
MN03-03/22 Cr Jordan Wright – Amendment to the Terms of Reference for the Wanneroo BMX Raceway Relocation Working Group

File Ref: 3892V02 – 22/84546
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Action Officer: Director Community and Place
Attachments: 2

Issue

To consider amending the Terms of Reference for the Wanneroo BMX Raceway Relocation Working Group.

Background

The Wanneroo BMX Club (the Club) has an established headquarters and BMX track on City owned land at 276 Shiraz Boulevard, Pearsall (**Attachment 1**).

Existing site

The existing site leased by the Club occupies an approximately 1.77ha portion of Lot 1100 (276) Shiraz Boulevard, Pearsall (formerly 176 Mary Street, Pearsall). The existing site is owned in freehold by the City and zoned 'Urban' under the MRS and 'Urban Development' under the City's DPS2.

Working Group

Due to the freehold status of the existing site and the growth of residential activity in the vicinity (which will increase further with the development of East Wanneroo), the City has noted the potential benefits in relocating the Club to a purpose-built alternative site.

The process for investigating the potential relocation of the Club was first confirmed by Council in 2009 (item CS06-06/09), which resolved '*APPROVES as a matter of priority the formation of a working group consisting of the Mayor, Ward Councillors, two representatives of the BMX Club plus Council Officers from Leisure Services and Contracts and Property, to progress the relocation of this sporting club*'.

Leases

The Club occupies the existing site under a lease dated 11 June 2019 for a term of 5 years, expiring on 10 June 2024. The lease was approved by Council on 5 December 2017 (item CS05-12/17).

The current lease follows a series of relatively short term leases between the City and the Club, ranging in term from one to five years.

Administration is currently progressing with lease negotiations with the Club, intended to provide a longer term tenure and greater certainty whilst alternative sites are investigated. This matter will be the subject of a future report to Council.

Detail

In accordance with the current Terms of Reference (**Attachment 2**), the purpose of the Working Group is to progress the relocation of the Club from Lot 21 (176) Mary Street, Wanneroo, with the aim being to identify a suitable site to accommodate the Club.

Following the most recent Working Group meeting on 2 March 2022, it has become apparent that the current Terms of Reference do not reflect what the Working Group is trying to achieve. Therefore, it is suggested that consideration be given to amending the Terms of Reference as per below:

Current Form

Name:	Wanneroo BMX Raceway Club Relocation Working Group
Role/Purpose:	To progress the relocation of the Wanneroo BMX Raceway Club Inc. from Lot 21 (176) Mary Street, Wanneroo
Aims & Functions:	1.1 To identify a suitable site to accommodate the Wanneroo BMX Raceway Club Inc. prior to the expiration of the Club's current lease over portion of Lot 21 (176) Mary Street Wanneroo.

Proposed Form

Name:	Wanneroo BMX Club Working Group
Role/Purpose:	To progress with current and potential future site works in the short to medium term and provide a long-term vision with the intent to relocate the Wanneroo BMX Club Inc. from Lot 21 (176) Mary Street, Wanneroo.
Aims & Functions:	1.1 To identify a suitable site to accommodate the Wanneroo BMX Club Inc. from the current lease location over portion of Lot 21 (176) Mary Street Wanneroo. 1.2 To progress the relocation of the Wanneroo BMX Club Inc. from Lot 21 (176) Mary Street, Wanneroo in the long term. 1.3 To progress and allow for potential upgrades to the facilities and track in the short to medium term until 1.2 is met.

Consultation

No external consultation has occurred. Based on the conversations held at the most recent Working Group meeting, the Club has implied the terms of reference limit them from progressing their facility upgrades.

Comment

Following the March 2022 meeting of the Working Group, it was apparent that there is a need for the Club to be provided a forum in which they can seek outcomes to the infrastructure challenges they face at their current site.

While it is acknowledged that there is support from both the Club and Council Members that the relocation of the club is a good outcome, it is apparent that even once a new site is identified the time period for relocation is likely to be at least five to ten years. It has been reported by the Club that their current infrastructure will not be suitable for this amount of time.

As such, it is recommended that that Terms of Reference reflect the evolved purpose of the Working Group, which is to not only source an acceptable site for the Club's relocation, but also to review and progress the current site to ensure that it is fit for purpose for the period of time that the Club remains there.

Statutory Compliance

Nil.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2021 – 2031:

1 ~ An inclusive and accessible City with places and spaces that embrace all

1.3 - Facilities and activities for all

Risk Management Considerations

Risk Title	Risk Rating
ST-S23 Stakeholder Relationships	Moderate
Accountability	Action Planning Option
Executive Leadership Team	Manage

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

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic Risk register. Action plans are in place to manage these risks.

Policy Implications

The City's Leasing Policy (**Policy**) provides the context for the investigations concerning the future status and potential relocation of the Club.

The Club is categorised as a Category 6 (Sporting or Recreational) lessee under the Policy, which further specifies '*Wherever practicable Categories 3-5 should be the only Tenants who lease Freehold land (unless that Freehold land is a dedicated Community Purpose Site). All other categories will be leased on Crown Land, managed by the City in order to realise the economic value of the land, unless under a full commercial rental arrangement.*'

A relocation of the Club, if supported by Council, would also be consistent with the requirements of the City's Strategic Land Policy to '*Create property based income streams*' and '*Encourage the 'highest and best' use of City Land*'.

Accordingly, the Working Group and Administration have progressed with site investigations over a sustained period to secure a viable long term future for the Club, preferably at a modern, purpose-built site, located on Crown land.

Financial Implications

There are works planned for the current site in order to make it a more suitable space for the Club for the term of their current lease. These works include connection of the site to sewer (ready for future works) and works relating to the shade structure adjacent to the kiosk area.

There are no further funds allocated, including within the City's Long Term Financial Plan, for works at the existing site, noting that additional works would likely require significant levels of funding.

Voting Requirements

Simple Majority

Moved Cr Wright, Seconded Cr Miles

That Council:-

1. **APPROVES** the Terms of Reference for the Wanneroo BMX Raceway Relocation Working Group be amended to:

Name:	Wanneroo BMX Club Working Group
Role/Purpose:	To progress with current and potential future site works in the short to medium term and provide a long-term vision with the intent to relocate the Wanneroo BMX Club Inc. from Lot 21 (176) Mary Street, Wanneroo.
Aims & Functions:	<p>1.1 To identify a suitable site to accommodate the Wanneroo BMX Club Inc. from the current lease location over portion of Lot 21 (176) Mary Street Wanneroo.</p> <p>1.2 To progress the relocation of the Wanneroo BMX Club Inc. from Lot 21 (176) Mary Street, Wanneroo in the long term.</p> <p>1.3 To progress and allow for potential upgrades to the facilities and track in the short to medium term until 1.2 is met.</p>

CARRIED UNANIMOUSLY

Administration Comment

Administration notes the amended Terms of Reference outlined in the Motion on Notice, and acknowledges the significant work and time taken to find a suitable location to relocate the Wanneroo BMX Club. Notwithstanding, there are concerns held by Administration in regards to the proposed amendments.

Under the terms of the Club's current lease (agreed on a ground lease basis), the Club is responsible for the site, and this would extend to any upgrades. This position was confirmed in the report to Council when it approved the current lease (item CS05-12/17) and is consistent with the City's Leasing Policy. The City is providing support for some smaller upgrades, but it should be noted that this is not standard practice, and any additional works would need to be considered in line with the current lease, the City's Leasing Policy and the

City's Long Term Financial Plan. Should the City provide large-scale upgrades to the site, this would set a precedent for other community groups on a similar lease to request the same, noting that previous requests of this nature have not been supported.

Council's original intent for the Working Group was to ensure the Club not only has a facility for its long term future, but is also intended to allow the City to ensure the land at the current site is able to be utilised in the most appropriate manner. The Strategic Land Policy, subsequently adopted by Council, provides that City owned land should be used for its highest and best use.

Further, while it is recognised that the use of the site for the BMX facility is currently supported by the local community, future development of East Wanneroo may impact this support on an ongoing basis.

Noting that the Club has identified that upgrades are required to the facility in the short to medium term, under the provisions of the lease and the City's Leasing Policy, these upgrades would need to be funded by the Club and be sacrificial in nature given the ultimate intent is to relocate the facility. The City is able to provide advice and support to the Club in their fundraising efforts.

City Working Groups are not decision making bodies, and the expansion of the Working Group's intent may raise the expectations of the Club, particularly considering that there has been no due diligence to date by the City in planning the current site for upgrade works. Should this planning indicate the funding requirements are excessive and not of a sacrificial nature, there may be cause to withdraw support for the upgrade works.



It should be noted that the City has not previously formed Working Groups to enable the lessees to plan for a site in circumstances where City managed land is subject to a ground lease. The management of ground leases, once adopted by Council is undertaken administratively.

For the reasons outlined above, Administration does not support the amendments to the Terms of Reference. The City will continue to work with the Club to progress with the lease negotiations in advance of an anticipated report to Council in the first half of 2022.

Attachments:

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|-------------------|---|-----------|
| 1 | <i>Attachment 1 - Site Map - Wanneroo BMX Club, Pearsall</i> | 21/124134 |
| 2 | <i>Attachment 2 - Terms of Reference Wanneroo BMX Raceway Club Relocation Group</i> | 17/220459 |



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			Scale = 1:1530	



TERMS OF REFERENCE

Wanneroo BMX Raceway Club Relocation Working Group

June 2009; May 2011

Name:	Wanneroo BMX Raceway Club Relocation Working Group
Role/Purpose:	To progress the relocation of the Wanneroo BMX Raceway Club Inc from Lot 21 (176) Mary Street Wanneroo
Aims & Functions:	1.1 To identify a suitable site to accommodate the Wanneroo BMX Raceway Club Inc prior to the expiration of the Club's current lease over portion of Lot 21 (176) Mary Street, Wanneroo.
Membership:	<p>2.1 The Working Group shall consist of the following representation:</p> <ul style="list-style-type: none"> • Mayor • Central Ward Councillors • Manager Program Services; • Property and Leasing Officer; and • A maximum of two representatives from the Wanneroo BMX Raceway Club Inc. <p>2.2 Membership shall be for a period of up to two years terminating on the day of the Ordinary Council elections, with retiring members eligible to apply.</p> <p>2.3 Members must comply with the City's Code of Conduct.</p> <p>2.4 The Working Group has authority to second individuals from outside of the Working Group, on a voluntary basis, for their expert advice.</p> <p>2.5 Consideration will not be given to any nomination received from a person who is currently serving as an elected member of a neighbouring council.</p>
Operating procedures:	<p>3.1 Chairperson:</p> <ol style="list-style-type: none"> a) The members of a Working Group are to elect a Chairperson and Deputy Chairperson from amongst themselves at the first meeting of the Group. (For transparency and accountability Council officers should not be appointed to the position of Chairperson and Deputy Chairperson. b) The Chairperson will preside at all meetings. c) In the absence of the Chairperson, the Deputy Chairperson will assume the chair, and in their absence, a person is to be elected by the Working Group members present to assume the Chair. d) The Chairperson is responsible for the proper conduct of the Working Group. <p>3.2 Meetings:</p> <ol style="list-style-type: none"> a) The Working Group shall meet on a regular basis as determined by the nominated Group members.

	<ul style="list-style-type: none"> b) All meeting dates are to be provided in Councillors' Clipboard and in the City of Wanneroo diary. c) A Notice of Meetings including an agenda will be circulated to the Working Group members (including deputy delegates) at least 72 hours prior to each meeting where possible. d) The Chairperson shall ensure that minutes of all meetings are kept and that copies are made available to all Working Group members (including deputy delegates) as soon as is practicable after the meeting. The minutes are to be available for public inspection. e) Copies of all agendas and minutes are to be forwarded electronically through TRIM the City's electronic record keeping system to Governance for filing in the Elected Members' Reading Room. f) All agenda and minute documentation is to be generated through Council's Infocouncil software reporting system. g) A Working Group outcome or recommendation will have effect if it is supported by general consensus of the meeting, or through a vote made by simple majority. A simple majority is the agreement of not less than half of the votes present at the meeting. h) In the event that a vote is taken, all endorsed members of the Working Group will have one vote. The Chairperson will have the casting vote and simple majority will prevail. <p>3.3 Quorum: A meeting can be conducted without a quorum if necessary. However, every endeavour should be made to achieve a quorum or at least to ensure a reasonable spread of representation, particularly in circumstances where recommendations will be made for Council's consideration.</p> <p>3.4 Administration:</p> <p>3.4.1 Administration Support Administration support for the Working Group will be provided by the City of Wanneroo. That support person will be the Projects and Planning Officer - South.</p> <p>3.4.2 Motions on Notice A Working Group member may raise at a meeting any business that the member considers appropriate and which is relevant to the purpose of the Working Group in the form of a motion of which 7 days notice has been given in writing to the Administration Officer prior to the compilation of the Agenda for that meeting. An Administration Comment is to be added at the end of Motions on Notice and signed off by the appropriate Director.</p>
<p>Delegated Authority:</p>	<ul style="list-style-type: none"> 4.1 The Working Group has no delegated power and has no authority to implement its recommendations without approval of Council. 4.2 The Working Group has no delegated authority to commit Council to the expenditure of monies. 4.3 Matters requiring Council consideration will be subject to separate specific reports to Council.