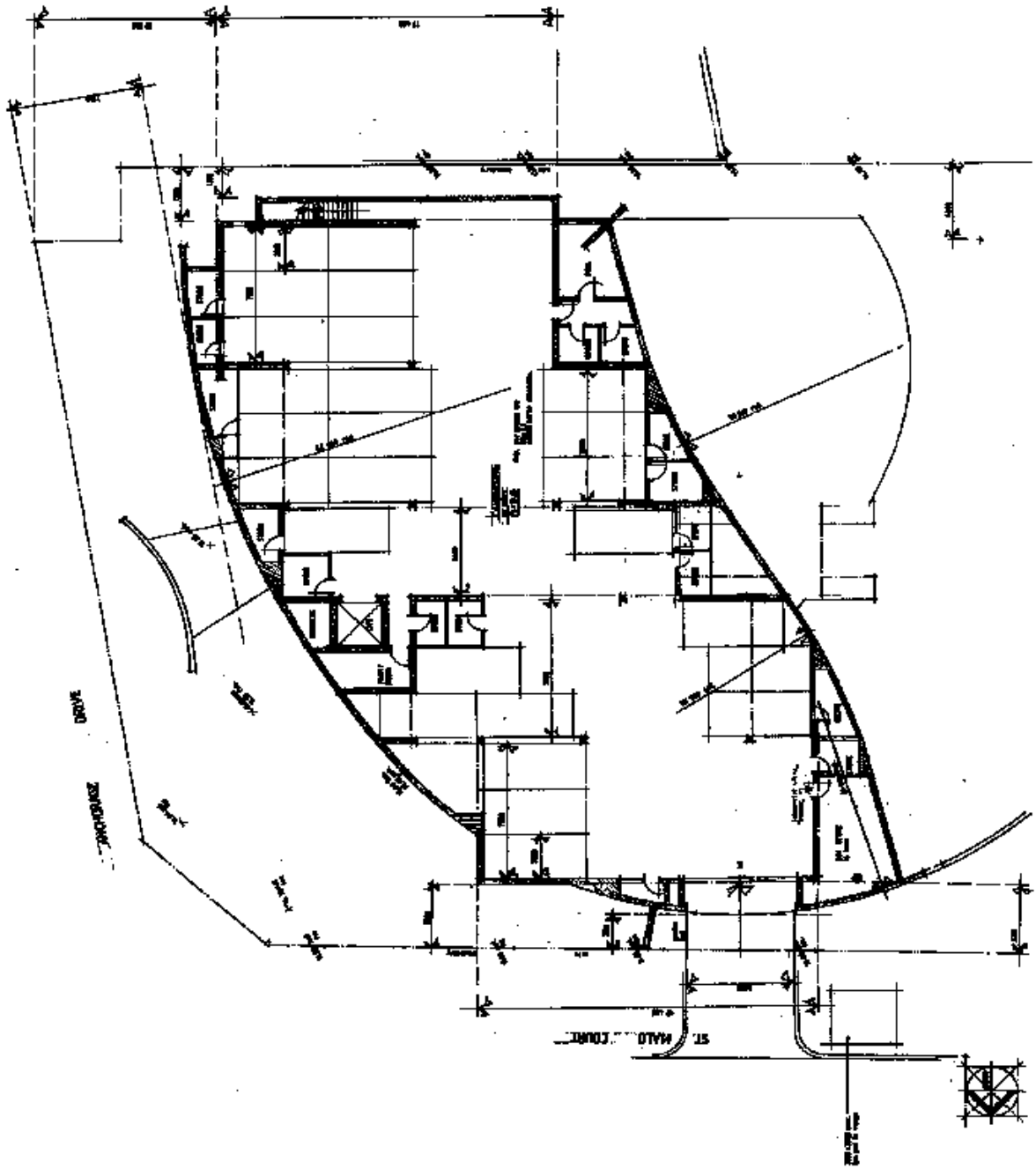
Attachment 1











Architectural drawing details and notes.

Architectural drawing details and notes.

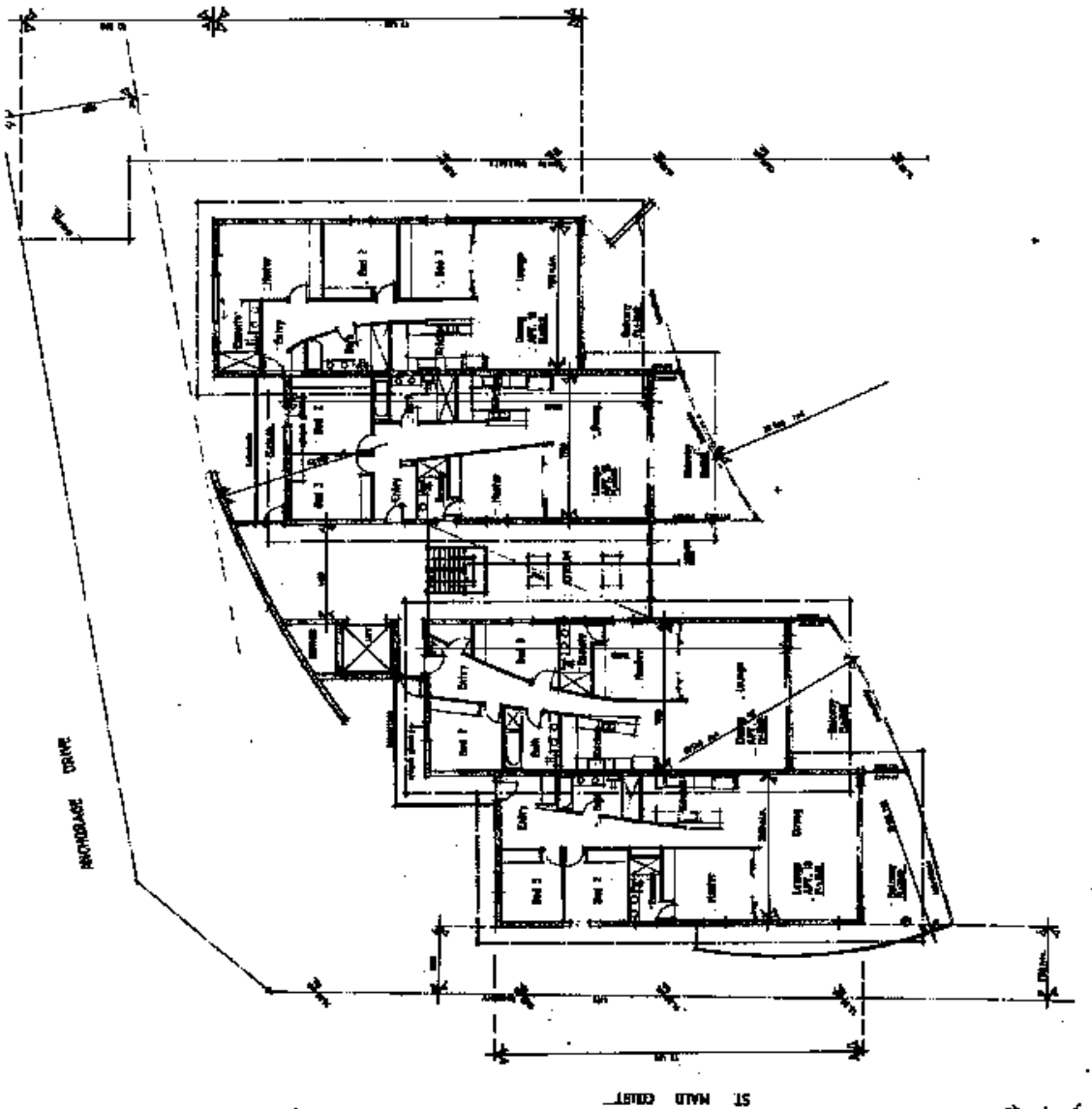
**Jaffrey David Architecture**  
ARCHITECTS

Project Name	ARCHITECTURAL DEVELOPMENT
Lot	LOT 11
Address	ARCHBOLD DRIVE MERRILLEIGH
Project No.	
Scale	LOWER GROUND FLOOR PLAN
Date	
Drawn by	
Checked by	
Approved by	



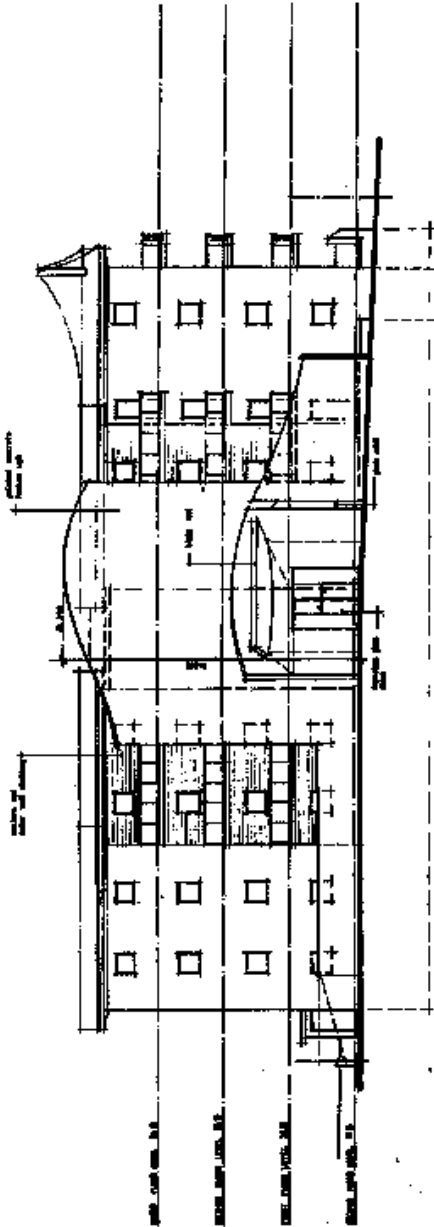
Jeffrey David Archibald  
Architect  
100/102 WANNEROO STREET  
WANNEROO VIC 3408  
PH: 08 9432 1111  
FAX: 08 9432 1112  
WWW: www.jda.com.au

PROJECT: WANNEROO COMMUNITY CENTRE  
DATE: 11/11/01  
DRAWN: JDA  
CHECKED: JDA  
SCALE: AS SHOWN  
SHEET: 1 OF 1

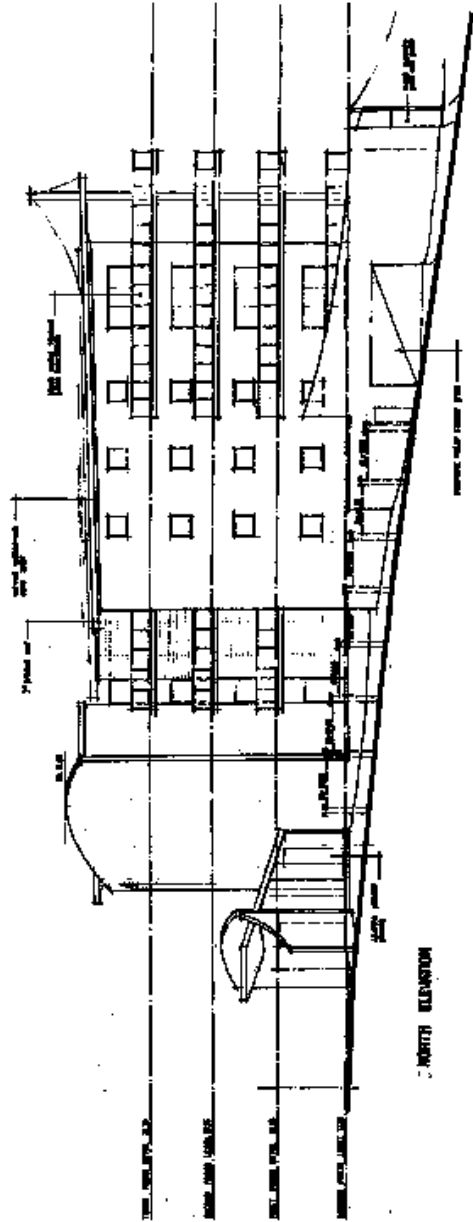


Project Name	Lot 21, Wanneroo Drive, Warreroo
Client	Jeffrey David Armstrong
Architect	Jeffrey David Armstrong
Structural Engineer	David Armstrong
Electrical Engineer	David Armstrong
Plumbing Engineer	David Armstrong
Fire Engineer	David Armstrong
Surveyor	David Armstrong
Contractor	David Armstrong
Project Manager	David Armstrong
Site Address	Lot 21, Wanneroo Drive, Warreroo
Site Area	1000 sqm
Building Area	1000 sqm
Number of Units	10
Construction Method	Reinforced Concrete
Construction Period	12 months
Completion Date	12/12/2001
Project Status	Completed
Project Reference	DA/21/01
Project Description	10 Unit Residential Building
Project Location	Warreroo, SA
Project Contact	David Armstrong
Project Phone	08 8532 1234
Project Email	da@armstrong.com.au
Project Website	www.armstrong.com.au
Project Social Media	www.facebook.com/armstrong
Project LinkedIn	www.linkedin.com/company/armstrong
Project Twitter	www.twitter.com/armstrong
Project YouTube	www.youtube.com/armstrong
Project Instagram	www.instagram.com/armstrong
Project Facebook	www.facebook.com/armstrong
Project LinkedIn	www.linkedin.com/company/armstrong
Project Twitter	www.twitter.com/armstrong
Project YouTube	www.youtube.com/armstrong
Project Instagram	www.instagram.com/armstrong
Project Facebook	www.facebook.com/armstrong

Project Name	Lot 21, Wanneroo Drive, Warreroo
Client	Jeffrey David Armstrong
Architect	Jeffrey David Armstrong
Structural Engineer	David Armstrong
Electrical Engineer	David Armstrong
Plumbing Engineer	David Armstrong
Fire Engineer	David Armstrong
Surveyor	David Armstrong
Contractor	David Armstrong
Project Manager	David Armstrong
Site Address	Lot 21, Wanneroo Drive, Warreroo
Site Area	1000 sqm
Building Area	1000 sqm
Number of Units	10
Construction Method	Reinforced Concrete
Construction Period	12 months
Completion Date	12/12/2001
Project Status	Completed
Project Reference	DA/21/01
Project Description	10 Unit Residential Building
Project Location	Warreroo, SA
Project Contact	David Armstrong
Project Phone	08 8532 1234
Project Email	da@armstrong.com.au
Project Website	www.armstrong.com.au
Project Social Media	www.facebook.com/armstrong
Project LinkedIn	www.linkedin.com/company/armstrong
Project Twitter	www.twitter.com/armstrong
Project YouTube	www.youtube.com/armstrong
Project Instagram	www.instagram.com/armstrong
Project Facebook	www.facebook.com/armstrong



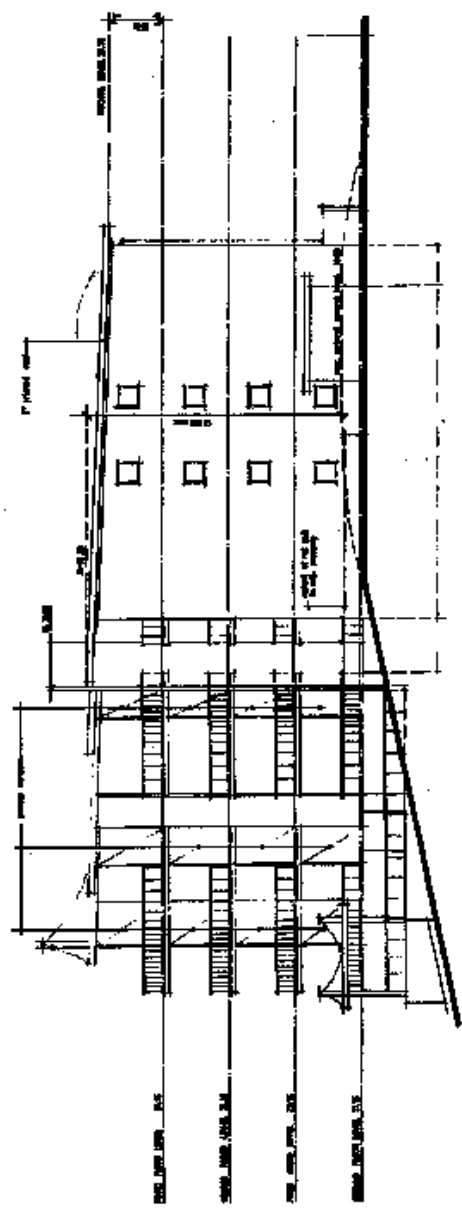
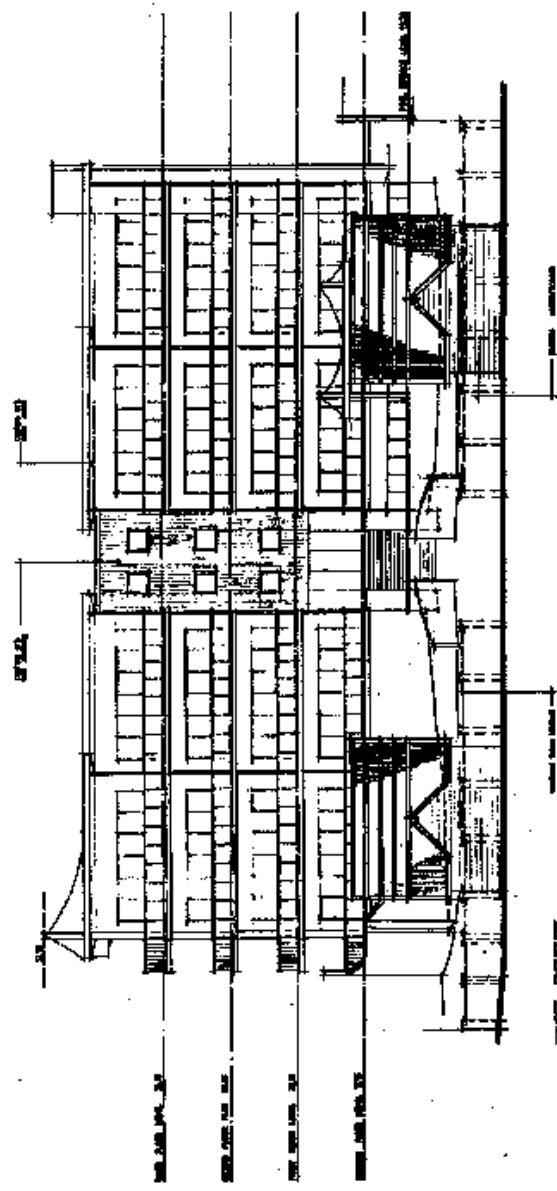
EAST ELEVATION



NORTH ELEVATION

**PROPOSED DEVELOPER**  
 East Wimmero Regional Council, 1000 Main Street  
 Warrnambool, Victoria 3240  
 Phone: 03 5222 1000  
 Fax: 03 5222 1001  
 Email: info@ewrc.vic.gov.au  
 Website: www.ewrc.vic.gov.au  
**PROPOSED PROJECT**  
 Lot 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

**PROPOSED ARCHITECT**  
 Jeffrey David Architecture  
 1000 Main Street  
 Warrnambool, Victoria 3240  
 Phone: 03 5222 1000  
 Fax: 03 5222 1001  
 Email: info@jda.vic.gov.au  
 Website: www.jda.vic.gov.au  
**PROPOSED CONTRACTOR**  
 [Name Redacted]  
 [Address Redacted]  
 [Phone Redacted]  
 [Fax Redacted]  
 [Email Redacted]  
**PROPOSED CIVIL ENGINEER**  
 [Name Redacted]  
 [Address Redacted]  
 [Phone Redacted]  
 [Fax Redacted]  
 [Email Redacted]



## PD20-11/01 Lot 481 (12) Dakar Way, Mindarie - Proposed Two Storey Single Dwelling

File Ref: 70677  
 Responsible Officer: Acting Director Planning and Development  
 Disclosure of Interest: Nil  
 Attachments: 4

### Issue

To determine an application for a two storey single dwelling, which proposes to vary the City's Height and Scale Policy.

<b>Applicant</b>	Robert Milevski
<b>Owner</b>	Robert Milevski
<b>Location</b>	Lot 481 (12) Dakar Way, Mindarie
<b>Site Area</b>	646 square metres
<b>DPS 2 Zoning</b>	Residential R20

### Background

Nil

### Detail

An application for a 2 storey single residence at Lot 481 Dakar Way, Mindarie, has been received from Mr R Milevski. The application was assessed against the provisions of the Residential Planning Codes and the City's Height and Scale Policy. The application fully complies with the provisions of these documents with the exception of two aspects of the Height and Scale Policy. Firstly, two minor protrusions outside the three dimensional building threshold envelope and secondly, a plot ratio of 0.62 rather than 0.5 as stipulated in the policy.

### Consultation

Consultation was undertaken with adjacent landowners for a period of 14 days in accordance with the provisions of the Height and Scale Policy. Two letters of objection were received during this period. The issues raised in the submissions are summarised in the table below:

Owner	Comment	Administration Comment
Adjacent	...our concern is for the height of the building...it would seem that there is a 4 course brick wall around the proposed building, which would indicate that the house will be lifted higher taking away our privacy and may affect the selling of our house in the future.	Although a 4-course brick build up is proposed, the building is within the 8.5m height limit of the policy, with only minor protrusions. Overlooking and privacy issues are not considered significant as the natural ground levels surrounding the building will not be raised and setbacks to all windows comply with the requirements of the Residential Planning Codes.



		No evidence has been given to verify any impact the development will have on property values. The dwelling is similar to the predominant scale of other dwellings in the vicinity and it is therefore difficult to see how property values would be affected.
Adjacent	<p>Loss of privacy in my back garden and in my living and kitchen areas which will be visible to the inhabitants of the adjacent property.</p> <p>We will lose sunlight that we presently get in the kitchen and living area.</p> <p>It will impact on our quality of life and investment.</p>	<p>The application complies with the setback requirements of the Residential Planning Codes and therefore as stipulated in the Codes, is deemed to provide adequate levels of privacy and amenity.</p> <p>The shadow cast by the dwelling complies with the requirements of the Residential Planning Codes, which states that an adjacent lot can not be more than 50 % in shadow at noon on 21 June.</p> <p>Noted.</p>

## Comment

The development proposal complies with the requirements of the Residential Planning Codes in respect to open space, setbacks, carparking etc.

The City's Height and Scale Policy seeks to ensure that all development within a residential area is of a suitable height and scale and is designed with due regard to the protection and enhancement of the amenity and streetscape character of the surrounding area. The building threshold envelope is projected at 45 degrees from a height of 3.5 metres above natural ground level at the side boundary to a maximum height of 8.5 metres.

The development is lower than the 8.5 metre height limit stipulated under the policy, however does slightly project outside of the building threshold envelope. The vast majority of the projections include either facias or eaves which, under the policy, are permitted to extend outside the envelope.

The policy also stipulates a maximum plot ratio of 0.5. The applicant is seeking a plot ratio of 0.62. The additional plot ratio equates to 81.6m<sup>2</sup> of additional floor area. The Residential Planning Codes do not contain a plot ratio requirement for single houses. As the dwelling is contained within the building threshold envelope, the appropriateness of requiring compliance with the 0.5 plot ratio is questionable. The development is not considered to be out of character with development in the locality, nor considered to significantly affect the privacy or amenity of the adjacent landowners.

The objections raised in relation to the height of the building, loss of privacy or overshadowing are therefore not supported.

### **Statutory Compliance**

The application fully complies with the requirements of the Residential Planning Codes. The only area of discretion sought is in respect to two aspects of the Height and Scale Policy. Whilst the requirements and objectives of the policy must be considered in determining an application, the policy does not bind the City's decision making.

### **Strategic Implications**

Nil

### **Policy Implications**

Variation is sought to the City's Height and Scale Policy in relation to plot ratio and minor encroachments into the building threshold envelope. The scale of the proposed dwelling is comparable with others in the vicinity and the variations sought are not considered to significantly affect the amenity of the adjacent owners or the surrounding locality.

### **Financial Implications**

Nil

### **Voting Requirements**

Simple Majority.

### **Recommendation**

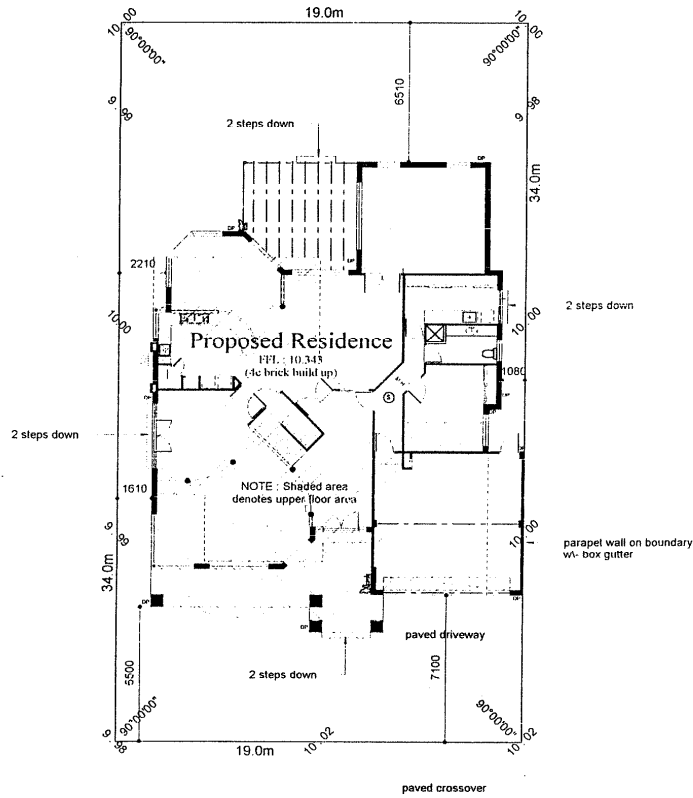
**That Council APPROVES the application submitted by Robert Milevski for a two storey single dwelling on Lot 481 (12) Dakar Way, Mindarie, subject to the following conditions:**

- 1. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.**
- 2. The driveway and crossover shall be designed and constructed in accordance with the City's specifications prior to the dwelling first being occupied.**

**ATTACHMENT 1**



NOTE : 4c brick  
build up all round



DAKAR WAY

**GENERAL NOTES**

- CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS
- REFER TO ENGINEER'S DRAWINGS FOR STRUCTURAL WORK AND CONCRETE WORK
- DO NOT SCALE FROM THE DRAWINGS
- ALL DETAILS MAY VARY ACCORDING TO ON SITE CONSTRUCTION BY OWNER - BUILDER

<b>PROPOSED SITE PLAN</b>		JOB ADDRESS	
CLIENT	MR ROB MILEVSKI	LOT 481, DAKAR WAY MINDARIE KEYS	
DATE		12 / 9 / 01	DESIGNER
SCALE	1 : 200	JOB No	01-171
DRAWN	TH	REVN	
CHECKED		SHEET	of

RISBEC

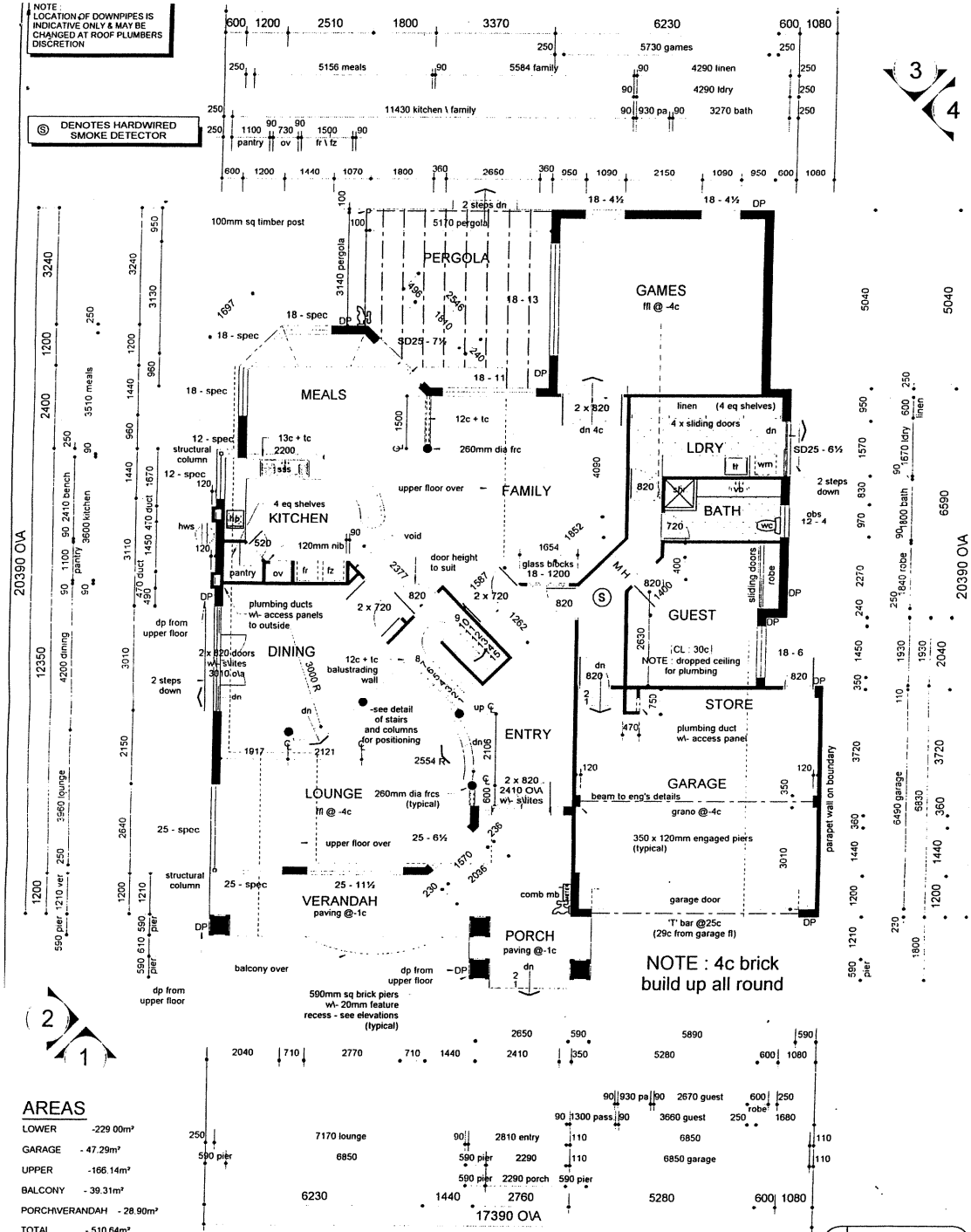
RB

DESIGN AND DRAFTING

RESIDENTIAL • COMMERCIAL

CHRIS BECVAROVSKI

Phone: (08) 9345 1385  
Mobile: 0419 903 242  
Suite 3, 215 Main Street  
Osborne Park WA 6017



**GENERAL NOTES**

- CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS
- REFER TO ENGINEER'S DRAWINGS FOR STRUCTURAL WORK AND CONCRETE WORK
- DO NOT SCALE FROM THE DRAWINGS
- ALL DETAILS MAY VARY ACCORDING TO ON SITE CONSTRUCTION BY OWNER - BUILDER

**LOWER FLOOR PLAN**

CLIENT: MR ROB MILEVSKI

JOB ADDRESS: LOT 481, DAKAR WAY MINDARIE KEYS

DATE	16 / 11 / 01	DESIGNER	RB
SCALE	1 : 100	JOB No.	01-171
DRAWN	TH	REVN	
CHECKED		SHEET	of

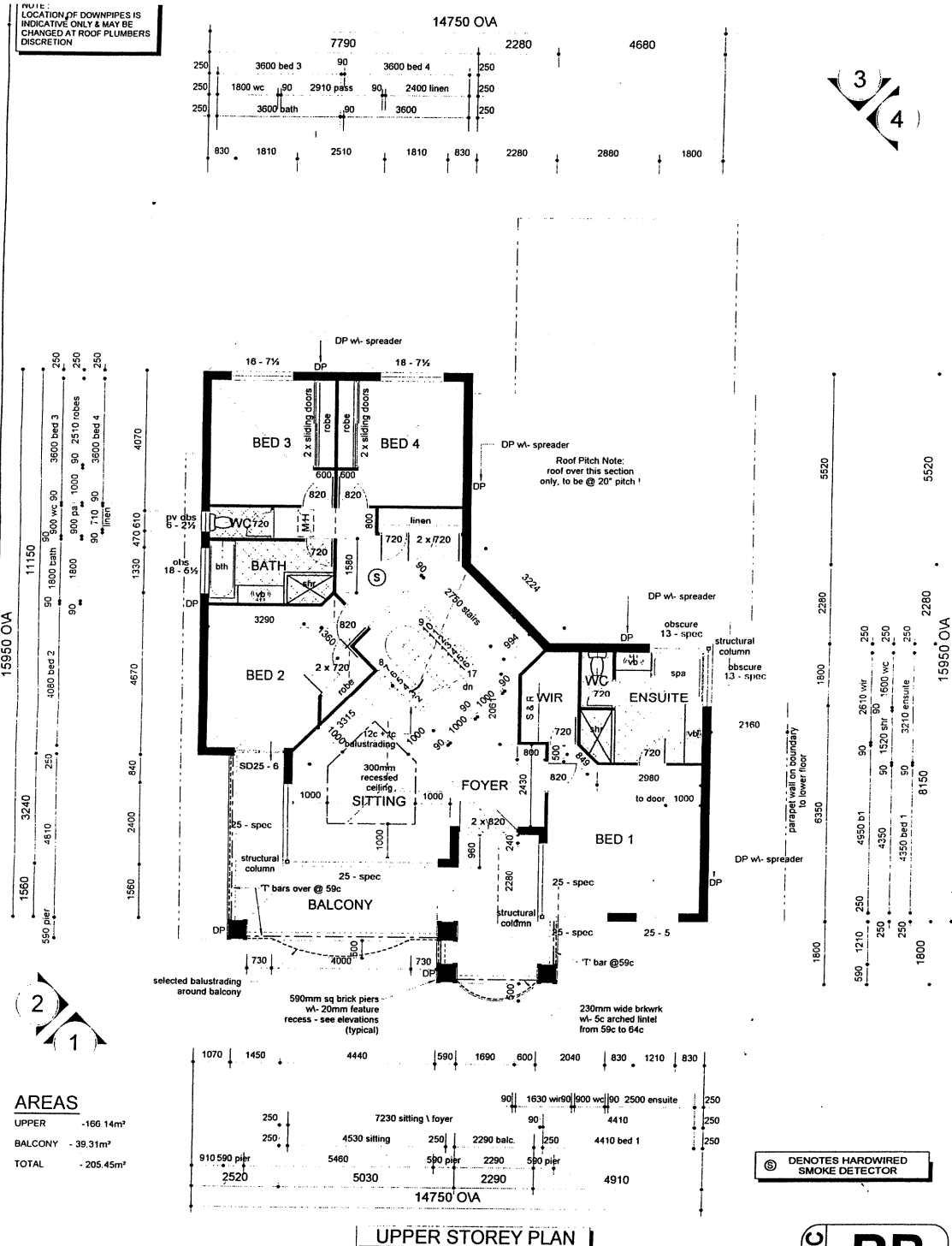
**RISBEC**  
RESIDENTIAL COMMERCIAL

**RB**  
DESIGN AND DRAFTING

CHRIS BECVAROVSKI

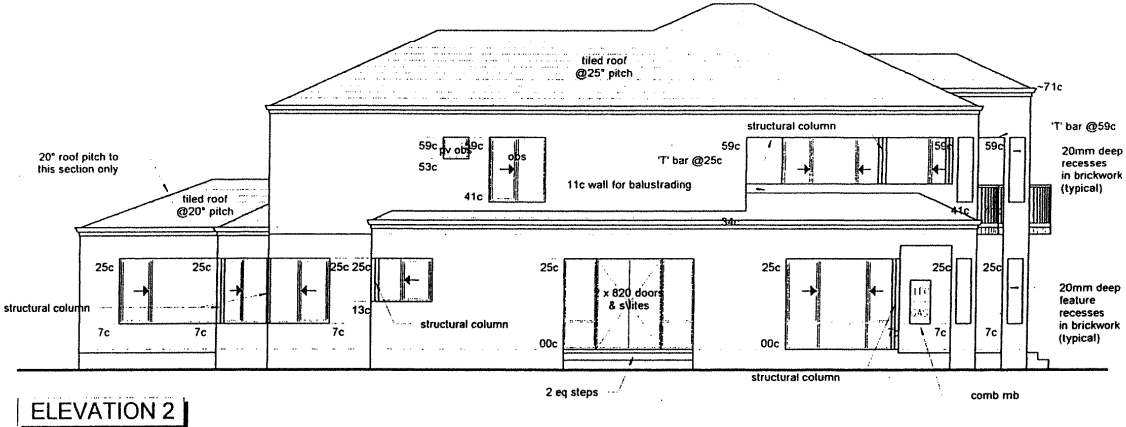
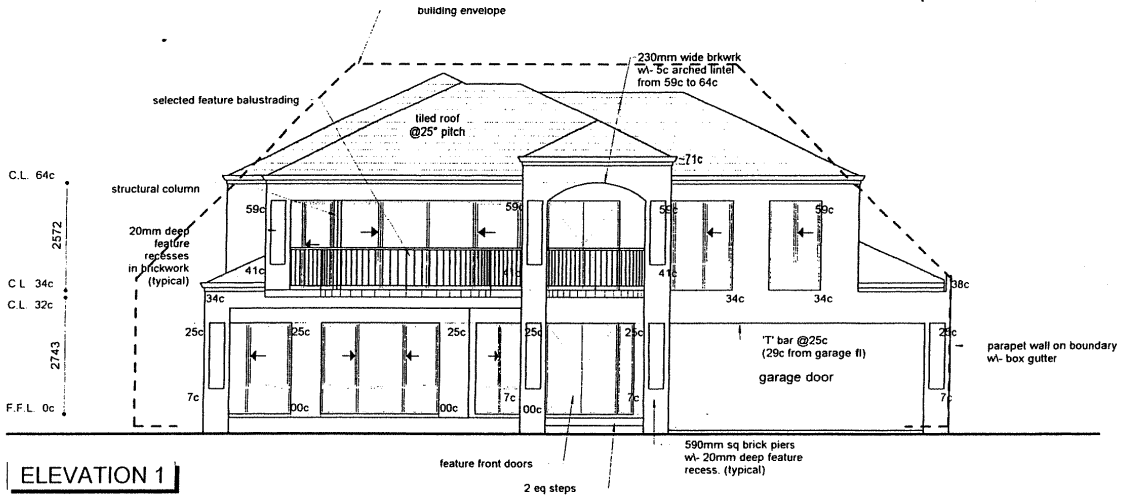
Phone: (08) 9345 1385  
Mobile: 0418 903 242  
Suite 3, 215 Main Street  
Osborne Park WA 6017

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**ROOFING NOTE**  
 ROOF FRAMING TO COMPLY WITH A.S. 1684  
 25° ROOF PITCH. TILED.

NOTE : 4c brick build up all round



**GENERAL NOTES**

- CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS
- REFER TO ENGINEER'S DRAWINGS FOR STRUCTURAL WORK AND CONCRETE WORK
- DO NOT SCALE FROM THE DRAWINGS
- ALL DETAILS MAY VARY ACCORDING TO ON SITE CONSTRUCTION BY OWNER - BUILDER

**ELEVATIONS 1**

CLIENT: MR ROB MILEVSKI

JOB ADDRESS: LOT 481, DAKAR WAY MINDARIE KEYS

DATE	16 / 11 / 01	DESIGNER	RB
SCALE	1 : 100	JOB NO	01-171
DRAWN	TH	REVN	
CHECKED		SHEET	OF

**RISBEC**  
 RESIDENTIAL • COMMERCIAL

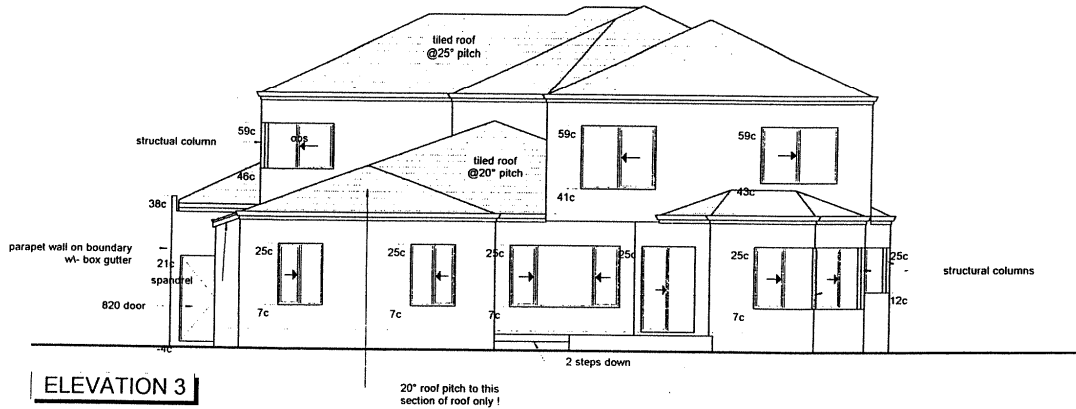
**RB**  
 DESIGN AND DRAFTING

CHRIS BECVAROVSKI

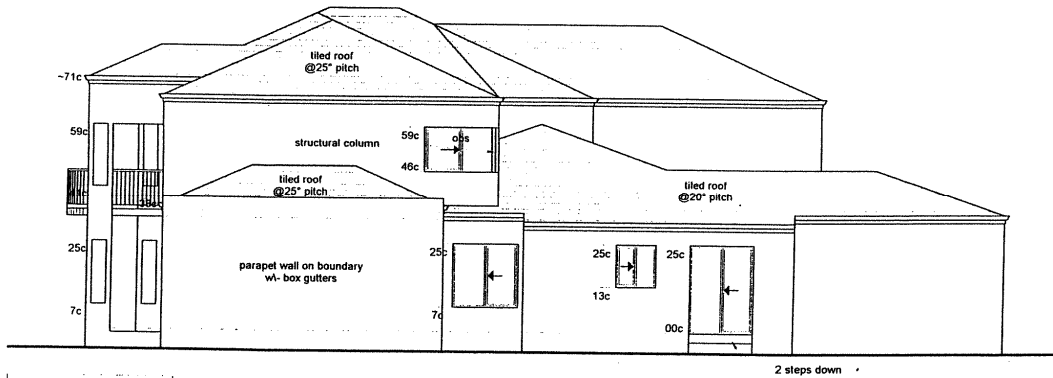
Phone: (08) 9345 1385  
 Mobile: 0419 903 242  
 Suite 3, 215 Main Street  
 Osborne Park WA 6017

**ROOFING NOTE**  
 ROOF FRAMING TO COMPLY  
 WITH A.S. 1684  
 25° ROOF PITCH.  
 TILED.

NOTE : 4c brick  
 build up all round



**ELEVATION 3**



**ELEVATION 4**

**GENERAL NOTES**

- CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS
- REFER TO ENGINEER'S DRAWINGS FOR STRUCTURAL WORK AND CONCRETE WORK
- DO NOT SCALE FROM THE DRAWINGS
- ALL DETAILS MAY VARY ACCORDING TO ON SITE CONSTRUCTION BY OWNER - BUILDER

**ELEVATIONS 2**

CLIENT  
**MR ROB MILEVSKI**

JOB ADDRESS  
**LOT 481,  
 DAKAR WAY  
 MINDARIE KEYS**

DATE  
 17 / 10 / 01

SCALE  
 1 : 100

DRAWN  
 TH

CHECKED

DESIGNER  
 RB

JOB No  
 01-171

REVISED BY  
 HEVN

SHEET OF  
 of

**RISBEC**  
 RESIDENTIAL • COMMERCIAL

**RB**  
 DESIGN AND DRAFTING

**CHRIS BECVAROVSKI**

Phone: (08) 9345 1385  
 Mobile: 0416 903 242  
 Suite 3, 215 Main Street  
 Osborne Park WA 6017



## Delegated Authority Reports

### PD21-11/01 October Development Applications Determined By Delegated Authority

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File Ref: 63346  
Responsible Officer: Acting Director Planning & Development  
Disclosure of Interest: Nil  
Attachments: 1

#### Issue

Development Applications determined by Planning & Development between 1 October 2001 and 31 October 2001, acting under Delegated Authority from Council.

#### Background

Nil

#### Detail

The City of Wanneroo District Planning Scheme 2 (DPS2) provides Council with development approval powers which are designed to avoid conflict between different land uses on adjoining lots. It is also necessary to ensure the completed developments meet the required standards such as building setbacks, carparking and landscaping. Planning approvals are not generally required for single residential houses unless they seek to vary the requirements of the Residential Planning Codes (R Codes.)

The City of Wanneroo continues to experience very rapid growth pressures with between 80 to 130 development applications being received per month in addition to an average of 400 to 500 building license applications.

Council has delegated some of its responsibilities for decision making on development applications to Council Administration which enables the processing of applications within the required 60 day statutory period and within normal customer expectations.

Council Administration, in assessing development proposals, attempts to extract from the relevant planning documents the key policies and requirements of Council in order to make comments and recommendations on the issues raised in the assessment of each individual development application.

Development applications determined by Planning & Development between 1 October 2001 and 31 October 2001, acting under Delegated Authority from Council are included in the attached **Schedule 1**

#### Consultation

Nil

## **Comment**

Nil

## **Statutory Compliance**

A Delegated Authority Register was adopted by Council at its meeting on 14 August 2001 (item W340-08/01 refers). The decisions referred to in Schedule 1 of this report are in accordance with this register.

## **Strategic Implications**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

Planning applications incur administration fees which are generally based on the Town Planning (Local Government Planning Fees) Regulations and have been adopted by Council in its annual budget. The estimated cost of development for each application is listed in schedule 1. Applications where an estimated cost has not been provided, are either applications for the exercising of discretion or for a change of use.

## **Voting Requirements**

Simple Majority.

## **Recommendation**

**That Council NOTES the determinations made by Planning & Development acting under delegated authority from Council on development applications processed between 1 October 2001 and 31 October 2001.**

## Attachment 1

## Development Applications determined for Period

WHERE (Issued\_date BETWEEN 01/10/2001 00:00:00 AND 31/10/2001

Note: Est Cost not provided on applications for use only or where a flat fee is applicable

<i>Ram Id</i>	<i>Date</i>	<i>Owners</i>	<i>Days</i>	<i>Est Cost</i>	<i>Decision</i>
DA00/0239	22/03/2000	HARRY TRANDOS, NICOLAS TRANDOS, STAVROS	323		Approved
	<i>Prop address</i>	141 PEDERICK ROAD NEERABUP WA 6031			
	<i>Land</i>	Lot 508 D 63083 Vol 1343 Fol 407			
	<i>Descriptio</i>	EXTRACTIVE INDUSTRY (Sand)			
	<i>Applicant</i>	COSSILL & WEBLEY PTY LTD			
	<i>File Number</i>	06321			
DA01/0620	24/07/2001	ROSS M LOVE	68	\$10,000.00	Approved
	<i>Prop address</i>	465 GNANGARA ROAD GNANGARA WA 6065			
	<i>Land</i>	PT SWAN LOC 883			
	<i>Descriptio</i>	Clearing Vegetation and Construction of Fence			
	<i>Applicant</i>	ROSS M LOVE			
	<i>File Number</i>				
DA01/0729	24/08/2001	GRAEME L HUTCHINGS & LYNETTE J HUTCHINGS	34	\$0.00	Approved
	<i>Prop address</i>	17 ANTIBES COURT MINDARIE WA 6030			
	<i>Land</i>	Lot 760 P 23206 Vol 2158 Fol 692			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	HUTCHCRAFT BUILDING SERVICES			
	<i>File Number</i>				
DA01/0739	27/08/2001	UNITING CHURCH IN AUSTRALIA PROPERTY	41	\$0.00	Withdrawn
	<i>Prop address</i>	2 DUNMORE CIRCUIT MERRIWA WA 6030			
	<i>Land</i>	Lot 835 P 16837 Vol 1847 Fol 566			
	<i>Descriptio</i>	Change of Use - Community House			
	<i>Applicant</i>	UNITING CHURCH WA PROPERTY TRUST			
	<i>File Number</i>	64903			
DA01/0750	29/08/2001	CHEMAYNE A APPLEYARD & MARK W APPLEYARD	33	\$10,000.00	Approved
	<i>Prop address</i>	1 PENNYGUM PLACE MARIGINIUP WA 6065			
	<i>Land</i>	Lot 18 D 96765 Vol 2160 Fol 876			
	<i>Descriptio</i>	Shed			
	<i>Applicant</i>	MARK W APPLEYARD, CHEMAYNE A APPLEYARD			
	<i>File Number</i>	60897			
DA01/0766	31/08/2001	MARC P FELLOWS & LINDA M FELLOWS	25	\$84,337.00	Approved
	<i>Prop address</i>	31 SILVERTON AVENUE BUTLER WA 6036			
	<i>Land</i>	Lot 346 DP 27674 Vol 2506 Fol 619			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	COMMODORE HOMES PTY LTD			
	<i>File Number</i>				
DA01/0767	31/08/2001	DAVID K KUDERA & HEATHER R UNNO	15	\$80,801.00	Approved
	<i>Prop address</i>	29 SILVERTON AVENUE BUTLER WA 6036			
	<i>Land</i>	Lot 347 DP 27674 Vol 2526 Fol 620			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	COMMODORE HOMES PTY LTD			
	<i>File Number</i>				
DA01/0772	31/08/2001	ST BRIGIDS CONVENT OF MERCY INC	33	\$50,000.00	Approved
	<i>Prop address</i>	MERCY COLLEGE/PRIMARY SCHOOL 26 MIRRABOOKA AVENUE KOONDOOLA WA			
	<i>Land</i>	Lot 1 D 41047 Vol 1409 Fol 858			
	<i>Descriptio</i>	ENTRY STATEMENT			
	<i>Applicant</i>	SLAVIN ARCHITECTS			
	<i>File Number</i>	01671			

## Development Applications determined for Period

WHERE (Issued\_date BETWEEN 01/10/2001 00:00:00 AND 31/10/2001

Note: Est Cost not provided on applications for use only or where a flat fee is applicable

<i>Ram Id</i>	<i>Date</i>	<i>Owners</i>	<i>Days</i>	<i>Est Cost</i>	<i>Decision</i>
DA01/0777	31/08/2001	ROYAL AUSTRALIAN AIR FORCE ASSOCIATION & <i>Prop address</i> RAAFA UNIT39 39/250 BALTIMORE PARADE MERRIWA WA 6030 <i>Land</i> Part Lot 905 <i>Descriptio</i> Flyscreen Enclosure to Retirement Unit <i>Applicant</i> Westral Outdoor Centre <i>File Number</i> 09153	25	\$4,680.00	Approved
DA01/0813	10/09/2001	SARABJIT S SEHMI & SUSHANPAL K SEHMI <i>Prop address</i> 117 ST BARNABAS BOULEVARD QUINNS ROCKS WA 6030 <i>Land</i> Lot 306 P 20373 Vol 2038 Fol 186 <i>Descriptio</i> Single Dwelling <i>Applicant</i> HOMESTYLE PTY LTD <i>File Number</i>	2	\$98,452.00	Approved
DA01/0814	10/09/2001	CHRISTOPHER M FRIEND & NATALEE L FRIEND <i>Prop address</i> 18 DOMENEY PLACE LANDSDALE WA 6065 <i>Land</i> Lot 743 P 22690 Vol 2134 Fol 460 <i>Descriptio</i> Single Dwelling with Ancillary Accomodation <i>Applicant</i> DALE ALCOCK HOMES <i>File Number</i> 64637	31	\$133,353.00	Approved
DA01/0825	11/09/2001	JOHN W GRAY & LAURA G GRAY <i>Prop address</i> 21 LISFORD AVENUE TWO ROCKS WA 6037 <i>Land</i> Lot 212 P 10186 Vol 1581 Fol 293 <i>Descriptio</i> Additions to Single House <i>Applicant</i> JOHN W GRAY, LAURA G GRAY <i>File Number</i> 66887	5	\$28,800.00	Approved
DA01/0832	11/09/2001	MARTIN T GOODALL & MARY P GOODALL <i>Prop address</i> 6 TONRITA PLACE WANNEROO WA 6065 <i>Land</i> Lot 169 P 10760 Vol 1373 Fol 456 <i>Descriptio</i> Garage to Dwelling <i>Applicant</i> KELMART PTY LTD <i>File Number</i>	28	\$0.00	Approved
DA01/0845	13/09/2001	PHILLIP J ANDERSON & JOSCELYN A ANDERSON <i>Prop address</i> 17 VALKYRIE PLACE TWO ROCKS WA 6037 <i>Land</i> Lot 8 P 10777 Vol 2073 Fol 402 <i>Descriptio</i> Single Dwelling <i>Applicant</i> PHILLIP J ANDERSON, JOSCELYN A ANDERSON <i>File Number</i>	22	\$0.00	Superceded
DA01/0848	10/09/2001	GEOFFREY R BARBER & KYM E BARBER <i>Prop address</i> 1 BUCKDEN STREET BUTLER WA 6036 <i>Land</i> Lot 336 DP 27850 Vol 2503 Fol 395 <i>Descriptio</i> Single Dwelling <i>Applicant</i> COMMODORE HOMES PTY LTD <i>File Number</i>	26	\$94,414.00	Approved
DA01/0850	14/09/2001	DARIO L BUE <i>Prop address</i> 34 RIO MARINA WAY MINDARIE WA 6030 <i>Land</i> Lot 62 D 94243 Vol 2133 Fol 486 <i>Descriptio</i> Single Dwelling <i>Applicant</i> COMMODORE HOMES PTY LTD <i>File Number</i>	0	\$97,381.00	Approved

## Development Applications determined for Period

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DA01/0862	17/09/2001	ANTHONY J TAYLOR	21	\$12,000.00	Approved
	<i>Prop address</i>	159 CAPORN STREET MARIGINIUP WA 6065			
	<i>Land</i>	Lot 40 D 78795 Vol 1889 Fol 367			
	<i>Descriptio</i>	LARGE BARN STYLE SHED			
	<i>Applicant</i>	Great Western			
	<i>File Number</i>				
DA01/0882	17/09/2001	SIMON P SCALES & MAXINE A SCALES	19	\$109,695.00	Approved
	<i>Prop address</i>	15 SWANMORE STREET BUTLER WA 6036			
	<i>Land</i>	Lot 391 DP 27675			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	SCOTT PARK HOMES			
	<i>File Number</i>				
DA01/0885	19/09/2001	Mrs MICHELLE L BENDER & Mr MICHAEL B BENDER	22	\$143,198.00	Approved
	<i>Prop address</i>	50 MARCHWOOD BOULEVARD BUTLER WA 6036			
	<i>Land</i>	Lot 726 DP 27675 Vol 2506 Fol 699			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	DALE ALCOCK HOMES			
	<i>File Number</i>				
DA01/0887	19/09/2001	WILLIE ATA & PAMELA G HURLEY	12	\$92,535.00	Approved
	<i>Prop address</i>	1 FOXTON WAY BUTLER WA 6036			
	<i>Land</i>	Lot 318 DP 27850 Vol 2503 Fol 385			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	CONTENT LIVING...			
	<i>File Number</i>				
DA01/0889	19/09/2001	IRIS R MILES	15	\$40,000.00	Refused
	<i>Prop address</i>	881 PERRY ROAD PINJAR WA 6065			
	<i>Land</i>	SWAN LOC 1963			
	<i>Descriptio</i>	MACHINERY SHED & CLEARING OF 2 HECTARES OF VEGETATION			
	<i>Applicant</i>	Ferguson Fforde			
	<i>File Number</i>	70617			
DA01/0896	21/09/2001	LINDA M BROGAN & STEWART K BROGAN	21	\$258,000.00	Approved
	<i>Prop address</i>	25 BELIZE WAY MINDARIE WA 6030			
	<i>Land</i>	Lot 428 P 24280 Vol 2201 Fol 131			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	LINDA M BROGAN, STEWART K BROGAN			
	<i>File Number</i>	70687			
DA01/0900	25/09/2001	CAVERSHAM PROPERTY PTY LTD	7	\$74,389.00	NotReq
	<i>Prop address</i>	7 YARDI STREET MERRIWA WA 6030			
	<i>Land</i>	Lot 1811 DP 26413			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	J CORP			
	<i>File Number</i>	197837			
DA01/0919	24/09/2001	HOMESWEST VACANT	7	\$0.00	Approved
	<i>Prop address</i>	9 UPHAM BRACE BUTLER WA 6036			
	<i>Land</i>	Lot 389 DP 27675			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	VENTURA HOMES			
	<i>File Number</i>				

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DA01/0928	25/09/2001	ERIN M WOODALL & SIMON S WOODALL	7	\$0.00	Approved
	<i>Prop address</i>	14 DREVON PLACE MARANGAROO WA 6064			
	<i>Land</i>	Lot 421 P 17034 Vol 1858 Fol 512			
	<i>Descriptio</i>	Additions to Dwelling			
	<i>Applicant</i>	Dale Alcock Homes Improvements			
	<i>File Number</i>				
DA01/0930	26/09/2001	MADREX PTY LTD	20	\$0.00	Approved
	<i>Prop address</i>	25 RICHENDA COURT MARANGAROO WA 6064			
	<i>Land</i>	Lot 1 DP 25641 Vol 2211 Fol 037			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	ASHMY PTY LTD			
	<i>File Number</i>				
DA01/0932	26/09/2001	HOMESWEST VACANT	15	\$40,000.00	Approved
	<i>Prop address</i>	SUBDIVIDED 2350 MARMION AVENUE BUTLER WA 6036			
	<i>Land</i>	Part Lot 7 P 12470 Vol 1508 Fol 919			
	<i>Descriptio</i>	TELSTRA EXCHANGE SITE			
	<i>Applicant</i>	COSSILL AND WEBLEY PTY LTD			
	<i>File Number</i>	07012			
DA01/0935	27/09/2001	DOUGLAS C THORLEY & JENNIFER J THORLEY	13	\$9,800.00	Approved
	<i>Prop address</i>	1 KENTIA LOOP WANNEROO WA 6065			
	<i>Land</i>	Lot 42 D 77223 Vol 1866 Fol 917			
	<i>Descriptio</i>	Garage and Patio To Existing Dwelling			
	<i>Applicant</i>	DOUGLAS C THORLEY, JENNIFER J THORLEY			
	<i>File Number</i>	60714			
DA01/0936	27/09/2001	SILVERTON LIMITED	13	\$0.00	Approved
	<i>Prop address</i>	18 GLENGYLE TURN QUINNS ROCKS WA 6030			
	<i>Land</i>	Lot 397 DP 27516			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	COMMODORE HOMES PTY LTD			
	<i>File Number</i>				
DA01/0940	21/09/2001	CRAIG A SMITH & DEBBIE L SMITH	13	\$0.00	Approved
	<i>Prop address</i>	4 DAVENPORT CIRCUIT MINDARIE WA 6030			
	<i>Land</i>	Lot 456 P 24283 Vol 2201 Fol 168			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	AUSTRALIAN PROPERTY GROUP			
	<i>File Number</i>				
DA01/0946	2/10/2001	CLAYTON J ALLAN & SHELLEY M ALLAN	1	\$0.00	Approved
	<i>Prop address</i>	19 BANTRY BEND MINDARIE WA 6030			
	<i>Land</i>	Lot 1126 P 24245 Vol 2197 Fol 746			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	RENOWNED HOMES			
	<i>File Number</i>				
DA01/0948	3/10/2001	MARCO A VINCIULLO	5	\$0.00	Approved
	<i>Prop address</i>	18 WINDARRA HEIGHTS MARANGAROO WA 6064			
	<i>Land</i>	Lot 588 P 15246 Vol 1709 Fol 44			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	HOMEBUYERS CENTRE			
	<i>File Number</i>	146831			

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DA01/0949	3/10/2001	NATHAN M PORTER & DEBBIE PORTER	1	\$0.00	Approved
	<i>Prop address</i>	20 ABBOTSWOOD DRIVE LANDSDALE WA 6065			
	<i>Land</i>	Lot 1438 P 24022 Vol 2190 Fol 311			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	ASHMY PTY LTD			
	<i>File Number</i>	195263			
DA01/0950	3/10/2001	BOLCLAR PTY LTD & DUGALD NOMINEES PTY LTD	5	\$0.00	Approved
	<i>Prop address</i>	14 RANWORTH ROAD HOCKING WA 6065			
	<i>Land</i>	Lot 313 P 24233			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	Homebuyers Centre			
	<i>File Number</i>	196022			
DA01/0951	3/10/2001	CAVERSHAM PROPERTY PTY LTD	1	\$0.00	Approved
	<i>Prop address</i>	4 WEDGE WAY MERRIWA WA 6030			
	<i>Land</i>	Lot 1827 DP 26413			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	Homebuyers Centre			
	<i>File Number</i>	197513			
DA01/0953	3/10/2001	MARK C WINSOR & KATHERINE L WINSOR	11	\$0.00	Approved
	<i>Prop address</i>	4 MOREE LANE QUINNS ROCKS WA 6030			
	<i>Land</i>	Lot 400 DP 26958 Vol 2215 Fol 67			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	Webb & Brown-Neaves			
	<i>File Number</i>	197935			
DA01/0954	3/10/2001	MICHELLE S JORGENSEN & ROBERT W LUCAS	2	\$0.00	Approved
	<i>Prop address</i>	33 CAMELOT GROVE CARRAMAR WA 6031			
	<i>Land</i>	Lot 465 P 20417 Vol 2031 Fol 962			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	Honest Holdings Pty Ltd			
	<i>File Number</i>	182606			
DA01/0957	4/10/2001	MICHAEL J MCCABE	6	\$0.00	Approved
	<i>Prop address</i>	22 MARLBOROUGH WAY QUINNS ROCKS WA 6030			
	<i>Land</i>	Lot 346 P 24047			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	Pivot Way Pty Ltd			
	<i>File Number</i>				
DA01/0960	4/10/2001	LANDROW LTD	11	\$88,060.00	Approved
	<i>Prop address</i>	37 BURNETT DRIVE CLARKSON WA 6030			
	<i>Land</i>	Lot 24 DP 26946			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	Commodore Homes Pty Ltd			
	<i>File Number</i>				
DA01/0961	4/10/2001	CAVERSHAM PROPERTY PTY LTD	4	\$85,595.00	Approved
	<i>Prop address</i>	11 SEAGROVE BOULEVARD MERRIWA WA 6030			
	<i>Land</i>	Lot 1814 DP 26413			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	J Corp			
	<i>File Number</i>				

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DA01/0962	3/10/2001	VERONICA E SEWELL	5	\$1,520.00	Approved
	<i>Prop address</i>	5/3 ADELPHI COURT MARANGAROO WA 6064			
	<i>Land</i>	Lot 5 Vol 2149 Fol 497 S/P 35388			
	<i>Descriptio</i>	PATIO ADDITION TO EXISTING GROUPED DWELLING			
	<i>Applicant</i>	Westral Outdoor			
	<i>File Number</i>	70744			
DA01/0963	5/10/2001	JAN J VAN DEN BERG	0	\$0.00	Approved
	<i>Prop address</i>	21 DAVENPORT CIRCUIT MINDARIE WA 6030			
	<i>Land</i>	Lot 420 P 24281 Vol 2199 Fol 72			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	JAN J VAN DEN BERG			
	<i>File Number</i>				
DA01/0964	5/10/2001	LAILA C MCPHERSON	8	\$120,000.00	Approved
	<i>Prop address</i>	1 TUMUT PLACE MERRIWA WA 6030			
	<i>Land</i>	Lot 1793 P 21871 Vol 2102 Fol 546			
	<i>Descriptio</i>	2 Grouped Dwellings			
	<i>Applicant</i>	LAILA C MCPHERSON			
	<i>File Number</i>	69817			
DA01/0965	5/10/2001	BRETT W MEREDITH & LORRAINE M MEREDITH	8	\$4,000.00	Approved
	<i>Prop address</i>	2 ASHLEY AVENUE QUINNS ROCKS WA 6030			
	<i>Land</i>	Lot 166 P 7318 Vol 1286 Fol 232			
	<i>Descriptio</i>	Garage and Patio Addition to Existing Single House			
	<i>Applicant</i>	LORRAINE M MEREDITH, BRETT W MEREDITH			
	<i>File Number</i>	12883			
DA01/0967	5/10/2001	PEET & CO LTD ATF YATALA UNIT TRUST	5	\$0.00	Approved
	<i>Prop address</i>	15 STRATHALBYN LOOP CARRAMAR WA 6031			
	<i>Land</i>	Lot 714 DP 26897			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	VENTURA HOMES			
	<i>File Number</i>				
DA01/0969	9/10/2001	CHEMAYNE A APPLEYARD & MARK W APPLEYARD	15	\$171,910.00	Approved
	<i>Prop address</i>	1 PENNYGUM PLACE MARIGINIUP WA 6065			
	<i>Land</i>	Lot 18 D 96765 Vol 2160 Fol 876			
	<i>Descriptio</i>	SINGLE HOUSE			
	<i>Applicant</i>	DALE ALCOCK HOMES			
	<i>File Number</i>	60897			
DA01/0975	10/10/2001	TAYLOR WOODROW AUSTRALIA PTY LTD	6	\$0.00	Approved
	<i>Prop address</i>	20 ARDMORE TERRACE DARCH WA 6065			
	<i>Land</i>	Lot 113 DP 27702			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	ASHMY PTY LTD			
	<i>File Number</i>	198040			
DA01/0976	10/10/2001	JOHN STONHAM & AMANDA G STONHAM	2	\$0.00	Approved
	<i>Prop address</i>	5 WITCHETTY LOOP BANKSIA GROVE WA 6031			
	<i>Land</i>	Lot 61 DP 26419 Vol 2212 Fol 650			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	ASHMY PTY LTD			
	<i>File Number</i>	197432			



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DA01/0977	10/10/2001	LILLIAN S VEARING & KENNETH A VEARING	2	\$0.00	Approved
	<i>Prop address</i>	57 PALMERSTON CRESCENT TAPPING WA 6065			
	<i>Land</i>	Lot 1172 P 24300 Vol 2200 Fol 314			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	SCOTT PARK HOMES			
	<i>File Number</i>	195911			
DA01/0979	10/10/2001	PEET & CO AFT YANCHEP OCEANFRONT UNIT	5	\$88,542.00	Approved
	<i>Prop address</i>	12 SWEEP RIDGE YANCHEP WA 6035			
	<i>Land</i>	Lot 887 DP 25874 Vol 2504 Fol 530			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	COMMODORE HOMES PTY LTD			
	<i>File Number</i>				
DA01/0982	11/10/2001	NORTH WHITFORDS ESTATES PTY LTD	1	\$0.00	Approved
	<i>Prop address</i>	31 ABBOTSWOOD DRIVE LANDSDALE WA 6065			
	<i>Land</i>	Lot 1326 P 24022			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	TANGENT NOMINEES PTY LTD			
	<i>File Number</i>	195269			
DA01/0983	8/10/2001	HOMESWEST VACANT	20	\$0.00	Approved
	<i>Prop address</i>	5 DUXFORD STREET BUTLER WA 6036			
	<i>Land</i>	Lot 316 DP 27850 Vol 2503 Fol 383			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	DALE ALCOCK HOMES			
	<i>File Number</i>				
DA01/0984	9/10/2001	DIONNE A WOOLDRIDGE & BRADLEY M MILLER	8	\$124,286.00	Approved
	<i>Prop address</i>	11 CROFTON COVE MINDARIE WA 6030			
	<i>Land</i>	Lot 376 DP 25561 Vol 2211 Fol 62			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	WESTCOURT			
	<i>File Number</i>				
DA01/0985	11/10/2001	JOSEPHINE M HARMAN & KENNETH J HARMAN	6	\$0.00	Approved
	<i>Prop address</i>	8 NEWLYN PLACE YANCHEP WA 6035			
	<i>Land</i>	Lot 148 P 11861 Vol 1456 Fol 636			
	<i>Descriptio</i>	Additions to Existing Dwelling ( Carport & Family)			
	<i>Applicant</i>	J SMITH			
	<i>File Number</i>				
DA01/0986	10/10/2001	LANDROW LTD	4	\$87,881.00	Approved
	<i>Prop address</i>	41 BURNETT DRIVE CLARKSON WA 6030			
	<i>Land</i>	Lot 26 DP 26946			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	COMMODORE HOMES PTY LTD			
	<i>File Number</i>				
DA01/0987	10/10/2001	HOMESWEST VACANT	7	\$96,929.00	Approved
	<i>Prop address</i>	43 MOKUTU COURT QUINNS ROCKS WA 6030			
	<i>Land</i>	Lot 692 DP 28144			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	COMMODORE HOMES PTY LTD			
	<i>File Number</i>				

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DA01/0988	12/10/2001	LACHLAN J CRAIGIE & MARIA R CRAIGIE	7	\$0.00	Approved
	<i>Prop address</i>	25 GUNGURRU AVENUE HOCKING WA 6065			
	<i>Land</i>	Lot 204 P 23992 Vol 2198 Fol 581			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	SCOTT PARK HOMES			
	<i>File Number</i>	195968			
DA01/0989	10/10/2001	JEREMY M SYLVESTER & JOAN R SYLVESTER	2	\$0.00	Approved
	<i>Prop address</i>	145 LAGOON DRIVE YANCHEP WA 6035			
	<i>Land</i>	Lot 917 D 100427 Vol 2196 Fol 198			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	ARASI CONSTRUCTIONS PTY LTD			
	<i>File Number</i>				
DA01/0990	12/10/2001	KYLIE E PAJER & OSKER M PAJER	2	\$0.00	Approved
	<i>Prop address</i>	5 KAGE ENTRANCE MINDARIE WA 6030			
	<i>Land</i>	Lot 383 P 24280 Vol 2201 Fol 129			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	PERCEPTIONS			
	<i>File Number</i>				
DA01/0992	15/10/2001	HOMESWEST VACANT	4	\$0.00	Approved
	<i>Prop address</i>	21 WITCHETTY LOOP BANKSIA GROVE WA 6031			
	<i>Land</i>	Lot 67 DP 26419			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	HOMEBUYERS CENTRE			
	<i>File Number</i>	197437			
DA01/0997	15/10/2001	SUE STEVANOVSKI & MICHAEL STEVANOVSKI	1	\$0.00	Approved
	<i>Prop address</i>	95 MANCHESTER DRIVE HOCKING WA 6065			
	<i>Land</i>	Lot 248 P 24139 Vol 2196 Fol 950			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	SUE STEVANOVSKI, MICHAEL STEVANOVSKI			
	<i>File Number</i>				
DA01/0999	15/10/2001	No owners recorded	9	\$99,912.00	Approved
	<i>Prop address</i>	(LAND NOT YET RELEASED) 29 BROCKWELL PARKWAY LANDSDALE WA 6065			
	<i>Land</i>	Lot 1561 L1561			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	DALE ALCOCK HOMES			
	<i>File Number</i>				
DA01/1000	16/10/2001	No owners recorded	1	\$0.00	Approved
	<i>Prop address</i>	(LAND NOT YET RELEASED) 38 BROCKWELL PARKWAY LANDSDALE WA 6065			
	<i>Land</i>	Lot 1528 L1528			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	HOMEBUYERS CENTRE			
	<i>File Number</i>	198056			
DA01/1002	16/10/2001	ANN CLEARY & PATRICK C CLEARY	3	\$0.00	Approved
	<i>Prop address</i>	49 CIVIC DRIVE WANNEROO WA 6065			
	<i>Land</i>	Lot 256 P 10339 Vol 1334 Fol 681			
	<i>Descriptio</i>	Patio to Dwelling			
	<i>Applicant</i>	4 Seasons Outdoor Home Improvements			
	<i>File Number</i>	136611			

## Development Applications determined for Period

WHERE (Issued\_date BETWEEN 01/10/2001 00:00:00 AND 31/10/2001

Note: Est Cost not provided on applications for use only or where a flat fee is applicable

<i>Ram Id</i>	<i>Date</i>	<i>Owners</i>	<i>Days</i>	<i>Est Cost</i>	<i>Decision</i>
DA01/1003	12/10/2001	AHL HOLDINGS LIMITED	13	\$93,840.00	Approved
	<i>Prop address</i>	37 CHARTWELL BEND HOCKING WA 6065			
	<i>Land</i>	Lot 484 DP 28089			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	COMMODORE HOMES PTY LTD			
	<i>File Number</i>				
DA01/1004	16/10/2001	JOVAN PETRESKI & MARA PETRESKI	1	\$0.00	Approved
	<i>Prop address</i>	23 ROCKDALE PASS LANDSDALE WA 6065			
	<i>Land</i>	Lot 25 P 19516 Vol 1987 Fol 261			
	<i>Descriptio</i>	Additions to Dwelling			
	<i>Applicant</i>	CENTREPOINT HOMES			
	<i>File Number</i>	177456			
DA01/1005	16/10/2001	WENDY L FAIRCLOUGH & MICHAEL J TRANDOS	1	\$0.00	Approved
	<i>Prop address</i>	5 BANTRY BEND MINDARIE WA 6030			
	<i>Land</i>	Lot 1132 P 24245 Vol 2197 Fol 752			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	Peter Stannard Homes			
	<i>File Number</i>	196106			
DA01/1006	17/10/2001	TAYLOR WOODROW AUSTRALIA PTY LTD	1	\$0.00	Approved
	<i>Prop address</i>	5 ARDMORE TERRACE DARCH WA 6065			
	<i>Land</i>	Lot 161 DP 27702			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	SCOTT PARK HOMES			
	<i>File Number</i>	198039			
DA01/1007	17/10/2001	CARMEN M FLEMING & HUGH W FLEMING	1	\$0.00	Approved
	<i>Prop address</i>	22 SANDILANDS CIRCUIT TAPPING WA 6065			
	<i>Land</i>	Lot 1366 DP 25350 Vol 2211 Fol 460			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	SCOTT PARK HOMES			
	<i>File Number</i>	197113			
DA01/1008	17/10/2001	SIMON B CHAN SAW & TONI J DENHAM	0	\$0.00	NotReq
	<i>Prop address</i>	50 MINJAH CIRCUIT CARRAMAR WA 6031			
	<i>Land</i>	Lot 672 DP 26897 Vol 2505 Fol 617			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	SCOTT PARK HOMES			
	<i>File Number</i>	197529			
DA01/1009	17/10/2001	CAVERSHAM PROPERTY PTY LTD	10	\$0.00	Approved
	<i>Prop address</i>	10 ADELONG CIRCUIT MERRIWA WA 6030			
	<i>Land</i>	Lot 1883 DP 26413			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	Homebuyers Centre Pty Ltd			
	<i>File Number</i>	197855			
DA01/1013	17/10/2001	TAYLOR WOODROW AUSTRALIA PTY LTD	2	\$0.00	Approved
	<i>Prop address</i>	23 MONAGHAN CIRCLE DARCH WA 6065			
	<i>Land</i>	Lot 182 DP 27702			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	ROSS GRIFFIN HOMES			
	<i>File Number</i>	198059			

## Development Applications determined for Period

WHERE (Issued\_date BETWEEN 01/10/2001 00:00:00 AND 31/10/2001

Note: Est Cost not provided on applications for use only or where a flat fee is applicable

<i>Ram Id</i>	<i>Date</i>	<i>Owners</i>	<i>Days</i>	<i>Est Cost</i>	<i>Decision</i>
DA01/1016	18/10/2001	TAYLOR WOODROW AUSTRALIA PTY LTD	6	\$0.00	Approved
	<i>Prop address</i>	7 ARDMORE TERRACE DARCH WA 6065			
	<i>Land</i>	Lot 160 DP 27702			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	SCOTT PARK HOMES PTY LTD			
	<i>File Number</i>	198057			
DA01/1021	18/10/2001	HOMESWEST VACANT	4	\$99,577.00	Approved
	<i>Prop address</i>	8 SWANMORE STREET BUTLER WA 6036			
	<i>Land</i>	Lot 360 DP 27675			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	J CORP			
	<i>File Number</i>				
DA01/1027	16/10/2001	HOMESWEST VACANT	10	\$97,596.00	Approved
	<i>Prop address</i>	55 MARCHWOOD BOULEVARD BUTLER WA 6036			
	<i>Land</i>	Lot 535 DP 27675			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	Homebuyers Centre Pty Ltd			
	<i>File Number</i>				
DA01/1030	17/10/2001	BRYAN J GIBBON, JOAN G GIBBON, JOSEPHINE	4	\$155,000.00	Approved
	<i>Prop address</i>	2 LOUIS VISTA MADELEY WA 6065			
	<i>Land</i>	Lot 130 DP 24490 Vol 2203 Fol 226			
	<i>Descriptio</i>	2 Grouped Dwellings			
	<i>Applicant</i>	SUMMIT PROJECTS			
	<i>File Number</i>	70790			
DA01/1034	22/10/2001	HOMESWEST VACANT	10	\$72,116.00	Approved
	<i>Prop address</i>	9 SWANMORE STREET BUTLER WA 6036			
	<i>Land</i>	Lot 393 DP 27675			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	J CORP			
	<i>File Number</i>				
DA01/1038	22/10/2001	CARLO A SCARVACI & PARASKIVY SCARVACI	4	\$0.00	Approved
	<i>Prop address</i>	38 RENDELL WAY KOONDOOLA WA 6064			
	<i>Land</i>	Lot 1146 P 11288 Vol 1441 Fol 745			
	<i>Descriptio</i>	Garage to Dwelling			
	<i>Applicant</i>	CARLO A SCARVACI, PARASKIVY SCARVACI			
	<i>File Number</i>				
DA01/1041	23/10/2001	LANDROW LTD	9	\$0.00	Approved
	<i>Prop address</i>	12 MCPHERSON AVENUE CLARKSON WA 6030			
	<i>Land</i>	Lot 309 DP 26946			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	Homebuyers Centre Pty Ltd			
	<i>File Number</i>				
DA01/1042	23/10/2001	PEET & CO LTD ATF YATALA UNIT TRUST	9	\$0.00	Approved
	<i>Prop address</i>	3 NARADA WAY TAPPING WA 6065			
	<i>Land</i>	Lot 1240 DP 26407 Vol 2213 Fol 738			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	Homebuyers Centre Pty Ltd			
	<i>File Number</i>				

## Development Applications determined for Period

WHERE (Issued\_date BETWEEN 01/10/2001 00:00:00 AND 31/10/2001

Note: Est Cost not provided on applications for use only or where a flat fee is applicable

<i>Ram Id</i>	<i>Date</i>	<i>Owners</i>	<i>Days</i>	<i>Est Cost</i>	<i>Decision</i>
DA01/1043	23/10/2001	CRISANTA G MANGONON & TOMAS MANGONON	4	\$0.00	Approved
	<i>Prop address</i>	5 HOTHAM CRESCENT ALEXANDER HEIGHTS WA 6064			
	<i>Land</i>	Lot 395 P 23938 Vol 2183 Fol 197			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	HOMESTYLE PTY LTD			
	<i>File Number</i>				
DA01/1047	22/10/2001	CRAIG A STARCEVICH	10	\$0.00	Approved
	<i>Prop address</i>	12 SWANMORE STREET BUTLER WA 6036			
	<i>Land</i>	Lot 362 DP 27675 Vol 2506 Fol 663			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	HOMESTYLE PTY LTD			
	<i>File Number</i>				
DA01/1048	22/10/2001	MATTHEW A PICKERING & MICHELLE L HIGHLAND	7	\$116,336.00	Approved
	<i>Prop address</i>	19 GLENGYLE TURN QUINNS ROCKS WA 6030			
	<i>Land</i>	Lot 439 DP 27516			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	HOMESTYLE PTY LTD			
	<i>File Number</i>				
DA01/1051	24/10/2001	LYN B EDWARDS & KARL C EDWARDS	8	\$119,159.00	Approved
	<i>Prop address</i>	16 KERLIN WAY CARRAMAR WA 6031			
	<i>Land</i>	Lot 1143 P 23746 Vol 2175 Fol 245			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	SCOTT PARK HOMES			
	<i>File Number</i>				
DA01/1057	26/10/2001	REBEKAH R CHURLEW & ADAM W COLLINS	6	\$0.00	Approved
	<i>Prop address</i>	12 SUMBA TURN MINDARIE WA 6030			
	<i>Land</i>	Lot 1186 P 23984 Vol 2184 Fol 796			
	<i>Descriptio</i>	Single Dwelling			
	<i>Applicant</i>	ROSS GRIFFIN HOMES			
	<i>File Number</i>				

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## **PD22-11/01 Delegated Authority – Determination of Subdivision Applications between 1 October And 31 October 2001**

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File Ref: 64346  
Responsible Officer: A/Director Planning & Development  
Disclosure of Interest: Nil  
Attachments: 1

### **Issue**

Determination of subdivision applications processed in the period between 1 October 2001 and 31 October 2001.

### **Background**

Nil

### **Detail**

The West Australian Planning Commission (WAPC) is responsible for determining all subdivision applications within the State. Applications for approval are lodged with the WAPC and are referred to local governments and affected public bodies for comment. Comments are made within 42 days of receiving the application after which the Commission determines the applications. There is a right of appeal by the applicant if aggrieved with the Commission's decision.

Council has delegated to the Chief Executive Officer its functions relating to the provision of comments to the Commission on subdivision applications. The Chief Executive Officer has in turn delegated to the Planning and Development Division this responsibility. A Land Development Unit has been established to assist with the assessment of all applications.

Those applications considered to be either controversial in nature or contrary to Council policy, are referred to Council for consideration. All other applications are dealt with in respect to the following categories.

SCU 1 Subdivision applications received which are generally consistent with an approved or Agreed Structure Plan (including Outline Development Plan and Development Guide Plan).

SCU 2 Subdivision applications previously supported, or not supported by Council and subsequently determined by the Western Australian Planning Commission (WAPC) consistent with the Council's recommendation.

SCU 3 Applications for extension of subdivisional approval issued by the WAPC which were previously supported by Council.

SCU 4 Applications for subdivision or amalgamation which result from conditions of development approval given by or on behalf of Council.

SCU 5 Applications for subdivision or amalgamation of lots which would allow the development of the land for uses permitted in the zone within which that land is situated including applications involving the excision of land for road widening, sump sites, school sites, etc.

SCU 6 Applications for subdivision or amalgamation of lots contrary to Council or WAPC Policy or are not generally consistent with an approved or Agreed Structure Plan.

The following table and attachments provides the details of the subdivision applications dealt with under delegated authority between 1 October and 31 October 2001.

### ***Consultation***

Under the provisions of the Town Planning and Development Act 1928, the WAPC is the responsible authority for determining subdivision applications. This Act does not require the WAPC to advertise subdivision applications for public consultation.

### **Comment**

Nil

### **Statutory Compliance**

Under Section 24(2) of the Town Planning and Development Act 1928, the City is required to forward its comments to the WAPC within 42 days of receiving the subdivision referral.

### **Strategic Implications**

Nil

### **Policy Implications**

A number of Council's Policies such as the Public Open Space Planning Policy and the Uniform Fencing Policy may be relevant to subdivision applications assessed under delegated authority.

### **Financial Implications**

Nil

### **Voting Requirements**

Simple Majority

### **Recommendation**

**That Council NOTES the actions taken in relation to providing comments to the Western Australian Planning Commission on subdivision applications processed under delegated authority between 1 October 2001 and 31 October 2001.**

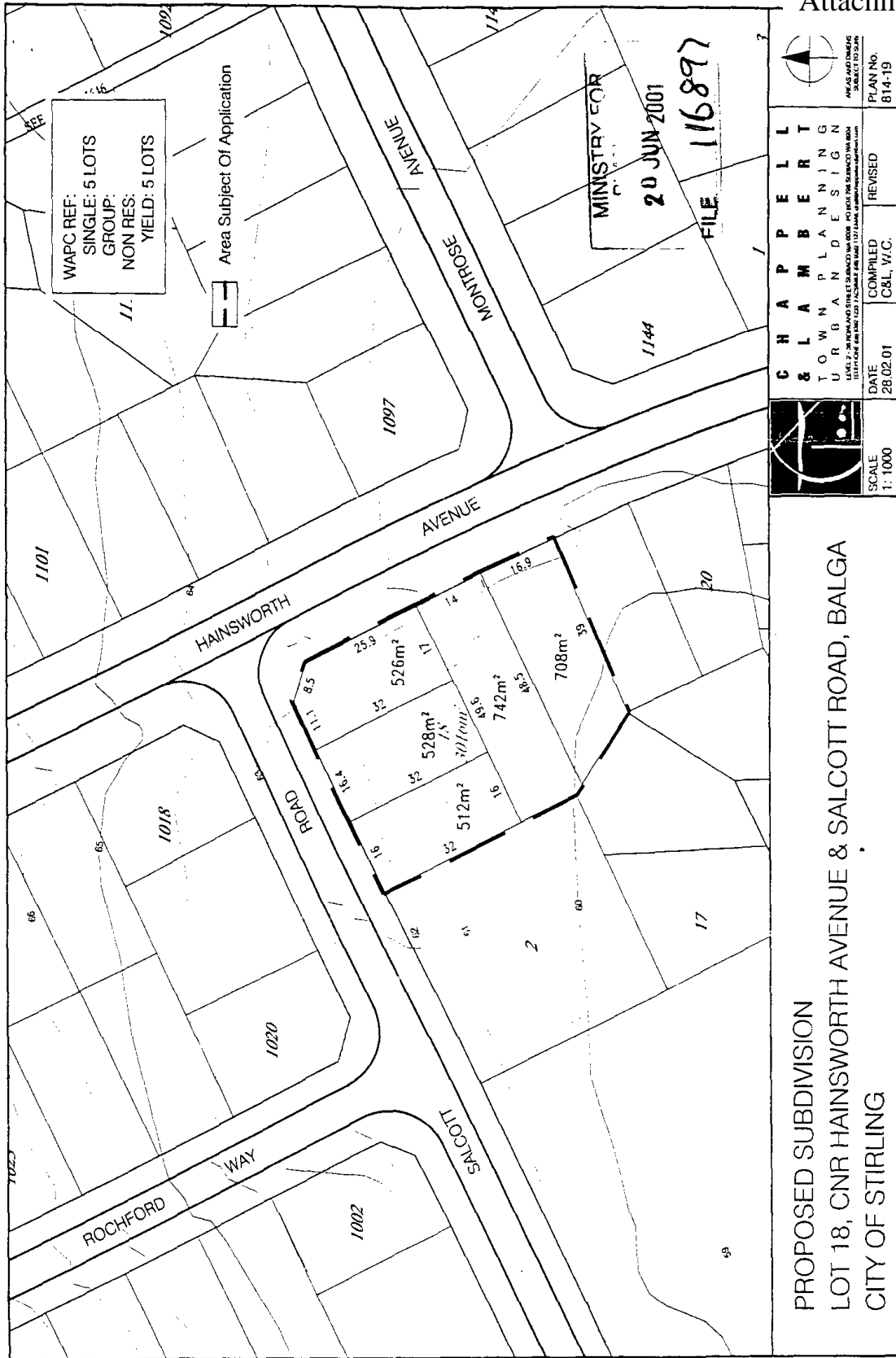
## Subdivision Application Delegations

	<i>Attachment</i>	<i>WAPC No. / Location / Owner</i>	<i>DPS2 Zoning / LDU Category</i>	<i>Advice</i>	<i>WAPC Advised</i>
		<i>Received Date</i>			
1.1	SU117397	Lot 9001 DP 26897 133A CLARKSON AVENUE TAPPING WA 6065 PEET & CO LTD ATF YATALA UNIT TRUST	Urban Development SCU1	Supported	2/10/2001
		10/09/2001			
1.2	SU116897	Lot 18 P 16672 Vol 1824 Fol 990 69 SALCOTT ROAD GIRRAWHEEN WA 6064 HOMESWEST RENTALS	Residential SCU5	Supported	4/10/2001
		3/10/2001			
1.3	SU117280	Part Lot 965 P 17345 311 ANCHORAGE DRIVE MINDARIE WA 6030 MINDARIE KEYS JOINT VENTURE	Residential SCU6	Not Supported	4/10/2001
		17/09/2001			
1.4	SU116856	Lot 51 D 75235 Vol 1934 Fol 325 1 ST MALO COURT MINDARIE WA 6030 BULLFINCH NOMINEES PTY LTD & RIDGECROFT HOLDINGS PTY LTD	Marina SCU1	Supported	5/10/2001
		31/08/2001			
1.5	SU117226	Lot 12 D 17960 Vol 1165 Fol 488 1176 WANNEROO ROAD ASHBY WA 6065 SATTERLEY WANNEROO PTY LTD	Urban Development SCU1	Supported	8/10/2001
		29/08/2001			
1.6	SU117434	Part Lot 595 P 23204 Vol 2205 Fol 328 708 WANNEROO ROAD HOCKING WA 6065 AHL HOLDINGS LIMITED	Urban Development SCU1	Supported	8/10/2001
		18/09/2001			
1.7	SU944-01	Lot 130 DP 24490 Vol 2203 Fol 226 2 LOUIS VISTA MADELEY WA 6065 BRYAN J GIBBON, JOAN G GIBBON, JOSEPHINE GIBBON, MALCOLM G GIBBON	Urban Development SCU1	Supported	11/10/2001
		8/10/2001			
1.8	SU972-01	Lot 325 P 11138 Vol 1407 Fol 367 10 SWINCER WAY KOONDOOLA WA 6064 JULIE A KING & KELVIN E KING	Residential SCU1	Supported	26/10/2001
		23/10/2001			
1.9	SU117436	Lot 9 D 24008 Vol 1247 Fol 098 34 KINGSWAY MADELEY WA 6065 ANDRA VLAHOV & TONI VLAHOV	Residential SCU1	Supported	29/10/2001
		17/09/2001			





Attachment 1.2



<p><b>C H A M P E R L L</b>  <b>&amp; L A M B E R T</b>                  T O R N A P L A N I N G                  U R B A N D E S I G N  <small>LEVEL 2, 20 FOWLAND STREET SUBURB WARRAWONG, 400 BUCKINGHAM ROAD WARRAWONG, NSW 2120                  (02) 9456 8800 FAX (02) 9456 8801</small></p>	DATE	28.02.01	COMPLETED	REVISIONS	PLAN No.
	SCALE	1:1000	C&L, W/C		814-19

PROPOSED SUBDIVISION  
 LOT 18, CNR HAINSWORTH AVENUE & SALCOTT ROAD, BALGA  
 CITY OF STIRLING

Attachment 1.3



MINISTER  
14 AUG 2001  
FILE 117280

PROPOSED SUBDIVISION  
LOT 965 (LOT 508) ANCHORAGE DRIVE  
LEGEND KEYS

MFP REF:  
SINGLE: 65 LOTS  
YIELD: 65 LOTS

Area Subject Of Application

	<b>CHAPPELL &amp; LAMBERT</b> TOWN PLANNING URBAN DESIGN			
	SCALE 1:1000	DATE 25.08.00	COMPILED C&L, FUGRO	

Attachment 1.4



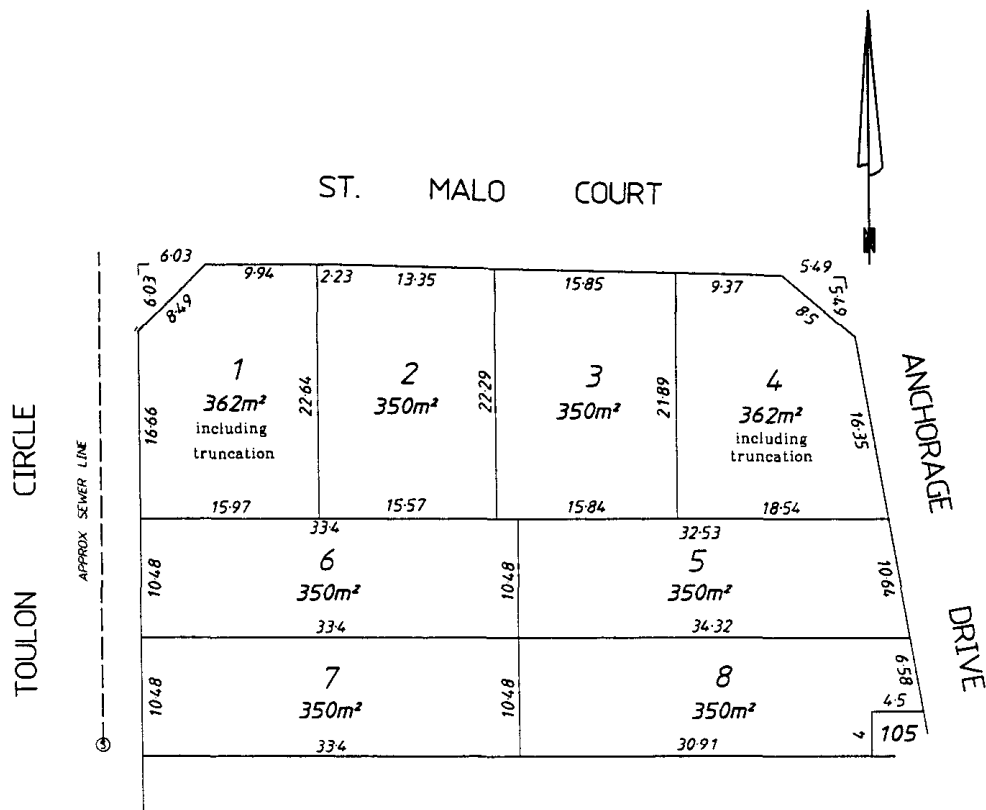
**JOHN GIUDICE & ASSOCIATES**

LICENSED LAND SURVEYORS ACN 067 272 137  
ENGINEERING SURVEYORS

8 Stirling Street Fremantle  
PO Box 1219 Fremantle 6959  
Telephone: 9335 6222 Facsimile: 9430 4980  
Email: giudice@wantree.com.au

PROPOSED SUBDIVISION

Lot No. 51 Diagram No. 75235 Plan No.  
Location Swan Location 1370 Locality Mandarie Keys Reference 61/99-AP  
Date 7/6/01 Certificate of Title Vol: Fol: Scale 1:500



TOTAL AREA: 2791m<sup>2</sup>  
1 TOULON CIRCLE  
MANDARIE KEYS WA 6030  
ZONING R60

All dimensions, lot nos & areas are subject to survey & Titles Office approval. **MINISTRY FOR**  
JOHN GIUDICE & ASSOCIATES PTY LTD ACN 067 272 137 as trustee for the JOHN GIUDICE & ASSOCIATES UNIT TRUST  
PRINCIPALS: Neil G. Davidson Dip Cart. (AIC) Michael J. Wison Licensed Surveyor Nigel J. Simpson Licensed Surveyor

6199\DWG61AP2 14 JUN 2001

FILE 116856

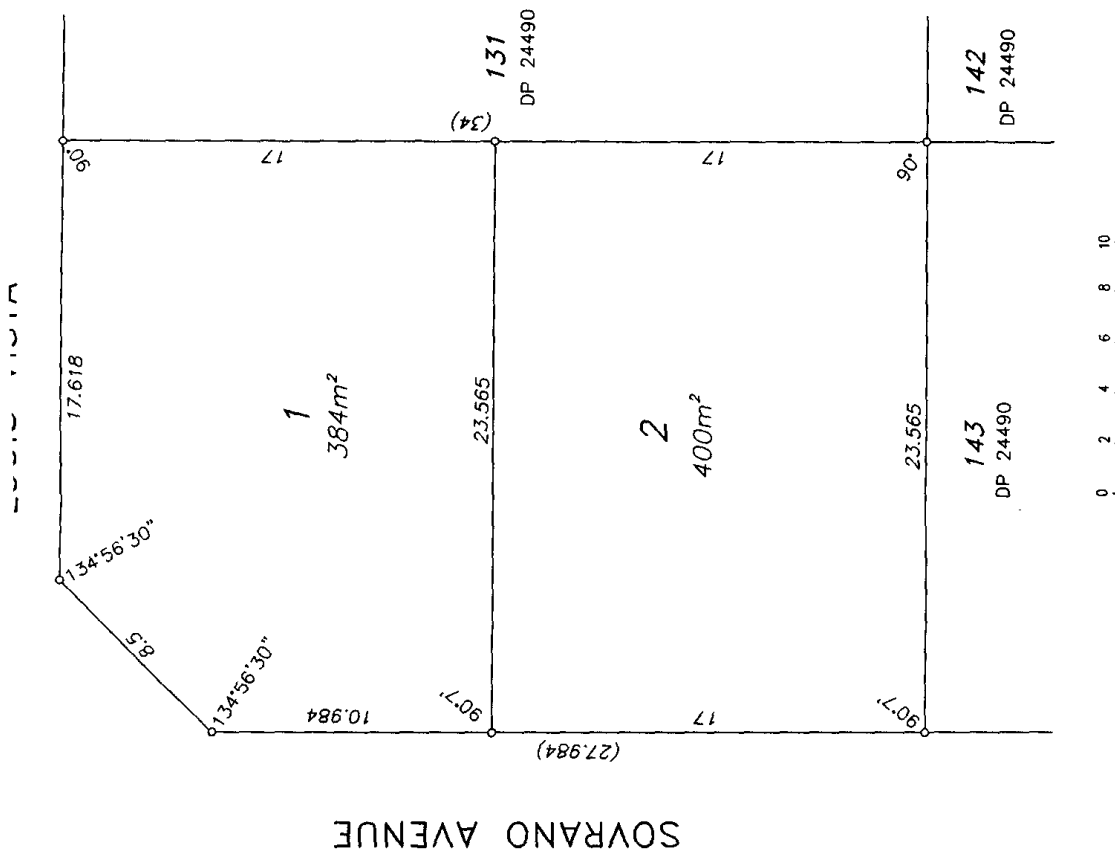




Attachment 1.7

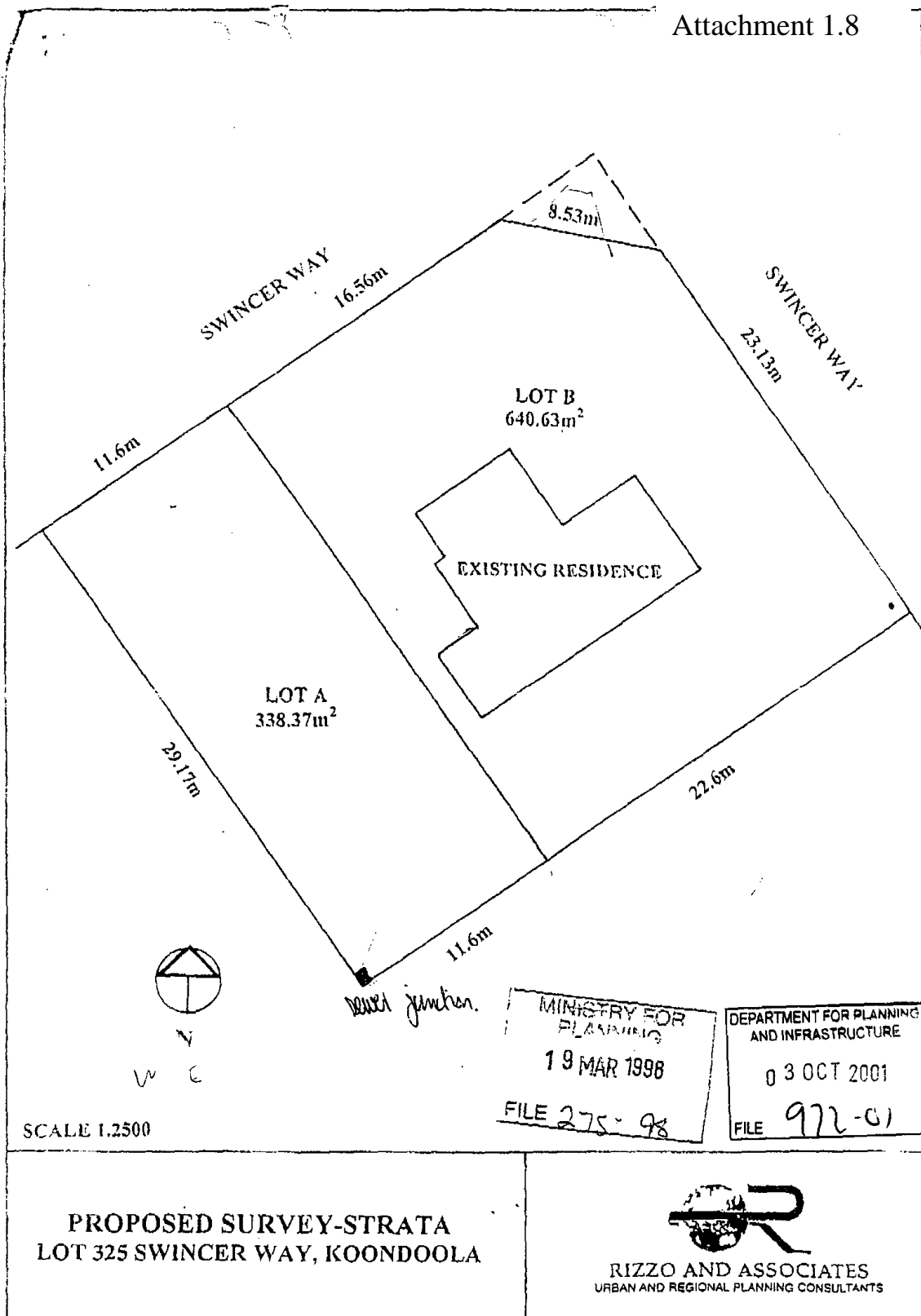
STRATA/SURVEY STRATA I

DEPARTMENT FOR PLANNING AND INFRASTRUCTURE  
26 SEP 2001  
FILE 944-91



FUGRO SURVEY  
14 DANMERE STREET

Attachment 1.8



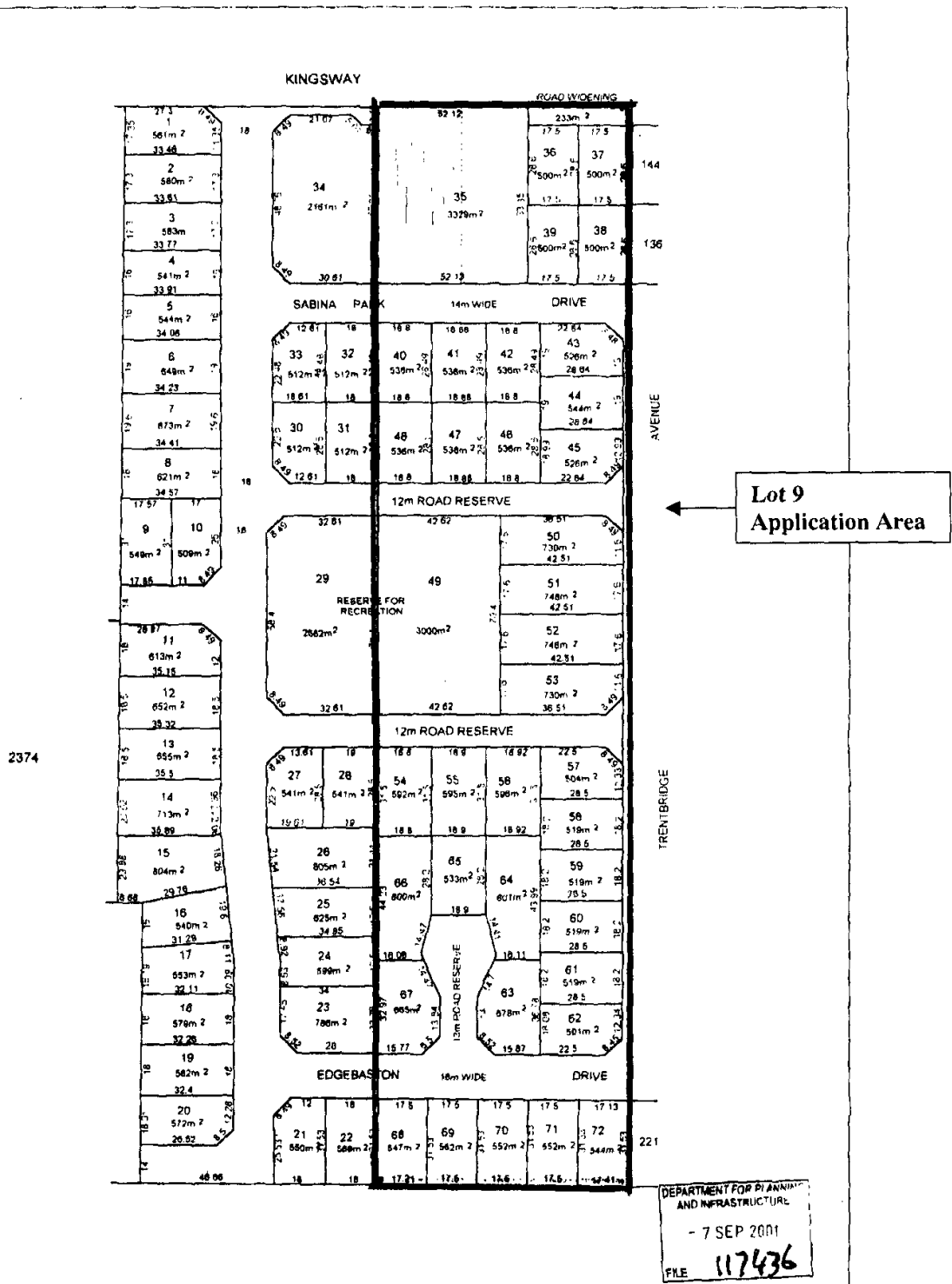
PROPOSED SURVEY-STRATA  
LOT 325 SWINCER WAY, KOONDOOLA



RIZZO AND ASSOCIATES  
URBAN AND REGIONAL PLANNING CONSULTANTS



Attachment 1.9



<p>R.T.O. 24 SEP 2001 1 1250 543302</p>	<p><b>ABBEVILLE INVESTMENTS PTY LTD</b></p> <p><b>PROPOSED SUBDIVISION OF LOT KINGSWAY, MADELEY, ON DIAGRAM 24008 C/T VOL.1247 FOL.98</b></p>	<p>123 Fitzgerald Street, WEST PERTH W.A. 6005</p> <p><i>Peterson Tudor Owen &amp; Parker</i></p> <p>Telephone (08) 9328 6058 Facsimile (08) 9328 2888 Email pettutor@upnsway.com</p> <p><b>CONSULTING SURVEYORS</b></p>
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## Other Matters

### **PD23-11/01 Temporary and Periodic Closure of Road - Part of Ashdale Boulevard, Darch.**

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File Ref: 69927  
Responsible Officer: Acting Director Planning & Development  
Disclosure of Interest: Nil  
Attachments: 1

#### **Issue**

The developer of a residential subdivision in Darch has applied to have part of a road closed to vehicles during set hours for a limited period.

#### **Background**

The developer of the Ashdale Gardens Estate off Kingsway in Darch has applied for permission to close a section of Ashdale Boulevard to vehicle traffic for the purpose of providing safe and unimpeded pedestrian movement throughout a display homes village that is to be constructed on certain lots in a new residential subdivision.

#### **Detail**

The section of Ashdale Boulevard to be closed is approximately 155 metres long commencing about 50 metres north of Ardmore Terrace. The applicants propose that the road will be closed by means of light framed barriers that can be easily removed to allow access to emergency vehicles should it be necessary. These should comply with AS1742.3 and be shown on a traffic management plan to the satisfaction of Director, Technical Services. Closure will take place between the hours of noon and 5.00 p m. on Saturdays and Sundays, commencing in early January 2002 and running through to the end of June 2002.

#### **Consultation**

The City has notified the public utilities and emergency services, and has published the proposal in the "Wanneroo Times" newspaper. The public was invited to comment on or object to the proposal within 35 days, but no comments or objections were received.

#### **Comment**

Ashdale Boulevard is currently a 'No Through Road' in a new subdivision but eventually it will be extended northwards from its present termination. The subdivision does not yet have a resident population but some homes are under construction. Closure of the road for a limited period as proposed will not impact on the future residents as access will be available by other internal roads. Parking for visitors will be provided at the rear of the sales office with access off Ashdale Boulevard.

## **Statutory Compliance**

The provisions, which include giving public notice and advising emergency services and public utilities, of Section 3.50 of the Local Government Act 1995, which permit a local government to grant an order for the type of closure involved have been complied with. However the applicants have not provided a traffic management plan that will indemnify the City against the temporary and periodic closure of part of Ashdale Boulevard, Darch. There is also a need to comply with the requirements of the Western Australian Police Force.

## **Strategic Implications**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

Nil

## **Voting Requirements**

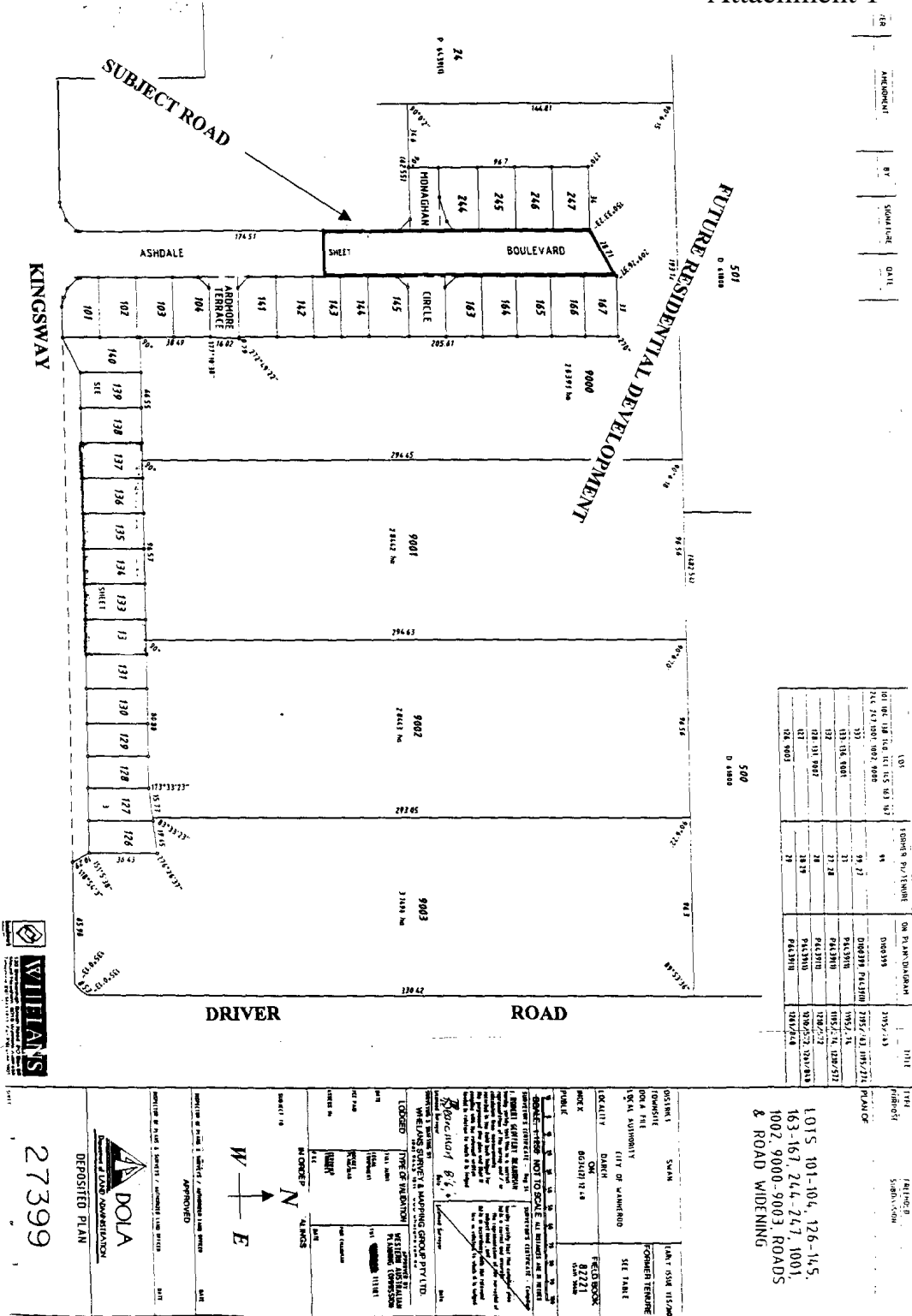
Simple Majority.

## **Recommendation**

**That Council AUTHORISES an order being made to allow the periodic closure to vehicles of part of Ashdale Boulevard, Darch north of Ardmore Terrace between the hours of noon and 5.00 p.m on weekends from 1 January 2002 to 30 June 2002 subject to the applicants:**

- 1. Providing a traffic management plan that will comply with Main Roads WA Code of Practice and Australian Standards 1742.3 to the satisfaction of the Director, Technical Services.**
- 2. Ensuring that Council will be indemnified against any claim or action arising from the temporary closure.**
- 3. Complying with the requirements of the Western Australian Police Services.**

Attachment 1



## **PD24-11/01 Management of Reserves 31238, 31237 And 22031 Wanneroo Road, Carabooda.**

File Ref: 34535  
 Responsible Officer: Acting Director - Planning and Development  
 Disclosure of Interest: Nil  
 Attachments: Nil

### **Issue**

Consideration of the future control and management of three Crown Reserves in Wanneroo Road, Carabooda and proposed disposal of a portion of one reserve to an adjoining private landowner.

<b>Applicant</b>	AFV & PA Sartori
<b>Owner</b>	Crown
<b>Location</b>	Reserve 31238
<b>DPS 2 Zoning</b>	Parks and Recreation
<b>MRS Zoning</b>	Parks and Recreation

### **Background**

Reserves 31237, 31238 and 22031 containing in aggregate approximately 68 hectares adjoin two parcels of vacant crown land on the western side of Wanneroo Road, Carabooda between Karoborup Road and Bernard Road South. All of the reserves are set aside for the purpose of quarrying and are under the care, control and management of the City through vesting orders. The vesting order for Reserve 31238 includes the Commissioner for Main Roads as a joint controlling authority with the City.

The three reserves and two vacant crown land holdings fall within Bush Forever Site 130 as shown on the Attachment.

Lot 2 Wanneroo Road, containing 4.48 hectares adjoins the northern boundary of Reserve 31238. It is owned by A.F, V and P. A. Sartori who operate a hydroponics industry on it. They wish to expand their business to meet future export demand and believe their own land holding is too small for the purpose. They have therefore applied to either purchase or secure a long-term lease of about 5 hectares of the reserve to enable them to build greenhouses and associated infrastructure.

Council will note that this application was listed on the agenda for the Council meeting of 6 November 2001, however was referred back to Administration for further consideration.

Further information has now been provided and this matter is now presented back to Council for its consideration.

## Detail

The current vesting orders by which the City holds the reserves do not include the power to lease any part of them however, it is possible that authority could be obtained upon application by the City to the Minister for Lands. The City's Manager Infrastructure Services advises that the City does not require the reserves for quarry purposes but recommends they be retained for Parks and Recreation as shown in the current Metropolitan Region Scheme (MRS). Main Roads WA has advised that it does not require Reserve 31238 for quarry purposes and consents to its disposal.

Mr. and Mrs. Sartori submit that their proposal to utilise part of Reserve 31238 for their business expansion will yield benefits by way of earning export income, providing increased employment opportunities and reducing water consumption through the hydroponic process.

## Comment

In correspondence to Mr. and Mrs. Sartori the City administration have advised that support for development of the site is unlikely. The bushland on the site has been identified in a State Government planning policy document – Bush Forever - as being of regional significance worthy of addition to the State's conservation network. Bush Forever aims to protect a minimum of 10% of each vegetation complex originally occurring in the Perth Metropolitan Region area of the Swan Coastal Plain. The vegetation complex on the site is the Cottesloe – Central and South, which has 36% of its original extent remaining, and a protection target of 18%.

Whilst this is above Bush Forever's minimum target, it is worth noting the Environmental Protection Authority's Position Statement No. 2 on the clearing of native vegetation. This states that exponential loss of species can be expected if less than 30% of a habitat type remains and that it can be considered as endangered if less than 10% remains. Owing to the high level of clearing of bushland all remnant native vegetation should be considered as being of importance. The site forms part of a semi-continuous north-south link from Lake Goollelal, through Yellagonga Regional Park and Neerabup National Park to Yanchep National Park.

The applicant has not undertaken an environmental assessment of the site including flora and fauna assessments. Whilst it is not possible to predetermine what such a survey would find, it is certain that part of the ecological value of the site is in its north-south link, as noted in Bush Forever. Clearing would affect the integrity of this link.

The Department for Planning and Infrastructure's State Planning Policy 10 – 'Basic Raw Materials' Policy identifies areas that are considered to be suitable for extractive industries (quarries). Reserve 31238 is generally considered to be unsuitable in the policy, and is not required for a quarry by either the City of Wanneroo or Main Roads Department. The site is therefore available for consideration for other uses – an identified land use being conservation.

The applicant intends to clear the land for commercial gain from agriculture, whereas the proposed conservation use of the area is a long-term benefit to the community. Support for the applicants' request could set an undesirable precedent for the use of other lands managed by the City for public benefit for the use of an individual or group.

It is not considered appropriate to approach the Minister for Lands regarding the option of leasing the land owing to the identified conservation values which make the site suitable for addition to the States conservation estate and subsequent vesting and management by the Department of Conservation.

Should the City resolve to support the request it is highly likely that the Department for Planning and Infrastructure would refuse the proposal. It is also possible that the Environmental Protection Authority (EPA) could request a formal assessment of the site under the Environmental Protection Act with a strong probability that it would be considered unacceptable. The City would also be obliged to formally refer the proposal to the EPA.

### **Statutory Compliance**

Any change to the purpose, tenure or area of a Crown Reserve requires approval of the Minister for Lands under the Land Administration Act 1997.

### **Strategic Implications**

The transfer of management responsibility of the subject reserves to the Department of Conservation and Land Management (CALM) is supported as they form part of the Neerabup National Park which is of a regional significance. This approach is consistent with recent decisions the Council has made in regard to the future management of Perry's Paddock and Lake Joondalup (Yellagonga Regional Park).

### **Policy Implications**

The City's Policy on Environmental Sustainability has 3 objectives; being:

- To protect and enhance the natural and human environments for the benefit of present and future generations;
- To minimise as far as practicable, any adverse environmental impacts associated with its activities,
- To take advantage of environmentally beneficial opportunities.

The request by Mr and Mrs Sartori to clear the land and develop for agriculture is inconsistent with this policy.

### **Financial Implications**

If disposal by sale or lease is agreed, the income derived by the City will have to be applied to a reserve consolidation fund for further reserve acquisition or capital improvements on existing reserves within the City's district. In the case of a lease that is commercial in nature, annual financial reporting to the Department of Land Administration will be involved.

### **Voting Requirements**

Simple Majority

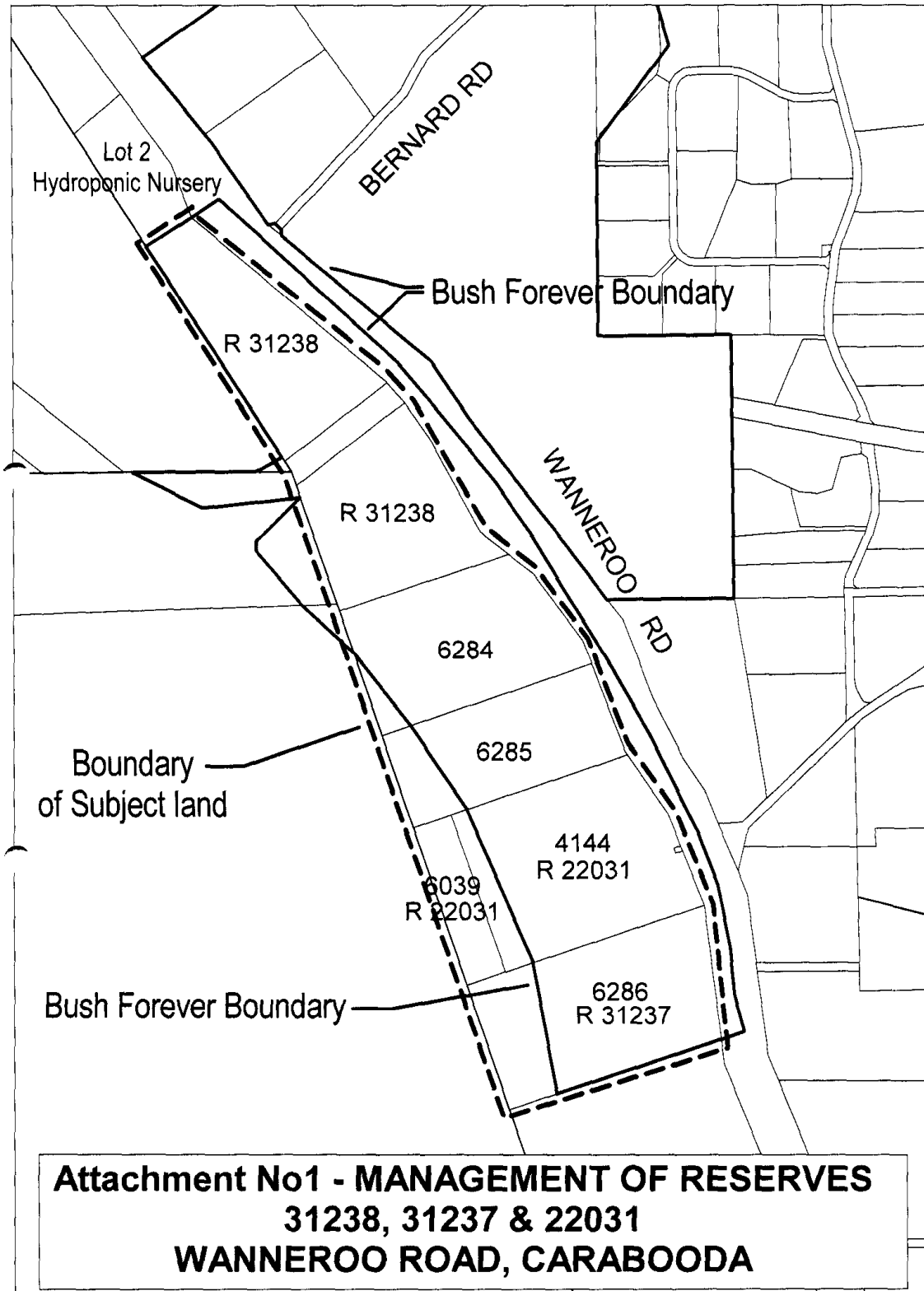
## **Recommendation**

### **That Council:-**

- 1. ACKNOWLEDGES that Reserves 31238, 31237 and 22031 have been identified for conservation by the State Government in Bush Forever.**
- 2. ADVISES Mr. and Mrs. Sartori that it does not support use of Reserve 31238 (or a portion thereof) for agricultural purposes given its identified conservation values.**
- 3. ADVISES the Department of Conservation and Land Management, the Commissioner for Main Roads and Department for Planning and Infrastructure that it supports Reserves 31238, 31237 and 22031 being transferred to the Department of Conservation and Land Management with a vested purpose of Conservation.**



Attachment 1



## **Technical Services**

### **Tenders**

#### **TS05-11/01 Kingsway Olympic Soccer Clubrooms Roof Repair - Budget Variation**

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File Ref: 08082  
 Responsible Officer: Director Technical Services  
 Disclosure of Interest: Nil

### **Issue**

Additional funding is required to meet the quotation cost received for the remedial roofing work at the Kingsway Olympic Soccer Clubrooms in Madeley.

### **Background**

The remedial roofing work at the Kingsway Olympic Soccer Clubrooms was tabled as a new initiative item in the 2001/02 Building Capital Works Budget with a budget amount of \$42,000. Project Number 2818 had been created. The roof has deteriorated to the point where it is a safety hazard for maintenance personnel.

### **Detail**

Quotations for the works were sort on 5 October 2001 and quotes received on 16 October 2001 from the following roofing contractors:

	<u>Option A</u>	<u>Option B</u>
• Rainwest Roofing	\$52,306	\$46,806
• Joondalup City Roofing Pty Ltd	\$50,758	\$48,548
• Commercial Industrial Roofing Pty Ltd		no quote received
• Metro Roofing Contractors Pty Ltd		no quote received

The differences in the options included within the quotation are:

Option "A"- the removal of the internally contained roof by constructing a new roof at the upper roof level for ease of future maintenance.

Option "B"- to replace two lower sections of the internally contained roof as presently constructed.

### **Comment**

The two contractors that provided quotations have successfully undertaken similar work for the City and have the experience and resources to undertake the works.

The submissions have been assessed by the Manager Infrastructure Services and the Coordinator Building Projects. The quotation of \$46,806, by Rainwest Roofing for Option B is supported.

### **Statutory Compliance**

The Local Government (Functions and General) Regulations 1996 requires Council to publicly invite tenders for the supply of goods or services that is expected to be worth more than \$50,000 (excluding GST).

The proposed works that are subject to approval by Council in this report are below this figure and as a result quotations have been sought.

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

The amount of \$42,000 allowed in the 2001/2002 Budget was based on a quotation to simply replace the areas of failed or badly corroded roof or sections clad with asbestos. The specification for quotation purposes required additional rainwater heads and roof over flow points to avoid the possibility of stormwater ponding in the many box gutters contained within the perimeter parapet walls.

To proceed with the lowest price \$46,806 (Option B), as received from Rainwest Roofing results in a shortfall in project funding of \$4,806.

Given the very dilapidated nature of the existing roof sheeting, the extent of the work is likely to increase should there be corrosion in the roof supporting substructure. If this is to eventuate then some additional expenditure is likely to be required to cover this need. A contingent sum is proposed so that the total additional funding required for this project is \$6,000.

The \$6,000 shortfall in funding can be covered from two areas:

1. Savings of \$3,000 made in the application of graffiti coating to the Wanneroo City Soccer Clubrooms (new initiative BS2 – Project No 2819).
2. Savings made as a result of not purchasing the airless spray gun for the graffiti cleaning operations as this item of plant has been identified in another unit and is available for use when required (Project No 2814).

The proposed remedial roofing work to the Kingsway Olympic Soccer Clubrooms should not be delayed and needs to be undertaken this summer.

### **Voting Requirements**

Absolute Majority

## Recommendation

That Council:-

1. **APPROVES, by ABSOLUTE MAJORITY, the following Budget Variations to accommodate the shortfall in funding for roof repair to the Kingsway Olympic Soccer Clubrooms:**

Project No	From	To	Comment
2819	\$3,000		Wanneroo City Clubrooms Graffiti Coating
2814	\$3,000		Equipment for graffiti removal
2818		\$6,000	Olympic Soccer Clubrooms Kingsway

2. **ACCEPTS the lump sum quotation of \$46,806 from Rainwest Roofing for the remedial roofing work at the Kingsway Olympic Soccer Clubrooms in Madeley.**

## **TS06-11/01 Tender No 01226 - The Installation Of Traffic Signals And Associated Works At Marangaroo Drive And Highclere Boulevard, Marangaroo**

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File Ref: S01226T  
 Responsible Officer: Director Technical Services  
 Disclosure of Interest: Nil

### **Issue**

Assessment and recommendation of Tender No 01226 for the Installation of Traffic Signals and Associated Works at Marangaroo Drive and Highclere Boulevard, Marangaroo.

### **Background**

The installation of traffic signals at the Marangaroo Dive and Highclere Boulevard junction was approved as part of the 2001/2002 State Black Spot Program. The City commissioned Gutteridge Haskins and Davey (GHD) to undertake the traffic signal and civil design works, associated documentation and supervision of the signal installation and civil construction works following tender award. The design and specification were subsequently approved by Main Roads WA, the traffic signal approving authority, prior to the tender being advertised.

### **Detail**

Tender No 01226 was advertised by statewide advertisement in the Saturday 27 October 2001 edition of the West Australian, with three tender submissions received at close of tenders on 20 November 2001.

Tenderers were invited to submit a lump sum price for the scope of works, specifications and drawings as defined in the tender documents. A summary of the tender submissions is tabulated below:

<b>Tenderer</b>	<b>Lump Sum Price (excl GST)</b>
Stork Electrical Pty Ltd	\$121,288.59
Electrical Construction and Maintenance Pty Ltd	\$136,407.00
Quality Traffic Management Pty Ltd	\$121,044.00

Quality Traffic Management's tender submission was deemed non-conforming due to the omission of a signed and completed Tender Form, which constitutes a formal offer between the tenderer and the City of Wanneroo. A signed Tender Form is required to be submitted by tenderers under clause 3 of the general conditions of tendering.

The Tender Evaluation Team, comprising the Manager Infrastructure Services and the Coordinator, Civil Design evaluated the tender submissions in accordance with the following assessment criteria as detailed in the tender document:

- Price for the works offered
- Tenderer's Resources
- Tenderer's previous experience in carrying out similar works
- Safety Management

The technical assessment based on the selection criteria outlined in the tender document scored Stork Electrical clearly higher, showing them to be the preferred tenderer providing the best value for money.

### **Comment**

It is recommended that the tender from Stork Electrical for undertaking the works in accordance with Tender No 01226 be accepted for the lump sum price of \$121,288.59 plus GST.

The Contracts Officer has reviewed the tender compliance and assessment process and endorses the recommendation.

### **Statutory Compliance**

Tenders have been invited in accordance with *Section 3.57* of the *Local Government Act 1995*.

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Funds for this project have been allocated in the City's 2001/2002 Capital Works Budget as detailed below:

Project No: 2102  
Funds allocated: \$150,000.00

The estimated total expenditure on the project, as a result of accepting the Stork Electrical tender will equate to the following:

Installation and Tendered Construction Cost:	\$121,288.59
GHD for design, documentation and supervision consultancy services:	\$14,490.00
Budgeted Infrastructure Unit Fees:	\$2,000.00
TOTAL	<u>\$137,778.59</u>

## **Voting Requirements**

Simple Majority

## **Recommendation**

**That Council ACCEPTS Tender No 01226 for the Installation of Traffic Signals at Marangaroo Drive and Highclere Boulevard, Marangaroo from Stork Electrical Pty Ltd for the lump sum price of \$121,288.59.**

## TS07-11/01 Tender 01218 - Supply and Delivery of Mobile Garbage Bins

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File Ref: 01218T  
 Responsible Officer: Director, Technical Services  
 Disclosure of Interest: Nil

### Issue

Assessment and recommendation for Tender Number 01218 – Supply and Delivery of Mobile Garbage Bins.

### Background

Mobile Garbage Bins (MGBs) need to be purchased for issue to new customers and to replace both damaged rubbish carts and those that have reached the end of their useful life. In the past two supply contracts Council has asked for a 50% recycled plastic content in the MGBs. These carts cost more due to the involved process required to use the recycled plastic. The final product has been found to be very robust and is expected to have a longer life than a standard MGB. This results in the ownership costs per year being similar.

### Detail

Tender No 01218 for the Supply and Delivery of Mobile Garbage Bins was advertised on 13 October 2001 and at close of tenders on 30 October 2001 there were 3 tender submissions as listed below:

<u>Tenderer</u>	<u>Estimated Annual Costs Based on likely Quantities</u>
• Brickwood Holdings	\$163,000pa for carts and associated parts
• MacDonald Johnston	\$133,000pa for carts and associated parts
• F&T Industries	\$118,000pa for carts and associated parts

The MGB proposed by F&T industries has no post consumer plastic content and therefore does not conform to the specification.

The MGB proposed by MacDonald Johnston is the Sulo unit that has been used in Australia for over ten years. The units have 10% post consumer plastic and therefore do not conform to the specification. Life expectancy is similar to the Otto carts that the City has in service. These are progressively being replaced, as they become unserviceable. Effective life is 10 to 15 years depending on sun exposure although the units only have a 5-year warranty.

The MGB proposed by Brickwood Holdings has a 50% post consumer plastic content. The units are made by a molding process that includes gas injection and produces a particularly resilient product. Council has had these MGBs in the field for six years with the only replacements being for bins hit by vehicles. The units have a 10-year warranty and an expected life in excess of 15 years.

Given the significant difference in prices all three tenders were evaluated to give a consideration of value for money for Council



The Tender Evaluation Team, comprising of the Manager Environmental Waste Services and the Manager Contracts, has evaluated the tenders in accordance with the following assessment criteria as detailed in the tender document:

- Price for the goods offered
- Expected service life of the carts
- Percentage of post consumer plastic
- Conformity to specification
- Delivery period.

The overall ranking of the tenderers based on the weighted score is:

1. Brickwood Holdings
2. F & T Industries
3. MacDonald Johnston

The evaluation scoring identified the tender from Brickwood Holdings as the most advantageous, specifically in the area of expected life of the carts (15 years), post consumer plastic (50%) and conformity to the specification.

### **Comment**

The contract is a fixed price contract for a two-year period with an option for Council to extend the contract for an additional 12 months subject to agreement on terms, conditions and price. Brickwood Holdings is the current supplier of MGBs to 17 local authorities around Australia.

Brickwood Holdings has supplied MGBs to the City for the past six years and has performed satisfactorily in accordance with the contract.

Council undertakes an extensive recycling programme that includes the collection of plastics. Markets are required to close the loop and have the collected material used productively. The former City of Wanneroo chose to include post consumer recycled plastic in its rubbish carts in 1995. The purchase price of the units was higher but the longer life expectancy gave the selected units a similar annual cost to the standard MGBs.

The Manager Contracts has reviewed the tender compliance and assessment process and endorses the recommendations.

### **Statutory Compliance**

Tenders have been invited and properly evaluated against the selection criteria in accordance with Section 3.57 of the Local Government Act 1995 and the associated Regulations.

### **Policy Implications**

This tender continues Council's support for recycling and the development of markets for recycled plastics. MacDonald Johnston and F & T Industries were unable to comply with the required level of post consumer plastics and therefore conformity to specification.

While the use of post consumer recycled plastic is supported, there is a cost imposition to the City and it is considered appropriate that Council adopt a policy on this matter.

### **Financial Implications**

It is estimated that approximately \$163,000 will be expended annually on the purchase of new MGBs and associated parts. Funding has been allocated in the Domestic Rubbish Collection and the Recycling Collection operating budgets for the purchase of these MGBs.

### **Voting Requirements**

Simple

### **Recommendation**

**That Council:**

- 1. ACCEPTS Tender No 01218 from Brickwood Holdings for the Supply and Delivery of Mobile Garbage Bins for a period of two years, at an estimated annual cost of \$163,000, with an option to extend for a further 12 months.**
- 2. SEEKS a report on a policy for the use of post consumer recycled plastic.**

## **TS08-11/01 Tender 01219 - Provision Of Recycling Sorting Services At Badgerup Road, Wangara**

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File Ref: 01219T  
 Responsible Officer: Dennis Blair  
 Disclosure of Interest: Nil

### **Issue**

Assessment and recommendation for Tender Number 01219 – Provision of Recycling Sorting Services at Badgerup Road, Wangara.

### **Background**

The sorting of recyclable materials at the Wangara Materials Recovery Facility (MRF) is undertaken by contractors as these operations are of a specialist nature. The current contract expires at the end of November 2001.

The MRF facility is currently being modified to handle comingled recyclables as part of a 5 year Service Level Agreement with the Cities of Swan and Joondalup. These alterations will not be finished until early next year and some assumptions on equipment performance have been made by the tenderers in preparing their submissions. To minimise the risk to all parties the contract is for one year with an option for Council to extend the contract for up to an additional 12 months.

### **Detail**

Tender No 01219 for the Provision of Recycling Sorting Services at Badgerup Road, Wangara, was advertised on 13 October 2001 and at close of tenders on 30 October 2001 there were 4 tender submissions as listed below:

<u>Tenderer</u>	<u>Estimated Annual Cost based on Rates</u>
• Christopher Dodd	\$829,473
• Clean Sweep	\$668,316
• Recycling Co of WA	\$791,434
• WA Recycling Services	\$790,284

One of the experienced MRF operators in Perth was late with its tender submission and it has not been considered.

The Tender Evaluation Team, comprising of the Manager Environmental Waste Services and the Manager Contracts, has evaluated the tenders in accordance with the following assessment criteria as detailed in the tender document.

- Price for the services offered
- Tenderer's resources
- Tenderer's previous experience in carrying out services similar to the service
- Safety management

The overall raking of the tenderers based on the weighted score is:

1. Recycling Co of WA
2. Christopher Dodd
3. Clean Sweep
4. WA Recycling

The evaluation identified the tender from Recycling Company of WA as the most advantageous, specifically in terms of its resources, previous experience (10years) and safety management policy.

Previous experience in carrying out similar services is critical to the provision of a recycling sorting service. Based on their tender submissions, the lowest tenders of Clean Sweep and WA Recycling Services did not demonstrate sufficient experience in performing sorting services at a recycling facility

### **Comment**

The recent changes in the Local Government Tender Regulations require that councils have a documented evaluation process that relates to the assessment criteria given in the tender. The Manager, Contracts has developed a spreadsheet based on guidelines issued by WAMA to compare the tender prices. In evaluating this tender a weighting of 60% was given to price, tenderer's resources was given a weighting of 10%, tenderer's previous experience was given a weighting of 15% and safety management was given a weighting of 15%. Through this process, the Recycling Company of WA's scored was 5.56 points above Christopher Dodd.

Since the MRF will be shared with the Cities of Swan and Joondalup the process and outcome was discussed with the members of the MRF Management Team in accordance with the requirements of the Service Level Agreements. This particularly related to the requirement to use responsible subcontractors having appropriate experience, skills and personal. The Management Team endorses the proposed recommendation to award the contract to Recycling Co of WA. A number of other weighting systems were considered by the MRF Management Team with the same result.

The tender is for a one-year fixed price contract with an option for Council to extend the contract for up to an additional 12 months. Recycling Company of WA operates MRFs at Fremantle and Canning Vale and is the current contractor at the Badgerup MRF.

The Manager Contracts has reviewed the tender compliance and assessment process and endorses the recommendation.

### **Statutory Compliance**

Tenders have been invited and properly evaluated against the selection criteria in accordance with Section 3.57 of the local Government Act 1995 and the associated Regulations.

### **Financial Implications**

It is estimated that the contract will amount to \$791,434 per year based on the estimated quantities of material supplied to the facilities by the three local authorities.

This cost will be shared jointly by the three participating local authorities in proportion to the tonnes of material delivered to the MRF for sorting as outlined in the Service Level Agreement. On the basis of the estimates supplied by Swan and Joondalup of the tonnes of material to be delivered, in excess of 80% of the sorting costs will be paid by these two authorities.

### **Voting Requirements**

Simple majority

### **Recommendation**

**That Council ACCEPTS Tender Number 01219 from Recycling Co of WA for the Provision of Sorting Services at Badgerup Road, Wangara for a period of one year at an estimated cost of \$791,434, with an option to extend for a further 12 months.**

## Infrastructure

### TS09-11/01 Policy And Implementation Plan For Upgrading Distributor Roads And Unirrigated Parks

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File Ref: 05080  
Responsible Officer: Director, Technical Services  
Disclosure of Interest: Nil  
Attachments: 1

#### Issue

Consideration by Council of public comments received regarding the *Draft Policy and Implementation Plan* and amendments proposed for adoption of the policy and implementation plan.

#### Background

The *Draft Policy and Implementation Plan for Upgrading Distributor Roads and Unirrigated Parks* (Hames Sharley 2001) was considered at the Ordinary Council Meeting of 22 May 2001. (Report W176-05/0 refers). This report summarised the intent and likely issues of debate related to each of the twelve recommendations contained within the *Draft* document. Reference to the previous report in the first instance will assist in “setting the scene” for this report. Council resolved in May 2001 that it:

1. “*ADVERTISES the Draft Policy and Implementation Plan for Upgrading Distributor Roads and Unirrigated Parks, for a 28 day public comment period.*”
2. “*CONSIDERS the Draft Policy and Implementation Plan for Upgrading Distributor Roads and Unirrigated Parks at a workshop to be arranged following public comment period.*”
3. “*NOTES issues not addressed in the policy include safety issues and the age of the suburb.*”

#### Detail

A Policy Forum briefing was presented by Administration and the document consultants on 23 October 2001. Councillors and Administration considered the public consultation responses and discussed implications of requests for changes to the document. City Administration Officers recommend that the *Draft Policy and Implementation Plan for Upgrading Distributor Roads and Unirrigated Parks*,(Hames Sharley 2001) be considered for adoption at the Ordinary Council Meeting of 27 November 2001, with amendments arising from public and Councillor comment accommodated accordingly.

### Consultation

The document was issued for public comment for an extended period ending 6 August 2001. Twelve responses were received to the comment questionnaire proforma, four from representative organisations and eight from individuals. The four representative organisations were:

- Marangaroo Residents & Ratepayers Association Inc
- Friends of Yellagonga Regional Park (Inc)
- Yellagonga Catchment Group (Inc)
- Landsdale Residents Association

Individual representation was received from eight community members, one of which nominated that they were a member of the Environmental Weed Action Network, the Wildflower Society of Western Australia and the City of Wanneroo Conservation Advisory Committee, although it is assumed that this response was not on behalf of those groups.

The tally of the questionnaire as posed is as follows:

Quest . No.	Question	Positive Response	Negative Response	No Response
1	That the Reserves listed in order of priority be developed as per the schedule found in Section 8 <i>Dry Reserves Development Staging</i> of this report	4	3	1
2	That the reserves be developed according to Section 9 <i>Dry Reserve Development Options</i>	5	2	1
3	That the distributor roads listed in order of priority be developed as per the schedule found in Section 12 <i>Distributor Roads Development Staging</i> of this report	6	0	2
4	That the distributor roads be developed according to Section 13 <i>Distributor Roads Development Options</i>	5	1	2
5	That the reserves listed in Section 8 as priorities be cross-referenced with the current Strategic Leisure Plan being undertaken. This cross-referencing will determine if the priority listing needs to be changed according to the priorities determined by the leisure plan.	5	0	3
6	That this study be used as a basis for further studies into the entire open space system, including conservation reserves	4	1	3
7	That management/development/ master plans be developed for the major reserves highlighted in Section 9 of this study	4	2	2
8	That reserves with a high priority rating (as per appendix IV) and cultural or natural uniqueness have individual; development strategies carried out for each reserve	5	2	1
9	That a complete asset register of the reserves in the city be carried out to enable a maintenance/management program to be built into the annual Operational and Capital Works Budgets	8	0	0

10	Further studies be identified by Council Officers that are complementary to the City's Strategic Plan, once the Strategic Plan has been finalised	7	0	1
11	That Council considers adopting a policy of non-irrigation for medians and verges based on <i>Water Wise</i> principles as per section 13.	8	0	0
12	That Council creates a policy that limits irrigation of reserves to those reserves that are over 3 hectares and that this policy is reviewed once all existing reserves over three hectares are irrigated (Section 9)	4	3	1

#### In summary

- Not all questions were answered and some responses came in the form of a letter with only a few of the questions responded to.
- There were no questions that received a majority negative response.
- The most supportive responses came from questions 9 and 11 with no negative or non-responses at all. From this it could be assumed that there is support for an asset register to be developed and Council should not irrigate road medians.
- Question 10 also received a high level of support and this will need to be reviewed once the Strategic Plan has been adopted.
- The most contentious questions were 1 and 12. The negative response for the priority listing of reserve development came from supporters of development for both Frangipani Park (Marrangaroo Residents Association) and Nannatee Park (2 residents) and two residents who did not support irrigation within any sized reserve worthy of revegetation or regeneration

Extra comments received for the study are listed below. It is noted that these comments are not presented in any order of priority.

Comment Number	Comment	Number of Comments
1	All parks and reserves within the City require individual site specific assessment	3
2	Irrigation is not sustainable and Council should consider a non irrigation policy across all reserves and roads	2
3	Irrigation should be secondary concern for the appropriate treatment of parks	2
4	Disagreement with size limitation for reserve development	4
5	Council needs a Local Environment Strategy	2
6	Natural areas need to be assessed by an appropriate method	2
7	A qualitative and quantitative bushland study is required	2
8	Conservation is important and needs to be one of the development drivers	1
9	Development of Marmion Avenue should occur	1
10	There needs to be a greater use of endemic plant species for all landscaping works	4
11	Management/maintenance plans need to be carried out for all reserves	3
12	There is a need for more weed control and more trees for Two Rocks	1
13	Nannatee Park should be developed as a high priority	2
14	Frangipani Park should be developed as a high priority	1



### *Summary of Consultation Responses*

Council received twelve responses in all for the study and these responses varied from total support to responses that espoused different agendas. The low number of responses may reflect that comments received are not representative of the broad community view of the study and individual responses could be considered as isolated. However, the responses from the community and friends organisations should be considered as representing a broader based view. This assumption being the case, four important issues need to be addressed by Council in the near future:

1. The need to carry out a extensive “Greenways Plan” and bushland assessment study across all reserves to facilitate best practice conservation
2. The need to carry out an open space study that includes all fully and partially developed public open space.
3. The development of Frangipani Park, Marangaroo
4. The development of Nannatee Park, Wanneroo

### **Comment**

Responses during the consultation period and points raised by Councillors centred largely on the priority listing for the development of unirrigated parks. These issues were discussed in the report to Council in May 2001 and relate to comments 4, 13 and 14:

- Some Community members and representatives wish to preserve the option to override the primary and secondary ranking criteria for individual park development priorities. That is why the *Policy and Implementation Plan* includes five tertiary criteria that support and sometimes override the first two sets of criteria. An individual park may be brought higher up the ranking through a process extraneous to Administration delegated authority, eg. availability of a water or monetary resources, addressing the needs of a community group.
- Adoption of a policy to not irrigate parks under 3 hectares in size (Recommendation 12) will substantially change the draft schedule contained in Section 8. Given the number of comments raised regarding the importance of assessing each park on its individual merits, *Liveable Neighbourhood* promotion of small fully landscaped neighbourhood parks and the individual wishes for higher priority listing of development for Frangipani, Ormiston and Nannatee Parks it is recommended that this policy initiative be deleted from the document. Of the 99 parks listed, two thirds are under three hectares. The aim of the recommended policy was to reduce Council’s liability to substantially higher maintenance costs during the City’s ‘growth stage’. It is a worthwhile consideration for the type of landscape treatment aimed at reduced maintenance costs, but cannot be considered as an omitting criteria given the contentiousness of the proposal City wide.
- It is important to understand that the assessment criteria for prioritising park development does not necessarily point to the development approach including irrigation. Therefore, it is imperative that the Community participate in and take ownership for the appropriate assessment and development of the individual parks.

Therefore, the order of priority for implementation of works as outlined in the draft *Policy and Implementation Plan* is dependant upon Council's resolution to adopt the priority listing as drafted, or amend this priority to reflect the requests of consultation respondents. Frangipani Park, Marangaroo is currently listed at 30<sup>th</sup> and Nannatee Park, Wanneroo at 37<sup>th</sup> amending *Section 8 Dry Reserve Development Staging* to reflect these two parks as higher priorities allows:

- Endorsement of the validity of the assessment criteria, given the deletion of the proposed policy for not developing parks under three hectares in the first stage.
- Further public consultation to validate the wishes of residents surrounding these two parks, possibly necessitating further budget requests for the forthcoming financial year

It is noted that Council resolved at its meeting on 6 November 2000 to commit funding estimated at \$70,000, utilising the funds identified in the current 2001/2002 budget allocation to Frangipani Park. The survey is complete and a concept plan is currently being prepared for the public consultation process.

Issues raised during the comment period that do not directly relate to the support or otherwise of the twelve draft recommendations are discussed separately below.

### ***Greenways Plan***

Comments 1,5,7,8,10,11 and 12 relate to City wide initiatives for the assessment and management of remnant bushland within the City. The document *A Strategic Plan for Perth's Greenways* was released and adopted by the previous City of Wanneroo in 1999 and is considered a useful tool for planning for sustainable urban bushland corridors. This document defined Greenways as:

*“Networks of land containing linear elements that are planned, designed and managed for multiple purposes including ecological, recreational, cultural, aesthetic, or other purposes compatible with the concept of sustainable land use”*

It is somewhat superseded by *Bush Forever* (2000) that addresses regionally significant bushland. However, *Greenways* provides a useful framework related to current initiatives and processes in order for the City to prepare a strategic plan for valuing and managing locally significant remnant bushland as part of a *Local Greening Plan, District Conservation Strategy or Local Environment Plan*.

A working group of the Conservation Advisory Committee is currently preparing a Local Environment Strategy (LES) to address amongst other things, this very issue. It is anticipated that the Draft LES including priorities, responsibilities and preliminary costings will be available for consideration by Council for inclusion in the Capital and Operational Budget deliberation processes of the forthcoming financial years.

An action item of the LES may be the proper assessment of all public open space including developed parks and road reserves and recommendations regarding appropriate conservation and landscaping treatments to meet the objectives of an initiative such as the *Greenways* plan. This *Policy and Implementation Plan* has been prepared with the objective of meeting the requirements of a City initiative such as the LES as an ultimate outcome. At the time of adopting the LES, it would be appropriate to review this *Policy and Implementation Plan* to reflect their alignment.

### ***Bushland Assessment***

Comments 6 and 7 were in reference to Dry Reserve Primary Assessment Criteria questions 7.1.5 Quality of Vegetation “*Is the quality of vegetation on this reserve low or unsustainable?*” and 7.1.6 Natural Uniqueness “*Would irrigation/ development of this reserve enhance/supplement and be sympathetic to the existing unique characteristics of this reserve?*”.

Concerns were raised for the City to use an appropriate method for assessment of the quality of remnant vegetation, such as for *Bush Forever*. An assessment criteria for determining the quality of vegetation shall be attached to the report, to be used during the individual park assessment process. This attachment will be reviewed and adopted through the Conservation Advisory Committee .

### ***Landscaping Treatments***

Comments 10 and 12 and comments regarding mulching are in reference to the City using appropriate endemic species for all landscaping treatments throughout the City. This initiative is promoted through land development landscape approvals and park and road landscaping capital works projects. Where it is demonstrated that it is more appropriate to utilise other Australian species and thirdly exotic species, these may be approved if they do not present potential management problems. This direction needs to be promoted and policed with more vigilance to ensure that the City supports a *Greenways* place. Using non weed producing mulches is another important management issue and should be more closely regulated by Administration to reduce management costs. In addition, comments were raised with regard to the appropriate staffing and training of Administration for the proper management of bushland.

### ***Irrigated Landscaping***

Comments 2 and 3 are supported by Administration, particularly given the climatic drought Perth is currently experiencing and the resultant decline in ground water recharge. The Waters and Rivers Commission have advised that without sufficient ground water recharge, all public and private water supplies may be reduced and/or with drawn to meet the required basic public water supply. Administration has been aware of this potential reduction in irrigation water supply and has consistently refused approval of permanent road reserve grassing and irrigation for this reason. It cannot be assumed that landscaping treatments requiring a permanent water supply are sustainable and in character with the City’s natural landscape. Permanent water supplies can only be regarded as “required” for sporting and specific community uses. Administration employ best practice design for irrigation systems to exclude the playing fields from passive surrounds and road reserves to facilitate differential watering regimes.

### **Statutory Compliance**

The adoption of the recommendations of the *Policy and Implementation Plan for Upgrading Distributor Roads and Unirrigated Parks* excluding recommendation 12, reflects specific approved Planning documents such as adopted Structure and Subdivision Plans. State initiatives for *Perth’s Greenways*, *Bush Forever* and *Liveable Neighbourhoods* are also reflected in this best practice document. The City of Wanneroo will be one of the first West Australian Local Governments to adopt a quality process and policy for prioritising and determining appropriate park and road landscape development.

## Strategic Implications

The *Policy and Implementation Plan for Upgrading Distributor Roads and Unirrigated Parks* meets the City's primary objectives for identifying and preserving features of the natural environment and being an informed and participative community.

## Policy Implications

The *Policy and Implementation Plan for Upgrading Distributor Roads and Unirrigated Parks* is in keeping with the City's Policies:

- 3.2.2 Environmental Sustainability
- 4.1.15 Public Open Space Planning Policy
- 4.1.16 Pedestrian Accessway Planning Policy
- 4.3.11 Landscape Enhancement Area Policy
- 7.3.5 Council Reserves and Parks

1. The City's Policy Manual currently includes '7.3.2 Median Road Reserve Landscaping' (Refer Attachment 1) which outlines a similar intent for road landscaping. However, this policy assumes landscape upgrades to include irrigation and it is recommended that it be replaced by the new comprehensive policy.

## Financial Implications

A sum of \$200,000 is allocated in the City's 2001/2002 Capital Works Budget for *Passive Park Development* (Project Number 2518). These monies were allocated to undertake upgrading of the highest priority projects as outlined in the *Draft Policy and Implementation Plan for Upgrading Distributor roads and Unirrigated Parks* (Hames Sharley 2001).

At the Ordinary Council meeting of 6 November report MN01/01), Council resolved to expend \$70,000 of this project amount on irrigation installation and bushland retention at Frangipanni Park, Marangaroo. Subject to final concept and costing development through public consultation, there is unlikely to be sufficient funds to develop any other than Frangipanni Park, Nannatee Park, Wanneroo and the first listed priority, Shamrock Park, Two Rocks.

Ormiston Park, Clarkson has been the subject of a petition and considered at the Council meeting of 1 May 2001 (Report W136-05/01) and at equal priority to Ormiston is Taywood Park, Wanneroo. It is recommended that public consultation and concept development be progressed for all five parks and that Council consider the prioritisation for development of Nannatee, Shamrock, Ormiston and Taywood Parks prior to finalisation of the forthcoming 2002/2003 Capital Works Budget.

## Voting Requirements

Simple Majority

## Recommendation

### That Council:-

1. **ADOPTS** the *Policy and Implementation Plan for Upgrading Distributor Roads and Unirrigated Parks for the City of Wanneroo (Hames Sharley 2001)*, subject to:
  - a) **Deletion of draft Recommendation 12, “That Council adopts a policy that limits irrigation of reserves to those reserves that are over three hectares and that this policy be reviewed once all reserves over three hectares are irrigated”**
  - b) **Inclusion of endorsed bushland assessment criteria**
2. **RECEIVES** further reports outlining conceptual treatments, costs and programs for the development of Frangipani, Shamrock, Nannatee, Ormiston and Taywood Parks.
3. **REPEALS** the policy ‘7.3.2 Median and Road Reserve Landscaping’ as implemented on 1 July 1999.
4. **ADOPTS** the following ‘*Landscape Upgrades to Distributor Roads and Parks Policy*’

## Landscape Upgrades to Distributor Roads and Parks

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*Policy No.*

*Policy Owner:* Infrastructure Services

*Distribution:* All employees

*Implementation:* 27 November 2001

*Scheduled Review:* 1 July 2003

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### Objective

The objective of this policy is to :

- **Guide Council and Administration in prioritising public open space and distributor roads for appropriate landscaping development, utilising an endorsed criteria for assessment.**
- **Guide applicants on matters Council and Administration will take into consideration when evaluating development applications and detailed engineering and landscape designs.**

### Statement

The City recognises its responsibility to work towards and advocate an economically, socially and environmentally sustainable community. In considering Capital and Operational Budget allocations, Administration will endeavour to:

- evaluate sites for best practice landscape asset management
- minimise the City's exposure to risk and capital and recurrent cost liabilities;
- apply a consistent approach to landscape treatments within the City of Wanneroo;

To this end the City has adopted the document **Policy and Implementation Plan for Upgrading Distributor Roads and Unirrigated Parks (Hames Sharley 2001)** and its recommendations:

#### **1. Public Open Space Development Staging**

The landscape development of public open space shall be listed in order of priority and reviewed annually under the following criteria:

**Primary Criteria:** Surrounding land uses  
Proximity to existing irrigated reserves  
Primary use  
Statutory plans  
Quality of vegetation  
Natural uniqueness  
Cultural uniqueness

**Secondary Criteria:** Quality of existing landscape  
Existing assets  
Population projections

**Tertiary criteria:** Available budgets  
Council Policies  
Liveable Neighbourhoods  
Access to irrigation water  
Demographics

#### **2. Distributor Roads Development Staging**

The landscape development of distributor roads shall be listed in order of priority and reviewed annually under the following criteria:

**Primary Criteria:** Major intersections abutting regional facilities  
(Refer Centres Planning Policy)

**Secondary Criteria:** Identified as a regional node or focal point in the Structure Plan  
Traffic count exceeding 15,000 vehicles per day

**Tertiary Criteria:** Continuity of street or park scape  
Extent of likelihood of disturbance  
Population projections  
Presence of indigenous vegetation  
Quality of existing streetscape  
Surrounding land uses

### **3. Public Open Space and Distributor Road Development Options**

**The development of public open space shall be in accordance with the Public Open Space Planning Policy, Landscape Enhancement Area Policy, Council Reserves and Parks Policy and the parameters of:**

**Health, safety, legibility and amenity  
Features to be retained, enhanced and restored  
Ecological sustainability  
Water Corporation's Water Wise Principles  
Community needs  
Capital costs  
Recurrent costs  
Site specific development / management plans**

**Responsibility for Implementation  
Manager, Infrastructure Services**

**ATTACHMENT 1****Median and Road Reserve Landscaping**

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<i>Policy No.</i>	IM3
<i>Policy Owner:</i>	Technical Operations
<i>Distribution:</i>	All employees
<i>Implementation:</i>	1 July 1999
<i>Scheduled Review:</i>	1 July 2001

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**Objective**

To visually enhance or protect areas of selected road reserves, both arterial and distributor type, by implementing landscape works to Council's satisfaction in conjunction with area developers.

**Statement**

The decision to landscape or reticulate the median strips and verge areas of arterial and distributor roads will be the responsibility of Council, made by Council.

To assist in making this decision, distributor roads will be prioritised in order of their appropriateness and suitability for landscaping and reticulation.

Roads with a high priority will be considered for installation of landscaping and reticulation, funded by Council or the developer and will ultimately become Council's responsibility.

Variables considered when prioritising distributor roads for landscaping and reticulation will include:-

1. presence of indigenous vegetation;
2. extent of development with regard to lighting and drainage;
3. expected regularity of disturbance by service utilities and vehicular traffic.

Areas proposed for reticulation must be designed to enable selected areas to be discontinued as development occurs. Reticulation designs must be submitted for approval prior to commencement of any reticulation installation within a road reserve.

Responsibility for Implementation

**Manager, Infrastructure Management Services**



## TS10-11/01 2001/2002 Bus Shelter Installation/Relocation Program

File Ref: 15045  
 Responsible Officer: Director Technical Services  
 Disclosure of Interest: Nil

### Issue

Update on the 2001/2002 Bus Shelter Installation/Relocation Program.

### Background

A report addressing the proposed 2001/2002 Bus Shelter Installation/Relocation Program was considered by Council at its 24 July 2001 meeting (Report No. W292-07-01 refers).

### Detail

Three issues have arisen as a result of the 2001/2002 Bus Shelter Installation Program and are detailed as follows:-

#### 1. Review of Adshel Sites.

The ten sites agreed to between Adshel Street Furniture Pty Ltd (Adshel) and the City of Wanneroo (the City) have now been fully estimated by Adshel with regard to installation cost, in particular the cost of power supply now that all quotations have been obtained from Western Power. The ten agreed sites were as follows:

	Location	Current Status
1.	ES Wanneroo Road NO Templeton Avenue	concrete shelter
2.	ES Wanneroo Road SO Kingsway	concrete shelter
3.	WS Wanneroo Road NO Whitford Avenue	concrete shelter
4.	WS Wanneroo Road NO Jacaranda Drive	concrete shelter
5.	WS Wanneroo Road SO Noonan Drive	no shelter
6.	WS Wanneroo Road SO Wallawa Street	no shelter
7.	ES Wanneroo Rd NO Windsor Road	concrete shelter
8.	ES Wanneroo Rd NO Beach Road	concrete shelter
9.	WS Wanneroo Road NO Kirkstall Drive	no shelter
10.	WS Wanneroo Road NO East Road	concrete shelter

ES = East side    WS = West side    NO = North of    SO = South of

The following two sites were considered unsuitable by Adshel due to the prohibitive cost involved in providing a power connection to the site:

- ES Wanneroo Road NO Templeton Avenue (Site 1)

- WS Wanneroo Road NO Beach Road (Site 8)

and have been replaced by:

- WS Wanneroo Road NO Hocking Road
- ES Wanneroo Road SO Celestine Street

## **2. Existing Adshel Bus Shelter - North side of Marangaroo Drive/west of Deal Street, Marangaroo**

Concern has been raised from residents regarding the Adshel bus shelter immediately west of the intersection of Deal Street and Marangaroo Drive in Marangaroo. This issue was investigated by the City over 12 months ago and at that time it was decided to leave the shelter in its current position.

In follow up of the latest concern, a further inspection was undertaken by the City's Traffic and Safety Officer and it was confirmed that sight distance to the west from the holding line in Deal Street is restricted to about 45-50m. However, with specific placement of the vehicle, a driver can gain some additional limited visibility between the back of the shelter and the brick wall on the property boundary. The additional visibility is discontinuous due to the presence of the shelter. The latest enquiry also refers to the lighting of the advertising panel on the shelter which at night is suggested to cause additional problems for drivers existing from Deal Street when trying to differentiate between the advertisement and oncoming headlights on Marangaroo Drive.

It is noted that when exiting from Deal Street into Marangaroo Drive (left turn in and out intersection only) that care and attention is required by motorists and it is very much dependant on traffic not exceeding the 70km/h posted speed limit in Marangaroo Drive. In any event it is fair to say that the presence of the shelter substantially limits visibility to the west for vehicles existing Deal Street. Even without the shelter, sight distance is somewhat limited due to the horizontal alignment of Marangaroo Road.

Whilst other alternatives are available for motorists to gain access onto Marangaroo Drive these may generate right turns as opposed to the safer left turn that Deal Street offers if drivers are looking to gain access to Templeton Crescent. Of additional concern is the use of this intersection by visitors to the area, the elderly and perhaps some of the more inexperienced drivers who are perhaps not as alert or aware of the this particular situation.

On review of all issues, the reallocation of the bus shelter is supported by City Administration.

## **3. Accident involving a Concrete Bus Shelter – East side of Wanneroo Road/South of Pinjar Road, Sinagra.**

A traffic accident during late October 2001 involving a concrete bus shelter located on the east side of Wanneroo Road and to the south of Pinjar Road, Singara resulted in the complete demolition of the shelter. The City's Operational personnel made the site safe and has replaced the shelter with one that was located on the east side of Wanneroo Road and to the south of Celestine Street, Wanneroo, ie: the concrete shelter was made available as a result of the inclusion of this site on the revised list of Adshel sites.

## Comment

### 1. Review of Adshel Sites

Relocation details for concrete shelters being displaced by the Adshel bus shelters scheduled for installation is revised as follows:

	Current Concrete Shelter Location	Proposed Concrete Shelter Location
1.	WS Wanneroo Road NO Hocking Road	Adjacent to the Land Sales Office, Turquoise Loop, Banksia Grove <b>Relocation completed</b>
2.	ES Wanneroo Road SO Kingsway	Ashby Depot
3.	WS Wanneroo Road NO Whitford Avenue	Intersection Viridian Drive and Turquoise Loop, Banksia Grove <b>Relocation Completed</b>
4.	WS Wanneroo Road NO Jacaranda Drive	Belleville Gardens (Opposite House 19) Clarkson
5.	ES Wanneroo Rd NO Windsor Road	Brazier Way (adjacent to house 88), Yanchep <b>Relocation completed</b>
6.	WS Wanneroo Road NO East Road	Ashby Depot
7.	ES Wanneroo Road SO Celestine Street	EO Wanneroo Road SO Pinjar Road, Sinagra <b>Relocation completed</b>

ES = East side    WS = West side    NO = North of    SO = South of

Please note in the previous report to Council dated 24 July 2001 there were three locations listed for concrete bus shelters for Banksia Grove. The proposed concrete shelter location for Mint Circuit and Turquoise Loop was unsuitable due to the verge being too narrow to accommodate a shelter and has since been removed from the concrete shelter relocation list and stored at the City's Ashby Depot.

New sites for the relocation of 'stored' concrete shelters at the Ashby Depot are currently being reviewed.

### 2. North side of Marangaroo Drive/West of Deal Street, Marangaroo.

The cost of the relocation of the Adshel bus shelter situated near the intersection of Deal Street and Marangaroo Drive, Marangaroo needs to be met by the City in accordance with Clause 5 of Contract No. 135/97/95, ie: the City's Contract with Adshel, which states:

*"If the Principal requests that an item of Adshel's Integrated Bus Shelter be relocated for other reasons but Adshel is otherwise satisfied that the alternative site is suitable, it will relocate the item at the Principal's cost."*

The cost to relocate the shelter to alternate site along Marangaroo Drive in the near vicinity of either side of the existing site has been quoted by Adshel at \$3,900.00 plus the cost for provision of a power connection estimated in the vicinity of \$2,000. The power connection cost is subject to obtaining a formal quotation from Western Power. This equates to an approximate total cost of \$5,900.00. An alternative option would be to purchase the shelter outright and remove the advertising panel, which is considered to be the primary cause of the sight obstruction being experienced by drivers. The capital cost of this option would be in the vicinity of \$14,000 to \$15,000. There would also be the high, ongoing maintenance costs to be considered.

It is recommended that the relocation option be pursued by the City.

**3. Accident involving a Concrete Bus Shelter – East side of Wanneroo Road/South of Pinjar Road, Sinagra.**

Remedial action has been undertaken by the City's Operational personnel as part of routine maintenance activities.

**Statutory Compliance**

Nil

**Strategic Implications**

Nil

**Policy Implications**

Nil

**Financial Implications**

The estimated cost of \$5,900 for the relocation of the existing Adshel bus shelter located on the north side of Marangaroo Drive and to the west of Deal Street, Marangaroo needs to be met by the City. It is not a capital item and funding for this work is available through the City's Engineering Maintenance Works Budget (Activity 723).

**Voting Requirements**

Simple Majority

## **Recommendation**

### **That Council:-**

- 1. NOTES the revised locations of the Adshel Street Furniture Pty Ltd integrated bus shelters and standard concrete bus shelters proposed for Stage 1 of the 2001/2002 Bus Shelter Installation Program.**
- 2. SUPPORTS the proposal to relocate the existing Adshel bus shelter on the north side of Marangaroo Drive and to the west of Deal Street, Marangaroo, to an alternate site along Marangaroo Drive in the vicinity of the existing site with the cost of the relocation funded from the Engineering Maintenance Works Budget (Activity 723).**

## **Funding and Budget**

### **TS11-11/01 Budget Variations to Reflect Funds Received from Landcorp and Main Roads Western Australia**

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File Ref: 05385  
Responsible Officer: Director Technical Services  
Disclosure of Interest: Nil

#### **Issue**

Approval of budget variations to reflect funds received from LandCorp and Main Roads Western Australia for works to be undertaken by the City on behalf of these authorities.

#### **Background**

##### ***LandCorp***

The construction of second carriageway in Marmion Avenue from Anchorage Drive (south) to Hester Avenue was undertaken by the City over the past two years. At the same time, LandCorp undertook land development works for the Clarkson District Centre, Clarkson. In accordance with the land development approval for this development, LandCorp was responsible for the construction of a concrete dual use path along the eastern side of Marmion Avenue from Pensacola Terrace to Neerabup Drive. LandCorp requested the City to undertake this construction work in conjunction with the other dual use path construction works planned in Marmion Avenue.

LandCorp is responsible for construction of more dual use paths in Clarkson District Centre Development near the Bunnings Warehouse and Shopping Centre. LandCorp has requested the City to undertake the construction of these dual use paths on its behalf.

##### ***Main Roads Western Australia***

Main Roads Western Australia submitted plans for approval for the construction of traffic signal and associated civil works at the intersection of Marmion Avenue & Ocean Keys Boulevard. At the time of submission of these plans MRWA requested the City to undertake the civil works component of the works. A quote was provided to MRWA for the requested works. Following acceptance of this quote by MRWA, works have been programmed for construction and completion during November 2001.

#### **Detail**

##### ***LandCorp***

A quote of \$9,756.60 plus GST for the construction of dual use path in Marmion Avenue was provided to Wood & Grieve Engineers on behalf of LandCorp. Following the acceptance of this quote, works have been carried out with the costs charged to project number W667.

Wood & Grieve Engineers have advised that the unit rate (\$48.30 per metre) provided by the City to undertake the construction of additional dual use paths near Bunnings Warehouse and Clarkson District Centre is acceptable to LandCorp. It is proposed to undertake the construction of these dual use paths by the City's contractor at a cost of \$19,500 during next month and project number 2165 has been set up for this purpose.

### ***Main Roads Western Australia***

Main Roads Western Australia accepted a quote of \$46,500 for the construction civil works as per the submitted plans. These works have been programmed for construction during November 2001 and project number 2117 has been set up for this purpose.

### ***Consultation***

Nil

### **Comment**

Since the works requested by both agencies form part of the City's infrastructure, it is appropriate that these expenditures are capitalised. For this purpose, budget variations are necessary to amend the capital works budget for 2001/2002 to reflect these projects.

It should be noted that the quotes for these works submitted to both authorities included a 15% administration charge over and above the cost of works. This has been accepted by both authorities.

### **Statutory Compliance**

Nil

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

As there are no contributions to the works by Council and the authorities have agreed to pay actual costs should there be over expenditures on the works, there are no cost implications to the Capital Works Budget.

### **Voting Requirements**

Absolute Majority

## Recommendation

That Council APPROVES, by an ABSOLUTE MAJORITY, the following budget variations for the construction of dual use path works and intersection modifications on behalf of LandCorp and Main Roads WA, respectively:

### Income:

GL Number	Present Budget	Additional Amount	Revised Amount
51.60.72.724.1801.0001 Contributions - Non Operating	\$298,163	\$9,756.60	\$307,919.60
51.60.72.724.1801.0001 Contributions - Non Operating	\$307,919.60	\$19,500	\$327,419.60
51.60.72.724.1801.0001 Contributions - Non Operating	\$327,419.60	\$46,500	\$373,919.60

### Expenditure:

Cost Code	From	To	Description
51.60.72.724.1801.0001 Contributions - Non Operating	\$29,256.60		Contributions by LandCorp
Project Number W667		\$9,756.60	Marmion Avenue
Project Number 2165		\$19,500	Dual Use Path – Neerabup Drive
51.60.72.724.1801.0001 Contributions - Non Operating	\$46,500		Contributions by MRWA
Project Number 2117		\$46,500	Marmion Avenue / Ocean Keys Blvd. Intersection works



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**TS12-11/01 City of Wanneroo Roadwise Committee**

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File Ref: 13823, 19063  
Responsible Officer: Director, Technical Services  
Disclosure of Interest: Nil

**Issue**

The purpose of this report is to advise the Council that the City of Wanneroo RoadWise Committee is eligible for an implementation grant of \$500 subject to an equal contribution from the City.

**Background**

Council at its 14 August, 2001 meeting endorsed the establishment of the City of Wanneroo RoadWise Committee (report W331-08/01 refers).

With the approach to Christmas the Committee has nominated two projects as part of its Road Safety activities.

The first is the White Ribbons for Road Safety Campaign 2001 which provides the ideal opportunity to acknowledge and thank the organisations such as Local Governments, WA Police, Main Roads and Emergency Services etc for their untiring efforts. It also provides the perfect chance to applaud and recognise those other organisations and individuals within our community that actively show the way everyone can work together to save lives and reduce road trauma in this City. This is coupled with the Human Spirit Awards.

The Committee would like to launch the White Ribbons Campaign within the City by way of publicly acknowledging the work undertaken by the school crossing guards. The guards look after the children within the City and thanking them on behalf of the ratepayers at a Morning Tea would fall within the City's recognition of their tireless and often, thankless work.

The second project is the Trailer/Caravan Check. Following the 14 fatalities on Wanneroo Road, several factors became evident upon closer examination of the facts. One of these was that motorists towing either trailers or caravans did not know or realise that faulty coupling systems, tyres, electronics, uneven loads contributed to crashes. Wanneroo Police have conducted several campaigns to check vehicles towing either a trailer or caravan with very positive results.

The trailer/caravan vehicle check will be undertaken for ratepayers within the City at the depot carpark on 8 December 2001. The RAC, Local Businesses (which include a tyre dealer, autoelectrician) and DOT mechanics have been invited to participate. Driver/Reviver will also be in attendance as will the WA Police Service crash trailer.

In order to give advance warning to the public of the service available, signage on Wanneroo Road is required. Much of the promotional material is donated, however publicity in the Community newspaper for the event is the Committee's responsibility.

There is no budget allocation for the funding of these types of RoadWise initiatives.

## **Detail**

The RoadWise representative indicated that a \$500 Implementation Grant would be available to the Committee based on a dollar for dollar contribution from the City. The funds would be for promotional activities within the City of Wanneroo and the implementation of some of the Road Safety activities that the Committee has identified as being worthwhile.

## **Comment**

These two projects are considered very positive in the educational role that the City of Wanneroo RoadWise Committee is pursuing in its efforts to reduce road trauma.

If the Committee had access to funds such as the RoadWise Implementation Grant and the equivalent amount from the City, the Roadwise Committee could effectively pursue the promotion of both of these projects to the Community.

To take advantage of this grant for the promotion of road safety initiatives, an amount of \$500 is needed to match the contribution from RoadWise. As the activities of the RoadWise Committee relate to all aspects of traffic safety, the reallocation of funds from Project No 1199 Traffic Treatments Various is supported. There are currently no specific minor traffic safety projects for funding from this source.

## **Statutory Compliance**

Nil

## **Strategic Implications**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

The reallocation of \$500 from Project No 1199 – Traffic Treatments Various, combined with the \$500 Implementation Grant, will enable an amount of \$1,000 to be expended on promoting RoadWise activities as recommended by the City of Wanneroo RoadWise Committee.

## **Voting Requirements**

Absolute Majority

## **Recommendation**

**That Council:-**

- 1. AGREES to allocate \$500 to the City of Wanneroo RoadWise Committee to match the contribution from RoadWise**

## 2. APPROVES, by ABSOLUTE MAJORITY, the following budget variation.

**INCOME**

<b>GL Account</b>	<b>Budget</b>	<b>Increase</b>	<b>Total</b>
<b>51 60 62 628 1514 0001 Operating Activities Grant – Department of Transport</b>	<b>0</b>	<b>\$500</b>	<b>\$500</b>

**EXPENDITURE**

<b>Account</b>	<b>From</b>	<b>To</b>	<b>Comment</b>
<b>51 60 62 628 1514 0001 Operating Activities Grant – Department of Transport</b>	<b>\$500</b>		
<b>Project No 1199</b>	<b>\$500</b>		<b>Traffic Treatments Various</b>
<b>51 60 62 628 4102 0001 Traffic Management - Promotions</b>		<b>\$1,000</b>	<b>RoadWise Committee</b>

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## **TS13-11/01 Perth Bicycle Network Grants – Budget Variations**

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File Ref: 18861  
Responsible Officer: Director, Technical Services  
Disclosure of Interest: Nil

### **Issue**

Acceptance of a Perth Bicycle Network Local Government Grant from the Department for Planning and Infrastructure (formerly Transport WA – Bikewest) requires an equal contribution from the City.

### **Background**

The Perth Bicycle Network (PBN) Local Government Grants Scheme Stage 11 (2001/2001) provides funding assistance for the implementation of Local Bicycle routes, and planning and development of cycling facilities, identified in the PBN Plan.

All Local Governments are encouraged to develop and maintain a Local Bicycle Plan and were invited to apply for grants for work identified on Local Bicycle Routes, Generic Minor Works and End of Trip facilities.

Funding for approved projects is on a dollar-for-dollar basis and is based on a joint funding agreement and provides a maximum of 50% of the overall project cost. The maximum grant per project is \$50,000.

Following the recent changes in the Australian Road Rules, the Grant system for 2001/2002 will give priority towards funding the implementation of cycle lanes for Stage 1 Local Bicycle routes. Local Government is strongly encouraged to identify a number of road sections for cycle lane funding and End of Trip facilities.

The Perth Bicycle Network (PBN) is a three Stage, \$115m plan to facilitate the development of cycling facilities within metropolitan Perth. The program was initiated to reverse the declining proportion of trips by bicycle and to meet the mode share targets identified in the metropolitan transport Strategy. The PBN has progressively implemented through co-ordination with 30 Metropolitan Local Governments, Main Roads WA and other State Government agencies. Stage 1 of the PBN is almost completed and Stage II will build on the project components of Stage I.

### **Detail**

The PBN Local Bicycle routes identified by Department for Planning and Infrastructure are as follows:

- **NE5 Alexander Heights-Ballajura**  
This route commences on Hillcrest Road (opposite Pinetree Close) and terminates within the City's boundaries on Alexander Drive and forms the eastern extremity of PBN stage 1 Route. From Alexander Drive it crosses into Ballajura which is in the City of Swan.

- **NW5 Sorrento - Malaga**

This route commences at West Coast Highway in Sorrento and terminates in Malaga. The route, within the boundaries of the City, extends from the east side of Wanneroo Road (from the intersection of Warwick Road to Beach Road) and then continues on the northern side of Beach Road until Mirrabooka Ave, where it continues on the southern side of Beach Road in the City of Stirling.

- **NE21 Marangaroo -Landsdale**

This route commences at the northeast corner of the intersection of Mirrabooka Avenue and Rawlinson Drive and utilises the existing concrete path on Mirrabooka Avenue. It is proposed to follow Mirrabooka Avenue into Madeley Street.

### **Comment**

The grants approved by the Department for Planning and Infrastructure are summarised below:

- **NE5 Alexander Heights-Ballajura**

The removal of obstacles on Greenpark Road for a cost of \$500. The grant applied for and received was for \$250.

- **NW5 Sorrento - Malaga**

The shared path on the northside of Beach Road (west of Mirrabooka) requires replacement to an asphalt standard to match that of the remainder of the extensive shared path already constructed. The cost is \$19,900 which also includes minor remedial works. The grant applied for and received is \$9,950.

A response to Department for Planning and Infrastructure accepting the grants is required by 30 November, 2001

### **Statutory Compliance**

Nil

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

The acceptance of the \$10,200 grant from the Department of Planning and Infrastructure for the works in Greenpark Road and Beach Road requires an equal contribution from the City. Funding has not been allowed in the 2001/2002 Capital Works Program specifically for these works. Sources of unexpended funding for reallocation by Council from completed pathway works are summarised below:

<b>Project No</b>	<b>Details</b>	<b>\$</b>
<b>2132</b>	<b>Quinns Drive Dual Use Park</b>	<b>\$3,400</b>
<b>1125</b>	<b>Berkley Road Footpath</b>	<b>\$6,800</b>
<b>TOTAL</b>		<b>\$10,200</b>

The routes identified by the Perth Bicycle Network should be incorporated into the new Wanneroo Bicycle Plan and any recommended works be scheduled in the Four Year Capital Works Program for Bicycle facilities with implementations subject to future capital works Budget consideration by Council.

### **Voting Requirements**

Absolute Majority

### **Recommendation**

**That Council:**

- 1. ADVISES the Department for Planning and Infrastructure of its acceptance of the 2001/2002 Perth Bicycle Network Local Government Grants for Greenpark Road, Alexander Heights (\$250) and Beach Road Girrawheen (\$9,950).**
- 2. APPROVES, by ABSOLUTE MAJORITY, the following budget variations to accommodate the grants from the Department for Planning and Infrastructure and the City's contributions towards the works in Greenpark Road and Beach Road.**

### **INCOME**

<b>GL Number</b>	<b>Present Budget</b>	<b>Additional Amount</b>	<b>Revised Amount</b>
<b>51 60 72 724 1635 0001 Non Operating Activities Grant – Perth Bicycle Network Plan</b>	<b>NIL</b>	<b>\$10,200</b>	<b>\$10,200</b>

**EXPENDITURE**

<b>Cost Code</b>	<b>From</b>	<b>To</b>	<b>Description</b>
<b>51 60 72 724 1635 0001 Non Operating Activities Grant – Perth Bicycle Network Plan</b>	<b>\$10,200</b>		<b>Planning and Infrastructure Grant</b>
<b>Project No 2132</b>	<b>\$3,400</b>		<b>Quinns Road Dual Use Path</b>
<b>Project No 1125</b>	<b>\$6,800</b>		<b>Berkley Road Footpath</b>
<b>Project No 2166</b>		<b>\$20,400</b>	<b>Perth Bicycle Network Projects</b>

## **Corporate Services**

### **CS05-11/01 Waive Outstanding Rates – 142L Sydney Road Gngangara**

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File Ref: 60894  
Responsible Officer: A/Director Corporate Services  
Disclosure of Interest: Nil

#### **Issue**

To agree to waive the rates on the property at 142L Sydney Road, Gngangara due to the liquidation of the leaseholder's company.

#### **Background**

The property at 142L Sydney Road Gngangara is a mining lease with the Department of Minerals and Energy. The lease was in the name of Magic Soil Pty Ltd. The company went into liquidation on 4 April 1997 and since that time the Liquidator, Ferrier Hodgson has endeavoured to realise the value of assets in the company.

Given the costs incurred by the Liquidator and the inability to realise the value of the assets, the mining lease was surrendered to the Department of Minerals and Energy on 25 January 2001. The circular to creditors from the Liquidator advised that there would be no distribution to creditors.

#### **Detail**

The mining leases are located on Crown Reserve 27279 at Lake Gngangara. Under Section 6.26(2) of the Local Government Act, land which is the property of the Crown and is unoccupied is not rateable land. Therefore, there are no options available to pursue the outstanding from the current owners.

From April 1997, rates have continued to accumulate with the current amount outstanding being \$3,581.88.

Section 6.47 of the Local Government Act 1995 allows a local government to waive a rate or service charge.

#### ***Consultation***

Nil.

#### **Comment**

Under normal circumstances, any outstanding rates that are unable to be recovered by the Rates Section through various legal avenues can always be recovered at the time of the sale of property.



However, in this instance, the rates relate to a mining lease that was unable to be sold by the liquidator and the lease was subsequently surrendered to the Department of Minerals and Energy.

### **Statutory Compliance**

Section 6.47 of the Local Government Act 1995 allows a local government to waive a rate or service charge. Any such decision requires an ABSOLUTE MAJORITY.

### **Strategic Implications**

Nil.

### **Policy Implications**

Nil.

### **Financial Implications**

The waiving of rates as recommended will result in a loss of \$3,581.88 in rates revenue. However, as outlined above, following the liquidation of the Company and there are no options available to recover the debt.

### **Voting Requirements**

Absolute Majority

### **Recommendation**

**That Council WAIVE by an ABSOLUTE MAJORITY the balance of rates on the mining tenement at 142L Sydney Road, Gnangara amounting to \$3,581.88.**

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**CS06-11/01 Change In Rateable Status – Property At 50 St Stephens Crescent, Tapping - St Stephen’s School, Carramar – Not Rateable**

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File Ref: 63276  
Responsible Officer: A/Director Corporate Services  
Disclosure of Interest: Nil

**Issue**

To advise the Council of the change in rateable status of the property located at 50 St Stephens Crescent, Tapping – St. Stephen’s School, Carramar.

**Background**

St Stephen’s School has requested an exemption from rates for the property at 50 St Stephens Crescent, Tapping on the basis that the land is being used exclusively as a private school.

The school wrote to the City of Wanneroo in October 2000 but due to an administrative oversight the request was not processed. Since that time, rates amounting to \$13,216.01 have accumulated.

**Detail**

In accordance with Section 6.26(2)(f) of the Local Government Act 1995 (the Act), land which is used exclusively as a private school and is registered under Section 32A(1) of the Education Act 1928 is not rateable.

The Assistant Administrator of St Stephen’s School has written to confirm that the land meets the above criteria. The land was purchased in March 2000 and the school opened at the beginning of 2001.

Accordingly, the property is not rateable, effective from the date of acquisition by St Stephen’s School. Rates raised since the date of acquisition have been reversed.

***Consultation***

Nil.

**Comment**

Pursuant to Section 6.26 of the Act, the land at 50 St Stephens Crescent, Tapping is not rateable and therefore rates raised since the property’s change in rateable status have been raised inadvertently. Consequently, it is not appropriate to seek the Council’s approval to waive the payment of rates under Section 6.47 of the Act. Reversal of the rates raised has been actioned by the Rates Section.

## **Statutory Compliance**

In accordance with Section 6.26(2)(f) of the Local Government Act 1995, the property at 50 St Stephens Crescent, Tapping is not rateable, with effect from 17 March 2000. As a result all rates raised by the City since that date in respect of the property have been reversed.

## **Strategic Implications**

Nil.

## **Policy Implications**

Nil.

## **Financial Implications**

Nil.

## **Voting Requirements**

Simple Majority

## **Recommendation**

**That Council:-**

- 1. NOTES the change in rateable status of the land owned by St Stephen's School at 50 St Stephens Crescent, Tapping to not rateable effective from 17 March 2000; and**
- 2. NOTES the action taken to reverse rates raised since the property's change in rateable status (17 March 2000).**

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## **CS07-11/01 Sale of Property due to Outstanding Rates - 22 Shalford Way, Girrawheen**

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File Ref: 60894  
Responsible Officer: A/Director Corporate Services  
Disclosure of Interest: Nil

### **Issue**

To seek authorisation to take action against the owner of the property at 22 Shalford Way, Girrawheen by reason of unpaid rates in excess of three years.

### **Background**

The property at 22 Shalford Way, Girrawheen, has outstanding rates and service charges of \$4,903.65. Rates have been unpaid since 1995. In addition to local government rates and service charges, there is also outstanding water rates due and payable to the Water Authority amounting to over \$9,900.

It is understood the owners, Mr and Mrs Naume Prentoski, vacated the property in 1995 and returned to the former Yugoslavia. Neighbours have not seen or heard from them since. From that time, the house has become the site of anti-social behaviour and complaints from neighbours. A recent inspection by Rates Officers revealed the property to be severely vandalised, with broken roof tiles, windows and doors. There are also reports that a fire or fires have also been lit in the property.

All attempts by the City of Wanneroo to locate Mr and Mrs Prentoski have failed and a check of land title records from DOLA records has failed to find any other property in Western Australia registered in their names. In regards the property, there is a memorial from the Water Authority but no other encumbrances. In 1998 the City of Wanneroo prepared a notice pursuant to Schedule 6.3 of the Local Government Act 1995 (the Act) requiring payment of outstanding rates and service charges. Unfortunately, it is not clear whether this notice was issued and no further action to recover the amount outstanding has been taken.

On 10 September 2001, the City's Health Services declared the house unfit and issued a notice to repair, maintain or demolish the house, valid for 45 days. If there is default in complying with the notice, Council may choose to rectify the situation by either demolishing or repairing the house.

### **Detail**

In accordance with Section 6.64(1)(b) of the Act, if any rates or service charges are due to a local government have been unpaid for at least 3 years, the local government may take possession of land and proceed to sell the land. Section 6.68(1) of the Act prevents the local government from exercising the power of sale unless the local government has at least once attempted to recover money due to it under Section 6.56 of the Act.

Consequently, action will need to be taken to recover the amount outstanding by issuing a summons under Section 6.56. While this course of action is expected to be unsuccessful, the requirements of the Act will have been met and the City can proceed to sell the property. Any additional costs incurred by the City in seeking to recover the debt can be recovered from the proceeds of the sale.

In order to take possession of the property and proceed with its sale the City must cause notice requiring the payment of rates under Schedule 6.3 of the Local Government Act. Such notice is also to be served on any party with an interest in the land, such as the Water Authority and is to be also posted on the City's official notice board for a period of not less than 35 days. If at the expiration of 3 months from the date of issue of this notice the rates remain unpaid, the City can proceed with selling the land by public auction, with such auction to occur not more than 12 months from the date of the notice.

If the matter takes this course and the property is sold by public auction, under Clause 5 of Schedule 6.3 of the Local Government Act, the outstanding rates, any additional legal expenses and the costs of the sale or incidental to the sale of the property can be recovered by the City. The Water Authority will be able to recover the outstanding water rates and any residual amount is to be held by the City in the event of the owners making a claim. If after 12 months the amount has not been claimed, the residual funds are to be paid into the Supreme Court under Section 99 of the Trustees Act. If unclaimed after a further six years, the residual amount is to be paid into the Consolidated Fund of the State Government.

### ***Consultation***

Nil.

### **Comment**

The sale of any property to recover unpaid rates and service charges is not a course of action the City normally wishes to pursue as other legal proceedings have generally proven to be successful. However, as the owners are understood to have left the country and given the current state of the premises, there appears to be no other option but to proceed with the sale. The action by City's Health Services Unit should not be seen as an impediment to the sale of the property.

### **Statutory Compliance**

The proposed sale by public auction is in accordance provisions of the Local Government Act 1995.

### **Strategic Implications**

Nil.

### **Policy Implications**

Nil.

## **Financial Implications**

Apart from being able to recover the outstanding rates and service charges, any additional costs associated with further legal action plus the costs of the sale of the property or incidental to the sale of the property can be recovered by the City from the proceeds of sale.

In this regard, Chesterton International have given the property a market valuation "as is" of \$57,000. As a vacant block, Chesterton International have valued the property at \$62,000.

## **Voting Requirements**

Simple Majority

## **Recommendation**

**That Council**

- 1. AGREES to proceed with further legal action to recover unpaid rates for the property at 22 Shalford Way, Girrawheen;**
- 2. AGREES, in the event that the further legal action outlined in 1. above is unsuccessful, to cause notice advising of the City's intention to sell the property pursuant to Section 6.68(1) of the Act;**
- 3. AGREES to sell the property by public auction, not less than 3 months and not more than 12 months from the date of the notice issued under 2. above, if the outstanding rates remain unpaid; and**
- 4. NOTES that the City will distribute the proceeds of the sale of the land in accordance with Schedule 6.3 of the Local Government Act 1995.**

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## **CS08-11/01 Quarterly Financial Report for the Period Ended 30 September 2001**

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File Ref: 07882  
Responsible Officer: A/Director Corporate Services  
Disclosure of Interest: Nil

### **Issue**

To note the quarterly financial report for the period ended 30 September 2001.

### **Background**

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires a quarterly report to be presented to Council.

### **Detail**

The quarterly financial report for the period ended 30 September 2001 has been completed.

### **Comment**

Nil.

### **Statutory Compliance**

The report complies with the requirements of Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996.

### **Strategic Implications**

Nil.

### **Policy Implications**

Nil.

### **Financial Implications**

Nil.

### **Voting Requirements**

Simple Majority

### **Recommendation**

**That Council NOTES the quarterly financial report for the period ended 30 September 2001.**



CITY OF WANNEROO  
FINANCIAL STATEMENTS FOR THE QUARTER  
ENDED 30 SEPTEMBER 2001



## CITY OF WANNEROO

## OPERATING STATEMENT

FOR THE QUARTER ENDED 30 SEPTEMBER 2001

	30-Sep YTD-Actual \$	2001/02 Budget \$
OPERATING REVENUES		
<b>Governance</b>	<b>0</b>	<b>1,000</b>
<b>General Purpose Funding</b>	<b>22,564,202</b>	<b>26,070,728</b>
<b>Law, Order, Public Safety</b>	<b>712,201</b>	<b>922,520</b>
<b>Health</b>	<b>45,046</b>	<b>45,700</b>
<b>Education and Welfare</b>	<b>748,554</b>	<b>1,993,485</b>
<b>Community Amenities</b>	<b>5,389,772</b>	<b>12,073,638</b>
<b>Recreation and Culture</b>	<b>820,618</b>	<b>4,561,439</b>
<b>Transport</b>	<b>146,317</b>	<b>426,000</b>
<b>Economic Services</b>	<b>428,534</b>	<b>1,267,000</b>
<b>Other Property and Services</b>	<b>623,856</b>	<b>2,886,158</b>
	<u><b>31,479,100</b></u>	<u><b>50,247,668</b></u>
OPERATING EXPENSES		
<b>Governance</b>	<b>902,372</b>	<b>3,771,780</b>
<b>General Purpose Funding</b>	<b>26,903</b>	<b>362,616</b>
<b>Law, Order, Public Safety</b>	<b>747,217</b>	<b>3,047,580</b>
<b>Health</b>	<b>205,088</b>	<b>701,342</b>
<b>Education and Welfare</b>	<b>1,140,007</b>	<b>4,100,467</b>
<b>Community Amenities</b>	<b>2,238,093</b>	<b>7,678,838</b>
<b>Recreation &amp; Culture</b>	<b>2,763,942</b>	<b>13,517,726</b>
<b>Transport</b>	<b>1,698,829</b>	<b>10,733,784</b>
<b>Economic Services</b>	<b>430,613</b>	<b>2,552,569</b>
<b>Other Property and Services</b>	<b>2,523,564</b>	<b>16,112,423</b>
	<u><b>12,676,628</b></u>	<u><b>62,579,125</b></u>
BORROWING COSTS EXPENSE		
<b>Recreation &amp; Culture</b>	<b>23,775</b>	<b>47,550</b>
	<u><b>23,775</b></u>	<u><b>47,550</b></u>
GRANTS/CONTRIBUTIONS FOR THE DEVELOPMENT OF ASSETS		
<b>Health</b>	<b>0</b>	<b>0</b>
<b>Education and Welfare</b>	<b>0</b>	<b>20,000</b>
<b>Community Amenities</b>	<b>35,585</b>	<b>0</b>
<b>Recreation &amp; Culture</b>	<b>0</b>	<b>0</b>
<b>Economic Services</b>	<b>5,200</b>	<b>0</b>
<b>Transport</b>	<b>1,643,847</b>	<b>23,002,166</b>
	<u><b>1,684,632</b></u>	<u><b>23,022,166</b></u>
PROFIT/(LOSS) ON DISPOSAL OF ASSETS		
<b>Other Property and Services</b>	<b>157,302</b>	<b>-188,619</b>
<b>Community Amenities</b>	<b>0</b>	<b>0</b>
	<u><b>157,302</b></u>	<u><b>-188,619</b></u>
NET PROFIT OR LOSS/RESULT	<u><u><b>20,620,631</b></u></u>	<u><u><b>10,454,540</b></u></u>

CITY OF WANNEROO  
STATEMENT OF CASH FLOWS

FOR THE QUARTER ENDED 30 SEPTEMBER 2001

	30-Sep YTD-Actual \$	2001/02 Budget \$
Cash Flows From Operating Activities		
Receipts		
<b>Rates</b>	11,280,188	22,716,937
<b>Grants and Subsidies - operating</b>	1,422,196	4,387,545
<b>Contributions, Reimbursements &amp; Donations</b>	82,628	1,173,180
<b>Service Charges</b>	3,089,647	5,908,386
<b>Fees and Charges</b>	1,678,504	6,034,410
<b>Interest Earnings</b>	351,252	1,327,410
<b>Goods and Services Tax</b>		3,100,000
<b>Other</b>	2,481,627	7,555,446
	<u>20,386,042</u>	<u>52,203,314</u>
Payments		
<b>Employee Costs</b>	-5,002,499	-20,306,012
<b>Materials and Contracts</b>	-4,770,992	-25,217,830
<b>Utilities (gas, electricity, water, etc)</b>	-199,674	-905,672
<b>Insurance</b>	-106,970	-463,142
<b>Interest</b>	-49,109	-146,550
<b>Goods and Services Tax</b>		-3,100,000
<b>Other Prepayments</b>	-468,858	0
	<u>-10,598,102</u>	<u>-50,139,206</u>
Net Cash Provided By Operating Activities	<u>9,787,940</u>	<u>2,064,108</u>
Cash Flows from Investing Activities		
<b>Payments for Development of Land Held for Resale</b>		0
<b>Payments for Purchase of Property, Plant &amp; Equipment</b>	-1,414,132	-14,343,814
<b>Payments for Construction of Infrastructure</b>	-27,651	-11,931,610
<b>Grants/Contributions for the Development of Assets</b>	1,356,929	2,963,316
<b>Proceeds from Sale of Property, Plant &amp; Equipment</b>		1,012,510
Net Cash Used in Investing Activities	<u>-84,854</u>	<u>-22,299,598</u>
Cash Flows from Financing Activities		
<b>Repayment of Loans</b>	0	-50,000
<b>Proceeds from New Loans</b>	0	200,000
Net Cash Provided By (Used In) Financing Activities	<u>0</u>	<u>150,000</u>
Net Increase (Decrease) in Cash Held	9,703,086	-20,085,490
<b>Cash at Beginning of Year</b>	28,863,345	29,056,728
Cash at End of Year	<u><u>38,566,431</u></u>	<u><u>8,971,238</u></u>

CITY OF WANNEROO  
STATEMENT OF FINANCIAL POSITION  
AS AT 30TH SEPTEMBER 2001

	30-Sep \$	2001 \$
CURRENT ASSETS		
<b>Cash Assets</b>	296,262	216,446
<b>Investments</b>	38,566,432	29,596,514
<b>Receivables</b>	15,956,605	4,385,681
<b>Inventories</b>	68,929	79,316
<b>TOTAL CURRENT ASSETS</b>	54,888,228	34,277,957
NON-CURRENT ASSETS		
<b>Receivables</b>	1,548,708	1,550,318
<b>Property, Plant and Equipment</b>	53,734,807	52,772,302
<b>Infrastructure</b>	300,830,720	302,715,111
<b>TOTAL NON-CURRENT ASSETS</b>	356,114,235	357,037,731
<b>TOTAL ASSETS</b>	411,002,463	391,315,688
CURRENT LIABILITIES		
<b>Payables</b>	5,964,351	6,463,518
<b>Interest-bearing Liabilities</b>	3,940	953,555
<b>Provisions</b>	3,025,779	3,067,778
<b>TOTAL CURRENT LIABILITIES</b>	8,994,070	10,484,850
NON-CURRENT LIABILITIES		
<b>Interest-bearing Liabilities</b>	446,060	446,060
<b>Provisions</b>	211,115	211,115
<b>TOTAL NON-CURRENT LIABILITIES</b>	657,175	657,176
<b>TOTAL LIABILITIES</b>	9,651,245	11,142,026
<b>NET ASSETS</b>	401,351,218	380,173,662
EQUITY		
<b>Retained Profits (Surplus)</b>	384,942,313	364,321,682
<b>Reserves - Cash Backed</b>	11,072,892	10,515,967
<b>Town Planning Schemes</b>	5,336,013	5,336,013
<b>TOTAL EQUITY</b>	401,351,218	380,173,662

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## CS09-11/01 Update on Leasing Arrangements and Tenancy Agreements - Quinns Rocks Caravan Park

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File Ref: 09176  
Responsible Officer: Acting Chief Executive Officer  
Disclosure of Interest: Nil

### Issue

Update on leasing arrangements for the Quinns Rocks Caravan Park, and recommendation for the introduction of residential tenancy agreements to protect the interests of permanent residents.

### Background

Council at its meeting held on 22 May 2001, considered a report on the draft Lot 211 Structure Plan and the future of the caravan park. The following resolutions, relating to the Caravan Park, were adopted by Council:

- 3 *RECOGNISES the community significance of the Quinns Rocks Caravan Park to the local community, and NOTES the strong level of community support for the caravan park to remain, subject to upgrading works being undertaken;*
- 4 *SUPPORTS the principle of maintaining the affordability of the caravan park facilities in negotiating the terms of lease, so as not to exclude people on lower incomes from accessing the facilities;*
- 5 *SUPPORTS, in principle, a new lease for a term of 21 years;*
- 6 *SEEKS a concession from the Western Australian Planning Commission, on humanitarian grounds, for the caravan park to remain in its present location, so as not to impose the financial hardship of relocation on the existing residents;*
- 7 *AUTHORISES the Chief Executive Officer to advertise for and enter into a short term lease of the Quinns Rocks Caravan Park from 1 September 2001 to 30 June 2001; and*
- 8 *AUTHORISES the Chief Executive Officer to prepare a new long lease for the Quinns Rocks Caravan Park, which takes into account the above principles (Numbered 3-6) and the various matters raised by the Western Australian Planning Commission in its recent advice to the Council and the principles contained in the Structure Plan for Lot 211. The draft lease and associated Business Plan are to be presented to Council for consideration prior to advertising.*

On 12 November 2001, the Western Australian Planning Commission (WAPC) advised that it had adopted the Draft Structure Plan for Lot 211 as a guideline for consideration of development applications, subject to minor modifications.

The WAPC also advised that it would be prepared to consider a lease for the caravan park that would comprise a five-year term with two options to extend of five and then ten-years respectively, subject to:

1. At the conclusion of the initial five-year term:
  - i) All accommodation structures are to be removed from within 50 metres of the coastal vegetation line with all development being contained within the boundaries of the Tourist Precinct and the portion of the lease area within the 50 metre setback to be surrendered by the lessee to the satisfaction of the Western Australian Planning Commission.
  - ii) A maximum of 40% of residents are to be permanent residents to the satisfaction of the Western Australian Planning Commission.
2. At the conclusion of the second five-year (option) period, the Western Australian Planning Commission would review the level of permanency prior to the continuation of the final 10-years of the lease.

The City is further advised that based on the above undertakings, the Commission supports the recommendation that, *no new temporary structures e.g. caravans be allowed within 33 metres and no new permanent structures be allowed within 50 metres of the coastal vegetation line.* Furthermore, the Commission advises that setbacks for any proposed new development will be determined by the Commission under its policies at the time of application for approval to such development.

At present the Quinns Rocks Caravan Park is the subject of a short-term (10-month) lease that expires on 30 June 2002.

The City has commissioned Jones Lang LaSalle to prepare a draft long-term lease document for the caravan park commencing on 1 July 2002. It is intended that the long-term lease will require the lessee to refurbish and upgrade the facility. The upgrading is required to meet health and building standards which will be specified in the final lease documents.

The WAPC requirement for the surrender of the land which is within 50 metres of the vegetation line after 5-years is a major concern. A review of this decision is being sought by Council Administration.

Other issues being considered are requirements for a new access to the caravan park resulting from plans to develop the Surf Life Saving Club and Community facilities which will prevent road access along the foreshore.

At this stage it is intended to report to Council at its meeting to be held on 18 December 2001, in respect to the general terms and conditions of the lease. In the interim it is proposed to deal with the issues of security of tenure for the permanent residents of the caravan park.

## **Detail**

Currently permanent residents have no formal agreement to reside as permanent residents. However, each is protected in the short term under the Residential Tenancy Act by a periodical lease agreement. The periodical lease agreement requires only 60 days written notice by the lessor in order to terminate the tenancy.

It is proposed to provide permanent residents with some longer-term security through a 5-year residential tenancy agreement which has been developed by the City's Solicitors, Watts and Woodhouse.

The agreement being offered is included as Attachment 1. The key features are:

- 5-year Term
- Initial rent of \$58.00 per site per week with one (1) Resident or \$63.00 per site per week with two (2) Residents
- The commencement date shall be 1 July 2002
- If requested, the Resident may be relocated (at the Developer's expense) to another site on the park, should development or environmental issues arise
- At the end of the five-year term, the Resident will be bound by a new agreement established by the Caravan Park Operator
- The Resident will be required to insure their property and indemnify the Lessor against liability for any damage, loss or injury that may occur as a result of the Resident's occupation of the site; and
- The Resident is required to personally occupy the premises for nine (9) out of twelve (12) months per year.

The initial rentals are set at current levels. Advice from Jones Lang LaSalle indicates that this is equivalent to a current fair market rent for occupation of the facility.

It is proposed to control rent increases in the future by reference to CPI increases and to market rent reviews on the 01 July 2003, and 01 July 2005. The CPI increases would be undertaken on 1 July 2004, and 01 July 2006. There is a mechanism for independent rent review should a dispute arise. The opportunity for market rent increases acknowledges that the facility needs to be upgraded and that a lessee is entitled to make other improvements and receive a reward for doing this.

## **Comment**

The 5-year residential tenancy site agreements will be offered to all permanent residents during the lead up to the new long-term lease. This will provide security of tenure over the next five-years for those tenants even though the City will relinquish its control over the day to day operations of the park from 1 July 2002. The five-year period relates to the requirement of the WAPC to review the ratio of permanent residents to short stay visitors in that time period.

Acceptance of the 5-year site agreements being offered will be entirely at the discretion of the current permanent tenants. If required by the tenants, Mr Woodhouse (principal of Watts and Woodhouse) would agree to make himself available to discuss any concerns the residents may have in respect of the proposed site agreements.

It is understood that the original configuration of the caravan park included 60 individual sites. The present configuration provides 59 sites. Of these, 37 are classified by the current Lessor as permanent on the basis that lessees pay a weekly rental for exclusive use which precludes their site from being available for casual rental. In line with the Council's intention to ensure the avoidance of financial hardship, it is intended that only those who use a site as their principal place of residence will be offered the 5-year site agreement. The agreement can not be sold and will only apply to those currently in residence.

A search conducted at the Western Australian Electoral Commission on Thursday 8 November 2001 identified eighteen Residents who could be classified as “Permanents” , that is, they are using the Caravan Park as their enrolled address.

Residents not on the above list would need to provide proof of permanent occupancy to be considered for access to the lease document.

Current permanent residents will be encouraged to avail themselves of the opportunity of securing their current arrangements over the next five-years by entering into the 5-year site agreement. In view of the proposed new long term lease arrangements that will effectively transfer the control of the caravan park from the City to the new lessee, it is considered that a 5-year site agreement will ensure that current tenancy conditions and rental levels for permanent residents will continue for at least that period.

### **Statutory Compliance**

Nil.

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Residents will be required to pay \$200 each, which is part of the legal costs involved in establishing the Residential Tenancy Agreement. This amount is significantly less than what the entire exercise in developing this document will cost. They will also need to pay for the provision of insurance.

### **Voting Requirements**

Simple Majority

### **Recommendation**

**That Council**

- 1. AUTHORISES the Residential Tenancy Agreement, prepared by Watts and Woodhouse Solicitors, to be offered to the permanent residents of the Quinns Rocks Caravan Park; and**
- 2. NOTES that a report will be presented to Council on 18 December 2001, relating to the preparation of a long term lease at the Quinns Rocks Caravan Park.**

ATTACHMENT 1

Dated 2001

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**CITY OF WANNEROO**  
**and**  
**THE RESIDENT**  
**RESIDENTIAL TENANCY AGREEMENT**  
**QUINNS ROCKS CARAVAN PARK**

**Watts & Woodhouse**  
**Solicitors & Legal Consultants**  
**323 Rokeby Road**  
**SUBIACO WA 6008**  
**Telephone: 9382 3000**  
**Facsimile: 9382 3011**



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PARK RULES

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## RESIDENTIAL TENANCY AGREEMENT

THIS RESIDENTIAL TENANCY AGREEMENT is made 2001

BETWEEN:

CITY OF WANNEROO of Dundobar Road, Wanneroo, Western Australia (“the Lessor”)

AND

the Resident

### OPERATIVE PROVISIONS

#### 1. DEFINITIONS AND INTERPRETATION

##### 1.1 Definitions

In this Agreement unless the context otherwise requires:

“Commencement Date” means the date described as such in Item 3 of the Schedule and being the date on which the Term commences;

“Consumer Price Index” means:

- (a) the Consumer Price Index All Groups (Perth) published from time to time by the Australian Bureau of Statistics; and
- (b) if the Consumer Price Index All Groups (Perth) is suspended or discontinued, an index which in the opinion of the Lessor is most similar to the Consumer Price Index All Groups (Perth);

“CPI Rent Review Date” means 1 July 2004 and 1 July 2006;

“GST” means a tax, impost or duty raised on the supply of goods and services and imposed by the Commonwealth of Australia or a State or Territory of the Commonwealth;

“Lessor” includes the executors, administrators and assigns of the Lessor;

“Market Rent Review Date” means 1 July 2003 and 1 July 2005;

“Occupancy Charge” means the charge specified as such in Item 8 of the Schedule in respect of each Occupant as increased from time to time in accordance with this Agreement;

“Occupants” means the persons described as such in Item 5 of the Schedule;

“Park” means the caravan park known as The Quinns Rocks Caravan Park on the land situated at Lot 211 Ocean Drive Quinns Rocks and being more particularly described as;

“Park Home” means the caravan or park home described in Item 7 of the Schedule;

“Park Rules” means the rules of the Park made by the Lessor from time to time a copy of which is given to the Resident;

**“Rent Period” means:**

- (a) the period from and including the Commencement Date to but excluding the first Rent Review Date;**
- (b) the period from and including each Rent Review Date to but excluding the subsequent Rent Review Date;**
- (c) the period from and including the last Rent Review Date until the end of the Term, as the context requires;**

**“Rent Review Date” means 1 July each year;**

**“Resident” means the person or persons named in Item 1 of the Schedule as the Resident and includes the Resident’s heirs, executors and administrators;**

**“Site” means the site described in Item 2 of the Schedule;**

**“Term” means the period of years specified in Item 4 of the Schedule commencing on the Commencement Date;**

**“Visitor Charge” means the charge specified as such in Item 6 of the Schedule in respect of each visitor as increased from time to time in accordance with this Agreement.**

## **1.2 Interpretation**

**In this Agreement, unless the context indicates a contrary intention:**

- (a) words suggesting the singular include the plural and vice versa;**
- (b) words suggesting any gender include any other gender;**
- (c) reference to a person include a company, corporation, and unincorporated or incorporated association or statutory authority;**
- (d) references to clauses, paragraphs, subparagraphs and Schedules are to clauses, paragraphs, and subparagraphs of, and schedules to, this Agreement as amended from time to time in accordance with the terms of this Agreement;**
- (e) a document will be incorporated into and form part of this Agreement if the parties sign the document and it is referred to in this Agreement and a reference to such a document is to that document as amended from time to time in accordance with the terms of this Agreement;**
- (f) headings used for clauses, paragraphs, subparagraphs, Schedules and the table of contents are for ease of reference only and will not affect the interpretation of this Agreement;**
- (g) references to any Agreement or instrument are to that Agreement or instrument as amended, novated, supplemented, varied or replaced from time to time;**
- (h) references to laws include any modification or re-enactment of those laws, or any legislative provisions substituted for such laws, and all orders, local laws, planning schemes, by-laws, regulations and other statutory instruments issued under those laws;**

- (i) use of the words “includes” or “including” means includes or including without limitation, unless the contrary intention appears;
- (j) a reference to any body is:
  - (i) if that body is replaced by another organisation, deemed to refer to that organisation; and
  - (ii) if that body ceases to exist, deemed to refer to the organisation which most nearly or substantially serves the same purposes or objects as that body; and
- (k) all dollar amounts specified in this Agreement are in Australian dollars.

## **2. LEASE**

### **2.1 Lease and Term**

The Lessor leases the Site to the Resident for the Term, at the Rent and otherwise subject to and upon the terms and conditions set out in this Agreement.

### **2.2 Resident may terminate on 60 days’ notice**

The Resident may terminate this Agreement at any time during the Term by giving to the Lessor 60 days’ notice in writing and upon expiry of the notice this Agreement and the Term shall be at an end.

### **2.3 Death of the Resident or surviving Resident**

**Notwithstanding any other provision of this Agreement, the Term and this Agreement shall be at an end upon the death of the Resident or surviving Resident.**

### **2.4 Removal of the Park Home**

Notwithstanding any other provision of this Agreement, the Term and this Agreement shall be at an end upon the removal of the Park Home from the Site.

## **3. RENT**

### **3.1 Payment of Rent and Occupancy Charge**

The Resident shall punctually pay the Rent and the Occupancy Charge two weekly in advance without deduction for the duration of the Term.

### **3.2 Lessor's account**

**The Rent shall be paid by the Resident into any account nominated from time to time by the Lessor.**

## **4. REVIEW OF RENT, OCCUPANCY FEE AND VISITOR CHARGE**

### **4.1 Rent review**

**The Rent shall be reviewed on each Market Rent Review Date and each CPI Rent Review Date.**

### **4.2 Market Rent Review**

- (1) In calculating the Rent payable from a Market Rent Review Date the following shall apply:**
  - (a) not less than one month prior to each Market Rent Review Date the Lessor shall give to the Resident notice in writing of the annual rental proposed by the Lessor to become payable from that Market Rent Review Date ("the Lessor's Proposed Rent");**
  - (b) within 14 days after service of that notice on the Resident (time being of the essence) the Resident shall be entitled to give to the Lessor notice in writing disputing the amount of the Lessor's Proposed Rent and stating the amount which the Resident considers to be the correct current market rent that should be payable from that review date ("the Resident's Proposed Rent");**
  - (c) if the Resident does not give the notice referred to in paragraph (b) within the time specified in that paragraph (time being of the essence) then the Resident shall be deemed to have accepted that the Lessor's Proposed Rent shall be the Rent payable by the Resident to the Lessor on and from that Market Rent Review Date;**
  - (d) if the Resident gives the notice referred to in paragraph (b) within the time specified in that paragraph then the Lessor may accept the Resident's Proposed Rent as the Rent payable by the Resident to the Lessor on and from that Market Rent Review Date but unless notice in writing of such acceptance is given by the Lessor to the Resident within 14 days after receipt by the Lessor of written notice of the Resident's Proposed Rent then the Rent payable from that Market Rent Review Date shall be as determined by a Valuer nominated by the President for the time being of the Australian Institute of Valuers and Land Economists (Inc.) Western Australian Division at the request of the Lessor as the then current market rent of the Site which the parties agree shall in any event be not less than the Rent payable immediately prior to the relevant Market Rent Review Date increased by a factor equal to the percentage increase in the Consumer Price Index between the relevant Market Rent Review Date and the immediately preceding CPI Rent Review Date (regardless of whether the immediately preceding Rent Review Date is a Market Rent Review Date or a CPI Rent Review Date) or between the Relevant Market Rent Review**

**Date and the Commencement Date if the first Rent Review Date is a market Rent Review Date;**

- (e) the Valuer appointed pursuant to paragraph (d) shall be deemed to be acting as an expert whose decision shall be final and binding on both the Lessor and the Resident. Prior to determining the current market rent of the Site the Valuer shall afford each of the Lessor and the Resident a reasonable opportunity to make a written submission. Any failure by either party to make such a submission shall not delay the Valuer's determination or annual or otherwise affect any determination made. Upon completion of his determination the Valuer shall provide to the Lessor and the Resident written reasons for his determination. The cost of the Valuer's determination shall be borne by the Resident unless the Current Market Rent so determined is less than the Lessor's Proposed Rent in which case those costs are to be borne equally by the Lessor and the Resident.
- (2) Until the Rent from a Market Rent Review Date is agreed or determined the Resident shall pay to the Lessor a rent equivalent to the Lessor's Proposed Rent. If the Rent agreed or determined from a Market Rent Review Date is less than the Lessor's Proposed Rent, then the difference between the Rent paid in respect of the period from the Market Rent Review Date to the date of such agreement or determination and the Rent which should have been paid for such period shall be applied by the Lessor against the moneys which next become due and payable by the Resident to the Lessor pursuant to this Agreement. If the annual rent agreed or determined from a Market Rent Review Date is more than the Lessor's Proposed Rent, then the difference between the rent paid in respect of the period from the Market Rent Review Date to the date of such agreement or determination and the Rent which should have been paid for such period, shall be paid by the Resident to the Lessor on demand together with interest at the Reduced Rate calculated on a daily basis from the date on which each portion of such difference would have been payable if the Rent had been agreed or determined on the Market Rent Review Date until the date on which the same is paid.
- (3) Notwithstanding the failure by the Lessor for any reason to give the notice referred to in paragraph (c) of subclause (1) within the time specified in that paragraph, the right to give the notice and the effect of the notice shall remain in full force and effect as if it had been given within the specified time.
- (4) The Rent following the Market Rent Review Date shall never be less than the Rent immediately preceding the Market Rent Review Date.

#### **4.3 CPI Rent Review**

- (1) On each Rent Review Date the Rent shall be varied to an amount calculated by multiplying the annual rent payable for the immediately preceding year by a percentage equal to one hundred per centum (100%) plus the percentage movement, if any, in the Consumer Price Index between the quarter ending immediately prior preceding the relevant CPI Rent Review Date and the Consumer Price Index published for the quarter ending immediately preceding the Market Rent Review Date or the CPI Rent Review Date (as the case may be) which occurred immediately prior to the CPI Rent Review Date in question (or where the first Rent Review Date is a CPI Rent Review Date, between the Consumer Price Index published for the quarter ending immediately preceding the relevant CPI

**Rent Review Date and the Consumer Price Index published for the quarter ending immediately prior to the Commencement Date).**

- (2) **This clause shall not apply in any year where the Consumer Price Index published for the quarter immediately prior to the Review Date is less than the Consumer Price Index published for the quarter immediately prior to the previous Rent Review Date or if there is none then the commencement of the Term.**

#### **4.4 GST**

**The Rent is inclusive of any GST.**

#### **4.5 Review of Occupancy Charge**

**On each Market Rent Review Date and CPI Rent Review Date the Occupancy Charge shall be varied and clause 4.3 shall apply, and for that purpose a reference to the Rent is taken to be a reference to the Occupancy Charge.**

#### **4.6 Review of Visitor Charge**

**On each Market Rent Review Date and CPI Rent Review Date the Visitor Charge shall be varied and clause 4.3 shall apply, and for that purpose a reference to the Rent is taken to be a reference to the Visitor Charge.**

### **5. RESIDENT'S OBLIGATIONS**

#### **5.1 Gas and electricity charges**

- (1) **Where the Site is separately metered for electricity or gas or both, by the gas supply authority or electricity supply authority, the Resident shall pay to the gas supply authority, or electricity supply authority as the case requires, all costs and charges in respect of the supply and consumption of gas and electricity by the Resident as and when those costs and charges are due.**
- (2) **Where the site is separately metered for electricity or gas or both, by the Lessor, the Resident shall pay to the Lessor on demand for the metered amount of electricity and gas consumed at the domestic tariff published from time to time by the relevant supply authority.**

#### **5.2 Water supply authority charges**

**Where the Site is separately metered for the supply of water , the Resident shall pay to the water supply authority all costs and charges in respect of the supply and consumption of water by the Resident as and when those costs and charges are due.**

#### **5.3 Notification of supply authorities**

**The Lessor will notify all relevant supply authorities of the Resident's occupation of the Site and the Resident shall do all things necessary to retain and maintain services to the Site during the Term.**



#### **5.4 Cleanliness, repairs and damage**

**The Resident shall:**

- (a) keep the Site clean;**
- (b) notify the Lessor as soon as practicable of any damage to the Site;**
- (c) not intentionally or negligently cause or permit any damage to the Site;**
- (d) when the Term expires or otherwise terminates, leave the Site as nearly as possible in the same condition (fair wear and tear excepted) as when the Resident first occupied the Site under this Agreement; and**
- (e) ensure the Park Home at all times complies with all applicable laws, including the Caravan Parks and Camping Grounds Act 1995 and regulations under that Act.**

#### **5.5 Care of the Site**

**(1) The Resident shall:**

- (a) maintain any private lawn, private lawn edges, hedges, shrubs and trees on or immediately surrounding the Site in a neat and tidy state, including properly mowed and trimmed as appropriate, regularly and adequately watered, clean and tidy and free from rubbish and weeds;**
  - (b) not install a garden unless and in accordance with the Lessor's prior written approval;**
  - (c) not store on the Site any materials not used by the Resident for domestic purposes and shall store any tools of trade or domestic goods without being visible from any part of the Park other than the Site, including from any other Site; and**
  - (d) ensure all domestic goods stored on the Site or in the Park Home do not constitute a health or fire risk.**
- (2) If the Resident fails to maintain any private lawn, private lawn edges, hedges, shrubs and trees in accordance with paragraph (a) of subclause (1), the Lessor may take such action as the Lessor considers necessary to remedy the failure, and the Resident shall pay to the Lessor the reasonable costs of taking that action.**
- (3) This clause shall not apply to that portion of the Site being the street verge, maintenance of which is the responsibility of the Lessor.**

#### **5.6 Refuse**

**The Resident shall:**

- (a) pack and place domestic refuse in the type of refuse container described in the Park Rules or as otherwise directed by the Lessor;**
- (b) keep the refuse container in a place described in the Park Rules or as otherwise directed by the Lessor;**

(c) put out the refuse container in a place described in the Park Rules or as otherwise directed by the Lessor; and

(d) remove all other refuse of the Resident from the Site and the Park.

#### **5.7 Maintenance of the Park Home**

The Resident shall maintain the Park Home in a condition satisfactory to the Lessor having regard to its condition compared to the other Park Homes in the Park.

#### **5.8 Personal occupancy**

The Resident shall personally occupy the Park Home on the Site.

#### **5.9 Use of the Site**

(1) The Resident shall:

(a) use the Site for the purpose of occupying the Park Home only as a private dwelling; and

(b) occupy the Park Home as the Resident's residence for a total of at least 9 months in any period of 12 months.

(2) The Resident shall not:

(a) use the Site, or cause or permit the Site to be used, for any illegal purpose;

(b) cause or permit a nuisance; or

(c) carry on any business from the Site without the prior written approval of the Lessor.

#### **5.10 Alterations**

(1) The Resident shall:

(a) not attach any fixture or renovate, replace, alter or add to the Site or the Park Home:

(i) without the Lessor's prior written approval; and

(ii) unless in accordance with the requirements of all relevant statutory authorities including the City of Wanneroo and the requirements under all written laws;

(b) not remove, without the Lessor's prior written approval, any fixture attached to the Site or the Park Home by the Resident;

(c) notify the Lessor of any damage caused by removing any fixture attached to the Site by the Resident;

(d) either repair any damage caused by removing the fixture or compensate the Lessor for the cost of the repair; and

- (e) not build any structure, carport, deck, verandah, screen, pergola, clothes line, shed, driveway or fence or lay paving, or bring any moveable dwelling other than the Park Home onto the Site or any part of the Park without the Lessor's prior written approval.

- (2) The Lessor may give or refuse approval under this clause in the Lessor's absolute discretion.

#### 5.11 No assignment or subletting

- (1) The Resident shall not assign the whole or part of the Resident's interest under this Agreement and shall not sub-let the Site.

- (2) The Resident shall not:

- (a) display any "For Sale" signs on the Site or on or within the Park Home whilst on the Site; and
- (b) represent to any prospective purchaser of the Park Home that this Agreement may be assigned.

#### 5.12 Indemnity and insurance

- (1) The Resident shall:

- (a) indemnify the Lessor against liability for any damage, loss or injury that may occur as a result of the Resident's occupation of the Site;
- (b) take out and keep, a public risk insurance policy covering liability for injury and property damage arising from the Resident's occupation of the Site for an amount not less than \$5 million in respect of any one claim;
- (c) not do any act, matter, or thing which might invalidate or prejudice the conditions of the public risk insurance policy.

- (2) The Lessor has the right from time to time to require the Resident to increase the amount of the cover referred to in paragraph (b) of subclause (1) provided that the Resident is given 14 days prior notice of the amount of the increase.

- (3) The Lessor may request, and the Resident shall produce, a current certificate of insurance, and the Lessor may take a copy of that certificate.

#### 5.13 No security interests

The Lessee shall not mortgage, encumber or charge the Site or this Agreement.

#### 5.14 Occupants and visitors

- (1) The Lessor and the Resident agree that:

- (a) the persons who may occupy the Site, in addition to the Resident, during the Term are the Occupants; and
- (b) any other person who comes to the Park Home to stay overnight to visit the Resident or the Occupants is a visitor.

- (2) **The Resident shall not:**
- (a) **permit visitors to stay in the Park Home for longer than 3 consecutive weeks, or for more than 6 weeks in a year without the prior written approval of the Lessor; or**
  - (b) **permit more than 3 visitors to stay overnight on the Site at any time without oral approval from the Lessor.**
- (3) **The Resident shall not require a visitor to pay any fee to the Resident for staying on the Site.**
- (4) **Where the Resident permits a visitor to stay in the Park Home for any period in excess of 6 weeks then the Resident shall pay to the Lessor, on demand, the Visitor Charge for each day of that period.**

#### **5.15 Children**

**The Resident shall be responsible for the actions of any child of the Resident or an Occupant or any child of the Resident's or Occupant's visitors while the child is on the Park.**

#### **5.16 Behaviour**

**The Resident shall not unreasonably interfere with:**

- (a) **the privacy, peace and quiet of the other residents of the Park; or**
- (b) **the proper use and enjoyment of the Park by the other residents of the Park.**

#### **5.17 Resident's responsibility for the actions of others**

**The Resident shall be responsible to the Lessor for any act or omission by any person (including any Occupant) whom the Resident allows on the Site and who breaks any provision of this Agreement.**

#### **5.18 Bikes and skateboards, etc.**

**The Resident shall not use or permit the use of children's bikes, skateboards, "billy-carts" and similar recreational items on the Park, except as permitted by the Park Rules.**

#### **5.19 Damage**

**The Resident shall be responsible for any damage caused by modifying or repairing the Park Home or as a result of any addition or alteration undertaken by or contracted by the Resident.**

#### **5.20 Pets, poultry and animals**

**The Resident shall not keep or care for any pets, poultry or animals on the Site or the Park, except as permitted by the Park Rules and with the Lessor's prior written approval.**

**5.21 Vehicles**

**The Resident shall:**

- (a) not use any vehicle in a way that is dangerous to the other residents of the Park or their property; or**
- (b) not allow any vehicle owned by or in the custody or control of the Resident or visitors of the Resident to be:**
  - (i) driven at a speed in excess of 8 kph on the Park;**
  - (ii) used by an unlicensed driver on the Park;**
  - (iii) used to give driving lessons on the Park;**
  - (iv) used for joy riding on the Park; or**
  - (v) repaired or maintained on the Park except in the area stated by the Lessor;**
- (c) keep or use only registered and roadworthy vehicles on the Site and the Park, unless the Lessor agrees otherwise in writing; and**
- (d) remove any vehicle or motorcycle which makes excessive noise from the Park, or modify it so that it ceases to make excessive noise, within 7 days of receiving notice to do so from the Lessor.**

**5.22 Parking**

**The Resident shall:**

- (a) not park any vehicle in a way that endangers, or may be likely to endanger, another person or property of another person;**
- (b) not allow any vehicle, boat or trailer to be parked on any road on the Park;**
- (c) park any vehicle, boat or trailer owned by or in the possession of the Resident in the driveway or space provided on the Site;**
- (d) not park or store more than two vehicles, boats and/or trailers on the Site without the Lessor's prior written approval;**
- (e) ensure that the Resident's visitors, guests and contractors use the visitors' parking area to park their vehicles whilst they are on the Park; and**
- (f) ensure that sufficient parking spaces are always available for visitors by not parking in the spaces designed for visitors' parking.**

**5.23 Keys**

- (1) The Resident shall return all keys provided by the Lessor at the expiration or earlier termination of the Term.**

- (2) If the Resident requires any replacement key, the Resident shall pay to the Lessor a fee for the reasonable cost of replacing the key.

#### 5.24 Park Rules

The Resident shall not contravene any of the provisions of the Park Rules.

#### 5.25 No registration or caveat

- (1) The Resident shall not register this Agreement or lodge any caveat in respect of the Site with respect to the interests of the Resident under this Agreement.
- (2) In the event of this Agreement or any such caveat being registered or lodged the Resident, in consideration of the Lessor having entered into this Agreement with the Resident, hereby irrevocably appoints the Lessor and each and every one of the employees or agents of the Lessor jointly and severally for the Term and for a period of 6 months after the Term the agent and attorney of the Resident to surrender or withdraw any such registration or caveat the cost of which shall be borne and paid by the Resident.

#### 5.26 Lessor's access to the Site

- (1) The Resident shall permit the Lessor, and any person authorised in writing by the Lessor, to enter the Site in the following circumstances:
- (a) in an emergency;
  - (b) with the consent of the Resident given at or immediately before the time of entry;
  - (c) if the Local Court so orders;
  - (d) if the Resident has received 7 and not more than 14 days prior notice of the reason for entering the Site;
  - (e) to collect the Rent when overdue;
  - (f) to carry out or inspect necessary repairs after giving at least 72 hours prior notice;
  - (g) if there are reasonable grounds for the Lessor to believe the Site is abandoned; and
  - (h) to inspect and read an electricity, water or gas meter situated on the Site.
- (2) If a person has power to enter the Site under paragraphs (d) to (h) inclusive of subclause (1), the person:
- (a) shall not enter the Site on a Sunday or a public holiday, unless the Resident agrees; and
  - (b) may enter the Site only between the hours of 8.00am and 8.00pm, unless the Resident agrees to another time.

**5.27 GST**

- (1) If a supply is made by the Lessor under this Agreement which constitutes a taxable supply under the A New Tax System (Goods and Services Tax) Act 1999, upon the issue of a valid tax invoice by the Lessor, the Resident shall pay to the Lessor any GST which is payable on that supply.
- (2) Subclause (1) shall not apply to the Rent.

**5.28 Removal of the Resident's property**

Upon expiry or sooner termination of the Term, the Resident shall remove from the Site, at the Resident's cost, the Park Home and all fixtures that have been brought by the Resident onto the Site and leave the Site in a clean and tidy condition.

**5.29 Costs**

Upon execution of this Agreement, the Resident shall pay to the Lessor a sum of \$200 towards the Lessee's costs of and incidental to the preparation of this Agreement.

**6. LESSOR'S OBLIGATIONS****6.1 Quiet enjoyment**

The Lessor agrees that:

- (a) the Resident may have quiet enjoyment of the Site without interruption by the Lessor or any person claiming by, through, or under the Lessor to have superior title to that of the Lessor; and
- (b) the Lessor will not interfere, or cause or permit any interference, with the reasonable peace, comfort and privacy of the Resident in using the Site.

**6.2 Behaviour of other residents**

The Lessor shall take reasonable steps to ensure the other residents of the Park:

- (a) do not unreasonably interfere with:
  - (i) the Resident's privacy, peace and quiet within the Park; or
  - (ii) the proper use and enjoyment of the Park by the Resident; and
- (b) do not contravene the Park Rules.

**6.3 Payment of council rates, water rates, land tax and other charges**

The Lessor shall pay:

- (a) any council rates in relation to the Site;
- (b) any land tax in relation to the Site;

- (c) the cost of installing any meters to measure the supply of water, electricity or gas to the Site;
- (d) for water, other than water the Resident has agreed to pay for under clause 5.2.

#### **6.4 Park Rules**

The Lessor shall give to the Resident 30 days prior notice of any change to the Park Rules but reserves the right to amend the Park Rules in the Lessor's absolute discretion from time to time for the benefit of the Park.

#### **6.5 The Agreement and Park Rules**

- (1) The Lessor shall give to the Resident a copy of this Agreement:
  - (a) at or before the time the Agreement is signed and given by the Resident to the Lessor or a person on the Lessor's behalf; and
  - (b) as soon as reasonably practicable after it has been signed by both the Lessor and the Resident.
- (2) The Lessor shall give to the Resident, on request, a copy of the Park Rules.

### **7. MISCELLANEOUS**

#### **7.1 Resident's warranty**

The Resident warrants to the Lessor that, at the commencement of the Term, the Park Home complies in all respects with the requirements of:

- (a) the Caravan Parks and Camping Act 1995; and
- (b) the Caravan Parks and Camping Regulations 1995.

#### **7.2 Exclusion of implied terms under the Residential Tenancies Act 1987**

Sections 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 55 and 56 of the Residential Tenancies Act 1987 are excluded from this Agreement.

#### **7.3 Caravan Parks and Camping Act 1995**

Nothing in this Agreement affects in any way the operation of:

- (a) the Caravan Parks and Camping Act 1995; or
- (b) the Caravan Parks and Camping Regulations 1995,

including any right or duty prescribed by that Act or those Regulations.



**7.4 Additional terms**

The parties agree to the further terms and conditions (if any) specified in Item 8 of the Schedule.

**7.5 Severance**

If any provision or part of a provision of this Agreement is or becomes void, invalid or unenforceable for any reason, then it is severed from this Agreement, but the remainder of this Agreement continues in full force and effect, unaffected by the severance.

**7.6 Holding over**

If the Resident shall hold over the Site upon the expiry of the Term then a tenancy from year to year shall not be presumed but the tenancy shall in that event be and continue to be a tenancy from week to week at the rental then payable but otherwise upon the terms and conditions contained in this Agreement insofar as they are applicable and shall be determinable at the expiration of one week's notice by either party to the other at any time.

**7.7 No waiver**

- (1) No waiver (whether express or implied) by the Lessor of any breach of any covenant, obligation or provision contained or implied in this Agreement will operate as a waiver of any other breach of the same or any other covenant, obligation or provision contained or implied in this Agreement nor shall it operate as a waiver of the essentiality of any obligation which by virtue of this Agreement is an essential term of this Agreement.
- (2) In particular, any demand by the Lessor for, or any acceptance by the Lessor of, rent or other moneys payable under this Agreement will not constitute a waiver by the Lessor of any breach of any provision in this Agreement and will not create any new tenancy between the parties.
- (3) No custom or practice which has grown up between the parties in the course of administering this Agreement will be construed so as to waive or lessen the right of the Lessor to insist on the performance by the Resident of all or any of the Resident's obligations under this Agreement.

**7.8 No warranty**

- (1) This document embodies the whole transaction of leasing made by this Agreement and all warranties, conditions and representations collateral or otherwise concerning the leasing whether written, oral, express or implied and whether consistent with this document or not are cancelled.
- (2) This Agreement may be amended only by instruments in writing executed by the Lessor and the Resident.
- (3) The Resident acknowledges that it has entered into this Agreement without relying on any representation or warranty by the Lessor except as stated in this clause and after satisfying itself as to the suitability of the Site for the purpose of which the Site is leased.

**7.9 Lessor's right to install services**

The Lessor reserves to itself and to its employees agents and contractors the right to enter upon the Site at all reasonable times with all necessary materials and appliances to erect make excavate lay or install in on over or under the Site any posts drains pipes conduits cables wires or other things requisite for any existing or future service to the Site together with the like right to enter upon the Site for the purpose of inspecting removing maintaining altering or adding to any such things relation to an existing service to the Site and, in each such case the Lessor shall cause as little inconvenience and damage to the Resident as is practicable in the circumstances.

**7.10 Execution of works by Lessor**

If the Lessor desires or is required to:

- (a) execute any works which by law the Lessor is bound and has been required to execute on the Site or the Park; or
- (b) alter repair add to or re-build any part of the Site or the Park; or
- (c) construct erect lay down alter repair cleanse or maintain any drain ventilator shaft water pipe electric wires or gas pipes in connection with or for the accommodation of the Park or any adjoining property; or
- (d) underpin; or
- (e) reinstate or re-build in case of fire,

then and in any such case the Lessor may with or without employees agents workmen and contractors and appliances enter upon the Site and carry out such works doing as little damage to the Site as is reasonably possible and restoring them without unreasonable delay but without making compensation for any damage or inconvenience to the Resident provided that in each case the Lessor shall cause as little inconvenience and damage to the Resident as is practicable in the circumstances.

**7.11 Notices**

- (1) Any notice or demand from the Lessor to the Resident is to be taken to be duly served if left for the Resident on the Site, if mailed by prepaid letter addressed to the Resident at the address set in this Agreement or if sent by facsimile machine to the Resident's facsimile machine.
- (2) Any notice or demand from the Resident to the Lessor is to be taken to be duly served if mailed by prepaid letter addressed to the Lessor at its office.
- (3) A notice or demand posted mailed is to be taken to be duly served at the expiration of 48 hours after the time of posting mailing and any notice given by one party to the other may be signed on behalf of the party giving it by a director, secretary, chief executive officer or solicitor.

## **8. REDEVELOPMENT AND RELOCATION**

### **8.1 Lessor to give notice**

**If the Lessor wishes to extend, alter or refurbish the Park and requires any alteration of or change to the Site then the Lessor may give notice to the Resident that it requires this Agreement to be surrendered on a date which is not less than 60 days after the date of the service of the notice. This Agreement is surrendered on the dates specified in the Lessor's notice.**

### **8.2 Surrender**

**On the surrender of this Agreement the Resident shall:**

- (a) comply with clause 5.28 as if the date of the surrender was the expiry of the Term; and**
- (b) deliver to the Lessor:**
  - (i) the Resident's copy of this Agreement;**
  - (ii) a surrender of this Agreement duly executed by the Resident.**

### **8.3 Offer of alternative site**

**If the Lessor gives a notice under clause 8.1 then the Lessor shall offer the Resident a lease of an alternative site within the Park:**

- (a) having an area not more than 10% greater than nor more than 10% less than the area of the Site; and**
- (b) on the same terms and conditions as this Agreement except that:**
  - (i) the commencement date will be the date of surrendering the Agreement; and**
  - (ii) clause 5.29 (costs) shall not apply.**

### **8.4 Contents of offer**

**The Lessor's offer under clause 8.3 shall:**

- (a) be in writing;**
- (b) be given with the Lessor's notice under clause 8.1 or within 60 days after the notice is given;**
- (c) be accompanied by a plan identifying the alternative site.**

**8.5 Notice of acceptance of offer**

If the Resident wishes to accept the Lessor's offer of a lease of the alternative site, then the Resident shall give notice to the Lessor within 30 days after the date of the Lessor's offer.

**8.6 Acceptance of offer**

If the Resident accepts the Lessor's offer, the Lessor shall submit to the Resident a lease of the alternative site. Within 7 days after receiving the lease, the Resident shall execute and return it to the Lessor.

**8.7 Claim for relocation costs**

If the Resident has accepted the Lessor's offer to lease the alternative site then a claim in respect of the costs incurred by the Resident in relocating the Park Home to the alternative site may be made to the Lessor no later than 30 days after the commencement date of the new lease. The Resident's claim shall be accompanied by all relevant documentation and other evidence required by the Lessor in support of the claim.

**8.8 Payment of claim**

If the Resident submits a claim under clause 8.7, then the Lessor shall pay to the Resident the reasonable costs of engaging a reputable contractor to transport the Park Home from the Site to the alternative site. The Resident agrees that the Lessor shall not be liable to pay compensation or any other amount in respect of the surrender of this Agreement pursuant to this clause save a claim by the Resident for the costs referred to in this clause 8.8.

**THE SCHEDULE**

Item No.	Description	Details
1.	Resident:	
2.	The Site:	<b>Site No.____ as shown on the attached plan of the Park.</b>
3.	Commencement Date:	<b>1 July 2002</b>
4.	Term	<b>5-years</b>
5.	Rent:	
6.	Occupants:	
	Occupancy Charge:	
	Visitor Charge:	
7.	Park Home:	
8.	Additional terms and conditions:	

**Executed as a Deed**

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

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Chief Executive Officer**

SIGNED by  
in the presence of:

**Witness:**

**Address:**

**Occupation:**

SIGNED by  
in the presence of:

**Witness:**

**Address:**

**Occupation:**

## Community Development

### CD06-11/01 Request Permission To Keep Three Dogs – Various Locations

File Ref: 68460  
 Responsible Officer: Acting Director Community Development  
 Disclosure of Interest: Nil

#### **Issue**

Consideration of applications for an exemption to Council's Local Laws made under Section 26(3) of the Dog Act 1976 to keep more than two dogs.

#### **Background**

Clause 14 of the City of Wanneroo Animal Local Laws 1999 stipulates:

A person shall not keep or permit to be kept on any premises more than:

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age; or
- (b) 6 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a rural area or comprise a lot in a special rural area having an area of 4 hectares or more,

unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26(3) of the Dog Act and have planning approval under the town planning scheme.

#### **Detail**

The following applications have been made under the Dog Act and are submitted for consideration:

<b>Address of Applicant</b>	<b>Description of dogs</b>
26 Callison Way, Koondoola	male tan and white Miniature Fox Terrier male tan and white Miniature Fox Terrier female Miniature Fox Terrier
25 Althorne Way, Girrawheen	female black and tan German Shepherd cross female tan Silky Terrier cross female black and tan German Shepherd cross
123 Highclere Boulevard, Marangaroo	female black and white Bull Terrier cross female gold Labrador male gold Labrador
124 Lagoon Drive, Yanchep	female black Belgium Shepherd male black and fawn Belgium Shepherd pup of above Belgium Shepherds

2/17 Westbrook Way, Girrawheen	female white Chihuahua female black Poodle cross male white Poodle
7 Keeley Way, Girrawheen	female black and tan Rottweiler male gold Collie/German Shepherd cross female black and white cross breed

Council Rangers have inspected the properties to ensure that means exist on the premises at which the dogs will ordinarily be kept for effectively confining the dogs within those premises.

### *Consultation*

Residents adjacent to the applicants' properties have been consulted by letter to ascertain if they have any objections.

<b>Address of Applicant</b>	<b>Number of Residents Consulted</b>	<b>Number of Objections Received</b>
26 Callison Way, Koondoola	five residents consulted	no objections received
25 Althorne Way, Girrawheen	two residents consulted	no objections received
123 Highclere Boulevard, Marangaroo	five residents consulted	no objections received
124 Lagoon Drive, Yanchep	one resident consulted	no objections received
2/17 Westbrook Way, Girrawheen	three residents consulted	no objections received
7 Keeley Way, Girrawheen	five residents consulted	no objections received

### **Comment**

In considering these applications for exemption the following two options are available:

- (a) Council may grant exemptions pursuant to Section 26(3) of the Dog Act 1976 subject to conditions;
- (b) Council may refuse permission to keep more than two dogs.

Given that no objections have been received and there are means that exist on the properties to confine the dogs within the premises, it is recommended that exemptions be granted subject to the following conditions:

- (a) If any of the dogs die or are no longer kept on the properties, no replacement dogs are to be obtained;
- (b) Any barking by the subject dogs is to be kept to a minimum;
- (c) This permission may be varied or revoked if any complaints are received which are considered to be reasonable.

If Council decides to refuse permission, the applicants may appeal to the Hon Minister for Local Government. The Minister may approve the request on appeal and the City would not be able to impose conditions as recommended.



## **Statutory Compliance**

These applications for exemption to Council's Local Laws made under Section 26(3) of the Dog Act 1976, has been detailed in this report. Council has requested information pertaining to the possibility of delegating the authority to approve more than two dogs to the Chief Executive Officer. The Dog Act 1976 does not permit this function to be delegated to an officer of Council. Unlike the Local Government Act the Dog Act does not provide for general powers of delegation.

## **Strategic Implications**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

Nil

## **Voting Requirements**

Simple Majority

## **Recommendation**

**That Council:-**

- 1. GRANTS an exemption to the City of Wanneroo Animal Local Laws 1999 made under Section 26(3) of the Dog Act 1976 for the applicants at the following listed properties, to keep three dogs subject to the conditions listed below.**
  - **26 Callison Way, Koondoola;**
  - **25 Althorne Way, Girrawheen;**
  - **123 Highclere Boulevard, Marangaroo;**
  - **124 Lagoon Drive, Yanchep;**
  - **2/17 Westbrook Way, Girrawheen;**
  - **7 Keeley Way, Girrawheen;**
    - i) If any of the dogs die or are no longer kept on the property, no replacement dogs are to be obtained;**
    - ii) Any barking by the subject dogs is to be kept to a minimum;**
    - iii) This exemption may be varied or revoked if any complaints are received which are considered to be reasonable.**
- 2. RESERVES THE RIGHT to vary or revoke, at any future date, the exemption given to the applicants should any relevant conditions be contravened.**

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## **CD07-11/01 Request Permission To Keep Six Dogs At 171 Sydney Road, Gnangara**

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File Ref: 02590  
Responsible Officer: Acting Director Community Development  
Disclosure of Interest: Nil

### **Issue**

Consideration of an application for an exemption to Council's Local Laws made under Section 26(3) of the Dog Act 1976 to keep six dogs at 171 Sydney Road, Gnangara.

### **Background**

Clause 14 of the City of Wanneroo Animal Local Laws 1999 stipulates:

A person shall not keep or permit to be kept on any premises more than:

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age; or
- (b) 6 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a rural area or comprise a lot in a special rural area having an area of 4 hectares or more,

unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26(3) of the Dog Act and have planning approval under the town planning scheme.

### **Detail**

The applicant has requested permission to keep a maximum of six dogs at 171 Sydney Road, Gnangara. The applicant has several dogs of her own and her daughter rescues abandoned, neglected Collies. The rescued dogs remain at 171 Sydney Road, Gnangara for a period of time before they are placed in new homes.

The property, 171 Sydney Road, Gnangara is zoned special rural and has an area of 1.1875 hectares.

A Council Ranger has inspected the property to ensure that means exist on the premises at which the dogs will ordinarily be kept for effectively confining the dogs within those premises.

### **Consultation**

Two residents adjacent to 171 Sydney Road, Gnangara have been consulted by letter to ascertain if they have any objections. Both residents have sent letters to Council in support of the application.

## **Comment**

In considering this application for exemption the following two options are available:

- (a) Council may grant exemptions pursuant to Section 26(3) of the Dog Act 1976 subject to conditions;
- (b) Council may refuse permission to keep more than two dogs.

Given that two residents adjacent to 171 Sydney Road, Gnangara have supported the application and there are means that exist on the property to confine the dogs within the premises it is recommended that an exemption be granted subject to the following conditions;

- (a) The maximum number of dogs on the property is not to exceed six;
- (b) Any barking by the subject dogs is to be kept to a minimum;
- (c) This permission may be varied or revoked if any complaints are received which are considered to be reasonable.

If Council decides to refuse permission, the applicant may appeal to the Hon Minister for Local Government. The Minister may approve the request on appeal and the City would not be able to impose conditions as recommended.

## **Statutory Compliance**

This application for exemption to Council's Local Laws made under Section 26(3) of the Dog Act 1976, which has been detailed in this report.

## **Strategic Implications**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

Nil

## **Voting Requirements**

Simple Majority

## **Recommendation**

### **That Council:-**

- 1. GRANTS an exemption to the City of Wanneroo Animal Local Laws 1999 made under Section 26(3) of the Dog Act 1976 for the applicant to keep up to six dogs at 171 Sydney Road, Gnangara subject to the following conditions;**
  - a) The maximum number of dogs on the property is not to exceed six;**
  - b) Any barking by the dogs is to be kept to a minimum;**
  - c) This exemption may be varied or revoked if any complaints are received which are considered to be reasonable.**
  
- 2. RESERVES THE RIGHT to vary or revoke, at any future date, the exemption given to the applicant should any relevant conditions be contravened.**

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**CD08-11/01 November 2001(B) - Requests For Donations And The Waiver Of Fees & Charges - Wanneroo & Districts Historical Society & Merriwa Neighbourhood Watch**

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File Ref: 08032  
Responsible Officer: Acting Director - Community Development  
Disclosure of Interest: Nil

**Issue**

Council's consideration of community requests for donations and the waiver of fees and charges for November 2001.

**Background**

Consideration of requests for donations and the waiver of fees and charges are at present undertaken on an individual merit basis.

In order to provide Council with the necessary information to determine each application, and an overall view of the impact of these allocations on the budget, a report is normally prepared considering all applications for each Council meeting.

**Detail**

During this period, the City has received two applications in this area. These applications have been received from:

- Wanneroo & Districts Historical Society, and
- Merriwa Neighbourhood Watch.

Each of these applications is summarised on the following pages, along with an assessment and recommendation. Letters of application from each organisation are attached.

Applicant	Event/Activity to be supported	Amount requested	Assessment and Recommendation
<b>Wanneroo &amp; Districts Historical Society</b>	<p>The Wanneroo &amp; Districts Historical Society will be hosting the 2002 Annual Affiliated Societies State History Conference, which will be held on the weekend of the 14 and 15 September 2001.</p> <p>They have requested that Council support this function by:</p> <ul style="list-style-type: none"> <li>• Providing the Council Chambers as the venue for conference business on Saturday, 14 September 2002;</li> <li>• Providing the Banksia Room as the venue for the conference dinner on Saturday, 14 September 2002;</li> <li>• Hosting a Cocktail Party for delegates prior to the function dinner on Saturday, 14 September 2002.</li> </ul>	<p><b>Total request \$1 840.00</b> Comprised of:</p> <p>Chamber hire \$200.00 per day</p> <p>Banksia Room hires \$200.00 per evening (note \$300.00 bond).</p> <p>Cocktail Party (approximately \$12 per head x 120 guests) \$1 440.00</p>	<p>It is recommended that this request be approved given that the Conference:</p> <ul style="list-style-type: none"> <li>• Is of State significance, attracting approximately 100 delegates from across Western Australia, which has the ability to increase the profile of the City and its commitment to local history.</li> <li>• Has the theme of “100 years of Local Government in Wanneroo”, making the Administration Centre an appropriate venue.</li> </ul> <p><b>RECOMMENDATION: APPROVE \$1 840.00</b></p>
<b>Merriwa Neighbourhood Watch</b>	<p>Merriwa Neighbourhood Watch has requested the waiver of fees and charges associated with their use of Gumblossom Hall, Quinns Rocks for monthly meetings, from February to December 2002.</p>	<p><b>Total request \$316.80</b> Comprised of:</p> <p>Hire of activity rooms 3 &amp; 4 on 11 occasions \$316.80 (exclusive of GST)</p> <p>(Based on 2001/2002 City fees and charges - community group rate)</p>	<p>It is recommended that this application be approved for a period of 12 months as seed funding given that:</p> <ul style="list-style-type: none"> <li>• Merriwa Neighbourhood Watch is a relatively new organisation in a growing suburb, which has yet to become fully established.</li> <li>• The philosophies and objectives of Neighbourhood Watch are congruent with the City’s Safer Citizens Program.</li> </ul> <p>In making this recommendation it is, however, recognised that venue hire is a recurrent expense of an organisation that the City will be unable to fund indefinitely. Merriwa Neighbourhood Watch will therefore need to consider alternative strategies for payment of venue hire in the future, in line with consolidation of their establishment in the area.</p> <p><b>RECOMMENDATION: APPROVE \$316.80</b></p>

**Consultation**

Nil

**Comment**

A brief summary of the dollar value of each application received and consequent recommendation is provided below:

<b>Applicant</b>	<b>Amount Requested</b>	<b>Recommendation</b>
Wanneroo & Districts Historical Society	Support of 2002 Annual Affiliated Societies State History Conference <b>\$1 840.00</b>	<b>APPROVE \$1 840.00</b>
Merriwa Neighbourhood Watch	Waiver of fees and charges – use of Gumblossom Hall - <b>\$316.80</b> for monthly meetings for a period of 12 months (February 2002 – December 2002)	<b>APPROVE \$316.80</b>

**Statutory Compliance**

Nil

**Strategic Implications**

Both of these applications relate to activities occurring in the 2002/03 financial year. Whilst Council could consider funding a portion of the amounts from next financial year's budget, given that this budget will not be resolved until July 2002, it is felt necessary to allocate funds from 2001/2002 budget. This allocation will facilitate the planning of in particular the Annual Affiliated Societies State History Conference, which may not be possible should Council defer a decision until July 2002.

**Policy Implications**

Nil

**Financial Implications**

The impact of these recommendations on Council's budget for the waiver of fees and charges and donations is provided below:

<b>Total Budget 2001/2002 – Waiver of Fees and Charges and Donations</b>	\$20,000.00
<b>Amount expended to date:-</b>	\$9 824.70
<b>Available Funds (as at 27 November 2001)</b>	\$10 175.30
<b>Impact of approval of ALL applications:</b>	Impact: \$2 156.80 Remaining Funds: \$8 018.50
<b>Impact of approval of RECOMMENDED applications:</b>	Impact: \$2 156.80 Remaining Funds: \$8 018.50

### **Voting Requirements**

Simple Majority

### **Recommendation**

**That Council:-**

1. **APPROVES** a donation of \$1 840.00 from account 05 051 4402 (Governance – Donations) to the Wanneroo & Districts Historical Society for the 2002 Annual Affiliated Societies State Conference (14 & 15 September 2002) which involves the use of Administration Centre facilities for the conference and the official hosting of a cocktail party for conference delegates;
2. **APPROVES** a donation of \$316.80 from account 05 051 4402 (Governance – Donations) to Merriwa Neighbourhood Watch, which represents the waiver of fees and charges for 12 months use of Gumblossom Hall (February to December 2002) for monthly meetings. This donation is to be made as seed funding for this organisation as it becomes established in a growing suburb.



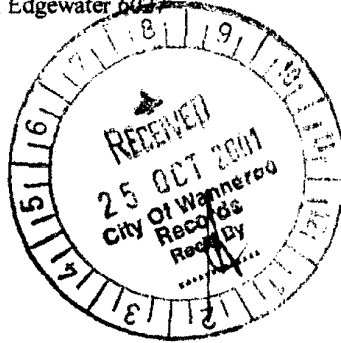
## ATTACHMENT 1

WANNEROO AND DISTRICTS HISTORICAL SOCIETY INC.

**President:** Mr W (Bill Marwick)  
155 Edgewater Drive, Edgewater 6027  
Tel: 9309 3611

**Secretary:** Miss M J Cockman OAM  
P O Box 56, Wanneroo, 6946  
Tel: 9405 1256

12 October 2001



		City of Wanneroo / 5
	Note	DOCUMENT REGISTRATION
	Act	File Ref. 23172
	Att	Folio No. 11427.5
		Officer TANYA KAPTELA

Mr Charles Johnston  
Acting Chief Executive Officer  
City of Wanneroo  
Locked Bag 1  
WANNEROO WA 6946

Dear Charles

In the year 2002, Wanneroo Historical Society have been given the honour to host the Annual Affiliated Societies State History Conference. This Conference will be held over the week-end of September 14<sup>th</sup> and 15<sup>th</sup>.

I have been asked to write and seek the support of Council in allowing us to use Council Chambers for the Conference Business on Saturday 14<sup>th</sup> September, also to use the Function area for the Conference Dinner in the evening of the 14<sup>th</sup>.

We were granted the Conference as 2002 is Wanneroo's 100 years of Local Government, so appropriately the theme will be "100 Years of Local Government in Wanneroo".

The event attracts some 100 delegates from throughout Western Australia.

We seek Council's support by waiving any hire charges for the use of the facilities.

At past conferences the Local Authority, be it City or Country, has hosted a Cocktail Party on the Friday or Saturday evening , and would we also ask if the Mayor would host a Cocktail Party prior to the evening Dinner on the Saturday. As there is not a lot of nearby accommodation in Wanneroo for visitors to stay it is not practicable to have them come out to Wanneroo for one to two hours on the Friday evening and again on Saturday. We found when we hosted the Conference in Joondalup in 1994 the Saturday evening Cocktail Party fitted into the programme a lot easier..

Enclosed please find a copy of a Draft Programme of the proposed event.

Looking forward to having Council's support for the event.

Yours faithfully



Miss M J Cockman OAM  
Hon Secretary

## ATTACHMENT 2



# Neighbourhood Watch<sup>©</sup>

City of Wanneroo S-P

	Note	DOCUMENT REGISTRATION
/	Act	File Ref. 06145-03137
	Att	Folio No. 114318
		CIP Ref. KELLY EDWARDS

C/ LINDA ILLINGWORTH  
/c

Chief Executive officer  
City of Wanneroo  
Locked Bag 1  
Wanneroo  
WA 6946  
24<sup>th</sup> October 2001

Dear Sir/Madam,

I am writing to you to apply for permission to use the activity rooms 3 & 4 at Gumblossom Hall, Quinns Rock for our Neighbourhood Watch meetings. As a volunteer organisation we do not have funds available to pay for a venue. If available I will need them every third Monday of the month starting February, 2002 till December 2002. The time space needed is 6.45pm till 9pm. I await your response.

Yours sincerely

*A. Edwards*

Ashley Edwards  
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## CD09-11/01 Community Funding Working Party - Hallmark Events Recommendations

File Ref: 39290  
 Responsible Officer: A/Director Community Development  
 Disclosure of Interest: Nil

### Issue

Recommendations for the current round of Hallmark Events within the City of Wanneroo's Community Funding Program.

### Background

On 4 September 2001, Council adopted the Revised Community Funding Policy that incorporates three main categories or streams of funding, namely:

- Hallmark Event Sponsorship,
- Community Event Sponsorship,
- Community Development Fund.

The Hallmark Event Sponsorship category was developed to recognise and provide funding for events that contribute to the City of Wanneroo's history and identity.

Under this category, community organisations are invited to apply for funds under a three-year management contract, meaning that, subject to regular evaluation, they will operate the nominated event on three successive occasions.

Events identified in the Hallmark Event Sponsorship category were as follows:

- Australia Day, 26 January,
- ANZAC Day, 25 April,
- Perry's Paddock Picnic Day, held at Perry's Paddock, Wanneroo.

In order to allow adequate time for application assessment and subsequent funding allocations to be distributed, Hallmark Event applications for Australia Day and ANZAC Day were invited from 12 September to 19 October 2001.

Under the revised policy a Community Funding Working Party has been established to consider applications and make recommendations. This Working Party (resolved by Council on 4 September 2001) consists of the following members:

Mayor	Chairperson
Cr Loftus	North Ward
Cr Goodenough	Coastal Ward
Cr Steffens	Hester Ward
Cr Cvitan	Central Ward
Cr Newton	Wanneroo Ward

Cr Grierson	Alexander Ward
Cr Blencowe	South Ward

## Detail

The City received a total of seven (7) applications under the Hallmark Events Sponsorship stream in the current round. Copies of these applications were placed in the Councillors' Reading Room on 24 October 2001.

The Community Funding Working Party met on Thursday, 17 November 2001, to assess all applications received.

Working Party recommendations are summarised below.

<b>Project Title</b>	<b>ANZAC Day</b>
<b>Applicant</b>	Clarkson Primary School
<b>Summary</b>	<p>ANZAC Day service conducted on the last day of Term 1, 2002, in conjunction with the establishment of a "Peace Garden" in the school grounds.</p> <p>The event will not be taking place on ANZAC Day.</p> <p><b>Location of event: Clarkson Primary School</b></p>
<b>Amount Requested</b>	\$845.00
<b>Working Party Assessment</b>	<p>➤ <u>Comments:</u></p> <p>➤ <b>Working Party felt that event should not be supported, as the event was not taking place on ANZAC Day and the Quinns Rocks RSL Sub-Branch had also applied for ANZAC Day funding for this region.</b></p> <p>➤ <b>It was also suggested that the primary school be encouraged to apply for funding through the remaining Community Funding streams.</b></p>
<b>Recommendation</b>	Funding <b>not be approved</b> : \$0.00

<b>Project Title</b>	<b>Australia Day Breakfast</b>
<b>Applicant</b>	Girradoola Lions Club
<b>Summary</b>	Australia Day breakfast to provide food and entertainment for approximately 750 adults and children.  <b>Location of event: Hainsworth Park, Girrawheen</b>
<b>Amount Requested</b>	\$1,870.89
<b>Working Party Assessment</b>	<ul style="list-style-type: none"> <li>➤ <u>Comments:</u></li> <li>➤ <b>The Working Party supported this application up to the value of \$1,000.</b></li> </ul>
<b>Recommendation</b>	Funding <b>be approved:</b> \$1,000.00

<b>Project Title</b>	<b>ANZAC Day and Gunfire Breakfast</b>
<b>Applicant</b>	Quinns Rocks RSL
<b>Summary</b>	ANZAC Day Dawn Service followed by free breakfast for approximately 400-450 community members in attendance.  <b>Location of event: Quinns Rocks Sports Club, Quinns Rocks</b>
<b>Amount Requested</b>	\$1,000.00
<b>Working Party Assessment</b>	<ul style="list-style-type: none"> <li>➤ <u>Comments:</u></li> <li>➤ <b>The Working Party supported this application up to the value of \$1,000.</b></li> </ul>
<b>Recommendation</b>	Funding <b>be approved:</b> \$1,000.00

<b>Project Title</b>	<b>ANZAC Day Parade &amp; Service</b>
<b>Applicant</b>	Wanneroo Joondalup RSL Sub-Branch
<b>Summary</b>	ANZAC Day Parade and Memorial Service followed by morning tea provided for community members attending. The event will also

	<p>include a night vigil by the Wanneroo Scouts. Catering and entertainment will be provided on the day.</p> <p>Although Wanneroo Joondalup Sub-Branch is not incorporated they have previously nominated the state RSL Branch to distribute funds received from other funding organisations. The Wanneroo Joondalup Sub-Branch Secretary has indicated that this arrangement would be available should the sub-branch be successful.</p> <p><b>Location of event: Wanneroo Seniors Centre, Wanneroo</b></p>
<b>Amount Requested</b>	\$1,020.00
<b>Working Party Assessment</b>	<p>➤ <u>Comments:</u></p> <p>➤ <b>The Working Party supported this application up to the value of \$1,020.</b></p>
<b>Recommendation</b>	Funding <b>be approved:</b> \$1,020.00

<b>Project Title</b>	<b>Aussie Day Breakfast</b>
<b>Applicant</b>	Wanneroo Townsite Community Group
<b>Summary</b>	<p>Free breakfast and entertainment provided to community members on Australia Day.</p> <p><b>Location of event: Wanneroo Showgrounds, Wanneroo</b></p>
<b>Amount Requested</b>	\$3,040.37
<b>Working Party Assessment</b>	<p>➤ <u>Comments:</u></p> <p>➤ <b>The Working Party recommended that catering costs only be funded through Hallmark Events Sponsorship.</b></p> <p>➤ <b>The Working Party further recommended that the ground hire of Wanneroo Showgrounds for the event (totalling \$588.37) be considered by Council under the donations and waiver of fees and charges budget.</b></p>
<b>Recommendation</b>	Funding <b>be approved:</b> \$1,752.00

<b>Project Title</b>	<b>Australia Day Breakfast</b>
<b>Applicant</b>	Yanchep Two Rocks Recreation Association

<b>Summary</b>	Free breakfast provided to community members wishing to celebrate Australia Day, followed by entertainment, Citizenship Ceremony and Community Awards presentations.  <b>Location of event: Phil Renkin Centre, Two Rocks</b>
<b>Amount Requested</b>	\$1,000.00
<b>Working Party Assessment</b>	➤ <u>Comments:</u> ➤ <b>The Working Party supported this application up to the value of \$1,000.</b>
<b>Recommendation</b>	Funding <b>be approved:</b> \$1,000.00

<b>Project Title</b>	<b>ANZAC Day Memorial Service</b>
<b>Applicant</b>	Yanchep Two Rocks RSL Sub-Branch
<b>Summary</b>	ANZAC Day Memorial Service, parade and light refreshments in the Yanchep National Park.  <b>Location of event: Yanchep National Park, Yanchep</b>
<b>Amount Requested</b>	\$1,179.00
<b>Working Party Assessment</b>	➤ <u>Comments:</u> ➤ <b>The Working Party supported this application up to the value of \$1,179.</b>
<b>Recommendation</b>	Funding <b>be approved:</b> \$1,179.00

## Comment

Each Hallmark Event application received by the City fully met the assessment criteria nominated in the revised Community Funding Policy.

This criteria is as follows:

- Event type and proposed format,
- Community involvement in organisation,
- Community support for event,
- Ability to conduct event and manage financial requirements,
- Membership of organisation and benefit to City residents,



- Commitment to recognising City of Wanneroo support.

Recommendations made by the Working Party are summarised below:

Community Group	Project	Requested	Recommended
<b>1. Clarkson Primary School</b>	<b>ANZAC</b>	<b>\$845.00</b>	<b>\$0.00</b>
<b>2. Girradoola Lions Club</b>	<b>Aust Day</b>	<b>\$1,870.89</b>	<b>\$1,000.00</b>
<b>3. Quinns Rocks RSL</b>	<b>ANZAC</b>	<b>\$1,000.00</b>	<b>\$1,000.00</b>
<b>4. Wanneroo Joondalup RSL Sub Branch</b>	<b>ANZAC</b>	<b>\$1,020.00</b>	<b>\$1,020.00</b>
<b>5. Wanneroo Townsite Community Group</b>	<b>Aust Day</b>	<b>\$3,040.37</b>	<b>\$1,752.00</b>
<b>6. Yanchep Two Rocks Recreation Association</b>	<b>Aust Day</b>	<b>\$1,000.00</b>	<b>\$1,000.00</b>
<b>7. Yanchep Two Rocks RSL Sub Branch</b>	<b>ANZAC</b>	<b>\$1,179.00</b>	<b>\$1,179.00</b>
<b>TOTAL</b>		<b>\$9,955.26</b>	<b>\$6,951.00</b>

Each of the recommendations from the Working Party were based on the assessment criteria and the number of estimated attendees at each event and are relatively consistent.

The Working Party recommended that Clarkson Primary School's application not be supported, as the event would not be taking place on ANZAC Day. Their eligibility to apply for this event under the Community Funding stream of the City's Community Funding Program, as recommended by the Working Party, will still allow the opportunity for the school to have their application reassessed with other like events under the next round of funding.

The Working Party recommended that the Wanneroo Townsite Community Group's application for ground hire costs (totalling \$588.37) be considered by Council under the donations and waiver of fees and charges budget. Given the hire costs associated with this venue, in comparison with others across the City, and the number of attendees expected at this event (approximately double that of other applications), this type of recommendation is consistent with equity principles currently applied by the City.

With these comments in mind, there is a high level of congruence between the recommendations of the Working Party and those of Administration.

### **Statutory Compliance**

Nil

### **Strategic Implications**

Nil

## Policy Implications

Nil

## Financial Implications

Successful applicants are approved on the basis of a three (3) year management contract. Endorsement of these applications will commit Council to a budget allocation for each of the three years of this contract. There will, however, be annual evaluations of the contract with the opportunity for event organisers to submit a revised budget for Council consideration.

It is proposed that funding offered by the City will be net of GST. That is to say, any funding recipient that is registered for GST, and therefore provides the City with a tax invoice, should do so for a sum equal to 100% of the funding amount. In this way; the net cost to the City and the net income to the recipient equals the level of funding offered.

Should funding recipients not be GST registered and therefore be unable to provide a tax invoice, funding will be provided at the level endorsed by Council.

## Voting Requirements

Simple Majority

## Recommendation

That Council:

1. **DOES NOT SUPPORT** an application for Hallmark Event funding totalling \$845.00 from Clarkson Primary School to stage an ANZAC Day event in 2002.
2. **ENDORSES** funding of \$1,000.00 via Hallmark Event Sponsorship to Girradoola Lions Club from account 51-80-93-931-4402-0001 (Policy & Planning – Donations) to support the delivery of an Australia Day event in 2002.
3. **ENDORSES** funding of \$1,000.00 via Hallmark Event Sponsorship to Quinns Rocks RSL Sub-Branch from account 51-80-93-931-4402-0001 (Policy & Planning – Donations) to support the delivery of an ANZAC Day event in 2002.
4. **ENDORSES** funding of \$ 1,020.00 via Hallmark Event Sponsorship to Wanneroo Joondalup RSL Sub-Branch from account 51-80-93-931-4402-0001 (Policy & Planning – Donations) to support the delivery of an ANZAC Day event in 2002.
5. **ENDORSES** funding of \$1,752.00 via Hallmark Event Sponsorship to the Wanneroo Townsite Community Group from account 51-80-93-931-4402-0001 (Policy & Planning – Donations) to support the delivery of an Australia Day event in 2002.
6. **APPROVES** a donation of \$588.37 to Wanneroo Townsite Community Group from account 05 051 4402 (Governance – Donations) for the waiver of fees for ground hire of Wanneroo Showgrounds to support the delivery of an Australia Day event in 2002.

7. **ENDORSES funding of \$1,000.00 via Hallmark Event Sponsorship to Yanchep Two Rocks Recreation Association from account 51-80-93-931-4402-0001 (Policy & Planning – Donations) to support the delivery of an Australia Day event in 2002.**
8. **ENDORSES funding of \$1,179.00 via Hallmark Event Sponsorship to Yanchep Two Rocks RSL Sub-Branch from account 51-80-93-931-4402-0001 (Policy & Planning – Donations) to support the delivery of an ANZAC Day event in 2002.**
9. **NOTES that funds remaining in the Community Funding Budget for 2001/2002 total \$53,049.00, to be utilised for applications made under the Community Development Fund and Event Sponsorship streams in the current round and a future round to be advertised in April 2002.**
10. **NOTES that successful applicants are approved, as per the provisions of the Community Funding Policy, on the basis of a three (3) year management contract, which will commit Council to a budget allocation for each of the three years of this contract (subject to annual event evaluation).**

## CD10-11/01 Endorsement of Youth Advisory Council Nominations

File Ref: 00516  
 Responsible Officer: A/Director - Community Development  
 Disclosure of Interest: Nil

### Issue

Council approval is sought to appoint nominees to the City of Wanneroo's Youth Advisory Council for the current term, ending 30 June 2002.

### Background

Youth Advisory Councils (YAC) were established in 1998 with the aim of enabling young people to advise the Council, Minister for Youth and the Government directly about issues facing young people and ways to address those issues. Upon the split of the two local government authorities of the City of Joondalup and the Shire of Wanneroo, two Youth Advisory Councils were established in Wanneroo. These were subsequently merged into one YAC in May of 2000 (report W119-05/00 refers).

Currently the YAC meets on a regular basis with the following objectives:

1. To address and advise the City of Wanneroo Council on any issues of importance to the youth population of the City of Wanneroo and be an active voice on such issues;
2. To promote a positive image of young people within their local community through a variety of media options;
3. To develop a variety of skills and attributes that facilitates active citizenship and community participation; and
4. Give the youth population within the City of Wanneroo an appropriate and accessible communication channel to express their needs at a local and state level.

Young people are asked to nominate individually to be members of the YAC and can serve up to two terms in office, not to exceed a total of two years. All members must be between the ages of 15 and 21.

### Detail

The terms of the existing members of the YAC have now expired. Young people from all wards of the City were invited to nominate to become YAC members. The nominations received and selected for consideration are:

Name	Suburb	Ward
Stareh Harrison	Yanchep	North
Janna Jones	Mindarie	Coastal
Janine Briggs	Carramar	Central
Kate Rivers	Wanneroo	Wanneroo
Mark Edmonds	Wanneroo	Wanneroo
Daniel Wheeler	Marangaroo	Alexander

Kellie Davids	Alexander Heights	Alexander
Kristy Badmit	Koondoola	South

### ***Consultation***

Requests for nominations were advertised through High Schools in all wards across the City. Student Councils and Guidance Officers at schools were advised of the opportunity and invited to submit nominations. Requests for nominations were also advertised in the Youth Info Page.

### **Comment**

The YAC has an extremely important role to play in giving young people of the City a voice, both at the local and state level. It enables them to develop skills that promote active citizenship and participation in community life, as well as giving the community an opportunity to hear from young people. It assists in the presentation of young people in a positive light and allows the City to participate in a statewide initiative for young people, whilst still maintaining a local focus.

The YAC can have 16 members at any one time. A staggered recruitment process will take place to ensure that not all terms will expire at the same time. To avoid the situation in the future where all YAC members vacate their positions at the same time, further members are intended to be recruited in February of next year. This aims to bring the total number of representatives from 9 to 16. Thus, only half of the positions on the YAC will be turned over on any one occasion, allowing for mentoring and support from existing members to new members. It is recognised that the Hester Ward is not represented at this point in time, and this will be a priority in recruiting next year.

The Terms of Reference for the YAC are attached.

### **Statutory Compliance**

Section 5.10 of the Local Government Act (1995) allows Council to approve members to committees. Section 5.9 of the Act allows the committee to be comprised of other persons who are not members of Council or Council employees. Members must be appointed by absolute majority.

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

The Wanneroo YAC is an initiative included within the Youth Services budget. Further, the Office of Youth Affairs has been approached by the City in relation to providing funding to assist with this program.

## Voting Requirements

Absolute Majority

## Recommendation

That Council

1. **APPOINTS BY ABSOLUTE MAJORITY** the following as Youth Advisory Council (YAC) members for the 2001/02 YAC term (to 30 June 2002);

Name	Suburb	Ward
Stareh Harrison	Yanchep	North
Janna Jones	Mindarie	Coastal
Janine Briggs	Carramar	Central
Kate Rivers	Wanneroo	Wanneroo
Mark Edmonds	Wanneroo	Wanneroo
Daniel Wheeler	Marangaroo	Alexander
Kellie Davids	Alexander Heights	Alexander
Kristy Badmit	Koondoola	South

2. **THANKS** past YAC members for their contribution and the following participants, as founding members and now as volunteers assisting with the current program of the YAC;

Sarah Hintz	Quinns Rocks
Laura Downey	Clarkson
John Stewart	Gnangara
Miriam Notley	Carramar
Rebecca Tayler	Wanneroo

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**CD11-11/01 Extension of Lease L094 - Marangaroo Golf Course**

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File Ref: 08170  
Responsible Officer: A/Director - Community Development  
Disclosure of Interest: Nil

**Issue**

To extend the expiry date of Lease L094 Marangaroo Golf Course to C W Duncan and T M Crosbie from 3<sup>rd</sup> March 2002 to 15 May 2002, to coincide with the expiry of lease L148 Carramar Golf Course.

**Background**

C W Duncan and T M Crosbie are the lessees of the City's two public Golf Courses, Marangaroo and Carramar. Both leases were negotiated in 1993 for a five year period with a three year option. The lessees exercised their option in 1999 for both courses.

The expiry dates of the two leases differ by 73 days, with Marangaroo expiring on 3<sup>rd</sup> March 2002 and Carramar expiring on 15<sup>th</sup> May 2002.

**Detail**

Administration are preparing a report to be presented to the December Council meeting in relation to the future management and provision of golfing services in the City .due to the pending expiry of the current leases.

Extending the expiry date of the Marangaroo lease to coincide with the expiry of the Carramar lease will bring the two leases into line, provide extra time to deal with the future arrangements and allow a coordinated approach for the new tender to be for either one or both courses.

**Consultation**

The current lessees have been consulted and agree to the proposed extension of the expiry date of the Marangaroo lease under the current terms and conditions.

**Comment**

There are obvious advantages in the City's two golf course leases having a common commencement and expiry date. This will allow tenders to be called on the basis of either one or both courses and streamline future administrative requirements.

**Statutory Compliance**

Section 3.58(3) provides Council with the power to dispose of property, other than to the highest bidder at auction or through public tender, if before agreeing to dispose of the property:-

- a) It gives Statewide public notice of the proposed disposition-

- i. Describing the property concerned
- ii. Giving details of the proposed disposition, and
- iii. Invites submissions, and

b) Considers any submissions made.

### **Strategic Implications**

Nil.

### **Policy Implications**

Nil.

### **Financial Implications**

The extension of this lease will be in accordance with the current terms and conditions. The City budgeted for the full financial year based on the current financial arrangements and therefore this proposed lease extension will have no adverse affect on the Budget.

### **Voting Requirements**

Simple Majority

### **Recommendation**

**That Council EXTENDS the expiry date of Lease 1094, Marangaroo Golf Course, to C W Duncan and T M Crosbie from 3 March to 15 May 2002.**



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## **CD12-11/01 Request from Safer Citizens Working Group - Letter to the Minister for the Western Australian Police Service**

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File Ref: 39908  
Responsible Officer: Acting Director - Community Development  
Disclosure of Interest: Nil

### **Issue**

Recommendation from the Safer Citizens Working Group requesting that Council lobby the Minister for the WA Police Service after a recent reduction in the district's police numbers.

### **Background**

The Safer Citizens Working Group (consisting of 7 Councillors and various stakeholders) meets on a monthly basis to monitor the City's Safer Citizens Program).

The terms of reference for this group, as resolved by Council at its meeting on 12 September 2000 are to:

- Monitor the overall direction and effectiveness of the Safer Citizens Program;
- Report and recommend to Council changes that may improve the program's effectiveness and performance; and
- Lobby the Minister for Police to put strategies in place aimed at increasing police numbers and services to the City of Wanneroo to an acceptable level.

### **Detail**

At the meeting of the Working Group held on 23 October 2001, members were informed of the effects of the implementation of the WA Police Service RADAR model (redistribution of Police staffing resources throughout the region). This has resulted in a 25% (approximately 60 officers) reduction in police numbers across the North West Metropolitan District (which includes the City of Wanneroo).

Discussion regarding this issue resulted in a Motion from Cr Hughes requesting that Council write to the Minister for Police to register the City's concern regarding a reduction in police numbers. This Motion was made in recognition of both:

- The existing level of police officer coverage in the area currently perceived as being inadequate; and
- The high levels of growth currently being experienced throughout the City, which will place an increased demand on reduced police numbers.

Members of the Working Party also recognised that the District Superintendent had advocated containing police numbers at a 25% reduction, given that RADAR had recommended an increased reduction.

***Consultation***

Nil

**Comment**

Given that the terms of reference for the Working Group include lobbying to increase police presence throughout the City of Wanneroo, it is recommended that a letter be forwarded to the Minister for the WA Police Service registering the City's concern regarding the recent reduction in police service to the district.

**Statutory Compliance**

Nil

**Strategic Implications**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Voting Requirements**

Simple Majority

**Recommendation**

**That Council WRITE to the Minister for the WA Police Service to register strong concern regarding a recent further reduction in police numbers servicing the North West Metropolitan District.**

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**CD13-11/01 The Badminton Association of WA - Sub-Lease**

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File Ref: 67976  
Responsible Officer: Acting Director – Community Development  
Disclosure of Interest: Nil

**Issue**

To consent to the sub-lease of part of the Kingsway International Sports Stadium (the Stadium) from the Badminton Association of Western Australia to A J Thompson Pty Ltd, for the purpose of a physiotherapy practice.

**Background**

The Stadium located on Kingsway Road, Madeley, is owned by the City of Wanneroo and leased to the Badminton Association of WA for a 35-year period from 10<sup>th</sup> January 2000.

The Badminton Association of Western Australia (Inc.) successfully tendered for the leasehold of the Stadium following the Commonwealth Bank of Australia exercising its rights under a mortgage it held with the previous lessee, the Wanneroo Netball Association.

As a result of negotiations between the City and the Commonwealth Bank, it was agreed that the leasehold of the Stadium would be offered for tender (in May/June 1999) on the basis that tenderers had to meet the three fundamental principals of:

1. Settlement of the debt secured by the Commonwealth Bank's Mortgage over the lease of the Stadium;
2. An assurance that the proposed future use of the facility would be predominantly for sport and that in particular reasonable access would be available to netball; and
3. Favorable financial arrangements for the City and lessee.

In addition to meeting these fundamental principles, tenderers were required to address a number of essential requirements including an agreement to continue the sublease of the Kingsley Physiotherapy Tenancy.

The Badminton Association of Western Australia (Inc.) were awarded the tender in July 1999 on the basis of this tender response which included a lump sum payment of \$1 million and an annual rental based on court hire turnover after the initial five years of the lease.

The Stadium was constructed in 1996 as an International standard Netball facility, with two areas designed to be sub-let, being the physiotherapy room (the subject of this report) and kiosk/cafe area. These two areas were sub-let under the previous lease agreement with the Netball Association, and in 1999 when the use of the Stadium changed from Netball to Badminton, the right to sub-let these two areas were transferred to the new lessee.

The premises being sub-let is that room within the Kingsway International Sports Stadium that has been used for a physiotherapy practice since the building began operation under a lease agreement with the Netball Association. This use is recognised within the current lease between the City and the Badminton Association of WA under Schedule One, item three, which states:

*The premises are to be used as an international standard sports stadium incorporating facilities associated therewith such as a pro shop and also incorporating a commercial component including child care facilities, a gymnasium (and/or offices for sporting or community groups), a physiotherapy treatment centre, a kiosk/café and a function centre.*

The lease agreement grants the lessee with permission to sub-let part of the premises, subject to obtaining prior written consent of the lessor.

In April 2000 the Badminton Association of WA (BAWA) wrote to the City advising *that they had agreed to sub-lease the café/kiosk area and formalise the existing sub-leasing arrangements with the physiotherapist who has been in situ for some time (originally under sub-lease from the Wanneroo Districts Netball Assoc).*

Council endorsed the sub-lease of the café/kiosk area at the ordinary meeting held on 10<sup>th</sup> October 2000. Due to administrative error in not dealing with the two sub-leases at the same time, and the obtaining of Ministerial approval, there has been a delay in bringing the physiotherapy area sub-lease to Council for endorsement. The commencement of this sub-lease has been backdated to the date that the lessee took control of the stadium as the current sub-lessee was a tenant when the lease was assigned to the BAWA.

## **Detail**

The Badminton Association of WA (Lessee) have agreed to sub-lease the physiotherapy room (28.2m<sup>2</sup>) to A J Thompson Pty Ltd for the purpose of a Physiotherapy practice. The sub-lease is for four (4) years commencing 11<sup>th</sup> January 2000, with a three (3) year option. The sub-lease rental is \$9,000 year one, \$10,000 year two, and reviewed each year thereafter.

The sub-lease has been prepared by Frichot & Frichot, being the BAWA solicitors. The sub-lease was duly signed by the Lessor (BAWA) and lessee (A J Thompson) in July 2001, with the stamp duty being paid and receipted on 31<sup>st</sup> August 2001. The sub-lease now needs to be signed by the Chief Executive Officer and the Mayor to endorse the City's consent to the sub-lease.

## **Consultation**

Nil

## **Comment**

As the area of the premises in question has been identified and utilised for the purpose of a physiotherapy practice (in line with the lease conditions) since the construction of the facility, the City's administration is supportive of the proposed sub-lease.

## **Statutory Compliance**

The City is required to consent to any sub-lease of the premises, provided that such consent shall not unreasonably be withheld.

The Hon Minister for Lands approval of this sub-lease has been acquired.

## **Strategic Implications**

Not applicable

## **Policy Implications**

Not applicable.

## **Financial Implications**

Nil

## **Voting Requirements**

Simple Majority

## **Recommendation**

**That Council ENDORSES the sub-lease of the Physiotherapy room (28.2m<sup>2</sup>), located within the Kingsway International Sports Stadium, Swan location 12652, leased to the Badminton Association of WA, to A J Thompson Pty Ltd for use as a Physiotherapy practice, for four (4) years from 11<sup>th</sup> January 2000, with a further three (3) year option.**

## CD14-11/01 Various Requests By The Wanneroo Districts Cricket Club Inc

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File Ref: 08082, 67976  
 Responsible Officer: Acting Director – Community Development  
 Disclosure of Interest: Nil

### Issue

To consider items requested by the Wanneroo Districts Cricket Club, the Lessee of the Cricket/Hockey Clubrooms in Bellerive Boulevard, Madeley.

### Background

This report was first presented to the Council meeting held on Tuesday 16<sup>th</sup> October 2001, and was withdrawn to allow for further discussions with Club officials to ensure that the information included was still relevant.

#### *Wanneroo Cricket and Hockey Clubroom Project History*

The Wanneroo Districts Cricket Club and Wanneroo District Hockey Association have occupied and used the clubrooms located at the Kingsway Sports Complex in Bellerive Boulevard, Madeley, since they were erected in 1980. The club/s contributed \$31,000 to the original building cost of \$67,000 in 1980 and totally funded a \$200,000 (\$50 000 from CSRFF grant) extension to the clubrooms which was completed in July 2001. The City did not support the recent extension on the basis that the existing premises were sufficient to meet the needs of the users and other projects within the City were deemed a higher priority.

The City did however contribute towards a number of maintenance items from the 2000/2001 Budget to coincide with the extensions, being:

Replace Carpet -	=	\$11,500
Replace asbestos water main -	=	\$ 2,200
Connect to the sewer -	=	\$ 5,750
Supply and deliver 100 chairs	=	\$ 3,000

**TOTAL = \$22 450**

The groups have recently negotiated a 21 year lease with Council for the use of the Cricket/Hockey clubrooms.

In July 2001 the Lessee met with the Mayor to discuss several issues regarding reimbursement and alterations to infrastructure surrounding the leased area and the following details of the Lessees requests are listed below.

### Detail

The Lessee has requested that Council:

**1. Waives \$360 (five twelfths) of the annual lease fee (currently \$864.00pa) payable by the Lessee for the use of the clubrooms located at Bellerive Boulevard, Madeley.**

The lease requires the lessee to pay a yearly rental fee of \$864.00, plus pay all operating costs (including utility charges).

The lessee has recently completed major refurbishments to the clubrooms at a cost of approximately \$200,000 which was funded by the lessee and State Government (CSRFF grant of \$50,000). The refurbishment was undertaken from February to June 2001 and during this time the Lessee has not been able to fully utilise the facility or hire it out on a commercial basis for a 5 month period.

**2. Waives the utility charges incurred by the Lessee (approx \$1500) during the renovations of the clubrooms.**

The lessee has requested that the utility charges be discounted by 50% for the 5 month period, on the basis that they had limited use of the facility due to the refurbishment.

**3. Reimburses the Lessee \$1,100.00 for expenses incurred for carpet preparations and \$824.00 for the cost of a new oven cooker and rangehood purchased by the Lessee.**

At its meeting held 24 October 2000 Council resolved to consider including the funding of the replacement of carpets and curtains and the supply and installation of a new stove in the 2001/2002 draft budget. \$10,000 was subsequently included in the Budget for the replacement of the carpets. In July 2001, Council officers and the Lessee met to select the carpet for the clubrooms, which was purchased at a cost of \$11 500 and fully funded by the City. This amount did not include the carpet preparation costs, which were paid by the Club. The replacement of curtains and supply and installation of a new stove were considered but did not remain in the 2001/2002 Budget.

**4. Shares 50% of the cost (\$9,680) to match the colour of the new and existing clubroom roof.**

As a result of the extensions to the clubrooms the roof colour is not uniform and to assist with the completion of this aspect the Lessee requests that Council shares the expense of \$9,680 on a 50/50 basis to matching the colour. \$9,680 represents the actual costs incurred by the Club for painting the entire exterior of the facility.

**5. Develops extra car parking bays to accommodate clubroom patrons.**

Following construction of the renovations the clubrooms licence capacity has increased from 100 to 200 persons. There are parking bays immediately next to the clubrooms that cater for 26 vehicles. There has also been an increase in residential development opposite the clubrooms and this has resulted in restricted verge parking within the immediate vicinity. The Lessee feels that the number of current parking bays are unsatisfactory and the use of an adjoining carpark next to Kingsway Olympic Soccer Club (approximately 100metres) is too far and poses both safety and security problems.

The Club requests that the lawn area abutting the current Car park be designed to accommodate spill over parking requirements. This could be achieved through the installation of bollards and a mountable kerb section.

### *Consultation*

Officers from Leisure & Cultural Services have met with the Club President and Secretary to discuss the issues raised. The Club has been proactive in pursuing funding and upgrading their facility and are seeking a Council contribution towards the works that they have undertaken.

### **Comment**

- 1. Waives \$360 (five twelfths) of the annual lease fee (currently \$864.00pa) payable by the Lessee for the use of the clubrooms located at Bellerive Boulevard, Madeley.**

The Lessees have requested Council waives \$360 (five twelfths) of the annual lease fee (currently \$864.00) payable by the Lessee for the use of the clubrooms. The refurbishment was undertaken from February to June 2001 and during this time the Lessee has not been able to fully utilise the facility or hire it out on a commercial basis. Therefore it is reasonable to suggest that the annual rental fee be waived for the 5 month period.

- 2. Waives the utility charges incurred by the Lessee (approx \$1500) during the renovations of the clubrooms.**

The utility charges represent the actual consumption of utilities at the facility, consumed by the lessee.

City administration are recommending against a contribution as we have no budgetary allocation to fund such a request.

- 3. Reimburses the Lessee \$1,100.00 for expenses incurred for carpet preparations and \$824.00 for the cost of a new oven cooker and rangehood purchased by the Lessee.**

The Club have incurred costs of:

- \$1,100 for floor preparations
- \$1,185 for floor uplift and sand
- \$ 675 for Oven Cooker
- \$ 149 for Rangehood

They have requested that they be reimbursed for the floor preparation, cooker and rangehood.

City administration are recommending against a contribution as we have no budgetary allocation to fund such a request

- 4. Shares 50% of the cost (\$9,680) to match the colour of the new and existing clubroom roof.**

The club organised for the painting of the whole of the exterior of the Clubrooms, including the roof. This work has been undertaken as one job and there is no way to differentiate between the cost of the exterior walls and roof. The Club was keen to have the whole building painted so that the facility had a uniform look.

City administration are recommending against a contribution as we have no budgetary allocation to fund such a request



## 5. Develops extra car parking bays to accommodate clubroom patrons.

City administration is opposed to allowing spill over parking on the grassed area abutting the current Car park due to:

- i. Ample car parking is located approximately 100 metres away, although it is acknowledged that there is no lighting/path connecting the car park to the facility
- ii. Will result in damage to turf and sprinklers causing increased maintenance
- iii. Increased compaction of the ground will ultimately kill the well established large trees

Leisure & Cultural Services are currently preparing a draft plan for the coordinated upgrade of car parking within the Kingsway reserve. This report will be presented to Council early in the new year for consideration and it is recommended that this request be dealt with as part of that strategy.

### Summary

The lessee's have been very proactive and successful in upgrading their Clubhouse with limited assistance from the City.

City Administration are most supportive of the Clubs actions in upgrading their facility and negotiating a lease with the City, unfortunately there are no funds available in the 2001/02 Budget to allow us to accede retrospectively to their requests.

### Statutory Compliance

The City's lease agreement with the Wanneroo Districts Cricket Club and Wanneroo Districts Hockey Association commenced on 1 December 2000 and details the terms of operation for this facility. The lease was executed by all parties on 2 June 2001 and consequently the lessee's have now received notification that the first year's lease payment is now due.

### Strategic Implications

Nil

### Policy Implications

Nil

### Financial Implications

The monetary requests by the Club are summarised below:

Lease waiver	\$ 360
Utilities	\$ 750
Carpet prep	\$1,100
Cooker/rangehood	\$ 824
Exterior painting	<u>\$4,840</u>
Total	\$7,874

## **Voting Requirements**

Simple Majority

## **Recommendation**

**That Council,**

- 1. APPROVES the Wanneroo Districts Cricket Club's request to waive \$360 of their first years lease payment (represents five-twelfths of first years lease payment).**
- 2. DECLINES the Wanneroo Districts Cricket Club's requests for contributions towards Utility charges, carpet preparations, oven cooker, rangehood and building painting costs, due to budgetary constraints.**
- 3. DECLINES the Wanneroo Districts Cricket Club's request to utilise the grassed area abutting the current sealed Car park for spill over parking and that this request be considered in developing a car park upgrade plan for Car parking within the Kingsway reserve.**
- 4. NOTES that the issue of car parking within the Kingsway Reserve will be the subject of a future report to Council.**

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## CD15-11/01 Request For Change To Community Funding Grant - Challenge Brass Band

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File Ref: 39290  
Responsible Officer: Acting Director - Community Development  
Disclosure of Interest: Nil

### Issue

A request from Challenge Brass Band to change the conditions of an existing City of Wanneroo Community Funding Grant.

### Background

The Challenge Brass Band was established approximately 14 years ago to provide people with disabilities and novice musicians the opportunity to learn, enjoy and appreciate music.

On 12 June 2001, Council resolved to approve a grant of \$2 045.00 to Challenge Brass Band under the City's Community Funding Program. This grant was provided to facilitate the conduct of a special music camp, involving a guest musical educationist and public concert.

### Detail

A recent letter from the Musical Director of Challenge Brass Band (attached) requested that the grant provided by Council be reallocated towards the purchase of new uniforms for Band members.

This request was made under the justification that the band relies solely on voluntary participation making costs associated with uniforms, maintenance and transportation difficult to meet.

### *Consultation*

Nil

### Comment

Whilst the recurrent operating costs associated with a community based musical group are recognised, the guidelines for the City's Community Funding Program specifically state that recurrent or operational expenditure will not be approved.

This application was approved in the 2000/2001 financial year and was therefore subject to the guidelines of Council's previous Community Funding Policy (that was revised in August 2001), which stated;

*Council will not fund the following;*

- *Deficit funding – for organisations which are experiencing a shortfall in cash or revenue or anticipated revenue;*

- *Recurrent salaries and recurrent operational costs;*
- *Proposals where alternative sources of funding are available;*

Under these provisions, uniforms are considered a part of recurrent operational expenditure, due to their need for repair, maintenance and replacement.

Further to these provisions, the application by Challenge Brass Band was considered under the "Culture and Arts Development" category of the Community Funding Policy, which had, as its principle objective and focus, the following:

*Objective: To promote and foster culture and the arts in line with the strategic objectives of Council and Cultural Services Planning*

*Funding Priorities 2000/2001: Projects which encourage skills development and greater participation by young people with a particular focus on creating a sense of community;*

- *Projects which are unique in the City and which support new initiatives bringing identified positive benefit to young people in the City*

Whilst the activities and projects of the Challenge Brass Band (such as the music camp approved for funding) do fully meet the objectives and priorities stated above, it is not felt that the purchase of uniforms for the Band create a sense of community or encourage skills development.

Council's current Community Funding Policy (endorsed at the Council meeting held on 4 September 2001) would also not support the use of funds for the purchase of uniforms, given the recurrent nature of this type of request.

Recognising these constraints, it is therefore recommended that a change to the Band's community funding grant not be supported. If the Band is unable to meet their community funding requirements according to the original grant, arrangements could be made, in consultation with the group, to either extend the terms of the agreement (meaning that the band may be able to reschedule the camp to a later date), or, as a final possibility, return grant monies to Council.

The need for new uniforms could however be supported through a Council donation. A donation from Council may have the ability to support dollar for dollar or other applications made by the Band to State or Federal Agencies (such as the Disability Services Commission, Arts WA or the Lotteries Commission) or requests for commercial sponsorship.

It therefore will be further recommended that Council support a donation of \$500.00 for the purchase of uniforms.

An allocation of \$500.00 is suggested given the ability of this donation amount (as opposed to a lesser amount) to more readily support dollar for dollar applications to other agencies and recognise that Council is strongly committed to the objectives of the Band.

A request of this nature from the Challenge Brass Band may also suggest an avenue for the City to provide non-monetary assistance to the group.

Regardless of how the purchase of uniforms is funded, the Band will still be left with costs associated with the maintenance, repair, and eventual replacement of these items.

The City is ideally placed to assist Band management with:

- Additional funding opportunities that may be available via State and Federal Government agencies or the commercial sector
- Assistance in the completion of funding applications and proposals
- Fundraising and sponsorship ideas and projects
- The possible development of a Business Plan to guide future activities and make provisions for recurrent items such as uniforms

The provision of this assistance to the group will also be recommended.

### **Statutory Compliance**

Nil

### **Strategic Implications**

If Council was to approve a change to the Challenge Brass Band's Community Funding Grant, the potential is created for a number of applications from other community groups for recurrent or operational expenditure purposes, including uniforms.

To approve this request, a change to the City's Community Funding Policy would be required. It may also impact upon the ability of the Community Funding Budget to support other projects providing widespread benefit to residents of the City.

### **Policy Implications**

Nil

### **Financial Implications**

Council is also considering the November 2001 report for donations and waiver of fees and charges at this meeting.

If recommendations in this report were endorsed, the remaining Donations and Waiver of Fees and Charges Budget for 2001/2002 would stand at **\$8 018.50**.

A donation of \$500.00 to Challenge Brass Band for the purchase of uniforms would reduce this amount of remaining funds in this account to **\$7 518.50**.

### **Voting Requirements**

Simple Majority

## **Recommendation**

### **That Council:-**

- 1. RETAIN a Community Funding Agreement with Challenge Brass Band for a music camp and public concert, as resolved by Council on 12 June 2001**
- 2. APPROVE a further donation of \$500.00 from account 05 051 4402 (Governance – Donations) to Challenge Brass Band for the purchase of uniforms in recognition of their valuable and unique service to the City, which may assist the organisation to apply for dollar for dollar or other grants from State and Federal Agencies or seek commercial sponsorship.**
- 3. Provide ASSISTANCE to Challenge Brass Band to:**
  - Identify additional funding opportunities that may be available via State and Federal Government agencies or the commercial sector**
  - Complete funding applications and proposals**
  - Implement fundraising and sponsorship ideas and projects**
  - Possibly develop a Business Plan to guide future activities and make provisions for recurrent items and expenses (including uniforms and other ongoing costs)**

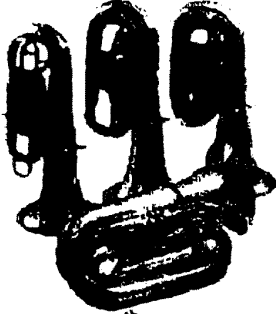
## ATTACHMENT 1

**CHALLENGE BRASS BAND**

19a TURNATT WAY  
WANNEROO WA 6065

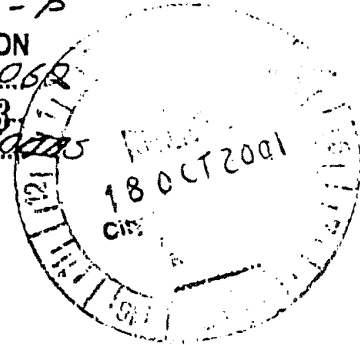
Telephone: (08) 9405 1589  
ABN: 91 463 467 001

City of Wanneroo *S-P*



10<sup>th</sup> October 2001

Note	DOCUMENT REGISTRATION
Act	File Ref. <i>08111-12062</i>
Att	Folio No. <i>113873</i>
	Officer. <i>TRACY THOMAS</i>



Jon Kelly JP  
Mayor  
City of Wanneroo  
Locked Bag 1  
WANNEROO WA 6946

Dear Mr Kelly

I recently attended a meeting with you to discuss ways of promoting and helping the Challenge Brass Band.

As you are aware we are a community based, non profit organisation established approximately 14 years ago to give people with disabilities and novice musicians the opportunity to learn, enjoy and appreciate music.

The Challenge Brass Band recently received a grant of \$2045 from the City of Wanneroo for a music camp, with a guest musical educationalist and public concert. This grant has been greatly appreciated and we wish to thank the Wanneroo Council for their assistance.

A problem we constantly face is funding. Being based solely on voluntary participation and contribution all our funds go directly back into the band. There are high costs associated with preserving the band, such as:

- **Uniforms** – these help with the promotion of the band, project professionalism and contribute to high self esteem of our members
- **Maintenance** and/or purchase of instruments, music stands and cases
- **Updating** and/or buying music
- **Transportation** of equipment and members to performances

With the grant that we have received, we are asking you to address Council and see if we are allowed to allocate this money towards new uniforms instead of holding a music

2/.....

-2-

camp. (Our current uniforms are 14 years old). On this occasion could the rules be waived to help assist us with funding for uniforms? We realise that this is an extraordinary request but trust that you appreciate our needs and how hard funding is.

Many thanks

Yours faithfully

CHALLENGE BRASS BAND

A handwritten signature in black ink, appearing to read 'P. Tuck', written in a cursive style.

PETER TUCK, OAM CITWA  
MUSICAL DIRECTOR



## **Chief Executive Office**

### **CE05-11/01 Report of the Strategic Review - Recommendations**

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File Ref: 01139/62506  
Responsible Officer: Chief Executive Officer  
Disclosure of Interest: Nil

#### **Issue**

Consideration of the Recommendations of the final Report of the Strategic Review Panel into the City of Wanneroo.

#### **Background**

Early in 2001 the City of Wanneroo requested a Strategic Review Program to review the operations of Council. This was considered essential for any organisation, but particularly for a comparatively new organisation, seeking continuous improvement in its business practices and standards.

The peer review panel members were: Mr Stephen Cole, Chairman (Department of Local Government); Mayor Peter Passeri (City of Belmont); Mr Bob Smillie (Local Government consultant, & former CEO, Town of Kwinana); and Mr Darrell Forrest, Department of Local Government, Executive Officer.

The Terms of Reference of the Review Panel was to review the operations of Council, with particular reference to the –

1. Effectiveness of communication to the community re Council operations and decision-making process.
2. Nature and effectiveness of the working relationship between elected members.
3. Nature and effectiveness of the working relationships between senior staff and elected members.
4. Appropriateness and operation of the code of Conduct.
5. Quality of information and advice to elected members.
6. The conduct of council meetings and operation of Standing Orders.
7. Training and induction for elected members.
8. Effectiveness of decision-making structures.
9. Any other matters which may arise during the course of the review.

The final Report of the Strategic Review Panel was distributed to elected members on 2 November 2001, together with a memorandum from Mayor Jon Kelly and the Acting Chief Executive Officer noting that a report on the administrative aspects of the review would be presented to Council on 27 November 2001.

## Detail

The procedure adopted for the Review was:

- An initial meeting with the Mayor, CEO and Chairman of the Review Panel to clarify the process of the review and develop the Terms of Reference;
- Confidential feedback forms were distributed to all councillors and senior officers for completion;
- The Chairman attended an ordinary meeting of Council on 27 February 2001;
- During visits to the City from 6-9 March 2001 –
  - a joint interview was conducted with the Mayor and the CEO;
  - individual interviews were conducted with 15 councillors and six senior officers;
  - the Review Panel observed the proceedings of a Policy Forum Session on 6 March 2001.
- A draft report was prepared for discussion in April 2001.
- Elected members and senior staff were given the opportunity for further meetings with the Panel after the release of the draft report.
- The final Report was prepared and released on 2 November 2001.

Section 7 of the Report details outcomes of assessment against each of the Terms of Reference, and includes Recommendations to enhance the policies, procedures and practices of Council. A table of all the Recommendations is included at Appendix 1.

This Report outlines the progression of the administrative recommendations. It is suggested that all other aspects of the Recommendations are reviewed at a later date as part of the Code of Conduct.

### *Consultation*

The Peer Review Panel consulted with the Mayor, elected members, the CEO and senior staff. Although public comment was not sought, individuals took the opportunity of discussing the Terms of Reference with the Chief Executive Officer.

## Comment

It was acknowledged in the Report of the Strategic Review (1(4)), that it is a weakness in the local government sector that reviews of the overall performance of a Council and its administration have not been a high priority. The City of Wanneroo was commended for its action in being prepared to participate in a review.

Overall the Panel acknowledged the achievements and performance of the City in a period of learning and growth. The Report does highlight a number of areas where Council and Administration can work together to improve its reporting, standards and practices.

The expectation of the review was that it would highlight areas where Council is performing well, and identify areas to be addressed. Whilst the administrative aspects of the Report can be considered immediately, other aspects are best considered in the context of Council's Code of Conduct Review planned for February 2002.

It is recommended that copies of the Final report are made available to the public at Council Libraries and at the Council Administration Centre.

### **Statutory Compliance**

Statutory provisions exist under the Local Government Act (1995) for issues relating to Council standards and meeting practices.

### **Strategic Implications**

It is recommended that a Training Strategy for elected members is included in the Strategic Plan.

### **Policy Implications**

Code of Conduct & Standing Orders to be reviewed.

### **Financial Implications**

Current financial year – Nil. Increase in training budget may be required in the future.

### **Voting Requirements**

Simple Majority

### **Recommendation**

**That Council:-**

- 1. NOTE the Recommendations contained in the Report of the City of Wanneroo Strategic Review, and that copies have been made available for viewing at Council libraries and at the Administrative Centre.**
- 2. ENDORSE the administrative recommendations as detailed in Attachment 1, as a response to the issues raised in the Strategic Review.**
- 3. AGREE to consideration of a second stage response to the Strategic Review to be undertaken in the context of the review of the Code of Conduct at the Policy Forum in February 2002.**

Recommendation		Proposed Action		Responsibility
ToR		Council	Administration	
2	1. Elected Members accept there are personality differences, the negative impacts of which need to be minimised by professional conduct and behaviour.	4		Council.
	2. All Members must adhere strictly to the Standing Orders when in Council	4		Council
	4 Council undertake a team building exercise to strengthen relationships.	4		A focus group established as part of the strategic planning process to develop corporate values. Other actions to be considered in context of Code of Conduct Review. Council
3	5. That in addition to regular briefings to councillors on the functions and strategic direction of each Directorate, specific strategic workshops be conducted for the Community Development Directorate to provide councillors with a comprehensive understanding of diversity and nature of its services and functions and personnel.		4	Following the appointment of a new Director, Community Development, a request will be made that this action is undertaken as part of an overall review of the role and functions of the Directorate.  Through the development of Council's strategic plan, Council will set the direction for Community Development. CEO/Community Development
4	6. Council undertake an intensive review of the Code of Conduct to incorporate local attitudes and so enhance elected member ownership of the code. Guidelines to the Code should be developed as of this review.	4		Intensive review of the Code of Conduct, after the Strategic Planning Cycle is finalised. Scheduled for February 2002.  The establishment of appropriate values in the strategic plan will assist this review. Council/Governance

Recommendation				Proposed Action	Responsibility
ToR		Council	Administration		
	<b>7. Council puts in place a disciplinary committee consisting of three independent people which would consider allegations of breaches of the code of conduct.</b>	<b>4</b>		<b>To be discussed during the review of the Code of Conduct by Council</b>	<b>Council</b>
<b>5</b>	<b>8. Council adopt the format for staff reports as outlined in the package: Agendas and Minutes: Support Documents for Western Australian Local Government (Version 2)</b>		<b>4</b>	<b>Documentation for Agendas and Minutes reviewed during development and implementation of the Romark Reporting System. Minutes are currently under review with a view of completion by 18 December 2001.</b>	<b>Governance.</b>
	<b>9. Council undertake a three-months trial during which time a set period of perhaps two hours in the day before the ordinary meeting of Council would be set aside by the Directors to answer councillor's questions regarding issues in the agenda.</b>		<b>4</b>	<b>A two hour meeting session for the Monday immediately before a Briefing Session. The initiative commenced from Monday, 17 September 2001. A Memorandum detailing the initiative was sent to elected members on 7 September 2001. Review in December 2001.</b>  <b>Seek direction from Council on whether to incorporate a session prior to the Ordinary Meeting of Council.</b>	<b>Acting CEO.</b>
	<b>10. The CEO give a high priority to overcoming the electronic communication problems being experienced by some elected members.</b>		<b>4</b>	<b>A further review of elected member computing needs is being undertaken. A questionnaire has been circulated to elected members on the subject by the Director of Corporate Services.</b>	<b>Corporate Services</b>
<b>6</b>	<b>11. Some issues regarding Public Question Time to be reviewed.</b>	<b>4</b>			<b>Council</b>
	<b>12. Councillor Question Time to be removed from the agenda.</b>	<b>4</b>			<b>Council</b>

Recommendation				Proposed Action	Responsibility
ToR		Council	Administration		
	<b>13. Councillors be required to stand when speaking to a motion or addressing the Chair.</b>	4			<b>Council</b>
	<b>14. Council develop a policy for the acceptance of late amendments to recommendations.</b>		4	<b>Policy/Procedure to be developed.</b>	<b>Council/Governance</b>
	<b>15. That the Deputy Mayor be seated with the rest of the councillors instead of alongside the Mayor.</b>	4		<b>Deputy Mayor Salpietro has moved to sit with other councillors.</b>	<b>Complete.</b>
	<b>16. Councillors undertake training in meeting procedure, including the effective use of Standing Orders.</b>	4	4	<b>Training Program to be offered to elected members.</b>	<b>Council/Governance</b>
	<b>17. That a projection screen be provided so that all participants in a council meeting are informed about the motion that is subject to a vote.</b>		4	<b>Implemented. System to be reviewed.</b>	<b>Governance</b>
7	<b>18. That Council develops a training strategy and provide adequate funding in Budget.</b>	4	4	<b>Policy on Elected Member Conference and Training adopted at Council Meeting on 5 November 2001.</b>	<b>Complete.</b>
	<b>19. That councillors continue to avail themselves of all opportunities to undertake training to ensure they are adequately prepared for their role.</b>	4			<b>Council</b>
8	<b>20. A more formal meeting process is adopted for the policy forum sessions, particularly in relation to identifying and prioritising the issues and topics to be included in the Agenda. Simple notes from the sessions should be compiled and distributed to all.</b>		4	<b>For Review. Work programs are being presented to the Policy forum which help establish work principles. Basic notes distributed highlighting changes to Agenda Items arising out of the Briefing..</b>	<b>Governance.</b>

Recommendation				Proposed Action	Responsibility
ToR		Council	Administration		
	<b>21. A more flexible process be adopted for the briefing sessions to allow councillors the opportunity to provide comment and seek clarification on issues.</b>	4		<b>Flexibility introduced. Guidelines to be reviewed after distribution of findings by the Department of Local Government and Regional Development on the role of Council Briefing Sessions..</b>	<b>Council/Governance.</b>
9	<b>22. Council undertake a complete review of the CEO performance appraisal process.</b>	4		<b>In conjunction with appointment of CEO and finalisation of contract.</b>	<b>Council</b>
	<b>23. Provision for councillor input be included in the performance appraisal process for senior staff.</b>		4	<b>Performance Appraisal process for Directors to be reviewed to include a provision for Council feedback and clear links to the strategic plan.</b>	<b>CEO</b>
	<b>24. Council request the local newspaper to document the facilities provided for elected members and give the community the opportunity to pass judgement.</b>	4		<b>Recent alterations to the elected members area include:</b> <ul style="list-style-type: none"> <li>- refurbishment of the Council's reading room.</li> <li>- Office for the Deputy Mayor</li> <li>- refurbishment of the entry area.</li> </ul>	<b>Council</b>

## **CE06-11/01 Adoption of The 2000/01 Annual Report and Audited Financial Statements for the City of Wanneroo**

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File Ref: 19882  
Responsible Officer: Acting Chief Executive Officer  
Disclosure of Interest: Nil

### **Issue**

To adopt the 2000/01 Annual Report for the City of Wanneroo

### **Background**

In accordance with the Local Government Act 1995 a local government is required to prepare an Annual Report on its operations for the preceding financial year by 31<sup>st</sup> December 2001.

Council's Audit Committee considered the audited financial statements at its meeting on 20 November 2001 and resolved as follows:-

*"That Council:*

- 1. RECEIVES the Audited Annual Financial Statements for the year ended 30 June 2001;*
- 2. RECOMMENDS to the Council that it ADOPTS the Audited Annual Financial Statements for the year ended 30 June 2001; and*
- 3. RECEIVES the draft Management Report submitted by the City's Auditor and REQUESTS the Acting Director, Corporate Services to provide a draft response in respect of each issue raised therein, for consideration by the Audit Committee at its next meeting."*

### **Detail**

The Annual Report has been prepared by Council's Administration. It includes the Annual Financial Statements audited by Council's auditors Deloitte Touche Tohmatsu.

Section 5.53 of the Local Government Act 1995 requires Council prepare an Annual Report, which is to contain –

- (a) A report from the Mayor;
- (b) A report from the CEO;
- (c) A report of the principal activities commenced or continued during the financial year;
- (d) An assessment of the local government's performance in relation to each principal activity;
- (e) An overview of the principal activities that are proposed to commence or to continue in the next financial year;
- (f) The financial report for the financial year;
- (g) Such information as may be prescribed in relation to the payments made to employees;
- (h) The auditor's report for the financial year; and
- (i) Such other information as may be prescribed.



Circulated prior to the meeting is the City's Annual Report for 2000/2001 financial year. It incorporates the concise audited financial statements for the year ending the 30 June 2001.

Section 5.54 of the Local Government Act 1995 requires that Council accept the annual report no later than 31 December 2001. The adoption of the Annual Report is to include *(f) the financial report for the financial year* the Local Government (Financial Management) Regulations 1996 regulation 36 set out the type of information that is to be included in the financial report.

The full set of Audited Financial Statements are detailed in Attachment 1 of this report. It is common practice in local government to present the Financial Statements in a concise format together with a concise Audited Statement in the Annual Report with copies of the full Audited Annual Financial Statements being available to the public with out charge on request.

Section 5.27 on the Local Government Act states that a general meeting on the electors is to be held once every financial year and not more than 56 days after the local government accepts the annual report.

The Mayor has approved the holding of the General Meeting of Electors on Wednesday 12<sup>th</sup> December 2001 commencing at 6.00pm.

### ***Consultation***

Section 5.55 of the Local Government Act 1995 requires Council give local public notice of the availability of the annual report once adopted by Council. This will be carried out by advertisements in the Wanneroo Times and notices placed on Council's Public Notice Boards.

### **Comment**

Detailed in the Annual Report are comments on the operations and performance of the City of Wanneroo for the 2000/2001 reporting period.

### **Statutory Compliance**

As detailed in the report the Local Government Act 1995 requires:

1. Section 5.53      What information shall be included in the Annual Report
2. Section 5.54      Council must accept the annual report
3. Section 5.55      Local public notice must be given of the availability of the Annual report once adopted by Council.

Local Government (Financial Management) Regulations 1996 regulation 36 specifies the information that is to be included the in Annual Financial Statements.

## **Strategic Implications**

Whilst not evident in the Annual report for this reporting period, with the adoption of the new strategic plan for the City and the development of performance indicators for the strategic plan, the Annual Report will report to the community on Council's performance against the strategic plan in the coming years.

## **Policy Implications**

Nil

## **Financial Implications**

As detailed in the Annual Report.

## **Voting Requirements**

Simple Majority

## **Recommendation**

**That Council:-**

- 1. ADOPT the City of Wanneroo Annual Report for the year ending the 30<sup>th</sup> June 2001 as circulated prior to the meeting.**
- 2. ADOPT the Annual Audited Financial Statements for the City of Wanneroo for the year ending the 30<sup>th</sup> June 2001 as detailed in Attachment 1.**
- 3. NOTE that the Annual General Electors Meeting will be held at 6.00pm on Wednesday 12<sup>th</sup> December 2001 in Council Chambers.**

## CE07-11/01 Approval of Council Meeting Dates for 2002 & Briefing Session Question Time

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File Ref: 08122  
Responsible Officer: Acting Chief Executive Officer  
Disclosure of Interest: Nil

### Issue

That Council approves a schedule of meeting dates for 2002 and the provision of Public Question Time at Council Briefing Sessions.

### Background

Council at its Ordinary Council Meeting on the 14<sup>th</sup> November 2000 resolved to abolish the Portfolio system and adopt a three weekly meeting cycle comprising a briefing session (week one) full council meeting (week two) and Staff\Councillor Policy Forum (week three) for a twelve-month period to be reviewed by December 2001.

*“Moved Cr Salpietro, Seconded Cr O’Grady*

*That Council:-*

- 1. RESOLVE that on 21 November and 5 December 2000, a Full Council briefing of the draft agenda will take place and the portfolio system will be abolished immediately;*
- 2. ADOPT, commencing in January 2001, a three weekly meeting cycle comprising a briefing session (week one) full council meeting (week two) and Councillor/Staff Policy Forum (week three) for a twelve month period to be review by December 2001;*
- 3. RESOLVE that an Audit Committee comprising all councillors will meet on a needs basis commencing January 2001;*
- 4. DEVELOP a process for the conduct of the briefing session which will meet the needs of the City and best practice;*

### Detail

Council’s Administration is currently preparing a report for Council on the current meeting procedure to allow Council to review the meeting system at the December Ordinary Council Meeting.

Recently the Department of Local Government undertook an assessment of agendas and minutes across the State containing two elements – Statutory Requirements and Best Practice. In terms of Statutory Compliance, the City of Wanneroo was graded as possessing “Primary Compliance with only minor issues of concern, based on the papers provided, and the grading for “Best Practice” was considered to be of a “high standard”.

The following summary note from this review is detailed below:

*Clearly the best practice grading is based on the recommendation contained in the "Guide to the Preparation of Agendas and Minutes". The Council of the City of Wanneroo has taken decisions that are contrary to the recommendations in the guide as it is entitled to do. I refer to such matters as not including the names of authors in the reports and accepted the minimum standard for minutes in that all reports and recommendations are not included in that one document.*

*The minutes include other features that go beyond the requirements of the Guide and are highly commendable. If there was to be a version 3 of the guide then I suggest that some of the ideas that have been adopted at the City of Wanneroo would be included.*

Council Administration has also recently introduced a software package for the compilation of Agendas and Minutes and has, in conjunction with two elected members, undertaken a review of the format and content of agenda items as well as the agenda and minute documents. This process has resulted in Council Agenda and Minutes exceeding the industry best practice and statutory compliance.

The Department of Local Government is currently reviewing the various practices adopted by local government in relation to Council Briefing Sessions. It would appear that there is considerable variety in the methods adopted by Councils in relation to the conduct of Council Briefing Sessions. These ranged from Briefing Sessions that are not opened to the public and not solely related to the agenda at hand to Briefing Sessions like the City of Wanneroo which are opened to the public and relate to the agenda at hand.

It is suggested that Council may wish to consider further engaging the community in the Council meeting process by allowing public question time at the Briefing Sessions. In order to ensure the Briefing Session only relates to the business of the agenda, Council may wish to limit public question time to the following:

- Questions that only relate to items contained in the Briefing Agenda
- Questions can only be asked (no statements).

As no formal notes are taken from Council Briefing Sessions, Questions from the Public arising from Council Briefing Sessions will not be recorded in any formal minutes. If a member of the public wishes to have their question included in the minutes of the forthcoming Ordinary Council Meeting they will need to put their questions to the Ordinary Council Meeting.

## **Comment**

Detailed in the Officers Recommendation is the suggested Meeting Schedule for 2001 for Council approval.

## **Statutory Compliance**

Local Government (Administration) Regulations 1996

## Voting Requirements

Simple Majority

## Recommendation

That Council

1. **INTRODUCE Public Questions Times to Council Briefing Sessions with the following guidelines:**
  - a) **Questions must only relate to an agenda item being considered at the Council Briefing Session.**
  - b) **No Public Statements are permitted**
  - c) **No formal minutes of the Public Questions Time are taken**
2. **ADOPT the following meeting schedule for 2002.**

### ORDINARY COUNCIL MEETING SCHEDULE JANUARY – DECEMBER 2002

Full Council Briefing Session	Full Council Meeting	Policy Forum
<b>29 January</b>	<b>05 February</b>	<b>12 February</b>
<b>19 February</b>	<b>26 February</b>	<b>05 March</b>
<b>12 March</b>	<b>19 March</b>	<b>26 March</b>
<b>02 April</b>	<b>09 April</b>	<b>16 April</b>
<b>23 April</b>	<b>30 April</b>	<b>07 May</b>
<b>14 May</b>	<b>21 May</b>	<b>28 May</b>
<b>04 June</b>	<b>11 June</b>	<b>18 June</b>
<b>25 June</b>	<b>02 July</b>	<b>09 July</b>
<b>16 July</b>	<b>23 July</b>	<b>30 July</b>
<b>06 August</b>	<b>13 August</b>	<b>20 August</b>
<b>27 August</b>	<b>03 September</b>	<b>10 September</b>
<b>17 September</b>	<b>24 September</b>	<b>01 October</b>
<b>08 October</b>	<b>15 October</b>	<b>22 October</b>
<b>29 October</b>	<b>05 November</b>	<b>12 November</b>
<b>19 November</b>	<b>26 November</b>	<b>03 December</b>
<b>10 December</b>	<b>17 December</b>	

## **CE08-11/01 Lot 118 Marmion Avenue, Mindarie - Management Agreement**

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File Ref: 07097  
Responsible Officer: Acting Chief Executive Officer  
Disclosure of Interest: Nil  
Attachments: 1

### **Issue**

Consideration of a Memorandum of Understanding (MOU) for the development of Lot 118 (formerly Lot 17) Marmion Avenue Mindarie.

### **Background**

Lot 118 was acquired by the Cities of Perth, Stirling and Wanneroo in 1984 as an investment and for the location of a regional waste disposal facility. The Tamala Park regional waste disposal facility occupies the site and commenced operations in 1990. The City of Wanneroo ownership portion is now shared with the City of Joondalup (both Cities hold two-twelfth shares). The recent promulgation of the *Tamala Park Land Transfer Act 2001* saw the City of Perth ownership portion shared equally with the Towns of Cambridge, Victoria Park and Vincent (each hold one-twelfth shares).

Parts of Lot 118 are or will be zoned Urban to enable development for residential, commercial, recreational and associated uses. A structure plan to guide the development was prepared by consultants for the joint owners in early 2000. The structure plan was subsequently advertised for public comment and has been deferred, at the request of the joint owners, pending resolution of a number of matters including Bush Forever negotiations and issues raised during the advertising period.

A working group of the CEOs of each of the Cities/Towns has been convened to assist in the resolution and progression of a wide range of issues relating to the land, including joint ownership management arrangements. A number of position statements and action plans were endorsed by the CEO group and copies provided to Elected Members in February 2000.

Position statements and action plans prepared by the CEO group formed the basis for a report considered by Council at a Special Meeting held on 23 April 2000. Among other things, Council resolved to:

*“AUTHORISE the CEO Group to recommend a mechanism for dealing with joint ownership issues through the creation of a separate legal vehicle, a legal agreement or by some other mechanism that will enable the joint wishes of the owners to be efficiently transacted, represented and actioned;”*

The joint owners engaged Mr John Woodhouse of Watts Woodhouse Solicitors to advise on a management structure that will allow the project to be effectively managed.

It is proposed the first stage, in arriving at a suitable management structure is to agree on some fundamental principles that will be expanded into a detailed Agreement between the parties.

These principles are set out in Clause 3 of the draft Memorandum of Understanding (MOU) which are included as Attachment 1.

The owners' Chief Executive Officers Group has requested that the draft Agreement be presented to each owners' Council for the determination of positions and issues on the matter.

### **Detail**

The draft MOU proposes that the Joint Venture shares will be based on the level of ownership in the land and that the liability of each of the parties will be several and not joint. In other words, the extent of any liability will be limited to the degree of ownership.

### ***Management Committee***

A Management Committee consisting of one representative appointed by each of the parties, is proposed. The role of the Committee will be to oversee the project, (in accordance with approved operating programs and budgets) engage a Project Manager, ensure appropriate insurances are in place and undertake other matters that may be agreed by the owners.

### ***Voting***

It is proposed that each party shall have a number of votes in relation to its Joint Venture Share and that all decisions will be made by a two-thirds majority of votes.

### ***MOU – Joint Venture Agreement***

The purpose of the MOU is to provide confidence in proceeding to the next phase of developing a more detailed Joint Venture Agreement.

### ***Consultation***

Nil

### **Comment**

Development of Lot 118 for urban purposes is a major project involving many millions of dollars and a rollout period of more than twenty years. The management of the project within the framework of Local Government and with seven owners is a critical issue. An added complication for this City is that as well as its role as a joint landowner, the City is the responsible authority in terms of Local Government and associated functions (in particular statutory planning) pertinent to the land.

The scale and magnitude of the development of Lot 118, and the number of landowners requires that an Agreement is established between the owners so that the project can proceed on a sound and efficient basis where risks are minimised.

There is some urgency to agree to management arrangements. Issues that face the owners in the next few months include:

- Land tenure arrangements and use of land currently leased to Mindarie Regional Council (subject of separate report on this agenda);
- Finalisation of Bush Forever negotiations;
- Finalisation and approval of the Structure Plan;
- Possible appointment of a development partner.

All of these matters require coordination between the parties and certainty of process.

Agreement to the proposed MOU will enable the owners to confidently proceed with the preparation of a Joint Venture Agreement.

At the Council meeting held on 24 October 2000 (W331-10/00) it was resolved to support the stage 3 development of the project. The conditions of this support were that stages 2 and 3 were undertaken from the North to minimise impact on future residential areas and that all organic filling ends concurrently with the term of the current lease.

At its meeting on 14 August 2001 (W345-08/01) Council resolved not to support development of a secondary waste treatment facility on the Tamala Park site. Following Council's resolution, the Acting Chief Executive Officer sought (through the CEO Group) to include a provision in the draft MOU which required a unanimous decision for any proposals to establish a secondary waste treatment facility on the land. A modified draft clause 3.6 was prepared.

However, it was the general consensus of the Chief Executive Officers representing the other joint owners, that the ability of any single owner to veto decisions regarding the use and development of the land was not acceptable.

It is strongly recommended that the Council only agree to enter into the proposed MOU on condition that clause 3.6 of the document be modified to require unanimous vote on any decision relating to the extension of the existing lease or the establishment of a secondary waste treatment facility. Recent legal advice from Kott Gunning (circulated to Elected Members by memorandum) under legal privilege, lends support to this approach given Council's resolutions on these matters.

### **Statutory Compliance**

Nil

### **Strategic Implications**

Nil

### **Policy Implications**

Nil



## **Financial Implications**

There are costs involved in preparation of the MOU and subsequent legal costs involved in preparation of a Joint Venture Agreement. These have been provided for in Council's consideration of the budget for this year.

## **Voting Requirements**

Simple Majority.

## **Recommendation**

### **That Council:**

- 1**     **AGREES to enter into the Lot 118 Joint Venture Memorandum of Understanding which establishes principles for the development of a Joint Venture Agreement with the Cities of Joondalup, Perth and Stirling and the Towns of Cambridge, Victoria Park and Vincent, subject to the modification of clause 3.6 of the document to read as follows:**

**“3.6 Voting – two-thirds majority required**

**All decisions shall be made by a two-thirds majority of votes except:**

- (a) in the case of any decision to extend the existing lease or to establish a secondary waste treatment facility on the Project Land. In these situations a decision is required to be made by a unanimous vote of all members of the management committee, including those not present at the meeting; or**
  - (b) as otherwise agreed.”**
- 2**     **AUTHORISES the signing and sealing of the duly modified Memorandum of Understanding.**

Attachment 1 - Draft Memorandum of Understanding - Lot 118 Joint

Dated 2001

**TOWN OF CAMBRIDGE**

and

**CITY OF JOONDALUP**

and

**CITY OF PERTH**

and

**CITY OF STIRLING**

and

**TOWN OF VICTORIA PARK**

and

**TOWN OF VINCENT**

and

**CITY OF WANNEROO**

**DRAFT  
MEMORANDUM OF UNDERSTANDING  
LOT 118 JOINT VENTURE**

**Watts & Woodhouse**  
Solicitors and Legal Consultants  
323 Rokeby Road  
SUBIACO WA 6008  
Telephone (08) 9382 3000  
Fax (08) 9382 3011

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**DRAFT  
MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding dated

2001

- Parties:** **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, 27-29 St George's Terrace, Perth, Western Australia
- and:** **CITY OF STIRLING** of Civic Place, Stirling, Western Australia
- and:** **TOWN OF VICTORIA PARK** of 99 Shepperton Road, Victoria Park., Western Australia
- and:** **TOWN OF VINCENT** of 244 Vincent Street, Leederville, Western Australia
- and:** **CITY OF WANNEROO** of Dundee Road, Wanneroo, Western Australia

**BACKGROUND**

- A. The Parties own the Project Land.
- B. The Parties desire to jointly:
- (a) sell the Project Land; or
  - (b) develop and sell the Project Land; or
  - (c) enter into agreements with a third party or parties for the development and sale of the Project Land; or
  - (d) do a combination of the activities mentioned in paragraphs (a), (b) and (c);
- and to do all things which may be necessary or incidental to those activities including carrying out feasibility and market assessments and obtaining all necessary approvals.
- C. The Parties wish to record some of the principal terms of the Lot 118 Joint Venture to be subsequently negotiated and executed.

**OPERATIVE PROVISIONS**

**1. INTERPRETATION**

**1.1 Definitions**

In this Memorandum of Understanding, unless the context requires otherwise:

**"Agreed Principles"** means the principles set out in clause 3;

**"Execution Date"** means the date on which the last of the parties to execute this Memorandum of Understanding does so;

**“Formal Joint Venture Documentation”** means the formal joint venture documentation to be negotiated, agreed and executed by the Parties in respect of the Lot 118 Joint Venture;

**“Negotiation Period”** means the period commencing on the date of execution of this Memorandum of Understanding by all of the Parties and expiring on one year after the Execution Date;

**“Parties”** means the parties to this Memorandum of Understanding, and **“Party”** is a reference to any one of them;

**“Project Land”** means Portion of Swan Location 1370 and being Lot 118 on Deposited Plan 28300 and being the whole of the land comprised in Certificate of Title Volume 2213 Folios 691, 692, 693, 694, 695, 696 and 697;

**“Lot 118 Joint Venture”** means the proposed joint venture between the parties in respect of:

- (a) the sale of the Project Land; or
- (b) the development and sale of the Project Land; or
- (c) agreements with a third party or parties for the development and sale of the Project Land; or
- (d) a combination of the matters mentioned in paragraphs (a), (b) and (c),

and the doing of all things necessary or incidental to those matters including carrying out feasibility and market assessments and obtaining all necessary approvals.

## **1.2 Interpretation**

In this Memorandum of Understanding, unless the context requires otherwise:

- (a) words suggesting the singular include the plural and vice versa;
- (b) references to clauses, paragraphs, subparagraphs and Schedules are to clauses, paragraphs, and subparagraphs of, and schedules to, this Memorandum of Understanding as amended from time to time in accordance with the terms of this Memorandum of Understanding;
- (c) headings used for clauses, paragraphs, subparagraphs, Schedules and the table of contents are for ease of reference only and will not affect the interpretation of this Memorandum of Understanding;
- (d) use of the words “includes” or “including” means without limitation, unless the contrary intention appears.

## **2. NEGOTIATION OF FORMAL JOINT VENTURE DOCUMENTATION**

### **2.1 Negotiation Period**

The Parties acknowledge that they intend that they will negotiate in good faith during the Negotiation Period to agree upon the terms of the Formal Joint Venture Documentation *[on or before the end of the Negotiation Period]*.

**2.2 Documentation to contain appropriate terms**

The Parties agree that the Formal Joint Venture Documentation will contain terms appropriate for a joint venture of the nature and magnitude of the Lot 118 Joint Venture.

**2.3 Documentation to reflect Agreed Principles**

The Parties agree that the Formal Joint Venture Documentation will reflect the Agreed Principles set out in clause 3.

**3. AGREED PRINCIPLES****3.1 Joint venture shares**

The joint venture shares of the Parties will be:

Town of Cambridge	One twelfth
City of Joondalup	Two twelfths
City of Perth	One twelfth
City of Stirling	Four twelfths
Town of Victoria Park	One twelfth
Town of Vincent	One twelfth
City of Wanneroo	Two twelfths.

**3.2 Separate liability**

The liability of each of the Parties for the liabilities arising under or from the Lot 118 Joint Venture or the Lot 118 Joint Venture property will be several and not joint, so that, as between themselves, each is liable only for its Joint Venture Share of those liabilities.

**3.3 Composition of management committee**

The management committee will consist of one representative appointed by each of the Parties.

**3.4 Authorities and discretions of management committee**

- (1) Subject to any direction of the Parties, the management committee shall have the following authorities and discretions:
  - (a) generally to undertake the Project in accordance with approved operating programmes and approved budgets without further reference to the Parties;
  - (b) to engage a project manager to be responsible for the implementation of the approved operating programme and who will report to and take instructions from the management committee;
  - (c) to take out and maintain appropriate insurance cover in relation to the Project and the risks associated with the Project and the Joint Venture; and
  - (d) such other authorities and discretions as may be agreed between the Parties.

- (2) For the avoidance of doubt, the Parties agree that the authorities and discretions referred to in subclause (1), include the authority to sell that part of the Project Land leased to the Mandarie Regional Council but that the authority is subject to any direction of the Parties.

### 3.5 Voting

On a vote, each Party will have a number of votes equal to that Party's Joint Venture Share expressed as a whole number as follows:

<u>Party</u>	<u>Number of votes</u>
Town of Cambridge	1
City of Joondalup	2
City of Perth	1
City of Stirling	4
Town of Victoria Park	1
Town of Vincent	1
City of Wanneroo	2
Total	12

### 3.6 Voting - two-thirds majority required

All decisions will be made by a two-thirds majority of votes.

## 4. MISCELLANEOUS

### 4.1 No assignment without consent

- (1) A Party may not assign, novate or otherwise deal with any of its rights or obligations under this Memorandum of Understanding without the consent in writing of all other Parties.
- (2) A Party may grant or withhold its consent under this clause in its absolute discretion.

### 4.2 Subject to Formal Joint Venture Documentation

The Parties acknowledge that clauses 2 and 3 of this Memorandum of Understanding are not intended to create binding legal obligations between them, it being their intention that such obligations will not arise unless and until the Formal Joint Venture Documentation is executed by the Parties.

### 4.3 Costs

The Parties agree to bear the legal costs of and incidental to the preparation, execution and stamping of this Memorandum of Understanding in the same proportions as the joint venture shares referred to in clause 3.1.

**EXECUTED by the parties**

**THE COMMON SEAL of TOWN OF )**  
**CAMBRIDGE** was hereunto affixed pursuant to a )  
resolution of the Council in the presence of: )

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

**THE COMMON SEAL of CITY OF JOONDALUP )**  
was hereunto affixed pursuant to a resolution of the )  
Council in the presence of: )

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

**THE COMMON SEAL of CITY OF PERTH was )**  
hereunto affixed pursuant to a resolution of the Council )  
in the presence of: )

\_\_\_\_\_  
Lord Mayor

\_\_\_\_\_  
Chief Executive Officer

**THE COMMON SEAL of CITY OF STIRLING was )**  
hereunto affixed pursuant to a resolution of the Council )  
in the presence of: )

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer



**THE COMMON SEAL of TOWN OF VICTORIA )**  
**PARK** was hereunto affixed pursuant to a resolution of )  
the Council in the presence of: )

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

**THE COMMON SEAL of TOWN OF VINCENT )**  
was hereunto affixed pursuant to a resolution of the )  
Council in the presence of: )

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

**THE COMMON SEAL of CITY OF WANNEROO )**  
was hereunto affixed pursuant to a resolution of the )  
Council in the presence of: )

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

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## **CE09-11/01 Lot 118 Marmion Avenue, Mindarie - Mindarie Regional Council Lease**

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File Ref: 07097  
Responsible Officer: Acting Chief Executive Officer  
Disclosure of Interest: Nil  
Attachments: 2

### **Issue**

Council consideration of a request for an extension of the lease of part of Lot 118 Mindarie to the Mindarie Regional Council.

### **Background**

The Mindarie Regional Council (MRC) has requested the joint owners of Lot 118 to consider an extension to its existing lease which expires on 1 July 2011. The lease is for a 21-year term which would expire in 2032. A plan showing the extent of the lease area is attached (refer Attachment 1). The current lease agreement provides a 21 year renewal option and whether the MRC have a right to exercise this option is subject to legal review. Notwithstanding the provisions of the current lease MRC has sought the owners' approval to the extension.

The MRC has developed a strategic plan for its lease area within Lot 118 which proposes the excavation of approximately 900 000 cubic metres to be used as a landfill site (Class 2) and the introduction of a secondary waste treatment facility which will significantly reduce the organic content of domestic waste going to landfill.

The former Ministry for Planning has provided written advice indicating that the state planning and environmental agencies would approve a further excavation in the lease area consistent with the MRC's strategic plan. The MRC commissioned consultants to undertake a detailed design of proposed future excavations as part of the overall site management plan. The additional excavations will all be lined and the Department of Environmental Protection has approved the management plans for surface runoff and leachate.

The proposed secondary waste treatment facility will have a life of approximately twenty to thirty years and the MRC are seeking some security of tenure commensurate with the expected life of the secondary waste treatment plant.

### **Detail**

#### *Other Owner Councils' Consideration*

Attachment 2 contains the details and conclusions extracted from a draft report prepared by the City of Stirling for use in presentation to each of the joint owners' Councils for determination. Whilst the information is generally accurate, it represents the views of other owners who do not have the Tamala Park facility located within their Municipality. As such, the report includes a rudimentary cost-benefit analysis having a pro-extension (of MRC's lease) conclusion.

### *Local Consideration*

At the Council meeting held on 24 October 2000 (W331-10/00) it was resolved to support the stage 3 development of the project. The conditions of this support were that stages 2 and 3 were undertaken from the North to minimise impact on future residential areas and that all organic filling ends concurrently with the term of the current lease. This would not prevent the continued use of the site for inert fill for a longer period.

Council has the view that long-term use of the Tamala Park land as a refuse disposal facility will not be appropriate in the long term given the development of surrounding areas (in particular, residential development at Mindarie and Clarkson, including the northern part of Lot 118 in the future). Council has also advised that the MRC should initiate studies for an alternative site in a timely manner (W331-10/00). These studies should be initiated as soon as possible.

At its meeting on 14 August 2001 (W345-08/01) Council resolved not to support development of a secondary waste treatment facility on the site. A petition containing 80-signatures opposing a secondary waste treatment facility was presented to Council in September 2001 (P01-09/01). The position taken on the proposed facility is consistent with that view, given the facility would considerably extend the life of the Tamala Park site.

The City's position on the proposed secondary waste treatment facility at Tamala Park was conveyed to the MRC by letter dated 15 August 2001. MRC subsequently engaged BSD Consultants to undertake a Site Assessment Study to consider Tamala Park and alternate sites (at Neerabup-Flynn Drive, Wangara, Beenyup, Balcatta, Malaga and Herne Hill) for the secondary waste treatment facility. The study considered a range of criteria including surrounding land uses and political and community positions, and concluded five sites were suitable and ranked them in the following order:

1. Wangara (\$29,353,115)
2. Neerabup (\$30,047,292)
3. Malaga (\$29,318,642)
4. Tamala Park (\$29,170,079)
5. Balcatta (\$29,131,474)

The BSD study included Total Waste Management Costs per year for the MRC for the various sites assuming continuing landfill at Tamala Park (see figures in brackets above).

MRC has recently deferred a decision on the matter pending further advice from its Technical Advisory Committee.

### *Consultation*

Nil

### **Comment**

As noted in the Background section above, MRC's current lease agreement provides a 21 year renewal option and whether the MRC have a right to exercise this option is subject of debate. The City's administration has sought legal advice from Kott Gunning on this matter.

A copy of that advice has been circulated under legal privilege to Elected Members by confidential memorandum.

A number of planning issues relating to future development of parts of Lot 118 for urban purposes need to be resolved. These include Bush Forever negotiations, Aboriginal ethnographic sites studies and finalisation and approval of the Structure Plan for the land. Issues associated with ongoing use and post-closure use of the Tamala Park refuse disposal facility are integrally related to these planning issues.

Given Council's view that long-term use of the Tamala Park land as a refuse disposal facility may no longer be appropriate beyond 2011 in view of the development of surrounding areas and community views on this matter, then it is considered prudent that the City makes this position clear to both the MRC and other joint owners of Lot 118.

Council should reaffirm its position of not supporting the proposed secondary waste treatment facility and should not support extension of the MRC lease beyond its current term. The BSD study concludes that there would be no significant constraint to development of the secondary waste treatment facility on an alternative site.

Notwithstanding that MRC's lease provides for an extension at the end of the current lease period, it is too early to make a decision on the lease at this time. Council should also confirm its advice to the MRC that it should be seeking other fill sites to replace Tamala Park in the longer term.

### **Statutory Compliance**

Nil

### **Strategic Implications**

Council in discussion with other members of the Mindarie Regional Council does need to develop a long-term strategy for waste management. This consideration needs to be in balance with the local and district structure planning for Wanneroo. Decisions need to be made on the location and development of facilities which take into account broader development intentions so that there is not potential for adverse land-use conflicts.

In providing support for an extension of the current lease at this point in time would compromise future land-use planning options. It could lead to a situation where residents who demand the relocation of the facility because of its close proximity to current and planned residential developments besiege Council.

### **Policy Implications**

Nil

### **Financial Implications**

Nil

## **Voting Requirements**

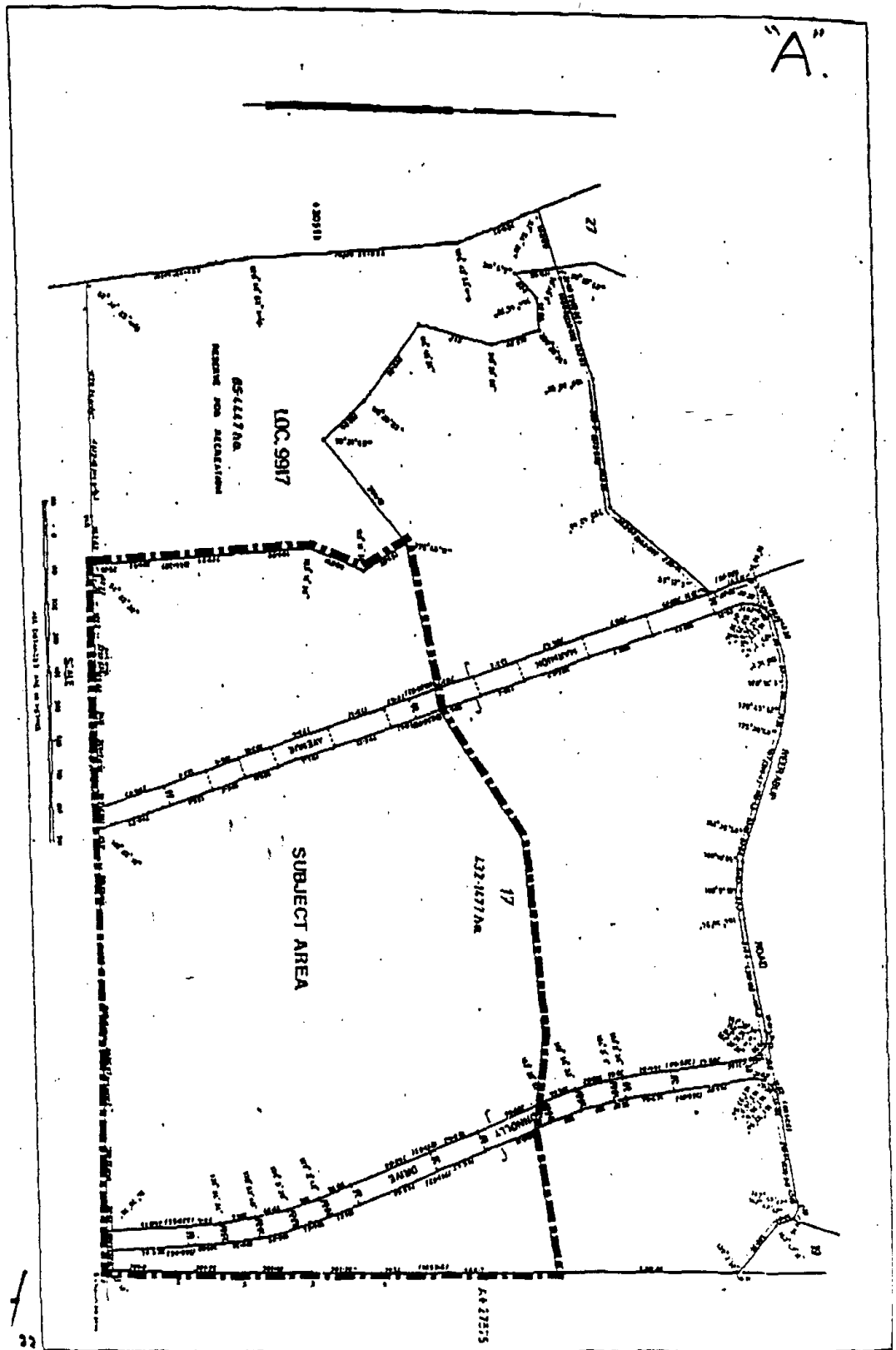
Simple Majority.

## **Recommendation**

**That Council ADVISES the Mindarie Regional Council and Cities of Joondalup, Perth and Stirling and Towns of Cambridge, Victoria Park and Vincent that it:**

- 1. does not support extension of the Lease of portion of Lot 118 to Mindarie Regional Council beyond the current lease term expiring in 2011; and**
- 2. reiterates its decision of 14 August 2001 not to support development of a secondary waste treatment facility on Lot 118.**
- 3. Confirms its advice of 24 October 2000 that studies should be undertaken as soon as possible to identify other landfill sites to replace Tamala Park.**

Attachment 1



## Attachment 2

Lot 118 is affected by the Clarkson Butler Metropolitan Region Scheme (MRS) Amendment which in terms of the MRC lease area proposes to reserve the land for Public Use and Parks and Recreation purposes. The site is designated as Local Reserve (Public Use) and General Rural under the City's DPS2. Additionally, Lot 118 is affected by Bush Forever. The land currently leased to the MRC is constrained by these and issues of compensation are yet to be resolved with the State Government.

The joint owners' commissioned consultants to prepare a structure plan for the development of Lot 118 which indicates residential development within the 500 metre operational buffer to the refuse facility. Appropriate provisions within an extended lease agreement could require the MRC to ensure that the design and operation of the plant ameliorates visual, noise and odour impacts on future residential development.

The current lease area incorporates (to a large extent) existing buffer requirements. Technological advances and changes to treatment processes on the site may result in the reduction of buffer requirements. The existing lease includes a provision allowing the progressive reduction of the lease area. It would be prudent to re-iterate this requirement.

A provision for renegotiation of the lease could enable a lease fee of approximately \$500 000 per annum to be realised. Over a twenty year lease period this could result in the generation of a \$10 million revenue. Comparatively, the aggregate sale or compensation value from the State Government is currently estimated at \$1.8 million and it is doubtful that this amount would be received within the next 5-10 years.

Further, the release of the land to the government for Parks and Recreation or Bush Forever purposes could eliminate possible opportunities to develop recreation uses with positive cash flow over land following its rehabilitation by the MRC. In this respect, an extension of the lease would afford the owners a longer period of time to investigate possible revenue creating opportunities.

The location of the site adjacent to the Freeway, Marmion Avenue Neerabup Road along with the eastern road connections and feeder roads onto the north and south connections are ideal for a refuse disposal facility servicing the constituent members of the MRC. Importantly, access routes to the site are relatively flat.

### CONCLUSION

The Tamala Park site has been used as a Class 2 landfill site for 11 years. It is anticipated that site remediation will be undertaken over a period of approximately 20 years. During this period use or development of the land will be restricted by land settlement issues, production of methane gas and the requirements for management for both surface and sub-surface hydrology. It would be desirable to have an onsite tenant complying with the remediation and monitoring requirements of the government.

Further, the coincidence of the ownership of Lot 118 and constituent membership of the Mindarie Regional Council cannot be ignored. The cost of provision of an alternative and possibly separate site for secondary waste treatment and or landfill will add significantly to community costs for refuse disposal. Accordingly, the development of a secondary waste treatment facility on Lot 118 and extension of the lease commensurate with the life expectancy of the secondary waste treatment plant is recommended.

**Item 9 Motions on Notice****Item 10 Urgent Business****Item 11 Confidential****C01-11/01 Appointment of Chief Executive Officer**

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File Ref: COM  
Responsible Officer: Mayor Jon Kelly  
Disclosure of Interest: Nil  
Nil

**Recommendation**

**Council move into a Confidential Session to discuss this item under the terms of the local Government Act 1995 Section 5.23 (2) as follows:**

- (a) a matter affecting an employee or employees.

**Item 12 Date of Next Meeting****Item 13 Closure**