

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE GOVERNMENT OF WESTERN AUSTRALIA

AND

THE CITY OF WANNEROO

21 July 2005

The Memorandum of Understanding (MOU) is based on the outcome of discussions between the City of Wanneroo and State Government representatives. Reference is made to the following correspondence:

City of Wanneroo to the Premier, dated 15 May 2003

Minister for Local Government to the City of Wanneroo dated 12 August 2003

City of Wanneroo to the Minister for Local Government dated 21 November 2003

The proposals relating to revitalisation of the Wanneroo Town Centre are based on an extensive master planning exercise carried out by the City of Wanneroo over an eight-year period. The MOU has been developed in accordance with the 2002 State/Local Government Partnerships Agreement. .

1. Statement of Purpose

A Memorandum of Understanding (MOU) between the City of Wanneroo and the Western Australian State Government, to advance the revitalisation of the Wanneroo Town Centre as the major cultural and commercial hub of the City, through sustainable economic, social and environmental development.

2. Parties to the MOU

- City of Wanneroo
- Western Australian Government

3. Vision and Objectives

Revitalisation of Wanneroo Town Centre is an essential ingredient in the City's drive towards achieving its Vision of "a vibrant centre of creative growth known for the quality of lifestyle choices and development patterns, which enhance sustainability", through organisational culture, community well-being, infrastructure and service provision and, planning for a balanced environment.

A contemporary town centre is a key foundation in delivering sustainable social, economic and environmental outcomes to support family and business communities throughout, and engaging with, the City of Wanneroo - one of the State's most diverse and rapidly growing local government areas.

Major family and business community outcomes sought in working towards revitalisation of the Wanneroo Town Centre include:

- Progressive achievement of greater liveability of Wanneroo's urban form and a greater sense of place within the communities of Wanneroo.
- Re-establishment of the Wanneroo Town Centre as the major cultural and commercial hub in the City of Wanneroo.
- Enhancement to the social well being of residents in and around Wanneroo.
- Contribution by the Town Centre Revitalisation initiative to the economic development of Wanneroo.
- Effective rationalisation of local government and state government land assets within the Town Centre.
- Active involvement of the community in all aspects of the Town Centre Revitalisation.

Complementary administrative/process outcomes sought include:

- Establishment of effective alliances with Federal Government Agencies, Non Government organisations and the Business Community.
- Progressive documentation and assessment of the Town Centre Revitalisation, being available as a model for other communities and organisations.

4. Principles

In entering into this MOU the City of Wanneroo and the State Government agree to abide by the principles of consultation, communication and cooperation (outlined below) endorsed by the State Government, the Western Australian Local Government Association (WALGA) and Local Government Managers Australia (LGMA) in their Partnership Agreement of December 2002.

Overarching Principle

A commitment to improve cooperation between State and Local Government to enhance sustainable social, environmental and economic development of Western Australia through consultation, communication, participation, cooperation and collaboration at both strategic and project levels.

General Principles

A commitment to:

Partnerships:

- Recognise that partnerships between State and Local Government are essential to achieve social, environmental and economic development for the Western Australian community;
- Be flexible and open to new approaches to service delivery and funding; and
- Be sensitive and responsive to the needs and constraints of both spheres of government at the local level.

Roles and Responsibilities:

- Identify and understand the roles and responsibilities of both spheres of government;
- Ensure that these roles and responsibilities are considered and respected in all government decisions; and
- Recognise and respect the role that each plays in enhancing social, environmental and economic development of Western Australia.

Communication:

- Open and timely communication on issues of relevance to the social, environmental and economic development of Western Australia;
- Recognise the need for confidentiality of discussions until a mutually agreed time; and
- Recognise that State and Local Government may use different processes to communicate with constituent groups.

Consultation:

- Purposeful consultation at mutually agreed stages to facilitate understanding and agreement; and
- Recognise and account for the different decision making processes of both spheres of government.

Service Delivery:

- Continual improvement in the efficiency, effectiveness, timeliness and appropriateness of government service delivery.

Outcomes:

- Agreements with defined and agreed outcomes and performance measures.
- Promote a realistic approach to funding and resource issues.
- Contribute resources and expertise to the partnership process.

Accountability:

- A transparent approach where changes to roles, responsibilities and budgets are negotiated and agreed and resources necessary to implement changes are identified;
- Undertake open assessments of the effectiveness of agreements.
- Have clearly defined reporting, dispute resolution and review mechanisms.

5. Scope of the MOU

Initiatives to be pursued under the MOU will include, but may not be limited to:

- Creation of a contemporary community facility to meet the needs of the Wanneroo Senior Citizen's Club and other community groups.
- Facilitating private sector redevelopment and extension of the Wanneroo Central shopping centre (including land transfers) to ensure creation of a contemporary retail and commercial services precinct that complements other community centres and services.
- Enhancement of Wanneroo Road and associated thoroughfares to ensure improved traffic flow, safety, streetscape (including underground power) and effective integration with the broader town centre concept, including capacity to accommodate future developments.
- Development of a contemporary Regional Library/Museum/Learning/Exhibition/Cultural/Recreation precinct capable of providing complementary services to meet the current and future interests and needs of a diverse community
- Creation of a business enterprise centre to foster business development and training
- Facilitating relocation of industries as appropriate to address community and natural environmental issues.
- Linking of infrastructure developments to ensure cohesiveness, accessibility, security and safety for community members in relation to all facilities.
- Managing natural assets, promoting and facilitating cultural and recreational outcomes that can be linked to infrastructure developments.

The Town Centre Revitalisation will be pursued over the period 2004/05 to 2007/08.

Resources

The MOU is an expression of intent by the parties to undertake (as determined by the parties) Town Centre Revitalisation activities, as much as possible, within existing resources. The allocation of substantial additional funds or other resources by either party will be at the discretion, and the determination, of the contributing party and public recognition will be made accordingly.

Issues to be addressed

Engaging the community(s) of Wanneroo to identify:

- an agreed community vision;
- community assets and needs;
- strengths and weaknesses of urban fabric;
- economic development assets and inhibitors;
- environmental impacts of current activities and future developments; and
- environmental opportunities and assets.

Progressively workshopping and developing proposals in collaboration with key stakeholders.

Identifying and implementing strategies to achieve sustainable, cost effective outcomes.

Strategies to be adopted

Existing planning processes and community consultation best practice will be complemented by experience gained in other similar exercises, to identify a community vision for the Wanneroo Town Centre. The timely and active involvement of key stakeholders will be an integral part of project management to ensure the most effective and efficient application of funds and other resources. The implementation plan will detail approaches to be taken.

2005/2008 - Implementation

The outcomes from the Town Centre Revitalisation 'development phase' will provide the foundation for a comprehensive implementation plan, which will incorporate:

- A review and confirmation of the MOU scope and operation.
- An outline of the responsibilities of all parties to be involved in the Town Centre Revitalisation activities.
- Detailed statements of all identified Town Centre Revitalisation activities and their resource implications including efficiencies and savings. Activities requiring additional resources will be identified separately from those that will be able to be undertaken within current resources.
- The identification of additional resources is to be made where feasible.
- A strategy to finalise the MOU by 2008.

The Implementation Plan will be presented to the City of Wanneroo Council and the State Government for endorsement and determination (individually and collectively) about those activities requiring additional funding or other resources.

6. Management Structure and Process

Technical Advisory Group (TAG)

To pursue the joint objectives of the State Government and the City of Wanneroo, a Technical Advisory Group shall be established, comprised of representatives of the City of Wanneroo and key State Government agencies.

TAG Composition

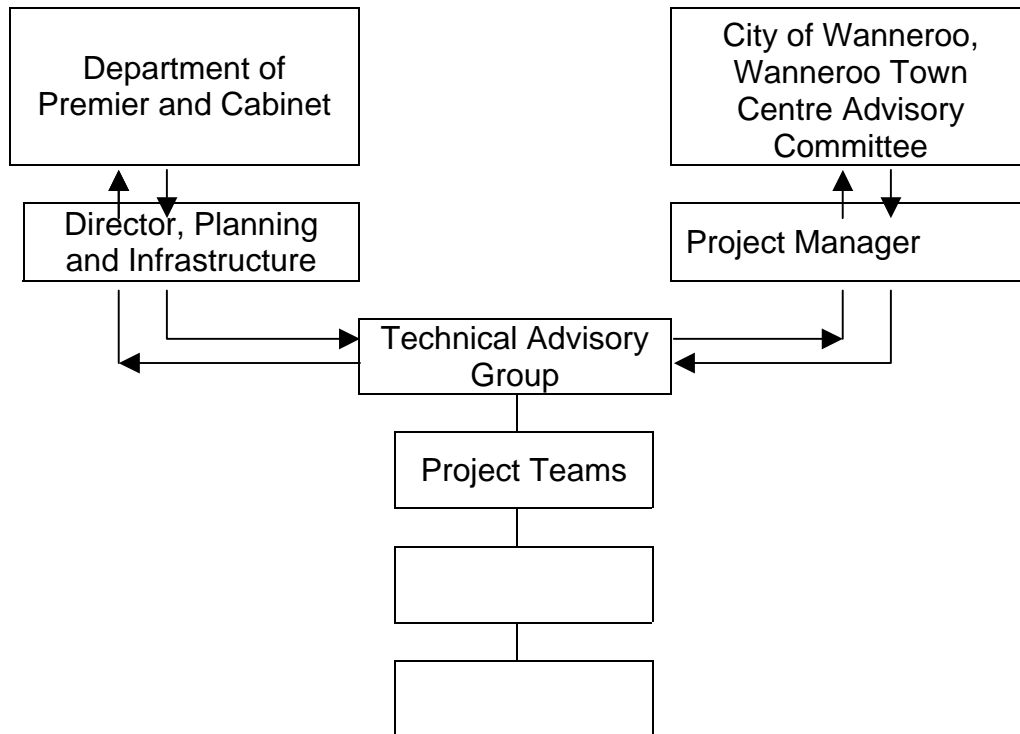
The State Government intention is for decision-making level representation (senior Manager/Director), and key administration/professional staff will represent the City of Wanneroo, on the Technical Advisory Group.

The TAG will be jointly hosted and co-Chaired by the City of Wanneroo (Town Centre Project Manager) and the Department for Planning and Infrastructure (Director Revitalisation and Urban Design), and will be primarily supported by the City of Wanneroo and the Department for Planning and Infrastructure.

The TAG will function in accordance with protocols and practices agreed by the State Government and the City of Wanneroo.

TAG Role

- Consider, advocate and promote developmental proposals in respect of viability and sustainability.
- Facilitate the provision of authoritative, key stakeholder advice on critical priorities, policies and standards associated with proposals and projects.
- Work to facilitate effective and balanced communication and consultation, between the MOU parties and also with the community, on proposals, projects and outcomes.
- Facilitate communication between the Technical Advisory Group and the City of Wanneroo, Wanneroo Town Centre Advisory Committee and the Department of Premier and Cabinet.
- Facilitate the provision of appropriate funding and other resource commitments to proposals and projects.
- Monitor and assess progress, operational and financial accountability of proposals and projects and provide appropriate status reports to State Government and the City of Wanneroo to support policy consideration and information dissemination.



Project Teams

Multi-disciplinary, specialist Project Teams will be established to undertake each of the specific tasks to be addressed over the life of the Town Centre Revitalisation initiative. The Project Teams will be co-ordinated by the Wanneroo Town Centre Project Manager and may include members of the public, non-government organisations, business and government agencies.

Project Team Membership/Administration

- **Coordination**
Wanneroo Town Centre Project Manager
- **Other Members**
The Technical Advisory Group will source and appoint members as appropriate to the task.
- **Project Team Reporting Mechanisms**
Each project team Project Manager and/or relevant members will report to the Technical Advisory Group as determined on a task-by-task basis. The Technical Advisory Group co-Chairs will report to the Wanneroo Town Centre Advisory Committee and the Department of the Premier and Cabinet.

Dispute Resolution

Disputes that arise within a Project Team and that cannot be resolved within the Team are to be referred to the Technical Advisory Group for resolution.

MOU Obligations- Major Works and Development

The State Government intention is to consult and work with the City of Wanneroo including, where appropriate, through consultative committees, on any major State or private development subject to its approval, which may have a significant impact on the social or economic development, environment or amenity of the City of Wanneroo.

The City of Wanneroo's intention is to take into account and protect the State's key infrastructure such as major transport routes and service corridors, in its planning and development of the City. The City's intention is to consult with the relevant State agencies in relation to any proposals that may affect such facilities.

The City of Wanneroo and the State Government intentions are to establish steering or consultative committees for any major projects or studies that may have a major impact on either party. Such committee's may involve representatives from the City, relevant State agencies, plus the local parliamentary representative, but no party shall be bound to participate. The Technical Advisory Group membership may be extended as deemed appropriate by the organisation with primary responsibility for the particular project or study.

Management Reporting and Review

Coordination and review of the progress and implementation of this MOU will include reporting by the Technical Advisory Group to the Office of the Premier and the Wanneroo City Council, not less than annually, on the effectiveness of communication and cooperation between the parties, and on strategic project outcomes.

Coordination of approved Town Centre Revitalisation directions and specific projects will be under the guidance of the Wanneroo Town Centre Project Manager.

7. Dispute Resolution Process

In the event of an unresolvable dispute between parties actively engaged on the Project, the matter will be referred to the Chief Executive Officer of the City of Wanneroo who will arrange to meet with the Chief Executive Officer(s) of the relevant other agency(s) involved, to determine a solution.

8. Break Clause

The MOU can be amended by mutual agreement of the parties.

The MOU can be used as a base upon which more detailed arrangements can be established.

Either party can resolve to terminate the MOU however, prior to a decision to terminate involvement, the matter must be referred in writing to the Department of the Premier and Cabinet (on behalf of the Office of the Premier) and the Chief Executive Officer of the City of Wanneroo.

9. Memorandum of Understanding in Good Faith

Despite anything expressed or implied to the contrary in this Memorandum of Understanding (MOU) or anywhere else, this MOU is a mere non-justiciable statement of current intent, and is neither intended to be, nor is it, (a) legally binding, or (b) creative of legal relations between the parties to it. No legal rights or obligations will come into existence unless or until one or more legally enforceable written agreements are entered into.

Certificate of Memorandum of Understanding

The State Government of Western Australia and the City of Wanneroo enter into a Memorandum of Understanding (MOU) with the intention of working cooperatively to achieve the sustainable social, environmental and economical development of the Wanneroo Town Centre.

The MOU recognises the role of the Wanneroo Town Centre as the hub of the City and the important function it plays in the sustainable development of the region.

The MOU has a particular focus and sets out commitments by both parties for the timely implementation of projects agreed to by the parties throughout the duration of the MOU.

As part of the MOU the undersigned agree to abide by the underlying principles and commitments, as outlined, on which the MOU arrangements are based.

Signed by The Hon Geoff Gallop, MLA Premier for and on behalf of the State of Western Australia

Sign Date

Before, Diane Guise, MLA, Member for Wanneroo

Sign Date

Signed by Jon Kelly, Mayor for and on behalf of the City of Wanneroo

Sign Date

Before Charles Johnson, Chief Executive Officer, City of Wanneroo

Sign Date