

## **NOTICE OF MEETING**

## **COMMITTEE OF COUNCIL**

Members of the Committee of Council are advised that a meeting will be held in Council Chambers, Civic Building, 83 Mandurah Terrace, Mandurah on:

# Tuesday 16 April 2019 at 5.30pm

MARK R NEWMAN

Chief Executive Officer 9 April 2019

COMMITTEE MEMBERS Mayor Williams Deputy Mayor Councillor Knight

Councillor Wortley Councillor Jackson Councillor Lee Councillor Lynn Rodgers Councillor Shane Jones Hon Councillor Riebeling Councillor Tahlia Jones Councillor Darcy Councillor Schumacher Councillor Peter Rogers Councillor Matt Rogers

# AGENDA:

- 1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS
- 2 ATTENDANCE AND APOLOGIES

#### 3 IMPORTANT NOTE:

Members of the public are advised that the decisions of this Committee are referred to Council Meetings for consideration and cannot be implemented until approval by Council. Therefore, members of the public should not rely on any decisions of this Committee until Council has formally considered the resolutions agreed at this meeting.

#### 4 ANSWERS TO QUESTIONS TAKEN ON NOTICE

#### 5 PUBLIC QUESTION TIME

Public Question Time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time, please telephone 9550 3706 or visit the City's website <u>www.mandurah.wa.gov.au</u>.

#### 6 PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN

#### 7 DEPUTATIONS

Any person or group wishing to make a 5-minute Deputation to the Committee meeting regarding a matter listed on this agenda for consideration must first complete an application form. For more information about making a deputation, or to obtain an application form, please telephone 9550 3706 or visit the City's website <u>www.mandurah.wa.gov.au</u>.

NB: Persons making a deputation to this Committee meeting will not be permitted to make a further deputation on the same matter at the successive Council meeting, unless it is demonstrated there is new, relevant material which may impact upon the Council's understanding of the facts of the matter.

#### 8 CONFIRMATION OF MINUTES: 12 March 2019

(NB: It is the Elected Members' responsibility to bring copies of the previous Minutes to the meeting if required).

#### 9 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS

#### 10 QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION

- 10.1 Questions of which due notice has been given
- 10.2 Questions of which notice has not been given

#### 11 BUSINESS LEFT OVER FROM PREVIOUS MEETING

#### COMMITTEE OF COUNCIL AGENDA: 16 APRIL 2019

# 12 REPORTS:

1	Murrayfield Airport Upgrade	1 - 11
2	Code of Conduct Amendments	12 - 15
3	Commercial Sponsorship Merlin Street Pavilion	16 - 19
4	Falcon Reserve Activation Plan	20 - 28
5	Madora Bay Pump Track	29 - 34
6	Smart Street Upgrade Final Approval of Concept Plan (SC)	35 - 45
7	Trading Permit Guidelines Review	46 - 75
8	Local Planning Scheme 12 Modification	76 - 83
9	Bushfire Policy Review	84 - 95
10	Murdoch University Partnership Proposal	96 - 109
11	Embrace a Space Program	110 - 132
12	Lease Variation: EMACC Pty Ltd	133 - 139
13	Road Dedication: Faith Court	140 - 143
14	Demolition: Lot 503 Peel Street, Mandurah	144 - 147

#### 13 LATE AND URGENT BUSINESS ITEMS

- 14 CONFIDENTIAL ITEMS
- 15 CLOSE OF MEETING

	Report from Chief Executive Officer to Committee of Council Meeting of 16 April 2019				
1	SUBJECT:	Murrayfield Airport Redevelopment: Contributions Toward Business Case			
CONTACT OFFICER: Adam Denniss AUTHOR: Tim Bateman		Adam Denniss			

#### Summary

During discussions held between the City of Mandurah and Shire of Murray Chief Executive Officers in February 2019, the Shire of Murray advised that it was preparing a business case on the proposed redevelopment of Murrayfield Airport, located approximately 15km north of Pinjarra. Funding of \$100,000 will be allocated for the business case, with \$25,000 to be provided by the PDC, \$25,000 by Brooks Hire Service, \$20,000 by the Shire of Murray and \$10,000 by the Royal Aero Club of WA. The Shire of Murray requested the City of Mandurah to contribute the final \$20,000 towards the business case.

Council is therefore requested to approve the allocation of \$20,000 from the Chief Executive Officer's Budget towards a business case for proposed redevelopment of Murrayfield Airport.

#### **Disclosure of Interest**

N/A

#### **Previous Relevant Documentation**

- G.20/10/18 23 October 2018 Council adopted 'Mandurah and Murray: A Shared Economic Future' as the City of Mandurah's new economic development strategy. Council also endorsed the programs and projects contained within the strategy for further development and implementation, and committed to a program of advocacy that ensures State and Federal Government support and investment in projects resulting from the strategy.
- G.38/1/14 28 January 2014 Council approved the allocation of \$10,000 from the Chief Executive Officer's Projects Budget to be used by the Peel Regional Leaders Forum to engage a consultant to undertake an Economic Review and Needs Assessment of a Peel Regional Airport.
- G.19/11/08 18 November 2008 Council adopted the *Southern City Strategy* as a focus of the Council's and the community's desired future for Mandurah.

#### Background

The potential to redevelop Murrayfield Airport was first highlighted in 2006, during the formation of the City's new economic development vision, the *Southern City Strategy*. The strategy noted that population growth in the Perth Metropolitan south west corridor and Peel Region would need to be serviced by new transport and freight infrastructure, including a redeveloped Murrayfield Airport as a 'new Jandakot'.

The initial draft version of the State Aviation Strategy was released for public comment in September 2013. The Shire of Murray provided a submission to the draft strategy in December 2013, on behalf of the PRLF. The Shire's submission sought consideration of the Peel Region as a potential location for a second Perth metropolitan airport, and highlighted Murrayfield Airport as a potential site.

In December 2013, the PRLF resolved to allocate \$60,000 towards an analysis of the economic benefits of a regional airport within the Peel Region. In January 2014, the City of Mandurah Council resolved to allocate \$10,000 towards the analysis. However, in May 2014, the PRLF rescinded its previous decision to undertake the analysis. Therefore, the City subsequently did not allocate the \$10,000 previously committed.

The Western Australian State Aviation Strategy was released by the WA Government in February 2015. The strategy sought to guide future aviation policy, planning and investment, including new infrastructure at Perth Airport, a future second Perth metropolitan airport, and improved infrastructure planning and development at regional WA airports. The Aviation Strategy is currently being reviewed, with the revised strategy due for release in late 2020.

In October 2018, Council adopted the City's new economic development strategy, *'Mandurah and Murray: A Shared Economic Future'*. The strategy – an economic partnership with the Shire of Murray – contains six broad programs and eight projects, including 'Murrayfield Airport Upgrade'.

In February 2019, the Shire of Murray asked the City of Mandurah to provide a \$20,000 contribution towards a business case on the proposed redevelopment of Murrayfield Airport.

#### Comment

Murrayfield Airport, located on Lakes Road in the Shire of Murray, was established in 1919, and is a registered airfield owned and operated by the Royal Aero Club of Western Australia. It is a non-controlled aerodrome (i.e. it has no control tower), and its activities include commercial flights, scenic flights, charter flights and flight training. The Murrayfield Airport site consists of several lots (see Attachment 2), with Lots 5, 6 and 11 owned by Doug Brooks (Brooks Hire Service), Lot 4 owned by RACWA, and Reserve 50750 owned by DBCA.

At a meeting held on 31 January 2019 between the Peel Development Commission, Royal Aero Club of WA, Shire of Murray and construction equipment provider, Brooks Hire, agreement was reached to undertake a feasibility study to assess the potential for Murrayfield Airport to be expanded and redeveloped. This was based on the following rationale:

- Murrayfield is a strategic asset in close proximity to the Perth metropolitan region;
- Potential to support development of the Peel Business Park and Peel Food Zone (Transform Peel);
- Perth Airport is not equipped to provide sufficient freight and cargo logistics for Western Australia;
- Cost and inability to efficiently provide freight and cargo services will limit future industry growth;
- Murrayfield has potential to become an intermodal terminal and industrial precinct;
- Murrayfield expansion opportunities include aviation industry training, aviation industry repair and maintenance, food packaging facilities, food product storage and distribution, freight industries and fly-in/fly-out passenger transport.

On 18 February 2019, Infrastructure Australia released its *2019 Infrastructure Priority List*. Infrastructure Australia is an independent statutory body with a mandate to prioritise and progress nationally significant infrastructure. The Infrastructure Priority List provides all levels of government across Australia with a prioritised list of infrastructure challenges and opportunities for the short, medium and longer term. The 2019 Infrastructure Priority List contains 121 infrastructure proposals of national significance, comprised of:

- 8 High Priority Projects;
- 10 Priority Projects;
- 29 High Priority Initiatives;
- 74 Priority Initiatives.

Metronet (Yanchep Rail Extension) was listed as a High Priority Project for Western Australia, whilst the Myalup-Wellington Water Project was listed as a Priority Project. The Perth CBD to North Corridor Capacity project and the Mitchell and Kwinana Freeway upgrades were listed as High Priority Initiatives, with a further 11 WA projects listed as Priority Initiatives. One of these is the Perth Airport New Runway project, which is proposed to be built to the east of the existing two Perth Airport runways within the medium term (next 5-10 years).

The State Aviation Strategy will be reviewed this year, with the revised strategy due for release in late 2020. As part of the review, the WA Department of Transport will be holding regional workshops to seek stakeholder feedback. The review will take into account the proposed Perth Airport third runway project, including any infrastructure capacity improvements required to facilitate the project, and its implications on regional WA air services and infrastructure.

In October 2018, Council adopted the City's new economic development strategy, *'Mandurah and Murray: A Shared Economic Future'*. The strategy – an economic partnership with the Shire of Murray – contains six broad programs and eight projects, including 'Murrayfield Airport Upgrade'.

The Murrayfield Airport Upgrade project recognises the key point-of-difference for business attraction that the airfield's redevelopment would bring to Peel Business Park and 'Transform Peel'. Initial desktop analysis indicates that the redevelopment would have a project value of around \$6 million, and would provide around 70 new full-time jobs within the Peel Region. It is envisaged that the Murrayfield Airport redevelopment feasibility study will provide a more detailed cost-benefit analysis of the project's value to the Peel Region economy.

The Shire of Murray and Peel Development Commission recently prepared a Scope of Works for the Murrayfield Airport redevelopment proposal. This includes preparation of a business case, in place of the previously proposed feasibility study. The scope of works includes: (see *Attachment 1*)

- Development opportunities;
- Costings and timeframes;
- Economic and financial analysis;
- Risk assessment;
- Implementation and management;
- Business case report.

The Shire of Murray will procure and manage the business case consultancy, which is anticipated to commence within the current financial year, and be completed within five months of the contract being awarded.

Council is requested to support the Murrayfield Airport Redevelopment business case, and to approve the allocation of \$20,000 from the Chief Executive Officer's Budget for this purpose.

#### Consultation

The Murrayfield redevelopment is an initiative of the Shire of Murray, and will be undertaken within the Shire boundary, therefore the Shire of Murray has undertaken the necessary stakeholder consultation. This includes consultation with the PDC, Royal Aero Club of WA, and the City of Mandurah.

#### **Statutory Environment**

The Department of Transport is the key Western Australian Government coordinating and advisory body on aviation related matters.

#### **Policy Implications**

Redevelopment of the Murrayfield Airport would align with the City's Economic Development Policy aims, including:

- Position and promote Mandurah as an iconic international tourist destination;
- Promote, encourage and support business growth;
- Attract private and public investment;
- Develop appropriate levels of hard and soft infrastructure for sustainable economic development.

#### **Economic Implications**

Council and the broader Mandurah community have identified that growing Mandurah and the Peel Region's economy is a priority. The City's new economic development strategy *'Mandurah and Murray: A Shared Economic Future'* aims to facilitate economic growth in Mandurah and Murray, with a strong emphasis on delivering industry diversification and expansion.

#### **Risk Analysis**

If sufficient industry diversification and expansion within the Peel Region does not occur, the following risks apply:

- Economic risk Mandurah's economy will worsen, unemployment will increase, and the resultant costs to government will grow;
- Social risk lower education outcomes and higher unemployment will in turn negatively impact on community safety and crime prevention, and Mandurah's sense of identity;
- Reputation risk a worsening economy and social condition will impact negatively on the City's' reputation.

#### **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

#### Social:

- Provide opportunities, services and activities that engage our young people.
- Provide a range of social, recreational, entertainment and learning experiences for our residents and visitors.

#### Economic:

- Increase the level of regional employment.
- Increase local education and training opportunities.
- Develop a strong and sustainable tourism industry.

#### Infrastructure:

- Advocate for and facilitate the provision of infrastructure that matches the demands of a growing population.
- Advocate for and facilitate the provision of an integrated movement network.

#### Organisational Excellence:

- Demonstrate regional leadership and advocacy.
- Ensure the City has the capacity and capability to deliver appropriate services and facilities.

#### Conclusion

The opportunity to redevelop and expand Murrayfield Airport was previously identified by the Peel Regional Leaders Forum in 2013, following the release of the State Aviation Strategy. However, for various reasons, the opportunity to undertake an economic analysis of the proposal was not realised at the time.

Nonetheless, the opportunity was again identified in 2018 with Council's adoption of 'Mandurah and Murray: A Shared Economic Future'. The joint economic development strategy outlined the significant economic benefits that could accrue from redevelopment of Murrayfield Airport, including commercial pilot training, engineering and maintenance industry development, drone pilot and Airforce Cadet training, and national and international freight and logistics capability.

This opportunity, which will be explored in depth by the Murrayfield Airport Redevelopment business case, could potentially be significant, and Council is therefore requested to support the allocation of \$20,000 towards the business case.

NOTE:

#### Refer Attachment 1 Murrayfield Airport Business Case – Scope of Works Attachment 2 Murrayfield Airport Site Layout

#### RECOMMENDATION

That Council approves the allocation of \$20,000 from the Chief Executive Officer's budget towards a business case for the proposed redevelopment of Murrayfield Airport.

# SCOPE OF WORKS

Shire of Murray invites you to quote on the following scope of works.

	Preparation of a Business Case for the future development of Murrayfield Airport.
2. PROJECT BACKGROUND	<ul> <li>The Murrayfield Airport is located within the Peel Business Park Nambeelup. Murrayfield is owned and operated by the Royal Aero Club of WA (RACWA), a non-profit organisation incorporated under the <i>Associations Incorporations Act 1987</i>. RACWA's mission is to provide a centre of excellence for flying training and other aspects of small aircraft operation for amateur and professional pilots.</li> <li>Murrayfield is a very strategic asset in close proximity to the Pertf metropolitan region. It is the last remaining light aircraft facility with direct access to the metropolitan area, with capacity to grow and expand. It is located in the Peel Business Park and provides the opportunity not only to develop the aviation sector, but to also play a role in supporting development of other elements of the Peel Business Park – such as small passenger movements and pilot training in the short term, to the potential for major freight exports in the longer-term.</li> <li>Murrayfield is currently used for limited pilot training by RACWA, for light aircraft amateur and professional flying by members of RACWA by the Australian Airforce Cadets, by Fire and Emergency Services Australia (FESA) in emergencies, and for mosquito management of the Peel Harvey estuary system. The airport asset is underutilised.</li> <li>RACWA has an approved development plan for Murrayfield (see Annexure A), which includes extending RACWA's pilot training program (building of an Air Academy), expanding light aircraft hangar facilities, development of a sports aircraft hub, commencing aircraft maintenance and developing other light engineering workshops, pain</li> </ul>
	<ul> <li>workshops, aircraft spares etc.).</li> <li>Key stakeholders have formed a Working Group for this project including:</li> <li>2.1 RACWA</li> <li>2.2 Doug Brookes (owner of a portion of Murrayfield Airport land)</li> <li>2.3 Shire of Murray</li> <li>2.4 City of Mandurah</li> </ul>
3. OBJECTIVES	2.5 Peel Development Commission The Working Group has agreed collectively to examine short, medium and long-term options and opportunities for the development o

	These parties have contributed funding towards the development of a Business Case, which will identify the preferred future development direction of Murrayfield Airport with supporting evidence.
4. ISSUES	The following are <b>current</b> identified issues that will impact on the analysis and outcomes to be undertaken in the preparation of the Feasibility Study and Business Case:
	<ul> <li>4.1 Murrayfield Airport is not currently identified in the State Aviation Strategy as a strategic future aviation asset.</li> <li>4.2 Murrayfield Airport comprises 6 separate land portions as shown in Annexure 1. Lots 4 and 56 Nambeelup are owned by RACWA. Lots 5 and 6 Nambeelup are owned by Doug Brookes, Lot 11 Nambeelup is owned by Mandurah Airport Pty Ltd, and Reserve 50750 is owned by the Department of Biodiversity, Conservation and Attractions (DBCA).</li> <li>4.3 Large parts of Lot 4 are impacted by Regionally Significant</li> </ul>
	<ul> <li>bushland and may limit development.</li> <li>4.4 RACWA is not in a financial position to develop Murrayfield on its own.</li> <li>4.5 Recent approaches from student pilot training operators include Malaysia Airlines</li> </ul>
5. METHODOLOGY	The Business Case will provide a clear understanding of the following: 5.1 <u>Strategic Aviation Context</u>
	A clear understanding of the current status (problems and opportunities) of domestic and international passenger and freight facilities in the Perth Metropolitan region, and the potential role of Murrayfield Airport in addressing any of the problems and opportunities.
	A clear understanding of the objectives of the WA State Aviation Strategy, the likely future development of strategic aviation facilities in and close to the Perth Metropolitan region, and the likely options for the future development of Murrayfield Airport in this context.
	A specific understanding of the source and volumes of agricultural (and related) imports and exports through the current sea- and airfreight facilities in the Perth and Southwest regions.
	5.2 Murrayfield Owner Plans
	A clear understanding of the existing development plans and intentions of the various owners of the Murrayfield Airport site – RACWA, Doug Brookes and DBCA.
	5.3 <u>Transform Peel program, the Peel Business Park and the State</u> Government's Keralup development

	A clear understanding of the short, medium and long- term plans for the Transform Peel program (Annexure 3), the development of the Peel
	Business Park, and the development of the adjacent Keralup landholding. Assess the implications of these for the future development of Murrayfield Airport
	5.4 Planning and Environmental Conditions
	A clear understanding of the Planning and Environmental conditions on the Murrayfield Airport site and how these may impact future development. A clear understanding of the planning and environmental conditions in the surrounding areas that might impact on, or be impacted by, the future development of Murrayfield – including aspects such as noise on adjacent development.
	Engagement with the Civil Aviation Safety Authority (CASA), Airservices Australia, and other State and Federal Government aviation policy regulators to understand the planning and regulation requirements for the different development opportunities investigated in this project.
	5.5 <u>Vision</u>
	Define the short, medium and long-term visons for Murrayfield Airport based on the above factors and consultation with landowners.
6. DESCRIPTION OF WORK REQUESTED	Based on the above methodology and the Murrayfield Airport development plans / concepts as a reference point, the Shire of Murray is seeking quotations on the following scope:
	6.1 Development Opportunities (scenarios) for Murrayfield Airport
	A set of realistic scenarios for the future development of Murrayfield that meet the short (1-5 years), medium (5-15 years) to long (15-25years) term visions.
	Draft development opportunities include:
	<ul> <li>a) Sports aircraft hub</li> <li>b) Aircraft maintenance and light engineering service industries</li> <li>c) RACWA and external provider pilot training school</li> <li>d) Freight services / infrastructure</li> </ul>
	This activity will require:
	<ul> <li>6.1.1 Consultation with stakeholders (noted in Sections 2-5).</li> <li>6.1.2 Consultation with identified potential external service providers / users of the facility.</li> </ul>
	6.1.3 Needs analysis undertaken on all scenarios

<ul> <li>6.1.5 Determine complementary or co-existence factors that may occur between opportunities / scenarios.</li> <li>6.1.6 Identification of all approvals / regulatory requirements for each scenario.</li> <li>6.1.7 Deliver high level concept drawings for each development opportunity / scenario.</li> <li>6.2 Costings and Timeframes</li> <li>The following will be required at a high level for each opportunity / scenario:</li> <li>6.2.1 Meet with the Working Group for a briefing on designs and discussion on general approaches to specifications, finishes and services.</li> <li>6.2.2 Meet with the Working Group for a briefing on required service and utility infrastructure (e.g. road, sewerage, water, power).</li> <li>6.2.3 Costings for short, medium and long-term infrastructure, capita investment and operational expenditure required.</li> <li>6.2.4 Timeframes for development</li> <li>6.3 Economic and Financial Analysis</li> <li>The Working Group will determine the prioritised opportunities scenarios for the economic and financial analysis, which will include:</li> <li>6.3.1 Assessment of ongoing employment and economic impacts</li> <li>6.3.2 Assessment of ongoing employment and economic impacts</li> <li>6.3.3 Assessment of ongoing employment and economic impacts</li> <li>6.3.4 High level risk analysis to inform likelihood of scenarios</li> <li>6.3.5 Cost benefit analysis</li> <li>6.4 <u>Risk assessment</u></li> <li>Undertake a detailed risk assessment of the prioritised development opportunities.</li> <li>6.5 <u>Implementation and Management</u></li> <li>Develop an operational management plan for the prioritised</li> </ul>	6.1.4 Identify high level multi-criteria analysis for each scenario (delivered in table format).
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6.6 Business Case Report	6.6 Business Case Report

		Finalise and consolidate a business case containing information on all the above aspects. This document will present the case for the prioritised development opportunities to potential investors, joint ventures and funding programs.
	PECIAL	Submissions to undertake preparation of the Murrayfield Airport Business Case should contain at least the following:
		7.1 A Statement describing overall understanding of the proposed scope of work.
		7.2 Identification of skills required to prepare the Business Case, and the proposed key personnel.
		7.3 A Project Plan describing how the work will be undertaken, key milestones and reporting/decision-making points, and the overall timing of the business case development.
		<ul> <li>7.4 Cost of preparation of the Murrayfield Airport Business Case identifying costs associated with individual subsections of Section 6 (i.e. 6.1 – 6.7).</li> <li>7.5 An hourly rate for key personnel should any additional work be required.</li> </ul>
		All activity completed within five (5) months after award of contract.
		Documents are to be prepared to the satisfaction of the Working Group.
	JBMISSION QUOTE DUE	5pm, 10 May 2019
17.2	ONTACT FOR	David Arkwright
	IRTHER FORMATION	Manager Investment Attraction Shire of Murray
	SUBMISSION	med@murray.wa.gov.au 08 9531 7675

Attachment 2: Site Layout

ATTACHMENT 2



#### Report from A/Executive Manager Finance and Governance to Committee of Council Meeting of 16 April 2019

2 SUBJECT: CONTACT OFFICER: AUTHOR: FILE NO: Code of Conduct amendments David Prattent David Prattent R0001996106

#### Summary

The City has three Codes of Conduct covering Elected Members, Committee Members and Employees. Each of these has a procedure for dealing with complaints which require a submission to be made to the Corporate Lawyer. At the moment, this position is not currently within the organisation structure. It is necessary to amend each of the Codes to provide for an alternative.

Council is requested to approve an interim amendment to each of the Codes to provide for complaints to be made to the Director Corporate Services.

#### **Disclosure of Interest**

None

#### **Previous Relevant Documentation**

٠	G.42/8/16	23 August 2016	Code of Conduct amendments
٠	G.33/7/15	28 July 2015	Values – City of Mandurah
•	G.23/9/14	23 September 2014	Code of Conduct, Elected Members, Committee Members and Employees

#### Background

The City has three Codes of Conduct covering Elected Members, Committee Members and Employees. Each of these has a procedure for dealing with complaints which require a submission to be made to the Corporate Lawyer. This process requires the receipt of a completed complaint form by the Corporate Lawyer who must report the matter either to the CEO and/or the Mayor. The CEO and/or Mayor, must either, where it is appropriate, try and resolve the issue through discussions with relevant parties, investigate the alleged breach, or have the matter investigated by any other person.

The Codes also require that, whenever reasonably practical, parties should meet with the intention of resolving the issue.

#### Comment

In the absence of the Corporate Lawyer position, it is assumed that complaints would be referred directly to either the CEO or the Mayor. With the creation of a Corporate Services directorate, it is appropriate that complaints first be referred there as it is the directorate responsible for governance including Public Interest Disclosure matters.

The procedure for dealing with complaints is specified in Section 4.3 of each Code. As the content of this section is standard for each Code, it is proposed to amend this section to read:

#### 4.3 Procedure for dealing with complaint

(1) Where a completed complaint form is received by the Director Corporate Services the matter will be notified to the CEO and/or the Mayor.

(2) The CEO and/or Mayor will be responsible for the investigation of allegations of breaches of the Code and must either:

#### Report from A/Executive Manager Finance and Governance to Committee of Council Meeting of 16 April 2019

(a) where deemed possible and appropriate by the CEO and/or Mayor try and resolve the issue through discussions with the parties;
 (b) investigate the alleged breach; or

(c) engage an independent person to investigate the allegation.

(3) Any investigation will follow the rules of procedural fairness. The investigator must:

(a) inform the person/s against whose interests a decision may be made of any allegations

against them and the substance of any adverse comment in respect of them;

(b) provide the person/s with a reasonable opportunity to put their case;

(c) hear all parties to a matter and consider submissions;

(d) make reasonable enquiries before making a decision; and

(e) ensure that no person is involved in enquiries in which they have a direct interest.

(4) Wherever reasonably practical parties will meet with the intent of resolving the issue.

(5) Wherever reasonably practical investigations will be kept confidential.

A note of the current section 4.3 of the Codes is shown at *Attachment* 1.

#### Consultation

None

#### **Statutory Environment**

Local Government Act 1995 S5.103 Codes of Conduct

#### **Policy Implications**

None

#### **Economic Implications**

None

#### **Risk Analysis**

No significant risks identified

#### **Strategic Implications**

The following strategy from the *City of Mandurah Strategic Community Plan 2017 – 2037* is relevant to this report:

Organisational Excellence:

• Deliver excellent governance and financial management.

#### Conclusion

The City has three Codes of Conduct covering Elected Members, Committee Members and Employees. Each of these has a procedure for dealing with complaints which require a submission to be made to the Corporate Lawyer. With the creation of a Corporate Services directorate, it is appropriate that complaints first be referred there as it is the directorate responsible for governance including Public Interest Disclosure matters. NOTE:

• Refer Attachment 1 Section 4.3 City of Mandurah current Codes of Conduct

#### RECOMMENDATION

That Council approves the replacement of Section 4.3 of the Codes of Conduct for Elected Members, Committee Members and Employees with the following:

- 4.3 Procedure for dealing with complaint
- (1) Where a completed complaint form is received by the Director Corporate Services the matter will be notified to the CEO and/or the Mayor.
- (2) The CEO and/or Mayor will be responsible for the investigation of allegations of breaches of the Code and must either:
  - (a) where deemed possible and appropriate by the CEO and/or Mayor try and resolve the issue through discussions with the parties;
  - (b) investigate the alleged breach; or
  - (c) engage an independent person to investigate the allegation.
- (3) Any investigation will follow the rules of procedural fairness. The investigator must:
  - (a) inform the person/s against whose interests a decision may be made of any allegations against them and the substance of any adverse comment in respect of them;
  - (b) provide the person/s with a reasonable opportunity to put their case;
  - (c) hear all parties to a matter and consider submissions;
  - (d) make reasonable enquiries before making a decision; and
  - (e) ensure that no person is involved in enquiries in which they have a direct interest.
  - (4) Wherever reasonably practical parties will meet with the intent of resolving the issue.
  - (5) Wherever reasonably practical investigations will be kept confidential.

#### Report from A/Executive Manager Finance and Governance to Committee of Council Meeting of 16 April 2019

# **ATTACHMENT 1**

#### Extract from current Codes of Conduct

#### 4.3 Procedure for dealing with complaint

- (1) Where a completed complaint form is received by the Corporate Lawyer he will report the matter to the CEO or Mayor (or both).
- (2) The CEO or Mayor (or both) will be responsible for the investigation of allegations of breaches of the code and must either:
  - (a) where deemed possible and appropriate by the CEO or Mayor (or both) try and resolve the issue through discussions with the parties;
  - (b) investigate the alleged breach; or
  - (c) engage an independent person to investigate the allegation.
- (3) Any investigation will follow the rules of procedural fairness. The investigator must:
  - (a) inform the person/s against whose interests a decision may be made of any allegations against them and the substance of any adverse comment in respect of them;
  - (b) provide the person/s with a reasonable opportunity to put their case;
  - (c) hear all parties to a matter and consider submissions;
  - (d) make reasonable enquiries before making a decision; and
  - (e) ensure that no person is involved in enquiries in which they have a direct interest.
- (4) Wherever reasonably practical parties will meet with the intent of resolving the issue.
- (5) Wherever reasonably practical investigations will be kept confidential.

3 SUBJECT: CONTACT OFFICER/S: AUTHOR: Commercial Sponsorship – Merlin Street Pavilion Craig Johnson Wendy Murphy

#### Summary

The City of Mandurah's "Promotions and Advertising Policy" (POL-CMR 04) is designed to manage the use of the City's sport and recreation facilities for advertising purposes with all applications for external corporate signage and venue naming rights to be referred to Council for consideration.

The Halls Head Football Club is a long term seasonal hirer of the Merlin Street Reserve and Pavilion in Halls Head. In 2013, the Club approached the City with a proposal to extend the existing facility and construct a function / social space at their cost. Since the completion of the project, the Club has attracted a couple of significant corporate sponsors including Hardcourts Mandurah and Elite Air-Conditioning.

This year the Club has used an innovative method to replace the naming rights sponsor for the venue. The club has sold 60 raffle tickets at \$250, totalling \$15,000. Each ticket entitled the business an entry into the draw to become the naming rights sponsor for 12 months.

Spartan Security and Data were the winners of the raffle and earned the right to become the Club's naming rights partner in 2019.

Whilst the City is supportive of the Club's ability to attract valuable sponsorship dollars, formal approval is required. The City has received the Club's formal application and is now seeking approval from Council. Provisional approval has been granted to the Club in order to service their sponsor from the commencement of the 2019 season (commencing on 6 April).

Council is requested to provide approval for the Halls Head Football Club to enter into a corporate sponsorship arrangement with Spartan Security and Data for the Merlin Street Pavilion; approve the Club to advertise the reserve and pavilion as "Spartan Stadium" for promotional purposes and note the additional conditions that will be associated with this approval.

#### **Disclosure of Interest**

N/A

#### Location



Merlin Street Reserve / Pavilion (2 - 30 Merlin Street, Halls Head)

#### Previous Relevant Documentation

G. 12/4/18 24 April 2018 Commercial Sponsorship : Merlin Street Pavilion/Reserve

•	G. 22/3/17	28 March 2017	Commercial Sponsorship : Peelwood Pavilion/Reserve
٠	G.41/5/16	24 May 2016	Commercial Sponsorship: Merlin Street Pavilion/Reserve
٠	G.13/4/16	12 April 2016	Commercial Sponsorship : Peelwood Pavilion/Reserve

#### Background

The Halls Head Football Club is a long term seasonal hirer of the Merlin Street Pavilion in Halls Head. In 2013, the Club approached the City to extend the pavilion, to provide a function / social space for club activities. In approving the proposal, the City and the Halls Head Football Club entered into an agreement stating that upon completion of the extension, the pavilion would continue to be owned, managed and maintained by the City with the Halls Head Football Club entering into a regular seasonal hire agreement for its use. In acknowledging the financial contribution from the Club, the City would provide access to the pavilion during their priority period (winter sports season) free of charge for a period of 10 years.

Since the project has been completed, the Halls Head Football Club have secured three major corporate sponsors. The City was supportive of the Club's previous arrangements under its "Promotions and Advertising Policy" (POL-CMR 04).

Previously, the City has approved commercial arrangements for 'Naming Rights' sponsorships at the following facilities:

Sporting Club	Facility	
Mandurah City Football Club	Peelwood Sports Facility	
Peel Thunder Football Club	Rushton Park Sports Facility	
Halls Head Football Club	Merlin Street Pavilion	

At the end of 2018, the Halls Head Football Club's sponsorship agreement with Hot Klobba ceased. In March 2019, the Club announced that Spartan Security and Data had won the 'Naming Rights' raffle for Merlin Street Pavilion. The Sponsorship will be for a 12 month period from March 2019 – February 2020.

The Club has completed an application and the City has provided in principle approval for the start of their season subject to a formal decision of Council.

Below is an image of the proposed sign at Merlin Street Pavilion.



#### Comment

The Halls Head Football Club is a proactive sports group, who have invested significantly to extend and improve the pavilion facilities at Merlin Street Reserve. The Club has shown great initiative to raise income of \$15,000 through a 'Naming Rights' raffle. This is a considerable sum for a 'naming rights' sponsorship considering the current sponsorship market and the ever increasing pressure on clubs to be attractive to potential sponsors.

The securing of financial income through the above process assists with the ongoing battle the club has for financial sustainability.

The Halls Head Football Club does not have a lease, license or exclusive access to the Merlin Street Pavilion. The facility is also home to Peel Diamond Sports and hired by groups including the South Halls Head Primary School. However, the fact that the facility is multi-use should not prevent a Club from equitable sponsorship opportunities. As a result, the City would recommend that a number of additional conditions be included in any corporate sponsorship approval;

- 1. Only one (1) external facing sign on the northern side of the pavilion and internal facing signage will be permitted.
- 2. The Halls Head Football Club will be permitted to advertise the reserve and pavilion as "Spartan Stadium" for Club promotional purposes only. The City will continue to refer to the facility as the Merlin Street Pavilion / Reserve and will book and hire the facilities under this title.
- 3. The seasonal hirer of the Merlin Street Pavilion / Reserve will be given priority access to signage space. If a commercial sponsorship or naming rights proposal is received by another regular hirer (i.e. Peel Diamond Sports), the Halls Head Football Club will only be permitted to erect the approved signage for the duration of their sports season (1 April 1 October each year).
- 4. The Halls Head Football Club is to inform the City of Mandurah in February each year of any changes to the Sponsorship agreement, including changes to sponsor details and signage.

#### **Statutory Environment**

N/A

#### **Policy Implications**

 Promotion and Advertising Policy (POL – CMR 04) To manage commercial operators, community groups and sporting associations utilisation of the City's sport and recreation facilities for advertising purposes.

#### **Risk Implications**

No risk implications have been identified.

#### **Economic Implications**

The Halls Head Football Club will receive the financial benefits of the proposed sponsorship arrangement.

#### **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

Social:

• Provide a range of social, retail, recreational and entertainment experiences for the City's residents and visitors.

#### Identity:

• Encourage active community participation and engagement

#### Conclusion

The Halls Head Football Club has invested significantly in the facilities at the Merlin Street Pavilion and has been proactive in securing additional funds for the club by means of commercial sponsorship since 2014.

The opportunity for City of Mandurah sports clubs to attract sponsorship is increasingly difficult in today's economic climate. Naming rights sponsorship is another avenue that clubs can pursue to relieve the increasing costs of sport and recreation provision at a community level.

In March 2019, the Halls Head Football Club announced that Spartan Security and Data had won the "Naming Rights" raffle for Merlin Street Pavilion.

City Officers are supportive of the Club's proposal and is seeking Council approval for the Halls Head Football Club to enter into a corporate sponsorship arrangement with Spartan Security and Data.

#### RECOMMENDATION

#### That Council:

- 1. Approve the Halls Head Football Club to enter into a corporate sponsorship arrangement with Spartan Security and Data for the Merlin Street Pavilion.
- 2. Approve the Halls Head Football Club to advertise the reserve and pavilion as "Spartan Stadium" for promotional purposes.
- 3. Note the additional conditions that will be associated with this approval:
  - 3.1 Only one external facing sign on the northern side of the pavilion and internal facing signage will be permitted.
  - 3.2 The Halls Head Football Club will be permitted to advertise the reserve and pavilion as "Spartan Stadium" for Club promotional purposes only. The City will continue to refer to the facility as the Merlin Street Pavilion / Reserve and will book and hire the facilities under this title.
  - 3.3 The seasonal hirer of the Merlin Street Pavilion will be given priority access to signage space. If a commercial sponsorship or naming rights proposal is received by another regular hirer (i.e. Peel Diamond Sports), the Halls Head Football Club will only be permitted to erect the approved signage for the duration of their sports season (1 April 1 October each year).
  - 3.4 The Halls Head Football Club is to inform the City of Mandurah in February each year of any changes to the Sponsorship agreement, including changes to sponsor details and signage.

4

SUBJECT: CONTACT OFFICER: AUTHOR: Falcon Reserve Activation Plan Paul Miller Joanne Dunn

#### Summary

The City is currently undertaking a number of projects at Falcon Reserve that considers the provision of appropriate changing facilities (including the growth of female sports participation), the provision of netball facilities for the Peel Netball and Football League and a timely upgrade to the Falcon Skate and BMX Park. As a result, the City has taken the opportunity to review the Reserve in its entirety with the intent to revitalise and activate the site.

Due to the size, location and function of Falcon Reserve and the number of buildings and structures already insitu, planning to activate the site is largely focused around creating linkages between current infrastructure, the provision of additional passive recreation opportunities such as playgrounds and shelters, improving traffic movements in and around the facilities and implementing strategies that may increase a sense of security process at the reserve.

Stage 1 of the Community Engagement process was carried out in April 2018. This included consultation with resident sports clubs of Falcon Reserve and the regular hirers of the Falcon Pavilion of which the City received very positive feedback on the objectives of the plan and its approach.

In May 2018 the City sought support from Council to carry out wider community engagement for the Falcon Reserve Activation Plan and was given approval to do so with an additional request to carry out focused workshops for the design of the Falcon Skate Park Upgrade.

Between November 2018 and February 2019 the City delivered a comprehensive engagement program to inform the design of the Falcon Skate Park Upgrade. Skate Sculpture were engaged by the City to facilitate the design sessions and deliver both the conceptual and detailed plans for the upgrade.

Simultaneously, the City provided further opportunity for the wider community to provide feedback into the draft Falcon Reserve Activation Plan which once again received a very positive response from the community.

The City now seek Council endorsement of the final Falcon Reserve Activation Plan and the Falcon Skate Park Concept Plan.

#### **Disclosure of Interest**

Nil

#### Location

Falcon Reserve (R 32501) is located on Old Coast Road in Falcon, surrounded by Flame Street, Lynda Street and Melita Street.



#### **Previous Relevant Documentation**

- G.18/3/18 27 March 2018 Council is requested to note the current growth in women's sport and the need for a staged refurbishment of existing change room facilities to accommodate female participation.
- G.8/5/18 22 May 2019 Council was requested to support the City to progress to the next stage of community consultation in line with the City's Community Engagement Strategy to seek comments and feedback on the draft Falcon Reserve Activation Plan. Consultation to include a design workshop for the Falcon Skate Park Upgrade.

#### Background

Falcon is a suburb of Mandurah that predates planning policies such as Liveable Neighbourhoods and the requirement to allocate 10% of a development to public open space. As a result, Falcon Reserve is the only significantly sized public reserve in Falcon.

Due to the size and location of Falcon Reserve it has become a significant asset to the City for the provision of sporting facilities, community meeting spaces and passive recreation.

Falcon Reserve is home to the South Mandurah Football Club (junior and senior), whose namesake Clubroom is located adjacent to the Oval. Falcon Pavilion, a community facility utilised heavily by local community groups is also located on the Reserve, in addition to a skate park, BMX track, cricket nets, outdoor hard courts and a playground.

The demand and utilisation of the existing facilities on Falcon Reserve is undisputed and ever growing and it is acknowledged that as one of the Mandurah's oldest suburbs the facilities that have been developed over time have become disjointed and outdated.

The City has carried out planning and design work for three areas of Falcon Reserve that have become the driver for the development of a Falcon Reserve Activation Plan. Areas of planning include:

#### 1. Upgrade to the Falcon Skate Park.

Concept plans have been developed for a \$400,000 upgrade of Falcon Skate Park however significant engagement was required to deliver a design that was in keeping with community needs.

2. Female Friendly Change Room Facilities

Council have recently acknowledged the need to address the significant growth throughout Australia in the participation rates for women's sport and upgrades to existing facilities are required to meet this need.

As Falcon Reserve serves a District Sporting function, it requires four unisex change rooms to accommodate fixtures. The South Mandurah Football Club has been successful in seeking financial support through the CSRFF program to deliver two new unisex change rooms on the northern boundary of its leased area. In light of the need to accommodate female participation, the City is supportive of this project and has contributed one third of the Project cost (\$60,454) in line with the CSRFF contribution. The Club will meet the remaining project costs with works to commence in April 2019.

In order to deliver the additional two change rooms required, the City engaged an Architectural firm to reconfigure the existing change rooms in the Falcon Pavilion to accommodate the design needs identified by the relevant State Sporting Associations. The new change rooms at South Mandurah Football Club and proposed upgraded change rooms at Falcon Pavilion will satisfy the facility needs for female participation at a district level into the future.

3. Hardcourt Upgrade (Netball)

With the recent transition of the Peel Football League into the Peel Netball and Football League (PFNL), the City has been prompted to review the availability and quality of netball courts in close proximity to AFL Clubs.

The South Mandurah Football Club approached the City with regard to using the existing hardcourts on Falcon Reserve to accommodate PNFL fixtures, however the courts required a complete resurface in order to be suitable for formal training or competition with \$62,000 committed in the 2017/18 Capital Budget for the resurfacing of the courts. The court resurface is now complete in line with the objectives of the draft Falcon Reserve Activation Plan.

The development of an Activation Plan for Falcon Reserve represents an opportunity for the City to encapsulate all of its current planning for the Skate and BMX Park Upgrade, the provision of appropriate change room facilities and the upgrade of the hardcourts into one plan and to take the opportunity to review the Reserve in its entirety with consideration of the following objectives to activate the site;

- 1. Improve connectivity and path links in and around the reserve,
- 2. Improve traffic movements in and around the car parks, including the provision of street parking,
- 3. Re-align fence lines to rationalise access to the reserve, car parks and passive infrastructure,
- 4. Seek to increase the range of activities available and provide cohesive links between them. i.e. playground, skate park, hardcourts and public toilets access,
- 5. Identify the future provision of female friendly toilets and change rooms, and
- 6. Honour and recognise any heritage sites within the reserve.

#### Comment

Officers have now carried out a significant community engagement program for the Falcon Reserve Activation Plan and the subsequent Falcon Skate Park Upgrade Design. Engagement activities and community participation for each are summarised below.

Activity	Target Catchment	Number of Contacts	
DL Flyer Drop	Falcon and Wannanup	5000 delivered	
DL Flyer Drop	Halls Head Community College	300 delivered	
Mandurah Matters Page	City Wide	12 visitors and 2 ideas	
Direct Email	Local Schools	4 Schools	
Direct Email Invitation	Zak Kirkup MP Contact List	49 Community Members	
Social Media	City wide skaters/business's	Not measurable	
Direct Email	Elected Members and Local Members	14 Elected Member or MP's	
Workshop Attendances – Reserve Activation Plan	Open workshops	Workshop 1 - 5 Attended Workshop 2 - 1 Attended Reveal event – No uptake	
Workshop Attendances – Skate Park Upgrade	Open workshops	Workshop 1 - 50 Attended Workshop 2 – 20 Attended Workshop 3 – 30 Attended Workshop 4 – 23 Attended Reveal event – 45 Attended	

Stages of the Community Engagement process were delivered as follows:

Falcon Reserve Activation Plan

Stage 1: Concept Review – 2 workshop options

Stage 2: Design Reveal – Drop-in feedback session

Note that the Falcon Reserve Activation Plan received a very positive response in the first stage of engagement workshops and minimal changes were required. Please see Attachment 1 for the final Falcon Reserve Activation Plan.

#### Falcon Skate Park Upgrade Design

- Stage 1: Scoping and Visioning 2 workshop options
- Stage 2: Concept Review 2 workshop options
- Stage 3: Design Reveal Community Event at Falcon Skate Park

The City received a significant level of interest and enthusiasm in the design workshops for the Falcon Skate Park upgrade as local skaters, scooter riders and BMX riders had the opportunity to feed directly into the design outcomes for this project.

Further to this, the City submitted an application to Lotterywest in October 2018 seeking \$200,000 (50%) of the total project cost to deliver an upgrade to the existing Falcon Skate Park and has recently received confirmation that its application was successful. Therefore, pending confirmation of the City's contribution of \$200,000 in the 2019/20 capital budget, the Falcon Skate Park Upgrade will commence in late 2019.

The total project cost to implement the Falcon Reserve Activation Plan is approximately \$1.57M over 5 financial years with an expected \$490,000 anticipated to be sourced from external funding partners. Please see an implementation summary table below;

Year	Activity	Project Budget	City Contribution	External Funding
2017/18	2017/18 • Resurface Hard Courts (completed)		\$62,234	-
2018/19	<ul> <li>South Mandurah FC Toilet &amp; Changeroom Development</li> </ul>	\$201,363	\$60,454	\$140,908 (secured)
2010/19	<ul> <li>Falcon Pavilion Toilet &amp; Changeroom Upgrade</li> </ul>	\$220,000	\$70,000	\$150,000 (pending)
2019/20	<ul> <li>Skate Park Extension / Upgrade</li> </ul>	\$400,000	\$200,000	\$200,000 (secured)
2013/20	District Play Space – Stage 1	\$220,000	\$220,000	-
2020/21	<ul> <li>Falcon Pavilion entry upgrade, New carpark entrance, Fencing reconfiguration, Security lighting.</li> </ul>	\$200,000	\$200,000	-
2021/22	District Play Space – Stage 2, BMX Track Upgrade	\$270,000	\$270,000	-
	Total	\$1,573,597	\$1,082,688	\$490,909

#### Consultation

The City considered and targeted the following stakeholders when engaging the community for this project.

Stakeholders	Considered Expectation
1. Local residents	• To consider the needs and wants of the local community and have facilities that provide safe opportunities to recreate and socialise without having a negative impact on the community culture of the area.
2. Local commercial operators	<ul> <li>To consider design options that enhance the economic opportunities and do not have a negative impact on business or the reputation of the area.</li> </ul>
<ol> <li>Community sport and recreation clubs and associations</li> </ol>	• To have facilities that enhance the active sporting reserve and create social opportunities for Club members and families.
4. City of Mandurah staff	<ul><li>Low maintenance design.</li><li>Activate space for the community.</li></ul>
5. Local Councillors	To be kept informed throughout the process.
6. Local Members	To be kept informed throughout the process.
7. Park Users (Skate Park / dog walkers / walkers / runners) most likely local residents	<ul> <li>To retain access to flexible/multi-use community facilities but with a vision to improve upon amenities and have access to modern, up-scaled infrastructure.</li> </ul>
8. Cultural Groups - Indigenous community. Heritage Value (the Well)	<ul> <li>Heritage features or assets are recognised and interpretive signage installed.</li> </ul>

#### Statutory Environment

Nil

#### **Policy Implications**

Nil

#### **Risk Implications**

The Falcon Reserve Activation Plan is a guiding document only. Recommendations of the Plan will be subject to Council endorsement and confirmed funding. It is considered a low risk to the City.

#### **Economic Implications**

The Falcon Activation Plan is a guiding document only and acknowledgment of the Plan does not warrant a financial commitment from the City. It is acknowledged that the proposed recommendations of the Activation Plan will be carried out subject to endorsement of the Plan and a secured funding strategy for each stage in its implementation. The Plan will require approximately \$1.57million over 5 financial years to deliver, however each project will be subject to approved funding through the City's capital budget and/or external funding sources.

#### **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

#### Social:

- Ensure the provision of quality health services and facilities.
- Provide opportunities, services and activities that engage our young people.
- Provide a range of social, recreational, entertainment and learning experiences for our residents and visitors.

#### Infrastructure:

• Advocate for and facilitate the provision of infrastructure that matches the demands of a growing population.

#### Identity:

• Encourage active community participation and engagement.

#### Organisational Excellence:

• Ensure the City has the capacity and capability to deliver appropriate services and facilities.

#### Conclusion

It is acknowledged that Falcon Reserve and the community that surrounds it would greatly benefit from appropriate planning and development to improve, upgrade and revitalise Falcon Reserve as a community destination.

The City has carried out significant community engagement for the development of the Falcon Reserve Activation Plan and subsequent Skate Park upgrade and has received very positive community feedback on both the design outcomes and the process and level of engagement.

It is recommended that the Falcon Reserve Activation Plan is implemented over a 5 year period through identification in the City's 10 year capital budget process and with a focus to seek external funding sources where appropriate.

#### NOTE:

 Refer Attachment 1 Falcon Reserve Activation Plan Attachment 2 Falcon Skate Park 3D Conceptual Design

#### RECOMMENDATION

That Council:

- 1. Note the engagement process carried out for the Falcon Reserve Activation Plan.
- 2. Endorse the Falcon Reserve Activation Plan as a guiding document to the delivery of capital upgrades at Falcon Reserve.
- 3. Endorse the concept plan for the Falcon Skate Park upgrade.
- 4. Note the 2019/20 draft capital budget includes a request for \$620,000 for the delivery of the Falcon Skate Park Upgrade and stage 1 of the district play space.
- 5. Note future stages of the Falcon Reserve Activation Plan implementation will be put forward for consideration as part of the City's annual budget process.



# Sport buildings Playground Sporting Courts Green Space BMX Track Master Plan Boundary Plan Notes Plan Space

- 2 Formalise Facility Entry
- 3 Skate Park Extension

**Plan Legend** 

- BMX Tracks Extension (amend fence line to enable extension)
- 5 Extend and realign path linkages and networks
- 6 New carpark access for football club
- 7 Resurface hard courts
- 8 Reduce carpark and reclaim space for activity zones
- New street parking and path alignment
- Proposed changeroom facility Club project
- Falcon Pavilion Change Room Upgrade (Unisex Design) and Public Toilets Refurbishment
- Realign fence line to seperate carparks
- Underground Sump remove fence and landscape to improve functionality and visual appeal
- 14 Reallign Fence
- 15 Consider pedestrian refuge
- 16 Proposed picnic shelters
- Proposed skate park lighting and CCTV
- Proposed security lighting for parking areas

#### ATTACHMENT 1

Indicative Image for Future Works

















All details are indicative for master planning purposes only and are subject to detailed design and budgetary considerations Report 4 Page 27



- 1 BANK 650H / TRANSITION 900H COMBO SET
- 2 SLANTED FLAT DOWN RAIL 450H TOP END, 500H PEAK, 600H BOTTOM END WITH LONG 3 SET BETWEEN 450H BANK
- 3 FLAT DOWN HUBBA LEDGES 500H TOP 600H BOTTOM
- 4 TURN AROUND QP 1050H WITH BANK EXTENSION +600H

RENDERS CONCEPT

5 - BOWL - TOP DECK +1.1m, SHALLOW END 1200-1500 (4-5') DEPTH, DEEP END 2100 (7') DEPTH 6 - BARRIER AT TOP OF OLD PARK HIP 7 - OLD PARK HIP TRIMMED TO 1.1m H TO MATCH BOWL DECK 8 - FLY OUT RAMP ADDED TO BACK OF MINIRAMP 9 - SEATING STEPS WITH SHADE STRUCTURE CENTRAL TO ALL SKATE ZONES

# FALCON SKATEPARK EXTENSION CONCEPT RENDERS - 22.02.2019







Report 4 Page 28

5	SUBJECT:	Mador
	CONTACT OFFICER/S:	Claire
	AUTHOR:	Helen

Madora Bay Pump Track Claire Taylor / Craig Johnson Helen Moyle / Paul Miller

#### Summary

The City of Mandurah is committed to creating an active and vibrant city through providing a choice of leisure activities that contribute to the health and wellbeing of the community. In 2017, the City of Mandurah received funding from the State Government to install a pump track at Coote Reserve, Madora Bay.

In March 2018, City officers undertook a high level consultation process in conjunction with the Madora Bay Community Association in regards to the proposed installation of a pump track at Coote Reserve. Whilst the feedback indicated a level of support for the project, there was some negative feedback regarding the Coote Reserve site, in particular for neighbouring residents.

In February 2019, City officers completed a comprehensive community engagement process which included seeking feedback on the original location at Coote Reserve plus the option of two other potential locations: Lord Hobart Drive Reserve and McLennan Reserve.

Council is requested to endorse the community engagement process undertaken identifying McLennan Park as the preferred location for the pump track and approve installation at the site.

#### **Disclosure of Interest**

None

#### Location

The community engagement process asked residents to consider the installation of a pump track at one of 3 potential locations. These were;

- 1 McLennan Park Madora Beach Rd Madora Bay
- 2 Coote Reserve Challenger Rd Madora Bay
- 3 Lord Hobart Drive Lord Hobart Dr Madora Bay



**Previous Relevant Documentation** 

#### Background

In 2017, the City of Mandurah received a grant of \$60,000 from the State Government to install a pump track at Coote Reserve in Madora Bay.

A pump track is a continuous loop of small bumps and smooth mounds spaced out around a modular path for all ages and abilities to use with their bikes, scooters, skateboards and roller blades. A pump track requires you to rock back and forth to gain and maintain speed, the rocking motion or put simply 'pumping' allows navigation around the track with very little peddling.

In March 2018, the City officers completed a consultation process in conjunction with the Madora Bay Community Association in regards to the proposed installation at Coote Reserve. Whilst the feedback indicated a level of support for the project, there was some negative feedback regarding the Coote Reserve site, in particular from neighbouring residents.

As a result, in May 2018 City officers held discussions with the Madora Bay Property Developers HN Perry, regarding the opportunity to include the pump track into the design for any of the new Madora Bay Phase 4 public open space developments. Unfortunately, the developers declined the City's offer believing that the pump track would be better established within an existing reserve or public open space area.

City officers continued to liaise with the Madora Bay Community Association to reconfirm their level of interest in seeing a pump track installed at a park in Madora Bay, which resulted in the development of a new consultation process in February 2019.

#### Comment

The purpose of the community engagement process was to ensure that the Madora Bay community's feedback is fully considered in relation to the location of the proposed pump track so that the City can deliver a new and valued asset for the community.

To invite feedback on the location for a new pump track in Madora Bay, City officers carried out targeted engagement within the Madora Bay community at 3 community workshops. In addition, City officers established a dedicated project page on the City's online engagement portal, Have Your Say Mandurah, providing an opportunity for the community to be kept updated on the project and provide feedback.

Notification to the community was carried out via:

- Mail-out to residents within a 900 metre radius of the 3 location options
- Social media invitation through the Madora Bay Community Association's Facebook page,
- Public Notices / Posters displayed in halls and community centres.

Have Your Say Mandurah:

- A dedicated project page was established on 'Have Your Say Mandurah' providing an ongoing avenue for the community to be informed and kept updated for the duration of the project. Information includes:
  - > A description of what a pump track is
  - > What the proposed pump track will look like
  - Video footage and photo gallery of existing pump tracks
  - Frequently asked questions
  - Community Engagement and Workshop dates
  - Life cycle of the project
  - > Contact details of City Officers for this project

Methods used throughout the engagement process were as follows:

Have Your Say users had the opportunity to inform the City of the location they prefer for the pump track via an interactive map.

A short survey was also developed to capture further feedback and comment from Have Your Say users

Community Workshops:

Three Community Engagement Sessions were held to provide the community with more information on the project, provide an accessible and direct avenue for feedback and questions, and by using a voting platform to indicate their preferred location for the pump track. Sessions were held on:

- > 21 February 2019 Lakelands Shopping Centre
- > 23 February 2019 Lakelands Shopping Centre
- > 27 February 2019 Madora Bay Hall

From the community consultation engagement process, 161 members visited Have Your Say Mandurah with 113 members providing feedback. Of the total number of responses received, 82.30% resided in the suburb of Madora Bay.

As part of the process, the public were invited to vote on their preferred site location. A total of 110 votes were placed between the three potential reserves; McLennan Reserve, Lord Hobart Drive Reserve and Coote Reserve. From the votes cast, the results showed that McLennan Reserve was the most popular with 74 votes or 67.27% of the votes, followed by Lord Hobart Drive Reserve (24 votes - 21.82%) and Coote Reserve (12 votes - 10.91%).

The feedback although primarily positive, did raise concerns from a small number of people;

- 2 members not wanting the pump track in Madora Bay at all
- 1 member living 200m from McLennan Park is concerned about the potential noise and that older residents reside in that area of Madora Bay.
- 2 members are concerned that if the pump track was installed at McLennan Reserve it would be close to a tavern.

#### Consultation

Consultation on the project included direct engagement with the following groups/teams;

- Madora Bay Community Association
- Madora Bay and Lakelands residents Services, Cityparks, Recreation Services.

#### **Statutory Environment**

N/A

#### **Policy Implications**

POL – PKR 02 Parks and Reserves	The broad community will be consulted regarding matters of significance to park and reserves.		
	Facilities and services will be provided to enhance visitor experience of Parks and reserves.		

#### **Economic Implications**

The City of Mandurah was provided with a grant of \$60,000 for the installation of the pump track. Initial cost estimates indicate that the cost of installation will be within the project budget.

Future funds for supporting infrastructure such as path connections will be considered as part of the City's annual budget process.

#### **Risk Analysis**

The potential risk for this project was the community opposing the location of the pump track. This risk has been mitigated through the community consultation process whereby the community determined the preferred location as McLennan Park, Madora Bay.

#### **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

Social:

- Provide opportunities, services and activities that engage our young people.
- Provide a range of social, recreational, entertainment and learning experiences for our residents and visitors.

Infrastructure:

• Advocate for and facilitate the provision of infrastructure that matches the demands of a growing population.

Identity:

• Encourage active community participation and engagement.

Organisational Excellence:

• Listen to and engage with our community.

#### Conclusion

The results from the public engagement sessions and Have Your Say Mandurah page indicated community support for the installation of the pump track at the preferred location of McLennan Reserve. The feedback indicated that McLennan Reserve had the strongest support due to the existing infrastructure at this reserve which includes amenities, large open space, shade, seating, public telephone, paths and public transport nearby. In addition, the public felt there would be less disruption and inconvenience to the residents who live around McLennan Reserve compared to Coote Reserve and Lord Hobart Reserve.

A concept plan for McLennan Reserve has been drafted and initial costs calculated. Council is asked to endorse the consultation process and results to determine the preferred pump track location and approve the installation of the pump track at McLennan Reserve.

#### NOTE:

Refer Attachment 1 Survey results
 Attachment 2 Draft concept plan and cost plan

#### RECOMMENDATION

That Council:

- 1. Acknowledge the community consultation process and the results used to determine the preferred pump track location.
- 2. Approve the installation of the pump track at McLennan Reserve, Madora Bay.

67.27% 10.91%

21.82% 100.00%

#### SESSION TOTALS

Lakelands Shopping Centre - Public Consultations 21.2.19 & 23.2.19			
Proposed Reserve	Number	Suburb	Number
McLennan Reserve	36	Madora Bay	36
Lord Hobart	9	Lakelands	6
Coote Reserve	2	Meadow Springs	3
No Vote	1	Singleton	3

Madora Bay Hall - Public Consultations 27.2.19			
Proposed Reserve	Number	Suburb	Number
McLennan Reserve	2	Madora Bay	5
Lord Hobart	0		
Coote Reserve	2		
No Vote	1		

Have Your Say Mandurah - Online Page			
Proposed Reserve	Number	Suburb	Number
McLennan Reserve	36	Madora bay	52
Lord Hobart	15	Lakelands	3
Coote Reserve	8	San Remo	2
No Vote	1	Dawesville	1
		Golden bay	1
		Silver Sands	1

# COLLATED TOTALS

TOTAL VOTES		Т
McLennan Reserve	74	McLennan Reserve
Coote Reserve	12	Coote Reserve
Lord Hobart	24	Lord Hobart
	110	

SUBURBS		
Madora Bay	93	
Lakelands	9	
Meadow Springs	3	
Singleton	3	
San Remo	2	
Dawesville	1	
Golden Bay	1	
Silver Sands	1	
	113	

TOTAL %		
Madora Bay	82.30%	
Lakelands	7.99%	
Meadow Springs	2.65%	
Singleton	2.65%	
San Remo	1.77%	
Dawesville	0.88%	
Golden Bay	0.88%	
Silver Sands	0.88%	
	100.00%	

TOTAL %

MCLENNAN RESERVE - OBJECTIONS / NON SUPPORTING COMMENTS		
NAME	SUBURB	COMMENT
Mike Sandiford		I think the track should be in an area with the young kids not in the established parks surrounded by older residents - I do not support the track in the older suburb parks. The majority of the kids that would use this would come from the new developments. There is a potential for more noiseat McLennan - the basketball court is lit and often groups make noise until late in the evening. Sunday mornings are often started by people fom the Tri Cup being loud from 6.30am. Composite tracks generate irrating noise - the track would be a minimum 200 metres from any residence.
Wayne Faulkner	Madora Bay	I don't not agree with putting a 24 hour bmx/pump track into Madora Bay in any location. My idea would be to place any "Track" into Lakelands
IreneMoore	Madora Bay	There should not be a pump track so close to a tavern!!
Sandra	Madora Bay	Lord Hobart reserve more suitable because it's not next to a tavern and there is parking at the sales centre

LORD HOBART DRIVE & COOTE RESERVE - OBJECTIONS / NON SUPPORTING COMMENTS		
Michelle Dunlop	Madora Bay	I am involved with the Rockingham BMX Track. I live in Lakelands. I am the registrar and my husband is the track manager. I strongly feel it would NOT be worth putting in a modular pump track. They will always get damaged and are not a good option for youths besides little younger ones. A dirt pump track or bitumised pump track is a more sustainable way to go. Baldivis one have a better pump track than a modular. Or dirt jump pump track similar to the one in Yangebup. Officer Response: The intent is for the facility to accommodate a range of ages (including little kids) and uses - BMX bikes, scooters etc. The specific material to be used for the construction of the pump track is still being finalised and will be largely dependent on cost.
Elaine & Colin Galway	Madora Bay	McLenan ia away from residence, good place for it. NO to Hobart Dr - this is quiet and nice for walking
Keepyahandsoffcootereserve	Madora Bay	Comment deemed inappropiate for publication
Emma Messineo	Madora Bay	McLennan park is an already established park with facilities such as toilets, gazebos, playground etc. Proximity to houses is reasonable : not too close. Ample parking. Madora Bay Park on Lord Hobart Dr would NOT be suitable because it is close to houses, does not have many amenities, already serves as a popular dog park and children's playground, not enough parking.
Jim Mac	Madora Bay	I reside at 3 Orelia Street, Madora Bay, myself and my neighbor at No.1 would be the most inconvenienced should the track be constructed at the Coote Reserve, being approximately 30 meters from the proposed track. We already have issues with youths and teenagers gathering in the tennis court/basketball court in the evening sometimes as late as midnight. The floodlights shine directly into my bedroom and on occasions have had to go and turn the lights off, having been left on by these youths (no timer on the lights). Orelia street is dangerous my main driveway is only twenty meters or so from the crown of the hill and is a challenge for certain drivers. I recently contact council to explore the installation of a speed hump or similar.No need to explain the dangers to users of a proposed pump track. Council recently conducted a survey on Orelia Street traffic which showed a total of 273 vehicles traveling along the street with 85% within the 50km speed limit which means 15% or 41 vehicles exceeded the speed limit.


Location: McLennan Reserve, Madora Bay





**DETAIL: Proposed Quadragon Pump Track - NTS** 

#### **Concept Pump Track Location**



McLennan Reserve, Madora Bay - 11-03-2019

Report 5 Page 34

ATTACHMENT 2

6 SUBJECT: CONTACT OFFICER/S: AUTHOR: Smart Street Upgrade – Final approval of Concept Plan Tony Free Renee Barton / Ben Dreckow

#### Summary

Guided by direction from the Smart Street Working Group (established in October 2017) and feedback from stakeholders and the Community on three advertised options, a final concept design to facilitate the upgrade of Smart Street has been prepared.

In doing so, however, it should be acknowledged that the design and upgrade is one part of ensuring that Smart Street is seen as a 'successful place'. In reviewing the ingredients for a successful place, the vehicle or pedestrian options are considered secondary concerns when considering:

- Quality of the landscape (infrastructure) treatment;
- Movement of people (in vehicles, by foot or bicycle);
- Tenant mix and quality of storefronts; and
- Activity and activation.

A complete infrastructure upgrade is proposed with the primary focus being to create an adaptable, pedestrian focused, activated street.

Council is requested to adopt the Smart Street Precinct Upgrade Concept (Final), Drawing LAN0356-1819-CO - 1/B Feb 2019 and contribute \$2.5 million capital funding over the next two financial years to implement the plan proposals.

#### **Disclosure of Interest**

N/A

#### Location



SMART STREET PRECINCT CONCEPT PLAN AREA

#### **Previous Relevant Documentation**

 G.14/10/18 23 October 2018
 Council adopted three options for the Landscape and Streetscape Upgrade of Smart Street seeking comments from the community on the re-introduction of vehicle movements based on the following plans:

Option A (Limited Vehicle Access) Option B (No Vehicle Access) Option C (Full Vehicle Access)

- G.20/30/18 27 March 2018
  Council acknowledged that the Smart Street Precinct Working Group had been established, the engagement of security patrols, supported the removal of the wall between Smart Street and the Woolworths car park; modification to the car parking time limits; supported the introduction of a local law modification to prohibit smoking in Smart Street and acknowledged that the Smart Street Precinct Working Group will progress the development of conceptual designs for Smart Street.
- G.34/9/16 27 September 2016 Council endorsed the establishment of an independently facilitated collaborative process involving the City and the community, with a focus on the commercial hub of the City Centre, particularly Smart Street.

#### Background

In September 2016, endorsed the establishment of an independently facilitated collaborative process with the community with the focus on the commercial hub of the City Centre, particularly Smart Street. On 18 October 2017, the City hosted a community information session held in the Mandurah Seniors and Community Centre. This session was attended by approximately 70 community members. This session was independently facilitated and allowed for the collection of thoughts and concerns from the community. The session also allowed the community members to nominate to be a part of a working group.

From the community information session, the following community members were randomly selected to join the working group:

- Alison Symington Tarvin Pty Ltd
- Rob West Terrace Art Framers
- David Tuckey Tuckey Property Group
- Raylene Blyth The Fairy Dell
- Gary Godfrey Cape Bouvard Investments
- Woolworths One representative each meeting
- Bruce Nayler Resident
- Valorie Jolley Resident
- Jo Mcilvena Cruiseabout / Flight Centre
- Mandi Gemmell Norma Jeans

This group provided a mix of landowners, tenants and residents, all who have an interest in Smart Street and/or to the surrounding areas. A summary of the outcomes of the working group and Council considerations are detailed below:

October 2017 - Community Information Session at Senior Citizens and Community Centre

- Concerns and issues regarding smart Street Precinct identified
- Smart Street Precinct Working Group established.

November 2017 – First meeting of working group

• Agreement on the removal of the wall between Woolworth's car park and Smart Street.

- Discussion on vehicle/pedestrian mix for Smart Street.
- Considerations for mall upgrade defined

#### December 2017 – Second meeting of working group

- Discussion around timed parking.
- Agreement that Smart Street pedestrian/vehicle mix would remain as is.

#### March 2018 - Third meeting of working group

• Agreement on timed car parking (Woolworth's, Mewburn and Post Office Carparks).

#### March 2018 - Council consideration

- Council supported the removal of the wall between Woolworth's carpark and Smart Street
- Approved time restriction on car parking;
- Woolworths Carpark 10 bays/30 minutes.
- Mewburn Carpark 4 hours.
- Post Office Carpark 3 hours, 10 bays/30 minutes.

#### August 2018 – Fourth meeting of working group

• Draft Concepts for Smart Street upgrade considered

#### September 2018 – Fifth meeting of working group

- Draft Concepts for Smart Street upgrade considered including 2 additional options for pedestrian/vehicle access mix.
- Option A (initial concept) still supported by working group

#### October 2018 - Council consideration

Council Considered 3 Concept Plan options for Smart Street for the purposes of community/stakeholder consultation;

- Option A (Limited Vehicle Access Current situation LAN356-CO-01/A (dated September 2018).
- Option B (Fully Pedestrian/No Vehicle Access LAN356-CO-02/A (dated September 2018).
- Option C (Full Vehicle (one-way) Access LAN356-CO-03/A (dated September 2018).

#### November 2018 - Community/Stakeholder Consultation

• 3 Concept plans options for Smart Street upgrade advertised for community consultation and feedback.

#### December - February 2019

- Findings of community/stakeholder engagement reviewed
- Further design development/review of options resulted in revisiting and refining the Option A Concept and preparing a Final Draft Concept Plan for the upgrade of Smart Street.

#### February 2019 - Sixth (final) meeting of working group

 Formal position of working group is as follows; The Smart Street Precinct Working Group supports the concept plan – LAN0356-18-19-CO-1/B - Option A Revisited (Final) Concept Plan, February 2019 and requests the Council implement the works by June 2021.

#### February 2019 – Council consideration

• Council requested to acknowledge that \$1.5 million would be required for implementation of Stage 1 of the upgrade of Smart Street.

#### Comment

In conjunction with the Smart Street Working Group, an upgrade concept was prepared to improve the appearance and presentation of Smart Street with a view that activation and programming of people based activity is the key to the space being successful.

The Working Group established early in discussions that any design should not accommodate any vehicle movements, or, if necessary to fulfil existing access arrangements for Lot 300 Mandurah Terrace (No 14-21 – Sontoy Acrade building) can remain until such time as redevelopment of the site.

In dialogue with a number of key landowners that adjoin Smart Street, requests to consider vehicle movement along the length of the street have been made to ensure that street frontage is maximised for existing retail outlets, notably on the north side of the street.

Arising from the above 3 options were presented to October last year and subsequently advertised for community feedback in November:

- Option A Pedestrian Mall with Vehicle Access from existing carpark at Lot 300 (Current Situation). The key feature of this option is the creation of a number of nodes of activity along the street through seating nodes; small stage/deck space with lighting features and grass and play space at the eastern (Sholl Street) end together with catenary lighting / entry features at either end together with upgraded paving to complement the Eastern Foreshore South Precinct concept. Upgrades to the pedestrian access from Barracks Lane and in the carpark of Lot 300 are also included together with looking at opportunities to improve the rear of buildings along the Barracks Lane elevation. This option was the preferred option of the vast majority of the Working Group.
- Option B Pedestrian Mall with No Access from existing carpark at Lot 300. This Option is largely consistent with Option A however the existing vehicle access at the western end is removed and replaced with a continuation of the paving treatments.
- Option C Street Open to One Way Vehicle Traffic. This Option reintroduces movement of vehicles to the street in a one way access from Sholl Street to Mandurah Terrace in a meandering shared space (ie flat kerbs, slow speed environment).

Due to space and change in level restrictions approximately 4 on street car parking bays are included. As a result of accommodating vehicles, outdoor dining or retail space is restricted and level of landscaping and play spaces are reduced. The pedestrian crossing at Sholl Street requires relocation to accommodate the vehicle movements.

A detailed summary of the November consultation process including the engagement methodology and findings is detailed in the 'Consultation' section of this report.

The feedback received through this process was given thoughtful consideration by officers. The Smart Street Precinct will an ongoing state of evolution and as current tenancies change and the existing properties and buildings are subject to future redevelopment. It is important the proposed upgrade is conducive to facilitating activation of the mall through the provision of a flexible, adaptable street space.

It is considered that the following key components make up a successful street:

- <u>Pedestrian Focus</u> Accessible, legible and pleasant to walk and cycle;
- <u>Attractive and appealing</u> Variation in building facades, interesting shop fronts, character, attractive, quality and well maintained public built, and green infrastructure;
- <u>Quality experience</u> Vibrant and interesting, sights, sounds and feels that bring people to a space and encourage them 'linger longer';
- <u>Culturally rich</u> History, culture and local sense of place is shared and celebrated;
- <u>Feels safe</u> All users feel safe day and night;

- <u>Day and Night economy</u> There is a range of places to go and activities throughout day and night;
- <u>Diverse retail and active edges</u> Wide range and mix of retail functions in particular food and beverage outlets that have indoor/outdoor interaction and spill activity into street

When considering the above, the use of the space for vehicles becomes secondary, or alternatively, dominates the space due to the current width available.

In context, Smart Street is a key linkage between the southern part of the Eastern Foreshore which proposes to be a key focus for future upgrade and the key parking currently provided at the Mewburn site. Over time, the Mewburn site, as a key landholding in the City Centre together with its linkages to Sutton Street with a public transport focus, will be a critical pedestrian connection linking the whole City Centre together.

With this at the forefront, the initial Option A concept has been revisited and further developed. The concept proposes the current arrangement for Smart Street being retained as a pedestrian space with one-way public vehicle access from the existing carpark at 14-21, Lot 300 Mandurah Terrace.

51% of contributors to the November survey/poll /written feedback supported removing the current access from the back carpark of 14-21, Lot 300 Mandurah Terrace to create a fully pedestrian space. 29% supported retaining the current arrangement and retaining this access. Recent traffic counts in the City Centre indicate the use of this vehicle access is limited. On average 217 vehicles per day use this access (January/February 2019 Traffic Counts data). The 2018 data indicated similar traffic levels with 220 vehicles per day on average counted. For comparison Tuckey Street, the next adjacent east/west aligned street, between Sholl Street and Mandurah Terrace, west bound (towards Mandurah Tce) had on average 1980 vehicles per day (2019 Traffic Counts data). The final concept proposes retaining this vehicle access at this time with upgrades that will improve the pedestrian experience.

The opening up Smart Street to one-way traffic for the entire length of Smart Street from Sholl Street to Mandurah Terrace was given extensive consideration. 20% of contributors to the November survey/poll /written feedback advocated for opening up of the street to vehicles from Sholl Street to Mandurah Tce. Whilst this is not being proposed in the final concept, should vehicle access be reconsidered in the future, there would be no major impacts on the new upgrades proposed. The upgrade proposes a central shared access for pedestrians, cyclists, service/emergency access, tourist transport (e.g. current tourist train) and event activity (e.g Christmas Pageant). The arrangement of infrastructure has been designed to create this dedicated access free of any fixed structures (lights, seating, wall etc.) or trees. The access will be closed to general public vehicles, with access controlled through removable/retractable bollards. If desired at any time in the future this access could be opened to general vehicle traffic.

Key proposals of the Smart Street Precinct Upgrade Concept (Final), Drawing LAN0356-1819-CO – 1/B Feb 2019 (*Refer to Attachment 1*) are:

#### General

- Removal of formal straight rows of repeated elements that clutter and divide Smart Street including raised planters, lights, seats, bins
- Organic, flowing layout with meandering paving pattern encouraging movement across both sides of the street.
- Layout and infrastructure placement that creates open space to facilitate activation through alfresco dining, markets, activities and events.
- Remove and upgrade infrastructure that is out-dated, in poor-condition or does not meet current standards including existing paving, lighting, bins, bike rails, signage and seating.
- Provide new functional and feature lighting to provide required levels of lighting for public safety, add vibrancy and invite night time use. Pole lighting infrastructure within Smart Street will use multi-function poles enabling integration of power outlets, future Smart City and 'Internet of things' devices as well as ability to suspend catenary/cable or festoon lighting, decorations, signs, banners etc.

#### Foreshore and Smart Street Connection

- Brick planter and 5 parking bays removed to facilitate visual and pedestrian connection between the foreshore and Smart Street.
- Generous paved areas with paving design continuing across street (road defined by contrasting paving)
- Existing cross-walk re-located south with feature overhead catenary lighting/sculptural element.

#### Shared access (from Lot 300 Mandurah Tce Capark)

- Shared access for vehicles and pedestrians.
- Flush surfaces, no kerbing, contrasting coloured paving.

#### Pedestrian Connections (Lot 300 Mandurah Tce Carpark)

- City to work with property owners to establish defined access through private property from Barracks Lane to Smart Street and Sontoy Arcade.
- Painted pavement artwork feature adds interest and defines access ways.
- Tree planting and lighting.

#### Central Activity Space

- Open paved space with shelter canopy with feature lighting overhead and power provision.
- Ground area kept clear to accommodate a variety of portable stage and event infrastructure options.

#### Arcade (Lot 117 Smart Street)

• City to work with property owners to enhance arcade including paving treatments to match Smart Street.

#### Catenary Lighting Colonnade

- Feature overhead cable lighting / sculptural element though central area of mall.
- Flexible programmable event space.

#### Shelter Canopy

 Small shelter canopy connects across Smart Street (near Woolworths) between awnings providing weather protection.

#### Vehicle access and control (Sholl Street to Lot 300 Mandurah Tce Carpark)

- Restricted event, service and emergency vehicle access only.
- Vehicle access controlled using bollards and delineated with paving markers.
- Access is straight and central to street providing equitable space on either side.

#### Barracks Lane

• City to work with property owners and businesses to encourage enhancement of 'back of house' area including murals and landscaping.

#### <u>Trees</u>

- Existing well-performing Claret Ash trees retained in new larger raised concrete/timber planters with integrated seating.
- Remove/transplant 6 trees impacted by the site layout changes.
- Additional tree planting to provide shade, amenity and green links through precinct.

#### Signage

• Entry and Wayfinding totems / signage at Sholl Street and Mandurah Terrace ends.

#### Themes and Storylines

• Artwork, Signage and design elements to interpret the history of the site including the history of Smart Street including the Mandurah Fish Canning and Preserving Works and Santoy Dance Hall.

This revisited concept for the upgrade of Smart Street was presented back to the Working group at its final meeting on February 20 and was given the full support of the group.

#### Consultation

The Smart Street working group including representation from landowners, tenants and love residents has guided the development of the Smart Street upgrade concept.

During November 2018 the three concept proposals were shared with the broader community along with the City Centre Waterfront proposals.

A range of methodologies were used to share and invite feedback on the proposed upgrade of Smart Street including:

- Group and individual meetings with City Centre Businesses
- Briefings at Access, Inclusion Group (A&IG) meeting and Liquor Accord Meetings
- Mail outs to property owners, residents and business owners in vicinity of project areas
- Social media Facebook
- Radio and Newspaper Advertisements
- Pop-up information sessions at Shopping Centres (Lakelands and Mandurah Forum):

The City's on-line Consultation portal (Mandurah Matters) reports from November 3 – December 10:

- 939 Aware participants (visited page at least one)
- 474 Informed participants
- 206 Engaged (participated in survey and/or on-line poll
- 56 contributed to on-line survey
- 105 completed on-line quick-poll

#### Smart Street Precinct - Concept Options - Findings

The written feedback contributed via email, Facebook and survey comments demonstrates strong support for Smart Street Mall being upgraded. 98.2% of survey respondents (total 86) support upgrade of mall.

A breakdown of the upgrade option preferences from various engagement contributions is tabled below.

Survey	Quick Poll	Email	Face- book	Total	%
15	60	1	4	80	29%
52	56	0	33	141	51%
19	16	3	17	55	20%
86	132	4	54	276	100%
	15 52 19	Poll        15      60        52      56        19      16	Poll        15      60      1        52      56      0        19      16      3	Poll      book        15      60      1      4        52      56      0      33        19      16      3      17	Poll      book        15      60      1      4      80        52      56      0      33      141        19      16      3      17      55

The majority of written feedback received regarding the Smart Street upgrade related to preferences and reasoning for options around pedestrianising or introducing vehicle traffic to the street. There was little feedback regarding the design, activity elements and landscape treatments proposed in the upgrade concepts.

Reasons provided for Option A - Pedestrian Mall with vehicle access from Lot 300 Carpark only):

- Maintain access from Lot 300 Mandurah Tce parking area.
- Provide an alternate traffic route option/access to Mandurah Terrace (particularly when south end of Mandurah Tce is temporarily closed to traffic for events/activity).
- Maintain the status quo/current situation.

Reasons provided for Option B - Pedestrian Mall only preference:

- Provide a safe, comfortable pedestrian environment without being concerned by vehicles / ability to explore and browse.
- Would make mall more inviting for pedestrians from Mandurah Tce.

Reasons provided for Option C - Street opened to one-way traffic preference:

- Population / foot-traffic is not high enough for a pedestrian mall to function effectively.
- Vehicle traffic will provide movement and activity.
- Vehicle traffic would provide exposure for businesses.
- Reduction in anti-social behaviour due to more exposure.
- Street could still be closed vehicles on weekends and as determined for activities/events.

Other feedback included comments regarding the type, quality and mix of tenancies/businesses operating in the mall and there were several suggestions to provide a roof/cover for weather protection. A detailed report of the verbatim community consultation feedback for the Waterfront proposals can be provided upon request.

The Working Group have given full support for the adoption Final Draft Concept Plan which has been developed further from the initial concept options with consideration for the community feedback received. City officers have shared the final draft proposal with Smart Street property owners and business operators. If adopted by Council the plans will be communicated the broader community.

#### **Statutory Environment**

All relevant approvals will be sought prior to commencing any works.

#### **Policy Implications**

The Concept Plans will also require further work, detail and analysis on various elements that involve and include Council policies that cover the following matters:

- Accessibility and Inclusion
- Public Art
- Public Parking Management (Signage, Accessibility, Lighting)
- Event Management
- Alfresco Dining Licences
- Crime Prevention through Environmental Design (CPTED) including Hostile Vehicle mitigation

#### **Economic Implications**

The upgrade at Smart Street Mall has been costed as a \$2.5 million project.

Council is requested to allocate capital funding for implementation of the proposals over two financial years; 2019-20 - \$1.5 million

2020-21 - \$1 million.

#### **Risk Analysis**

Delivery of the works associated with the Concept Plan are significant and will shape the future of the City Centre for a significant period. Detailed project plans will be required to manage project scheduling, procurement, funding arrangements, engagement of consultants, risk management and on ground project delivery.

#### **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

Social:

- Help build our community's confidence in Mandurah as a safe and secure city.
- Provide a range of social, recreational, entertainment and learning experiences for our residents and visitors.

Economic:

• Develop a strong and sustainable tourism industry.

Infrastructure:

- Advocate for and facilitate the provision of infrastructure that matches the demands of a growing population.
- Advocate for and facilitate the provision of an integrated movement network.

Identity:

- Encourage active community participation and engagement.
- Promote Mandurah's identity as a unique regional city, based on its waterways, history and future vision.
- Become known as a city and destination for events, arts, heritage and culture.

Organisational Excellence:

- Demonstrate regional leadership and advocacy.
- Listen to and engage with our community.
- Ensure the City has the capacity and capability to deliver appropriate services and facilities.

#### Conclusion

A concept plan to inform the upgrade of Smart Street mall has been developed in collaboration with the Smart Street Working Group (established in October 2017) with consideration to feedback received from other stakeholders and the broader community during the design development and consultation process.

The Smart Street Working supports the concept proposals and recommends Council endorses Plan - LAN0356-1819-CO – 1/B (Option A Revisited 2019).

NOTE:

• Refer Attachment 1 Drawing LAN0356-1819-CO – 1/B Feb 2019 Smart Street Precinct Upgrade Concept (Final)

Subject to Committee's consent, officers will make a presentation on this item at the meeting.

#### RECOMMENDATION

That Council:

- 1. Adopts the following Concept Plan for the upgrade of Smart Street Precincts as the basis of proceeding with detail design and construction documentation: LAN0356--1819-CO – 1/B Feb 2019 - Smart Street Precinct Upgrade Concept (Final).
- 2. Acknowledges that \$1.5 million is likely to be required in the 2019-20 budget and \$1 million in the 2020-21 budget to implement the proposed upgrade.
- 3. Thank working group members for their contribution.
- 4. Communicate the final concept to the community.



#### 1. Estuary Pool and 'The net' gathering space

• Iconic, circular enclosed swimming area in location of the Robert Day Memorial Pool historic site with adjacent flexible activity space.

#### 2. Foreshore and Smart Street Connection

- Brick planter and 5 parking bays removed to facilitate visual and pedestrian connection between the foreshore and Smart Street.
- Generous paved areas with paving design continuing across street (road defined by contrasting paving)
- Existing cross-walk re-located south with feature overhead catenary lighting/sculptural element.

#### 3. Shared access

- Shared access for vehicles and pedestrians. ٠
- Flush surfaces, no kerbing, contrasting coloured paving. •

#### 4. Pedestrian Connections

- City to work with property owners to establish defined ٠ access through private property from Barracks Lane to Smart Street and Sontoy Arcade.
- Painted pavement artwork feature adds interest and ٠ defines access ways.
- Tree planting and lighting. •

#### 5. Central Activity Space

- Open paved space with shelter canopy with feature • lighting overhead and power provision.
- · Ground area kept clear to accommodate a variety of portable stage and event infrastructure options.

#### 6. Arcade

· City to work with property owners to enhance arcade including paving treatments to match Smart Street.

#### 7. Catenary Lighting Colonnade

- Feature overhead cable lighting / sculptural element. • City to work with property owners and • Flexible programmable event space. businesses to encourage enhancement of 'back of house' area including murals and landscaping.

# DRAFT



### SMART STREET PRECINCT UPGRADE - FINAL CONCEPT PLAN - FEB 2019

#### **ATTACHMENT 1**

#### 8. Shelter Canopy

 Shelter canopy connects across street between awnings providing weather protection.

#### 9. Vehicle access and control

- Restricted event, service and emergency vehicle access only.
- Vehicle access controlled using bollards and delineated with paving markers

#### 10. Barracks Lane



7 SUBJECT: CONTACT OFFICER/S: AUTHOR: Trading Permit Guidelines - Update and Review Ben Dreckow Nicola Leishman

#### Summary

This report seeks to review the effectiveness of the Trading Permits Guidelines adopted in February 2018, and provide recommendations for changes to improve customer service and reduce red tape.

Over the past 12 month period, the City has received no complaints in relation to commercial and aquatic operators' and one complaint in relation to mobile food vendors, with the submitter seeking a time limit restriction of 2 hours in any one location for mobile traders.

As a part of this review, officers have:

- reconsidered the stated objectives of the document;
- considered possible modifications to the regulatory provisions relating to the locations of trade and the length of time spent in any one trading location;
- considered the inclusion of provisions relating to semi-permanent space activation and markets;
- the initiation of the 'expression of interest' process for key waterfront locations; and
- undertaken a review of the fee structure.

Council is recommended to support the proposed modifications to the stated objectives of the Trading Permits Guidelines, in addition to the modifications to the Schedule of Fees and Charges for 2019/2020.

In March 2019, Council resolved to defer the review of the Trading Permit Guidelines to April 2019 to ensure that all the impacts of the changes are clearly identified and understood by Council before making a decision.

Additional information has been included within this report, relating to the following:

- Restricting trading commencement times;
- Duration of trading hour restrictions;
- Appropriateness of 400m trading distance;
- Appropriateness of Mandurah Terrace, Silver Sands Reserve trading location;
- Set-up time requirements for mobile traders;
- Monetary and staff costs in amending commencement trading times from 7am to 9am.

Additions from the March 2019 report have been identified as italicised text.

#### **Disclosure of Interest**

Nil

#### **Previous Relevant Documentation**

- G.18/2/18 27 February 2018 Council adopted the Trading Permit Guidelines.
- G.10/4/17 11 April 2017 Council endorsed the preparation of Guidelines for the Assessment and Approval of Trading Permits to replace the existing Trading in Public Places Policy.

#### Background

Trading Permits Guidelines were adopted by Council in February 2018 following a review of the previous Trading in Public Places Policy that was operative largely since 2001.

Officers have since been providing the guidelines to existing and new operators and using them as an assessment tool. In 2018, Council requested that a review be undertaken in 12 months to consider the effectiveness of the guidelines and provide improvements where necessary.

The City currently has 18 operational trading permits made up of 9 commercial aquatic traders; 4 mobile traders and 5 ice cream vans.

#### Comment

#### Past 12 months

Over the past 12 month period, the City has received no complaints in relation to commercial aquatic operators' and one complaint in relation to mobile food vendors. This complaint was received from an existing 'bricks and mortar' premises who expressed concerns regarding mobile traders utilising the Silver Sands Reserve on Mandurah Terrace. The concerns raised include the unrestricted basis in which the mobile traders can operate, the viability of existing businesses, the opinion that mobile traders have limited overheads and contribute little to council revenue and the employment generation of bricks and mortar premises versus mobile traders.

As a part of this review, the submitter is seeking the following:

- a time limit restriction of 2 hours in any one location for mobile traders, to spread the impact of their activities across a range of businesses, not just the ones in close proximity;
- a change in mobile trading commencement times from 7am to 9am.

This will be considered later in the report.

There has also been two complaints made against ice cream truck operators in relation to non-compliance with the requirement to remain more than 400 metres from existing established premises. This has resulted in the City contacting the relevant operators and reminding them of their obligation to comply with the conditions of their permit. This is an on-going management issue which officers are aware of. Action to rescind permits has not been taken thus far but that option remains available if necessary.

#### Purpose

Previously Council had a 2001 policy in place which related to trading in public places. This policy restricted all trading activities from the eastern and western foreshore and mobile food vendors from the City Centre and the Mandurah Ocean Marina.

When Council endorsed the preparation of Guidelines for the assessment and approval of trading permits, the intent was to allow commercial and aquatic traders on the eastern and western foreshores and to provide a continuation of provisions relating to mobile traders. The intent was also to streamline the assessment process, remove unnecessary red tape and replace the previous 'Commercial Recreation Hire Site' approvals.

With those intentions in mind, the guidelines were prepared to provide a framework of guiding principles and decision-making criteria for the appropriate location, management and operation of water and street based activation within the City of Mandurah, in a manner that supports the use and enjoyment of public open spaces.

Mobile food vendors and commercial aquatic traders are a rapidly expanding and increasingly popular feature of the contemporary food and activation scene in many locations within Australia, and they continue to have an emerging presence in Mandurah. It is appropriate therefore that Council maintains an agreed position on how traders may operate from Council land, to ensure that this is carefully managed for equity and fairness to all, and to enhance or as a minimum, maintain the City's amenity.

In order to genuinely review Council's position on this matter, it is necessary to reconsider the stated objectives to ensure that the provisions to be included within the guidelines directly relate to the objectives, and thus can be implemented accordingly.

The objectives of the trading permits guidelines are currently stated as follows:

- (a) To allow outdoor food vending activities in a manner that improves the access, usage, quality and image of the City's public realm whilst managing the competing needs and interests of pedestrians, consumers and local business proprietors;
- (b) Encourage the use of parks and reserves by commercial and aquatic operators and mobile traders, as a means of enhancing community activity that flows from this activation of our public spaces.
- (c) Provide guidelines and assessment criteria for the consistent decision making of applications for trading permits applications on public land;
- (d) Provide clarity for operators;
- (e) Encourage entrepreneurial, place-making and tourism opportunities that contribute to the well-being of residents and to the overall experience of visitors to Mandurah.

One of the main objectives of the City of Mandurah currently is a desire to increase the vibrancy and activation of the City's public spaces and provide choice, interest and diversity in the activities that may occur on public land.

With an economy that is based upon tourism and hospitality, Mandurah must maintain a strong focus on reasons to visit and attractions which encourage people to enjoy new experiences. Mandurah has the physical environment and capacity to host a range of recreation and leisure pursuits, that showcases, promotes and engages Mandurah residents and visitors.

Equally, the City seeks to provide opportunities for the development and growth of small businesses. Mobile trading provides a relatively low cost platform for new business entrepreneurs to pilot their ideas and is something that should be supported by Council. This has been seen in the case of two recent mobile traders operating within Mandurah, who have now acquired bricks and mortar premises locally.

To refine Council's position, it is recommended that the objectives are modified as follows:

- (a) Encourage the use of parks and reserves by commercial and aquatic operators and mobile traders, as a means of enhancing the vibrancy and community activity that flows from this activation of our public spaces, whilst managing the competing needs and interests of pedestrians, consumers and local business proprietors;
- (b) To facilitate enjoyable, interesting, unique and convenient leisure and recreational options for residents, families and other members of the community to experience in their local area;
- (c) Encourage and provide entrepreneurial, place-making and tourism opportunities that contribute to the well-being of residents, to the overall experience of visitors to Mandurah and to the growth of small businesses;
- (d) Provide guidelines and assessment criteria for the consistent decision making of applications for trading permits applications on public land.

With these objectives in mind, there are a number of potential options for modifications to the guidelines which are considered below.

#### Potential Modifications to provisions relating to Mobile Traders

#### Locations of Trade

The current guidelines allow and encourage mobile traders to trade from several pre-approved locations as follows:

- Madora Bay North
- Black Swan Lake, Lakelands
- Quarry Adventure Park, Meadow Springs
- Henson Street Reserve, Silver Sands
- Silver Sands Reserve
- Osprey Waters Foreshore, Erskine
- Novara Foreshore, Falcon
- Northport Foreshore
- Melros Beach

Alternative locations may be considered subject to approval by the City of Mandurah, with the exception of:

- the Eastern Foreshore;
- the Western Foreshore;
- Mandurah City Centre (area bounded by Mandurah Terrace, Pinjarra Road, Gibson Street and Sutton Street;
- Mandurah Ocean Marina;
- All road reserves which are under the control of Main Roads WA (Mandurah Road, Old Coast Road, Mandjoogoordap Drive and Pinjarra Road east of Mandurah Road);
- Major roads under the control of the City of Mandurah (which include Peel/Allnutt Street, Mandurah Terrace (south of Anstruther Road), Anstruther Road, Pinjarra Road (west of Mandurah Road), Murdoch Drive, Gordon Road and Leslie Street.

Additional restrictions also apply such as the requirement to be 400m from established food and beverage premises, operating hours between 7am – 9pm and the requirement that a maximum of three traders can operate in any one location, at any one time.

The Silver Sands Reserve on Mandurah Terrace, the subject of the submission, is a pre-approved location, as adopted by Council within the Trading Permit Guidelines in February 2018. *In terms of its appropriateness, this location was chosen as a trading zone for mobile traders as it has historically been a well- used, safe rest stop for the community, it has some amenity and its activation was supported.* 

The review process presents an opportunity to consider the addition of other locations as options for mobile traders, such as McLennan Park in Madora Bay and Falcon Bay Foreshore Reserve. The inclusion of these locations, however, would result in the relaxation of the requirement to be over 400m away from established food premises.

Equally, there is an opportunity to modify the exclusion areas by allowing mobile traders into the City Centre for example, or by excluding the Silver Sands Reserve on Mandurah Terrace.

Given the current operations of the guidelines, neither of these options are recommended to Council at this time, however, these options remain open to Council to modify.

#### Appropriateness of 400m Trading Distance

This requirement was included to give some separation between mobile traders and other established 'bricks and mortar' food and beverage premises.

Officers have reviewed the practices of several other Local Governments and can advise the following:

City of Rockingham – Not within 200m of established food premises (EFP) City of Bunbury – Not within 400m of EFP Town of Victoria Park – Only within designated trading locations which have to be pre-booked City of Vincent – Not within 100m of EFP

It is clear that there is a range of different approaches to this issue.

Officers have reviewed the pre-approved locations listed within the guidelines document and all of the trading locations comply with the requirement to be more than 400m from EFP's.

As referred to above, Council does have the ability to modify the pre-approved locations of trade or modify/remove the 400m trading distance if this is considered appropriate, however officers support the guidelines as they are currently adopted as being a suitable and practical approach.

#### Restricting Trading Commencement Times

Currently, the guidelines indicate operating times between 7am and 9pm. At the March Committee, discussion ensued regarding the possibility of changing the times that mobile traders can operate to 9am – 9pm.

There is no further additional time specifically allocated for set-up time. Officers have not received any complaints regarding the set-up times of mobile traders and thus have not had to take any action.

Officers have reviewed the practices of several other Local Governments and can advise the following:

City of Rockingham – 7am – 7pm; City of Bunbury – Not specified; Town of Victoria Park - 7am – 9pm; City of Vincent - 7am – 9pm.

It is clear that there is similarity with the operations of other authorities. Officers have concerns that increased regulation could discourage additional operators from commencing a mobile trading operation due to the inflexibility of trading times. However, Council does have the ability to restrict trading operations if it sees fit.

Officers have considered the monetary and staff costs involved in amending the commencement trading time to 9am from the stated 7am. Currently the resourcing of the mobile traders from a compliance perspective is relatively low. Planning officers would generally be the first point of contact and first responders when an issue arises, supported by the Rangers team where compliance action may be deemed necessary. As a result, a 7am start is considered appropriate.

Given that there are currently only four active trading permits for mobile traders, it is considered that there would be no significant cost implication from a compliance resourcing perspective, should Council wish to modify the commencement trading times from 7am to 9am.

#### Introduction of Time Restrictions

The guidelines currently do not limit the length of time that mobile traders are able to remain in any one location.

Officers have reviewed the practices of several other Local Governments and can advise the following:

City of Rockingham – may only remain for the duration of time to sell to the customers City of Bunbury – Maximum of 4 hours per day in any one location Town of Victoria Park – <u>Minimum</u> of 3 hour duration at any one location

#### City of Vincent – No restriction

#### It is clear that there is a range of different approaches to this issue.

At the time that the guidelines were considered by Council for adoption, two submitters expressed concern and one submitter continues to maintain concern (particularly in relation to the Silver Sands Reserve on Mandurah Terrace), regarding the threat to income and viability of local cafes and other food premises due to competition for limited custom, the low start up and operating costs for mobile traders and the ability to avoid costs associated with rates, rents, utilities and property overheads.

Officers have given the concerns further consideration in reviewing the guidelines. Many of the locations where mobile trading is permitted and encouraged in Mandurah generally meet a need not met by existing commercial areas with access to food, services and amenity, such as suburban parks and foreshores. This is probably with the exception of the reserve along Mandurah Terrace, where some individual vendors seem to have established a regular business presence.

Whilst officers are mindful of the need to consider established premises, it is recognised that mobile traders also represent a legitimate aspect to the local economy. They too can require, sometimes substantial, investment in a mobile facility, can also experience the sensitivity to and risk from competition which is unpredictable and are, generally, more seasonal in nature. Like established premises, their returns reflect reputation, which takes time to build and protect. They also have to comply with health and safety regulations.

There is a growing trend to provide opportunities for mobile food vendors, and other land and water based activities, to facilitate enjoyable, interesting, unique and convenient leisure and recreational options for residents, families and other members of the community to experience in their local area.

Ultimately, it is open to Council to introduce time restrictions if it sees fit, however, given the number of operational trading permits currently, officers do not consider additional regulation to be warranted at this time.

#### Impact of Potential Changes on Established Food Premises

It is difficult for officers to quantify the impact on established food premises in relation to the regulation of mobile traders. It is clear however, that the retail landscape has changed significantly in recent years when considering online shopping and delivery, and the introduction of various service providers such as; Uber and Air BnB to the market. Mobile traders are a relatively new phenomenon, but are increasing in popularity as consumer retail demands change and adapt. Local Governments have a decision to make in terms of whether to prevent these changes or whether to facilitate change and keep regulation to a minimum.

### Introduction of provisions regarding semi-permanent, short to medium term space activation and temporary structures on public land

Currently, the guidelines do not include any provisions relating to semi-permanent, short to medium term space activation on public land. For example, pop-up re-modelled sea containers for a variety of uses, or a longer term permit, possibly inside the exclusion areas, which would currently fall outside of the provisions of the guidelines and thus be non-compliant.

Through the City Centre Waterfront upgrades, there is likely to be opportunities for more semi-permanent, pop-up style café/kiosk/food trucks within the exclusion zones. It is intended, through this project and upon completion of the upgrade works, that the guidelines will be modified to allow for this type of activity to occur. This will result in further modifications to the existing expression of interest process, to provide criteria by which to assess the selection of operators to take up these opportunities.

For private land, there are provisions included within the Central Mandurah Activity Centre Plan for these types of structures/uses. This would be assessed through a development approval process and as such there is no need to include this within the guidelines.

#### Fee review

In order to gain an understanding of fee structures for similar operations, officers have undertaken a comparison of other Local Governments in this regard.

Local Government	Application Fee	Daily	Weekly	Monthly	Summer Period	Annually
City of Mandurah (Mobile Traders)	\$100	\$50	\$200	\$500		\$2500
City of Mandurah (Commercial and Aquatic)	\$100				\$550	\$800
City of Rockingham (Food traders)	\$50	\$10	\$50	\$100		\$1000
City of Rockingham (Non-Food Traders)	\$66	\$11.50		\$115		\$1150
City of Bunbury (Mobile Traders)	\$70	\$12.50	\$35.50	\$50		\$400
City of Bunbury (Stationary Traders – CBD)	\$70	\$30		\$120		\$960
Town of Victoria Park		\$100	\$250	\$400		\$1600
City of Vincent (High Risk / Medium Risk)						\$900
City of Vincent (Low Risk)						\$650
City of Belmont	\$40	\$40	\$50	\$100		\$1000
City of Busselton (Fixed locations Zone 1 Key Tourist Locations)	\$150					\$3000
City of Busselton (Fixed locations Zone 2)	\$150					\$2000

Additionally, in order to consider the equity between established food premises and mobile food traders, from a regulatory point a view, officers have undertaken a comparison of the fees required to be paid for various regulatory approvals relating to established food premises and mobile food traders, as follows:

Type of Approval	Mobile Food Traders Fees	Established food premises fees
Registered Food Business - Initial Application	N/A	\$195.00
Registered Food Business - Annual Assessment fee	N/A	High and medium risk - \$320 Low risk - \$161
Food Vehicle – Food Act Certificate of Registration	\$195.00	N/A
Food Vehicle – Certificate of Registration Annual Assessment	High and medium risk - \$320 Low risk - \$161	N/A
Alfresco Dining Licence Application	N/A	\$120
Alfresco dining licence Three Yearly Renewal	N/A	\$70

 rt from Director Sustainable Commu nmittee of Council Meeting of 16 Apr	

Trading Permit Fee	\$2500 per annum	N/A
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It is clear that there is similarities between the fees and charges required for the regulatory approvals relating to established' businesses and mobile traders (excluding rates). However, it is apparent that the City of Mandurah is towards the upper end of the scale in terms of the trading permit fees for mobile traders, compared to a number of other Local Governments.

However, when considering the costs involved in administering the guidelines, the balance/equity between the established food businesses and mobile traders and the high seasonality of trade of mobile food vendors, it is considered that the fees are reasonable. It is recommended, therefore, that the annual fees and charges remain unchanged, but additional payment plan options are introduced to provide greater flexibility.

The feedback generally received from commercial and aquatic traders is that they would like the introduction of a monthly fee, for those operators who only wish to operate during school holiday periods as opposed to the entire summer period. This is supported.

Additionally, the introduction of a quarterly fee for mobile traders is recommended to incentivise traders to pay in greater sums, ultimately reducing administration costs.

#### Inclusion of Requirements relating to Markets

Officers are currently undertaking a separate review of the current offer of markets within the City, with a view to implementing a process for the development of markets within Mandurah. Consideration will be given, during the course of this review, as to whether the trading permit process is the most appropriate way to administer this and if so, a further modification to the document can be made, upon completion of this work, to include procedural provisions for this purpose.

#### Initiation of the Expression of Interest process for Commercial and Aquatic Traders

The current guidelines include a section relating to an expression of interest process. This process was intended to be initiated as and when the number of operators gets to a level where there may need to be some criteria on which to determine successful applicants for limited spatial opportunities. Officers do not consider it necessary at this stage to initiate this process, given the number of traders that we currently have and the City's ability currently, to facilitate and manage their needs.

#### Consultation

As a part of this review, officers have contacted existing traders to seek their feedback on whether they have found the guidelines to be useful and their suggestions for improving customer service and reducing red tape. From this consultation, one response in support has been received. The comments indicate that the trader finds the guidelines to be comprehensive and would be helpful during an initial application.

As has been discussed in the body of the report, there is on-going concern from one bricks and mortar premises in relation to mobile traders.

#### Statutory Environment

Parts 10 and 12 of the *City of Mandurah Local Government Property and Public Places Local Law 2016* provides the head of power for a policy to guide the assessment of applications.

#### **Policy Implications**

The proposed Trading Permits guidelines specify the forms and types of activities that are <u>not</u> included, albeit they may still require approval such as; Alfresco Dining Licences, Street entertainment and Street Markets.

The above guidelines also contribute to the City Centre Activation Strategy initiatives.

#### **Economic Implications**

Unlocking the potential for tourist based aquatic activities and land based activities with appropriate guidance and structure is important to balance community use and commercial gain over public spaces, whilst acknowledging an activation role for these spaces is important. The activities provide additional activities for visitors and users of the foreshore areas which may contribute to tourist and City Centre expenditure.

The guidelines provide a platform for traders to operate within the City, supporting the growth of existing and small businesses. Efforts have also been made to locate the trading areas at POS areas situated a significant distance from established food businesses.

#### **Risk Analysis**

There are a number of potential risk factors associated with the preparation of guidelines on this matter such as; potential opposition from local residents and existing food businesses to the nearby trading of mobile food vehicles, the inability to attract mobile food vendors and commercial and aquatic traders to realise the potential benefits to the community, damage to public open space areas, increased littering and traffic and noise impacts to surrounding residents. This must be balanced against the risk of ad-hoc decision making in the absence of guidelines.

#### **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

Social:

- Provide opportunities, services and activities that engage our young people.
- Provide a range of social, recreational, entertainment and learning experiences for our residents and visitors.

#### Economic:

- Increase the level of regional employment.
- Develop a strong and sustainable tourism industry.

#### Identity:

- Encourage active community participation and engagement.
- Become known as a city and destination for events, arts, heritage and culture.

#### Organisational Excellence:

• Listen to and engage with our community.

#### Conclusion

Since 2001, when a trading in public places policy was first adopted, significant changes have been observed with elements such as food trucks, pop up activities and specifically in Mandurah utilising public spaces such as the eastern and western foreshores to undertake commercial and aquatic activities. The general public and community expectations for the use of public spaces is in a period of change and will continue to evolve over time.

In accordance with the recommendation of Council, the trading permits guidelines have been reviewed. The guidelines seek to simplify the various approvals required, streamline requirements for operators and the City in the assessment of proposals, and allocate a fee structure based on the range of activities and realign delegation arrangements for the issuing of such permits.

Whilst no changes are recommended to be made to any of the regulatory provisions of the guidelines at this stage, it is recommended that Council modifies the objectives to give greater clarity to the intent of the document. It is also recommended that modifications to the fee and charges schedule (2019/2020) are adopted to assist in providing greater flexibility to traders.

NOTE:

#### • Refer Attachment 1 Trading Permit Guidelines (Adopted February 2018)

Subject to Committee's consent, officers will make a presentation on this item at the meeting.

#### RECOMMENDATION

#### That Council:

- 1. Maintains the current Trading Permit Guidelines as an agreed position on how traders may operate from Council land, subject to the following modifications:
  - (a) Modify Section 1.1 of the Trading Permit Guidelines to read
    - (a) "Encourage the use of parks and reserves by commercial and aquatic operators and mobile traders, as a means of enhancing the vibrancy and community activity that flows from this activation of our public spaces, whilst managing the competing needs and interests of pedestrians, consumers and local business proprietors;
    - (b) To facilitate enjoyable, interesting, unique and convenient leisure and recreational options for residents, families and other members of the community to experience in their local area;
    - (c) Encourage and provide entrepreneurial, place-making and tourism opportunities that contribute to the well-being of residents, to the overall experience of visitors to Mandurah and to the growth of small businesses;
    - (d) Provide guidelines and assessment criteria for the consistent decision making of applications for trading permits applications on public land."
  - (b) Approves modifications that identify the semi-permanent/pop-up style activities from the approved City Centre Waterfront Precinct Concept Plans are included in the 'City Centre Waterfront Trading Locations' and are subject to the expression of interest process outlined in Section 2.8 of the Guidelines.
- 2. Notes the introduction of a quarterly fee of \$650 for mobile traders to the Schedule of Fees and Charges for 2019/2020 and an update to the fee structure within the guidelines;
- 3. Notes the introduction of a monthly fee of \$100 for commercial and aquatic operators to the Schedule of Fees and Charges for 2019/2020 and an update to the fee structure within the guidelines.

ATTACHMENT 1



City of Mandurah

## **Trading Permit Guidelines**

February 2017

### **Record of Adoption**

	Document Version	
Stage	& Date	Approval Date
Final	Ver 2 Februray 2017	27 February 2018

#### **Schedule of Modifications**

		Document Version	
No	Summary of the Modification	& Date	Approval Date

#### Contents

1.	Introduction	1
	1.1 Objectives	1
	1.2 Background	1
	1.3 Application of the Guidelines	2
	1.4 Exemptions	2
2.	Commercial and Aquatic Operators	3
	2.1 Location	3
	2.2 Amenity and Appearance	3
	2.3 Siting Requirements	4
	2.4 Maintenance and Cleaning	4
	2.5 Public Risk Management	4
	2.6 Application Process	5
	2.7 Operations	6
	2.8 Assessment and Selection Process	7
3.	Mobile Traders	12
	3.1 Definitions	12
	3.2 Location	12
	3.3 Management	13
	3.4 Amenity and Appearance	13
	3.5 Siting Requirements	13
	3.6 Maintenance and Cleaning	14
	3.7 Public Risk Management	14
4.	Fee Structure	16
5.	Delegations	16

Report 7 Page 59

#### 1. Introduction

#### 1.1 Objectives

The objectives of these Guidelines are to:

- (a) To allow outdoor food vending activities in a manner that improves the access, usage, quality and image of the City's public realm whilst managing the competing needs and interests of pedestrians, consumers and local business proprietors;
- (b) Encourage the use of parks and reserves by commercial and aquatic operators and mobile traders, as a means of enhancing community activity that flows from this activation of our public spaces.
- (c) Provide guidelines and assessment criteria for the consistent decision making of applications for trading permits applications on public land;
- (d) Provide clarity for operators;
- (e) Encourage entrepreneurial, place-making and tourism opportunities that contribute to the well-being of residents and to the overall experience of visitors to Mandurah.

#### 1.2 Background

In recent years, the general community has sought to engage with public spaces in a different manner than has traditionally been the case.

The City recognises and acknowledges the presence of activity can result in competing demands on public spaces for a variety of uses. In order to effectively manage this usage, the City has identified management arrangements to address this issue.

In particular, designated locations and exclusion zones for recreation, leisure and trading activities and a trading permit application process for mobile traders and commercial and aquatic operators.

The City aims to support activity diversity in a manner that facilitates safe and enjoyable experiences for all users, whilst ensuring that the trading activities are appropriately managed and provide a high degree of community benefit for Mandurah residents, visitors and tourists.

These guidelines are prepared and adopted pursuant to Part 10 and 12 of the *Local Government Property and Public Places Local Law 2016*.

#### **1.3 Application of the Guidelines**

The City will assess applications for Trading Permits at designated sites and throughout the City of Mandurah in accordance with this Policy.

These guidelines apply in two parts:

- (a) Part 2 applies specifically to Commercial and Aquatic Operators;
- (b) Part 3 applies specifically to Mobile Traders.

#### 1.4 Exemptions

These Guidelines do not apply to the following activities (separate approval may be required):

- (a) Buskers and raffle sales from a site approved by the City;
- (b) Swap meets/markets/fetes/fares and the like, run by an organisation which can demonstrate that its objectives are charitable, benevolent, religious, cultural, educational, recreational or sporting (no approval is required in accordance with this Policy)
- (c) Any trading associated with an event run or sponsored by the City of Mandurah;
- (d) Trading, which in the opinion of the City, is directly associated with a sporting event/competition recognised by the City;
- (e) Existing legal businesses placing stalls on the public land adjacent to their premises; and
- (f) Personal Trainers utilising Public Open Space.

#### 2. Commercial and Aquatic Operators

#### 2.1 Location

For the purposes of this section, Commercial and Aquatic Operators have been divided into two areas:

- Commercial and Aquatic Approved Locations (City Centre Trading Locations);
- Commercial and Aquatic Operators Approved Locations (City of Mandurah Trading Locations);

Within the City Centre Waterfront Precinct, key locations have been identified (Refer Figure 1) where trading activity is encouraged.

There are also a number of locations throughout Mandurah, outside of the City Centre Waterfront Precinct, which have been designated as suitable sites for commercial and aquatic operators (Refer Figure 2).

- Alternative locations not identified within Figures 1 and 2 may be considered subject to approval by Council.
- More than one operator may be located within any of these locations, which may include operators with similar activities.

#### 2.2 Amenity and Appearance

Commercial and Aquatic Operators are to:

- Ensure that any advertisements, placards, flags, bunting or posters, are attached to and forming part of the vehicle or trailer. One portable sign may be permitted to be displayed subject to compliance with Part 8 of the *Local Government Property and Public Places Local Law* 2016.
- Not install permanent fixtures. Following trade, all related fixtures must be removed from the site. If storage is required, applicants are encouraged to find privately owned land and negotiate use arrangements accordingly;
- Ensure that they do not cause or make noise or a disturbance which is likely to be a nuisance or annoyance.

#### 2.3 Siting Requirements

Commercial and Aquatic Operators are to ensure that:

- they avoid encroachment on bicycle and/or pedestrian paths and must not obstruct pedestrian flow and/or vehicular traffic;
- they do not obstruct, cover, remove, relocate or modify trees, public art, benches, bins, bus shelters or other City owned infrastructure;
- their position does not compromise public access, circulation, safety or other activities.
- they do not require external power, gas or water connections;
- Operator vehicles must be parked in compliance with the parking requirements for the location.

#### 2.4 Maintenance and Cleaning

Commercial and Aquatic Operators are to:

• Ensure that any notable damage to City infrastructure is reported prior to the commencement of use of the approved location(s). Commercial and Aquatic

Operators are responsible for any damage which occurs during the use of the site(s) in accordance with Part 14 of the *Local Government Property and Public Places Local Law 2016*. This includes, but is not limited to, damage to parking bollards, piping, trees, shrubs, fences, grass, signs, lighting etc.

• Ensure that their vehicles and trailers are kept in a safe and well-maintained condition at all times;

#### 2.5 Public Risk Management

All Commercial and Aquatic Operators must hold valid public liability insurance to the value of \$10 million dollars which indemnifies the City against all claims, losses, actions, damages, costs (including legal costs) and expenses whatsoever arising out of or in connection with the trading on the site including personal injury (including death or disease) to the operator or any invitee or third party unless and then only to the extent that the operator proves said injury was due to the negligence of the City;

Loss of or damage to any property owned by the operator, the City or any third party, and; breach or non-compliance with any statute or regulation or local law of any public, municipal or other authority.

#### 2.6 Application Process

An annual 'Expression of Interest' process will be open for Commercial and Aquatic Operator approved locations in July/August of each year.

Existing permit holders will be sent renewal packages during this period. Historical preference is given to regular operators following continued use for a period of 6 months or more and if the operator has not breached any permit conditions during this period.

Proposals will be considered collectively and annually, prior to the peak summer period. All existing sites will be inspected to assess viability and condition prior to the new allocation period.

Expressions of Interest shall:

- Be made by the closing date of the advertised period (every July/August);
- be made on the prescribed form;
- provide the proposed preferred location(s), including alternatives, that they seek approval to operate from and a detailed site plan to indicate location and extent of the area required;
- provide details of the activity they wish to conduct, the equipment required and the estimated number of participants;
- provide details of the proposed means of access to the site(s). A completed Application for Vehicle Access form

will be required if you wish to take your vehicle onto any public open space;

- provide details of the proposed hours of operation;
- provide details of appropriate management procedures relating to the activity;
- provide details of any signage proposed;
- provide evidence of consultation with relevant government agencies such as: Department of Transport, Department of Fisheries, Department of Planning, Lands and Heritage and Department of Environment and Conservation;
- provide copies of all relevant qualifications.

Applications received outside of the July/August advertised period will be considered but will only receive approval to operate until the 30 June, at which point a renewal will be required to be submitted. A pro-rata fee will be incurred.

#### 2.7 Operations

Once approval has been granted, the following will be required prior to the commencement of operations:

- the payment of a permit fee (Refer Section 4);
- evidence provided of insurance, including but not limited to current public liability insurance for no less than 10 million dollars in respect of any one claim.

Any new permits issued will be included within the City's parks and reserves booking system.

Approved trading permits for Commercial and Aquatic Traders will be for a maximum term of period of 3 years, but will be subject to an annual review and renewal process by 30 June each year.

The City reserves the right to revoke the approval, to alter the location of the site and/or vary conditions of use in relation to any approval issued.

A permit does not represent exclusive use of the site. If the trading activity is likely to impact upon the operations of the City of Mandurah or its contractors or agents in terms of infrastructure maintenance, replacement or construction and/or conducting of City of Mandurah Events, then the permit may be cancelled or suspended during the period of that impact, as determined by the City.

If concerns are raised by local businesses or the community on the operation or location of the operator, the City may require the operator to relocate or cease trading temporarily or permanently from any chosen location. A trading permit may be cancelled if the permit holder has not complied with the conditions of the permit or the provisions of any Local Law related to the activity.

Should an operator wish to withdraw their use of a site, this must be done in writing to the City of Mandurah.

Should an operator wish to change their regular location/hours of operation then written confirmation will be required 48 hours prior to the proposed change.

#### 2.8 Assessment and Selection Process

In determining an application for a Commercial and Aquatic Operator trading permit, the City may have regard to:

- Any relevant policies of the City;
- The Competition Principles Agreement;
- The desirability of the proposed activity;
- The location of the proposed activity in accordance with Figures 1 and 2;
- The appropriateness of the type of activity in that location with respect to pedestrian and vehicular traffic and the safety of the public, their customers and the trader themselves;
- Any impact the business will have on the surrounding amenity;
- Any impact the business will have on the permanent retail and service base;
- The experience of the operator in conducting the proposed activity, including any previous breach of any condition of a previous permit or any previous breach of any provision of the relevant Local Law;
- The level of support from relevant government agencies;
- The suitability of the operators proposed health and safety measures;
- The suitability of the operators proposed environmental management strategies;

- The performance and reputation of an existing operator;
- Any other criteria as prescribed by the City of Mandurah.

All successful applicants will be granted a Ttading Permit incorporating Council's standard conditions and any that are specific to the individual site and type of operation.

Report 7 Page 67

#### Figure 1 - City Centre Waterfront Trading Locations

**Commercial and Aquatic Operators (Approved Locations)** 

- (5) Keith Holmes Reserve
- 6 Stingray Wharf / Entrance Channel Foreshore

#### Mandjar Bay

- (MB1) MPAC Jetty
- (MB2) 'Dome / Cicerello's' Jetty

#### **Eastern Foreshore**

(EF1)	North
EF2	Town Jetty
(EF3)	Beach / Bay / Paved Area
(EF4)	Government Jetty

#### Western Foreshore

- (WFI) Adjacent War Memorial Car Park
- WF2 Adjacent to Pontoons
- Bridge Car Park North
- Bridge Car Park South

Exclusion Area

Exclusion Areas also extend to existing exclusive lease and non-exclusive licenced areas that are outside the scope of the approved locations

017 | 17/TP/foreshores | 1:5000 @ A3



Report 7 Page 69
# Figure 2 - City of Mandurah Trading Locations

**Commercial and Aquatic Operators (Approved Locations)** 

- (1) Madora Bay Foreshore
- 2 Wade Street Foreshore
- (3) Henson Street Reserve
- (4) Town Beach
- 5 Keith Holmes Reserve
- 6 Stingray Wharf / Entrance Channel Foreshore
- (MB) Mandjar Bay (See Figure 1)
- (EF) Eastern Foreshore (See Figure 1)
- Western Foreshore (See Figure 1)
- ⑦ Doddi's Beach
- 8 Mary Street Lagoon
- (9) Henry Sutton Grove Foreshore
- (10) Waterside Foreshore
- (1) Riverside Foreshore
- (12) Osprey Waters Foreshore
- (13) Novara Foreshore
- (14) Olive Road Foreshore
- (15) Falcon Bay
- (16) Avalon Beach North
- (17) Avalon Beach South
- (18) Northport Foreshore
- (19) Pyramids Beach
- 20 Estuary Place Foreshore
- (21) Estuary Road / Thisbe Drive Foreshore
- 22 Dawesville Foreshore
- 23 Melros Beach

#### **Mobile Traders**

- Exclusion Area Major Roads Exclusion Area - City Centre / Mandurah Ocean Marina ~~~~~ Pre Approved Locations Madora Bay North Black Swan Lake B Quarry Adventure Park G D Henson Street Reserve Silver Sand Reserve Ø **Osprey Waters Foreshore** Ø
  - G Novara Foreshore
  - Northport Foreshore
  - Melros Beach



# 3. Mobile Traders

# 3.1 Definitions

**Mobile Traders** are defined as a person or persons who trade temporarily from a fixed or non-fixed location or a number of locations and vacate the location(s) once trading has ended for the day. Examples include; Flower stalls, Art sales, Ice-cream van, Food van, Coffee van.

The City supports food related mobile traders when vendors practice safe food handling practices in accordance with the Food Act 2008 and consider the needs of all users of the area, including the safety of consumers and pedestrians.

Mobile Traders shall not trade in any public place until a permit has been issued by the City of Mandurah in writing for that location/s.

A Trading Permit does not represent exclusive use of a site. If the trading activity is likely to impact upon the operations of the City of Mandurah or its contractors or agents in terms of infrastructure maintenance, replacement or construction and/or conducting of City of Mandurah Events, then the permit may be cancelled or suspended during the period of that impact, as determined by the City.

If concerns are raised by local businesses or the community on the operation or location of a mobile trader, the City may require the vendor to relocate or cease trading temporarily or permanently from any chosen location.

A trading permit may be cancelled if the permit holder has not complied with the conditions of the permit or the provisions of any Local Law related to the activity.

# **3.2 Location**

Mobile Traders are encouraged to locate within the preapproved locations indicated in Figure 2.

Alternative locations may be considered subject to approval by the City of Mandurah, with the exception of:

- the Eastern Foreshore;
- the Western Foreshore;
- Mandurah City Centre (area bounded by Mandurah Terrace, Pinjarra Road, Gibson Street and Sutton Street;
- Mandurah Ocean Marina;
- All road reserves which are under the control of Main Roads WA (Mandurah Road, Old Coast Road, Mandjoogoordap Drive and Pinjarra Road east of Mandurah Road);
- Major roads under the control of the City of Mandurah (which include Peel/Allnutt Street, Mandurah Terrace (south of Anstruther Road), Anstruther Road, Pinjarra Road (west of Mandurah Road), Murdoch Drive, Gordon Road and Leslie Street (Refer Figure 2).

Mobile traders must be more than 400m away from any shops which offer for sale the same, or similar commodities, except where the trader has been invited onto a property by the property owner or is participating in a community event, such as a weekend market or sporting event.

Mobile Traders must also be more than 300m away from schools during the hours of 8.00am to 9.00am and 3.00pm to 3.45pm, except during the school holidays, weekends and public holidays;

# 3.3 Siting Requirements

Mobile Traders must ensure that:

- they avoid encroachment on bicycle and/or pedestrian • paths and must not obstruct pedestrian flow and/or vehicular traffic:
- they do not obstruct, cover, remove, relocate or modify • trees, public art, benches, bins, bus shelters or other City owned infrastructure;
- their position does not compromise public access, • circulation, safety or other street activities.
- they do not require external power, gas or water • connections:
- a maximum of 20% of the total number of car bays • servicing the reserve/trading location are utilised by vehicles/trailers/vans/equipment associated with the traders.

# 3.4 Amenity and Appearance

Mobile Traders must:

- Not sell alcohol or tobacco products at any time; •
- Have a vehicle whose presentation contributes to the • character of the area:
- Ensure that any advertisements, placards, flags, bunting • or posters, are attached to and forming part of the vehicle, stall or display stand. One portable sign may be permitted to be displayed subject to compliance with

Part 8 of the Local Government Property and Public Places Local Law 2016.

- Not install permanent fixtures. However, mobile traders may be permitted to provide tables and chairs for their patrons, to be located adjacent to the vehicle or stall, subject to suitable space availability. Following trade, all related fixtures must be removed from the site;
- Ensure that they do not cause or make noise or a disturbance which is likely to be a nuisance or annoyance.

# 3.5 Management

- Trading locations may only be used between the hours of 7am and 9pm.
- A maximum of 3 mobile traders are allowed at any one location at the same time (and subject to meeting the other criteria). Traders are permitted on a 'first come first served' basis. Any conflicts in Trading Locations (ie, which vendor is to be at which location at which time) must be resolved by the mobile traders;
- Mobile Traders are responsible for preparing and advertising a roster system (where necessary) that determines when and at which trading location a mobile trader can operate;

## 3.6 Maintenance and Cleaning

Mobile traders must:

- Ensure that any notable damage to City infrastructure is reported prior to the commencement of use of the approved trading location/s. Mobile Traders are responsible for any damage which occurs during the use of the trading location in accordance with Part 14 of the *Local Government Property and Public Places Local Law* 2016. This includes, but is not limited to, damage to parking bollards, piping, trees, shrubs, fences, grass, signs, lighting etc.
- Ensure that their vehicles, stalls, caravan, trailers are kept in a safe and well-maintained condition at all times; Trading locations must be regularly cleaned during all hours of operation presenting a well-cared for image;
- Mobile Traders must provide bins for use and ensure that the area around their position is kept clear of rubbish and refuse at all times.

# 3.7 Public Risk Management

All mobile traders must hold valid public liability insurance to the value of \$10 million dollars which indemnifies the City.

Safety measures may be required in certain trading locations and will be assessed on a case-by-case basis by the City. If public safety cannot be reasonably addressed, permits will not be issued.

# **3.8 Application Process**

An application can be made on the relevant application form to the City of Mandurah, including the required application fee (Refer Section 4). The following details/information are required to be completed/provided:

- Applicant Details;
- Details of Assistants;
- Proposed Location(s) of Trade including site plan(s);
- Proposed means of vehicular access;
- Days and Hours of Trade;
- Details of Goods and Services to be Traded;
- Details of any Structures, Stall or Vehicles(s) to be used (photographs to be submitted where possible);
- Vehicle and Trailer Licence Plate details;
- Copy of public liability insurance to the value of \$10 million;
- Any other additional information to support the proposal.

On submission of the completed application form and required application fee, the application will be allocated for assessment and will seek comments from departments within the City regarding proposed conditions that may be applied to an approval.

# 3.8 Approval

- Once approval has been granted, a permit fee will be • required to be paid (Refer Section 4) prior to the commencement of operations.
- Food related mobile traders must ensure that they hold • a current Food Act 2008 Certificate of Registration to ensure safe food handling practices.
- Any new permits issued will be included within the City's • Parks and Reserves Booking System.
- Approval is valid for up to 12 months, dependant on the • length of approval sough and fee paid. The valid permit is required to be displayed and/or produced upon request.
- A Trading Permit may be transferred to a new owner • upon application (submitted on the relevant form with payment of the applicable fee).
- Notwithstanding the locational provisions within Section • 3.2, Mobile Traders are permitted to operate on commercially zoned, privately owned land with the consent on the landowner.
- Where a mobile trader intends to utilise a residential • property for the storage of any commercial vehicles (when not in use), approval may be required in accordance with the Local Planning Scheme.

# 4. Fee Structure

Permit Type	Fee
All Operators – Application Fee/Expression of Interest Fee	\$100
Commercial and Aquatic Operators	\$800
	\$550 Summer Period (1 October – 30 April)
Mobile Traders	\$2500 annually \$200 per week
	\$1500 Summer Period     \$50 per day
	\$500 per month
Ice-cream and Confectionary Traders (Capped)	\$800 annually \$160 per month
Transfer of Permit	\$50

#### Delegations 5.

Permit Type	Delegation
All Commercial and Aquatic Operators that fully comply with the requirements of these Guidelines	Determined by Officers
All Commercial and Aquatic Operators seeking Approval Period for longer than 3 year term	Determined by Council
Proposals that may be appropriate but are inconsistent with these Guidelines for Commercial and Aquatic Operators (City Centre Waterfront Precinct)	Determined by Council
Proposals that may be appropriate but are inconsistent are inconsistent with these guidelines for Commercial and Aquatic Operators (Outside City Centre locations)	Determined by Officers
All Mobile Traders	Determined by Officers

Report from Director Sustainable Communities to Committee of Council Meeting of 16 April 2019			
8	SUBJECT: Proposed Modifications to Local Planning Scheme No.12 and Lo Planning Strategy		
	CONTACT OFFICER/S: Ben Dreckow		
	AUTHOR: Ann Harrop		
	FILE NO: LPS 12		

#### Summary

In July 2013, Council resolved to prepare a new local planning scheme and in March 2014 Council adopted a draft Scheme (under the heading 'Mandurah Planning Scheme').

The following year, the *Planning and Development (Local Planning Scheme) Regulations 2015 ('LPS Regulations')* were prepared, advertised and gazetted and became operative in October 2015. The LPS Regulations resulted in significant changes to the format and operation of local planning schemes requiring the draft Scheme to be rewritten and reformatted.

The revised format Scheme, entitled *City of Mandurah Local Planning Scheme No 12* ('Scheme 12') was adopted by Council at its meeting of 24 January 2017.

In September 2018, the City received advice that the Commission had determined the Scheme was suitable to be advertised in accordance with the Regulations subject to modifications. However, prior to advertising, the documents were required to be referred to the Environmental Protection (EPA) for consideration pursuant to Section 82 of the Planning and Development Act 2005 (*'P&D Act'*).

Scheme 12 was subsequently forwarded to the EPA. Additional information was sought by the EPA and a meeting was held to discuss the key concerns of the EPA with specific reference to:

- The zoning change proposed for Lot 10 Pinjarra Road, Greenfields from 'Tourist' and 'Rural' to 'Urban Development'.
- Lots 2 Old Coast Road and Lots 20 and 21 Estuary Road, Bouvard;
- The zoning change of a number of lots with the Southern Rural Structure Plan area from 'Rural' to 'Rural Residential'.

Officers of the EPA have indicated that the changes in zoning proposed may result in a requirement for a formal environmental assessment of Scheme 12 in its entirety in order for the environmental implications of these changes to be explored in more detail. This could cause significant delays to the Scheme.

The zoning changes proposed relate to a small number of properties, and rather than further delay the progress of the entirety of Scheme 12, it is proposed to amend Scheme 12 to address the concerns of the EPA. The appropriateness of the zoning of the subject properties could then be further explored as a separate process.

It is therefore recommended that the proposed changes be adopted by Council.

#### **Disclosure of Interest**

Nil

#### **Previous Relevant Documentation**

• G.6/01/17	24 January 2017	Council adopted draft Local Planning Scheme No. 12 and a revised Local Planning Strategy for forwarding to the Western Australian Planning Commission and the Environmental Protection Authority for consent to advertise the Scheme.
• G.25/3/14	25 March 2014	Council adopted the draft Mandurah Planning Scheme (Scheme Text and Scheme Maps dated March 2014) for forwarding to the

Report from Director Sustainable Communities to Committee of Council Meeting of 16 April 2019		
Western Australian Planning Commission and the Environmental Protection Authority for consent to advertise the Scheme.		
• G.21/10/13	15 October 2013	Council adopted the Mandurah Planning Strategy for forwarding to the WAPC for certification and consent to advertise.
• G.26/7/13	23 July 2013	Council resolved to prepare a new local planning scheme.
• G.25/12/12	18 December 2012	Council acknowledged the preparation of key strategic studies which will inform and maintain the City's Town planning Scheme and progress the Local Planning Strategy.

# Background

In July 2013, Council resolved to prepare a new local planning scheme and in March 2014 Council adopted a draft Scheme (under the heading 'Mandurah Planning Scheme').

The following year, the *Planning and Development (Local Planning Scheme) Regulations 2015 ('LPS Regulations')* were prepared, advertised and gazetted and became operative in October 2015. The LPS Regulations resulted in significant changes to the format and operation of local planning schemes requiring the draft Scheme to be rewritten and reformatted.

Council adopted a revised Scheme 12 and a revised Local Planning Strategy at its meeting of 24 January 2017 for the purposes of forwarding to the Western Australian Planning Commission for consent to advertise. Meetings and discussions with the Peel Region's officers were held in September 2017 and then again in March 2018, resulting in the City's officers submitting an updated version of the Local Planning Strategy to the Commission in March 2018, and agreeing to modifications to the Scheme (largely format related).

In September 2018, the City received advice that the Commission had examined the documents provided, and that subject to modifications, had determined the Scheme was suitable to be advertised in accordance with the Regulations. Prior to advertising, the documents were required to be referred to the Environmental Protection (EPA) for consideration pursuant to s82 of the Planning and Development Act 2005.

Scheme 12 was subsequently referred to the EPA and in November 2018, a request for additional information was received. In particular additional information was requested regarding;

- The reasoning for proposing the Urban Development and Rural Residential zones for land mapped as Conservation Category Wetland (CCW) on Lot 10 Old Pinjarra Road, Greenfields.
- The reasoning for rezoning vegetated and undeveloped Rural zoned land to Rural Smallholdings (minimum lot size 10 hectares) and Rural Residential (minimum lot size 5 hectares), given that such rezoning will allow for further subdivision and fragmentation of remnant vegetation.
- Lots 2 Old Coast Road and Lots 20 and 21 Estuary Road, Bouvard, seeking clarification that the site would require structure planning and that future subdivision proposals will be referred to the EPA under section 38 of the EP Act for consideration of assessment.

Officers met with officers of the EPA and Department of Planning, Heritage and Lands (DPHL) to discuss the concerns raised in the above correspondence. In order to allow for the environmental implications of the zoning changes to be explored in more detail, without holding up the progress of the entire Scheme, and to ensure that the environmental sensitivity of the above sites is flagged within the local planning framework, a number of changes to Scheme 12 and the Local Planning Strategy were discussed. The individual sites are considered further below.

#### Comment

#### Lot 10 Old Pinjarra Road (Old bird park site)

Lot 10 Old Pinjarra Road is a 4.84ha site currently zoned a combination of 'Tourist' and 'Rural' under Town Planning Scheme No 3 ('Scheme 3'). The site is zoned a combination of 'Urban' and 'Rural' under the Peel Region Scheme.

The site is significantly constrained for development as the site contains a Conservation Category Wetland (CCW), with all but the north western corner of the lot being unsuitable for development. The 'Tourist' zone was historically applied due to the presence of the bird park on the site, however, the range of uses permitted under the tourist zone are largely incompatible within a CCW. In addition, a 'single house', which is a use that is considered appropriate for the site, is listed as a prohibited use within the 'Tourist' zone.

For the above reasons, Council had previously attempted to apply a more appropriate zoning to the site though Amendment No 132 to Scheme 3 that proposed a zoning of 'Rural' and 'Rural Residential'. Council subsequently resolved not to proceed with the Amendment however, as it was determined that the proposed zoning would be inconsistent with the 'Urban' zone under the Peel Region Scheme.

As a result, under draft Scheme 12, the site was zoned 'Urban Development'. The original intent behind applying this zoning was to require more detailed 'structure planning' of the site, as required by the 'Urban Development' zone, prior to any development occurring. It was anticipated that the need for a structure plan would allow for a more detailed analysis of the development potential of the site, given the environmental constraints. In addition, under the 'Urban Development' zone, a single house could be permitted.

The Office of the EPA have, however, have expressed concerns with the proposed change in zoning of the site and the impact this change would have on the capacity of the EPA to consider subsequent planning proposals for the site.

The *Planning Legislation Amendment Act 1996* introduced the environmental assessment of schemes in specific recognition that in many instances it is more appropriate to apply environmental assessment at the rezoning or scheme formation stage, than to leave it to the subdivision or development stage. As Scheme 3 was adopted prior to 1996, it did not undergo assessment by the EPA.

Where a 'Scheme 'has been assessed, 'proposals' (ie a development or subdivision) that appear likely, if implemented, to have a significant effect on the environment, are not able to be referred to the EPA if the environmental issues were 'assessed in any assessment of the assessed scheme'.

In reviewing a new scheme, the EPA focuses on areas of zoning changes under Section 48 of the EPA Act. Proposals outside of these areas and/or proposals raising new environmental issues that are likely to have a significant effect on the environment, should still be referred to the EPA pursuant to Section 38 of the Environmental Protection Act 1986.

Therefore, if the zoning on Lot 10 Pinjarra Road is changed between Scheme 3 and Scheme 12, the EPA will be obligated to assess the environmental implications of this change prior to the entire Scheme progressing to advertising. Given the majority of the site is mapped as a Conservation Category Wetland, and as the EPA considers Conservation Category Wetlands to be of high conservation significance that require a high level of protection, this is likely to result in Scheme 12 in its entirety being subject to formal environmental assessment.

If however, the zoning of Lot 10 remains the same as currently zoned in Scheme 3, the requirement to refer any 'significant proposals' to the EPA would be retained, and the need for formal assessment of the entire Scheme 12 at this stage, would avoided.

In order to progress Scheme No. 12 to advertising it is proposed to retain the 'Tourist' and 'Rural' zoning over Lot 10 Pinjarra Road. Council may then consider, in a process separate to the Scheme, the most appropriate way forward for this site. In addition, in order to ensure the sites' significance is recognised in any future proposals and to identify the need for significant proposals to be referred to the EPA, it is recommended that the Local Planning Strategy be modified to specifically identify the environmental significance of this site.

#### Southern Rural lots

Under draft Scheme 12, a number of lots zoned 'Rural' under Scheme 3 were zoned either 'Rural Residential' or 'Rural Smallholdings', consistent with the zones previously proposed under the Southern Rural Structure Plan, adopted by Council in March 2015.

The Southern Rural Structure Plan had been prepared to provide control and guidance of development in the Southern Rural area of Mandurah. The Structure Plan outlined subdivision requirements and provided development controls (such as setbacks, building envelopes and clearing provisions). Under the Southern Rural Structure Plan, three zones were proposed;

- Rural Residential (min lot size 5ha)
- Rural Small Holdings (minimum lot size 10ha); and
- Rural Conservation.

The Structure Plan was to be given effect by Amendment No. 121 to Scheme 3 however this Amendment was never finalised due to the introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which prevented the use of Structure Plans within Rural areas.

Scheme 12 proposed therefore, to zone land consistent with those designations proposed under the Southern Rural Structure Plan, and incorporate additional provisions relating to the use and management of these zones. For the majority of sites, the change in zoning from 'Rural' to 'Rural Residential' or 'Rural Smallholdings' does not increase the development or subdivision potential of the sites, rather just more accurately reflects the actual use of these properties. The exceptions to this are the following properties:

- Lot 74 (No.2021) Old Coast Rd, Bouvard Rural to Rural Residential (potential for subdivision into 2 lots);
- Lot 20 (No.70) Dalton Road, Herron Rural to Rural Residential (potential for subdivision into 5 lots)
- Pt Lot 7 Dalton Road, Herron Rural to Rural Residential (potential for 1 additional lot)
- Lot 21 Southern Estuary Road Rural to Rural Residential and Rural Small holdings (potential for subdivision into 12 lots).
- Lot 101 Southern Estuary Road Rural to Rural Residential (Potential for subdivision into 3 lots).

Pt Lot 7 Dalton Road and Lot 21 Southern Estuary Road are the currently subject of Amendment No. 137 to Scheme. 3. Council recently considered a revised subdivision guide plan for the amendment at its in February 2019. The subdivision guide plan was proposed by the applicant to address a Notice of Intent issued by the EPA indicating the Amendment, in its original form, would be unlikely to be found environmentally acceptable due to the environmental significance of the site. At this meeting, Council resolved to

1. Support the revised 'Subdivision Concept B' for Lots 21 and 100 Southern Estuary Road being submitted to the Environmental Protection Authority as the applicant's response to the EPA's Notice of Intent dated 17 April 2018 in regard to Amendment 137 to Town Planning Scheme No 3.

- 2. Notwithstanding the above recommendation, to advise the applicants that there are reservations regarding the revised 'Subdivision Concept B' due to:
  - the potential impacts on significant vegetation;
  - the potential impacts on threatened species;
  - the ongoing management of the resultant conservation parcel;
  - the hydrological impacts on Lake Clifton;
  - the ability to meet the requirements of State Planning Policy 3.7 Planning in Bushfire Prone Areas and associated Guidelines; and
  - The creation of 16 lots in lieu of the maximum 11 permitted under Council's Local Planning Strategy and Southern Mandurah Rural Structure Plan.

Amendment 137 is currently with the EPA awaiting a determination.

Lot 101 Southern Estuary Road has been purchased by the City of Mandurah as part of its bush buy back scheme and is currently held in freehold by the City.

Lot 4 Old Coast Road, Bouvard and Lot 20 Dalton Road, Herron are both privately owned and contain areas of remnant vegetation. The changes in zoning proposed under Scheme 12 would allow for the subdivision of these lots.

The EPA has expressed concern regarding the potential for subdivision and further fragmentation of vegetation on these lots and have identified a need to examine these sites in more detail. In order for this to occur, it is recommended that the 5 sites listed above be retained within the 'Rural' zone under Local Planning Scheme No. 12.

Should the owners of these lots wish to pursue subdivision, the process of rezoning the property from 'Rural' to 'Rural Residential' or 'Rural Smallholdings' would enable the EPA an opportunity to formally assess these amendments.

#### Lots 2 Old Coast Road and Lots 20 and 21 Estuary Road, Bouvard

Lots 2 Old Coast Road, and Lots 20 and 21 Estuary Road, Bouvard form the 'Panorama Development' site totalling 88ha of 'Urban Development' zoned land under both Scheme 3 and draft Scheme 12. The sites are zoned 'Urban' under the Peel Region Scheme.

When the Peel Region Scheme was assessed by the EPA and found to meet the EPA's objectives, a number of environmental factors were 'deferred' to ensure that the EPA had the opportunity to assess future amendments, subdivisions or development proposals in more detail at a later date. Deferred factors included vegetation on the Panorama Development Site.

As vegetation on the Panorama Development site has been listed as a deferred factor, any future amendment, subdivision or development proposal will require referral to the EPA. In assessing Scheme No. 12, the EPA has sought assurance that a structure plan will be required under the Scheme and referral to the EPA will occur.

The Panorama Development site is zoned 'Urban Development' under proposed Local Planning Scheme No. 12. The objective of this zone is to provide a basis for more detailed structure planning in accordance with the provisions of the Scheme. Clause 3.3.7 further states that the local government, in considering an application for development approval, may have due regard to either a structure plan, activity centre plan or local development plan. In accordance with these provisions, the City would require a structure plan to be prepared and approved, prior to the consideration of any development on the site. However, there are currently no identifications within the Scheme to recognise the need to refer any such structure plan to the EPA.

To ensure the requirement to refer any development proposal to the EPA for assessment is identified within the City's planning framework, it is recommended that modifications be made to the draft Local Planning Strategy to recognise the significance of the site.

#### Process moving forward

Should Council proceed with the modifications as recommended, the revised Scheme documents will be forwarded to the EPA. The EPA will then make a determination as to whether the Scheme will be formally assessed, not assessed or incapable of being made environmentally acceptable. If the recommended modifications are made to the Scheme, it is likely the Scheme will not require formal assessment.

The Scheme and Strategy will then be forwarded the Western Australian Planning Commission for endorsement of the changes proposed and consent to advertise.

#### MEAG/MCCAG Comment

Draft Local Planning Scheme No. 12 and the draft Local Planning Strategy will be presented to MEAG for their consideration during the public advertising period for the Scheme.

#### Consultation

Meetings have been held with the Office of the EPA and the Department of Planning to determine appropriate responses to the concerns raised by the Office of the EPA.

Once consent to advertise is again obtained from the Western Australian Planning Commission, a thorough community consultation, engagement and advertising period will be required. The Regulations specify a submission period to be no less than 90 days. Ideally, the Scheme and Planning Strategy will be advertised concurrently.

The consultation and advertising will need to involve all relevant state government agencies, key landowners, relevant representative bodies and the broader Mandurah community. The scope of the communication strategy necessary will need to be determined once the Scheme is nearing adoption by the WAPC and Minister for Planning. Consistent with Council's adoption of the draft Scheme, the communication strategy will consist of the following:

- Industry bodies be advised;
- Resident associations be notified;
- Use of social media;
- Notification in local newspapers and press releases;
- Community information sessions be held;
- Officers be available to meet with community/ industry groups, and
- Officers be available to meet with interested parties on a one on one basis.

#### **Statutory Environment**

The requirement to refer a local planning scheme to the Environmental Protection Authority is stipulated within Part 5, Division 3, Clause 81 of the Planning and Development Act 2005.

The legislative requirements for the process of the environmental impact assessment of schemes are set out in Division 3 Part IV of the Environmental Protection Act 1986.

#### **Policy Implications**

Arising from the preparation of the planning scheme and strategy, there will be a need to review and refine existing structure plans and local planning policies, which may result in some additional policies and plans, but others will become no longer relevant.

## **Economic Implications**

The process of a formal environmental review can be time consuming and expensive and would require significant environmental surveys of privately owned land. By adopting the changes proposed, formal assessment of the Scheme would not be required and the Scheme could progress to public advertising.

#### **Risk Analysis**

Should Council choose not to adopt the proposed changes, there is a high likelihood the EPA will require the formal assessment of Local Planning Scheme No. 12. This would result in significant costs to Council, and delays in progressing Scheme No. 12, for the primary benefit of a small number of ratepayers.

Should Council adopt the changes however, the opportunity still remains for Council to consider the most suitable outcomes for the subject properties through subsequent Amendments.

#### **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

Environment:

- Protect and ensure the health of our natural environment and waterways.
- Factor climate change predictions into land-use planning, building design and future council decisions.

#### Organisational Excellence:

- Ensure the City has the capacity and capability to deliver appropriate services and facilities.
- Deliver excellent governance and financial management.

#### Conclusion

The changes proposed to Local Planning Scheme No. 12 will enable the progression of the Scheme through to the advertising period without the need to undertake a formal environmental assessment. The changes proposed will allow for a more detailed assessment of the environmental attributes of the lots affected, separate to the creation of the new Scheme, in order to determine the most appropriate uses for these sites. In addition the inclusion of additional text within the Local Planning Strategy highlighting the environmental sensitivity of these sites, and the need to refer significant proposals to the EPA will ensure these issues are flagged into the future within the City's Planning Framework.

It is therefore recommended that the proposed changes be adopted by Council.

NOTE:

Subject to Committee's consent, officers will make a presentation on this item at the meeting.

#### RECOMMENDATION

That:

1. In accordance with Section 72 of the Planning and Development Act 2005 and Regulation 21(1) of the Planning and Development (Local Planning Scheme) Regulations 2015, Council adopts the modified draft *City of Mandurah Local Planning Scheme No 12 Scheme* (Scheme Text and Scheme Maps dated January 2019), and forward to the Western Australian Planning Commission seeking consent to the advertise the Scheme noting the following modifications from the Scheme Text and Scheme Maps dated January 2017:

- (a) The zoning Lot 10 Pinjarra Road, Greenfields being modified from 'Urban Development' to 'Tourist' and 'Rural' consistent with the zoning under Town Planning Scheme No. 3;
- (b) The zoning of the following sites being modified from Rural Residential and Rural Smallholdings to Rural consistent with the zoning under Town Planning Scheme No. 3:
  - Lot 74 Old Coast Road, Bouvard;
  - Lot 20 Dalton Road, Herron;
  - Lot 7 Dalton Road, Herron;
  - Lot 21 Southern Estuary Road, Herron; and
  - Lot 101 Southern Estuary Road, Herron.
- 2. In accordance with Section 81 of the Planning and Development Act 2005, the modified draft *City of Mandurah Local Planning Scheme No 12* be forwarded to the Environmental Protection Authority for its assessment under the provisions of the Environmental Protection Act 1986.
- 3. Council modifies the draft Local Planning Strategy (dated June 2018) by highlighting the requirement for any significant proposal on the following sites to be referred to the Environmental Protection Authority under s38 of the Environmental Protection Act 1986 under Section 2.3 (Environment and Biodiversity):
  - (a) Lot 10 Pinjarra Road, Greenfields; and
  - (b) the 'Panorama; Development Site located at Lots 20 and 21 Estuary Road Dawesville and Lot 2 Old Coast Road, Bouvard.

9 SUBJECT: CONTACT OFFICER: AUTHOR: Bushfire Prevention and Control Brendan Ingle Brendan Ingle

#### Summary

This report provides information as requested by a Notice of Motion at the Council Meeting of 26 February relating to the City's application of its Bushfire Prevention and Control Policy. The information reviews compliance rates and opportunities to improve voluntary compliance in bushfire preparedness.

The report also undertakes a review of the content of the City's Bushfire Prevention and Control Policy. A number of changes have been recommended that will simplify requirements and reduce administration. The major recommended change requires properties that are under 4000m<sup>2</sup> to slash their properties rather than install firebreaks. The requirement to fully slash properties is currently in place for all properties under 2023m<sup>2</sup>.

There are currently approximately 712 properties that are within the proposed new size range between 2023m<sup>2</sup> and 4000m<sup>2</sup>. It is important to note that of these properties a small number will be required to undertake additional work.

The change aligns clearing and burning permit lot sizes and simplifies the requirement which assists communication with the community. The change would also remove the need for many firebreak variations that are currently issued. It is anticipated this will substantially reduce the administration burden for property owners and the City.

Other changes to the Policy are recommended relating to the recognition of Fire Management Plans within the Policy and altered terminology to assist in its implementation.

The purpose of this report is to request Councils endorsement of the modifications to Council Policy POL – EMS 01- Bushfire Prevention and Control.

#### **Disclosure of Interest**

Nil

#### **Previous Relevant Documentation**

•	G 22/6/17	13 June 2017	Proposed amendments to the City's Bushfire Prevention and Control Policy were endorsed.
•	G.19/07/16	12 July 2016	Council resolved not to support the clearing of vegetation on City owned and managed land to reduce Bush Fire Attack Levels on individual properties or developments unless mitigation actions have been recognised by the City as being part of its long term fire management planning.
•	G.25/3/15	24 March 2015	Council agreed to maintain an educative approach to Building Protection Zones during 2015/16 and approve the Fire Control Officer having discretion to provide additional green waste vouchers to facilitate the installation of Building Protection Zones.
•	G.18/9/15 22	September 2015	Council adopted the Bushfire Risk Management Plan relating to fire mitigating activities, relating to prescribed burns and mechanical works.

#### Background

At the Council Meeting of 26 February 2019 a Notice of Motion was approved seeking information on the City's application of its Bushfire Prevention and Control Policy. The following answers each of the requests for information within the Notice of Motion.

1. The rates of compliance by the City's residents over the last three years including details of the enforcement action taken by the City under the Bushfires Act 1954.

The City undertakes inspections of all properties within its local government district currently totalling approximately 47,000. As part of its inspection all streets within the City are driven and all rural properties physically visited. There are units and some areas of the City where this minimal ground vegetation such as the City Centre and Mandurah Ocean Marina that receive a reduced inspection regime.

The inspection program is extremely comprehensive and has been developed in the wake of reviews into serious bushfires that have occurred across the state and recommendations about the effective enforcement of legal requirements by local government.

The following represent enforcement action taken by year (based on estimated property number of 47,000):

	2016/17	2017/18	2018/19
Infringements	570	431	432
Formal Cautions	204	187	239
% Property Compliance	98.35	98.71	98.57

Some care must be used with this data as there have been changes in terminology and the use of cautions and the issuance of "further work required" requests during this time period.

For many years the City has adopted a very strict regime of compliance. The City's current model involves commencing inspections on the compliance date of 18 November where infringements are issued to properties that are deemed non-compliant by the Bushfire Control Officer. Cautions are generally issued where efforts have been made to comply but additional works are required. Further work required orders are issues for very minor issues that require minor rectification but no further follow up.

Following the issuance of an infringement the City's contractors are requested to undertake works on the offending property. The City applies no administrative charges to the works undertaken by its contractor and charges at the tender rate which is competitive for land owners. The costs of these works are then passed on to the land owner.

This system reduces fire risk and is very administratively efficient in ensuring properties are fire ready prior to the highest risk period. As a consequence the approach also draws attention to the adequateness of efforts to effectively get the message out about the City's Bushfire requirements. The model can draw some frustration from landowners who have been fined and not been given the opportunity to complete works themselves.

This short and intense period of enforcement amplifies the concerns of those who have been infringed. Although overall compliance rates are very high there are hundreds of infringements issued within approximately 4 weeks.

The challenge with providing additional cautions to properties on the scale of the inspections being undertaken is that if they are commenced on the compliance date of 18 November by the time cautions have been issued, received by the landowner and reinspected for compliance weeks have passed and risk is increasing.

# How many fire infringement notices resulted in court action in the last three years?

There have been 5 occasions where residents have chosen to have their matter heard before a magistrate rather than pay the modified penalty. A total of 5 prosecution notices have been issued in the last 3 years. Three of these were discontinued mainly due to witness unavailability. In two instances court imposed penalties have been applied.

#### The current measures undertaken to advise residents of the requirements of the Fire Compliance Notice.

Section 33 of the Bushfires Act 1954 only requires a local government to advertise its Bush Fire Notice within a locally circulating newspaper and in the Government Gazette. The City uses a range of other mediums to make land owners aware of the requirements and the City's efforts in educating the public can be considered quite comprehensive.

The following summarises the community education actions undertaken:

- August Fire Compliance notice distributed with the rates notice annually
- September -Government gazette notice
- September Mandurah Coastal Times notice + 15 x 3 pointer ad
- September Mandurah Mail notice + 15 x 3 pointer ad
- September Mandurah Coastal Times notice + 15 x 3 pointer ad
- September Mandurah Mail notice + 15 x 3 pointer ad
- September Bushfire banners erected and variable message boards in high profile locations
- October Letter to vacant block owners of areas with high non-compliance rates
- October 12149 emails to vacant land owners with blocks less than 2023m2
- October 306 emails to vacant land owners with blocks larger than 2023m2
- Community announcements on 6mm & 97.3 coast FM
- 10 & 17 November City of Mandurah Sponsored Facebook posts
- November Bushfire Inspections in Progress Signage within Suburbs

A range of other means have been trialled to increase awareness of fire control requirements including pre-season property visits in bushfire prone areas and attendance at community gatherings.

Volunteer fire brigades compliment City efforts through community engagement activities, promoting bushfire planning and preparedness resources, and providing property advice where required.

Fundamentally on review Officers are of the view that the current public education program is very thorough.

Recommendations about how greater opportunity could be provided to residents to meet Bushfire Act 1954 requirements voluntarily before enforcement action is necessary.

It is clear that there is no single method to effectively advise all land owners of their bushfire obligations and multi-faceted approach is essential to engage with non-owner occupiers, absentee landowners and those that are less familiar with digital media. There are opportunities to improve on current practices on review the following suggestions have been made.

Given the diversity and vastness of materials received as part of the Annual Rates Notice, it is Officers' view that the current way that the Bushfire Notice presents within the Rates package does not sufficiently highlight its legal importance. It is suggested that the City review its layout to improve its prominence.

The timing of the release of the Rates package in August is earlier than most in the community would be thinking about bushfire so it is important that the other methods to educate the public continue. The Rates package does provide a cost effective and comprehensive way to get material out to rate payers but must form part of the overall communications planning.

One criticism that is often made is that properties in urbanised areas are subject to fines that are often perceived to be of lower risk. It is important to note that ember attack and localised fires can occur. Further, by determining some properties as having different obligations than another of similar size introduces an enforcement complexity that is eliminated under the current system. The City's view is that all property owners must meet the legal requirements of the fire notice.

A suggestion to manage this concern is for a preliminary round of bushfire inspections to commence two weeks prior to the official compliance date in locations that are not within bushfire prone areas as mapped by the Commissioner of Fire and Emergency Services. Clear advisory material would be issued to properties that have not undertaken works and in their current state would not be compliant.

It is anticipated for an additional allocation of 2 weeks labour, some additional administration costs and vehicle expenditure the City could undertake these pre-season inspections of urbanised areas to increase voluntary compliance.

There will be labour savings with the formal inspections being able to focus on the properties that have been identified. Although there may be some time delay the City's comparatively early compliance date means that the risk of this alteration could be considered manageable.

Officers are of the view that the extensive educative and enforcement regime that has been in place in high risk areas has led to a very high level of compliance and the vast majority of infringements are now on smaller more urbanised properties.

#### Bushfire Prevention and Control Policy Review

In accordance with the Bush Fires Act 1954 the City's Bushfire Prevention and Control Policy, when gazetted and advertised in local newspapers each year, forms the legal requirements of the Fire Break and Fuel Hazard Reduction Notice for land owners in the City of Mandurah to comply with.

A review has been undertaken including comments from the City's Bushfire Advisory Committee. One of the recommendations of this review is to change the property size where slashing of the entire property is required rather than the installation of firebreaks.

The current requirements for properties that are occupied or unoccupied are as follows:

Less than 2023m<sup>2</sup>:

- 1. Have the entire property clear of all flammable materials except for living standing trees;
- 2. Mowing, slashing, whipper snipping to a height of no more than 4cm;
- 3. Ploughing, cultivating, scarifying or chemical spraying, followed by slashing to 4cm or other approved method by the City.

#### 2023m<sup>2</sup> or larger:

- 1. Provide a trafficable mineral earth firebreak of 4 metres wide, with a height clearance of 4.2 metres:
  - a. Inside all external boundaries on the property;
  - b. Surrounding all outbuildings erected on the property;
  - c. Surrounding haystacks, fuel storage or other flammable materials.

It is recommended to increase the land size from 2023m<sup>2</sup> to 4000m<sup>2</sup>. This will align to the Policy change made in June 2017 which allows burning permits to be issued to properties greater than or equal to 4000m<sup>2</sup>.

Some residents of properties of less than 4000m<sup>2</sup> particularly in Pleasant Grove have sought permission to undertake burning of garden refuse. At this stage a complete change to reduce the property size to permit burning on properties less than 4000m<sup>2</sup> is not supported by Officers. Some degree of flexibility has been provided in recommended engagement with local brigades and consideration where the burning will reduce fuel loads and reduce risk to the community.

It is Officers' view that concerns about additional safety created through poor burning practices, generation of smoke in areas where there is a higher density of properties do not warrant a change to reduce permitted smaller lot sizes. Most of these blocks are grassed so ground fuels are already managed and burning is often sought for aesthetic or financial reasons. This change also comes with additional compliance responsibilities and increased administration to the City.

A number of other minor terminology changes and recognition of fire management plans as having a legislative effect. Through the change in property size noted above, the requirement for a large number of property owners applying for variations will be removed. Another change to reduce the administrative burden is the issuance of fire break variations for a period of 3 years subject to appropriate conditions.

#### Comment

The focus of the City's bushfire inspection regime is focused on the protection of the community and reduction in hazard prior to the highest risk bushfire period. With some modification in approach to undertaking pre-season inspections there is an opportunity to provide increased opportunity for compliance whilst managing the risk to the community.

There will be those land owners who even, despite additional warnings, will not complete required works and the existing inspection regime will remain for them.

In considering the potential effect on the environment and lot owners of the changes to block sizes City's Bushfire Prevention and Control Policy, there is an estimated 712 properties within the City of Mandurah that are within the size range of 2023<sup>2</sup> to 4000m<sup>2</sup>. It is estimated that of these approximately 25 properties may have altered requirements. Of these approximately 15 have been recently subdivided.

It is important to note that for developed properties that have vegetation under storey the required change will allow the retention of green living shrubs and trees. Given the low number of affected properties it is considered that this impact will be minimal. Officers from Ranger Services and Environmental Services have attended properties affected such as Tulga Court, Yalgor Heights, Rainbow Way, Touchstone Drive, Oceanic Drive and Fernwood Road, Dawesville. Given the low number of properties proactive steps can be taken to minimise the unnecessary removal of understorey vegetation and ensure a focus on the removal of weeds, grasses and dead and dying material.

The City issues variations to many properties in this size range that requires the submission of an application for variation and Bush Fire Control Officers to attend and undertake an assessment.

A reduction in the complexity of the City's Fire Notice will be a positive change to ensure the City provides information that is more succinct when utilising a range of communication channels.

One of the potential negative elements of changes to the requirements for particular block sizes is that seeking compliance from those effected by the change can be difficult as re-education of these land holders is required. Given the modest number, a direct education campaign could be undertaken to ensure suitable attention to these land owners is provided.

A review of a number of other similar local governments indicate they have a larger lot size where the change from full clearing of lots to fire breaks is instituted as follows:

Local Government	Size (m2)
Murray	>4000
Rockingham	>4047
Armadale	>5000
Kwinana	>3000
Wanneroo	>4000
Joondalup	<2000 (vacant land only)

For those properties that continue to require firebreak variations a change has been recommended to allow an approval for 3 years rather than the current 1 year. In all cases properties must comply with the approved variation for the entire 3 years unless otherwise approved. Bushfire Control Officers attend the property to undertake an assessment that the variation as approved is in place each year.

#### Bushfire Advisory Committee Comment

Members support the recommendation as ground fuels will be reduced on properties within the size range. Slashed or mowed properties will also provide a more visible and trafficable surface area for heavy fire appliances. Mineral earth fire breaks are often boggy hampering fire suppression efforts.

#### **Statutory Environment**

Council may, in accordance with section 33 of the *Bush Fires Act 1954* (the Act) issue and publicise annually to all landowners requisitions necessary for the reduction of fire hazards within the City. Changes endorsed by Council are reflected in amendments to drafted notice.

#### **Policy Implications**

Amendments are proposed to POL-EMS 01 Bushfire Prevention and Control. These changes are detailed within *Attachment 1*.

#### **Economic Implications**

Starting bushfire inspections early will have an estimated additional cost of \$10,000 in additional inspection and administration labour as well as vehicle costs. This may be offset to some degree by a more targeted approach to compliance inspections from 18 November.

The changes to the Bushfire Prevention and Control Policy some significant productivity gains in removing the requirements for a large number of firebreak variation inspections.

There may be some additional works in the full clearing of small number of properties fall between 2023m<sup>2</sup> and 4000m<sup>2</sup>.

#### **Risk Analysis**

There may be some delay in achieving compliance from non-compliant properties, however the changes have a minor impact from a risk perspective. Properties are inspected for compliance with the requirements of the *Bushfires Act 1954*.

The inherent bushfire risk is likely to be reduced as more properties will be required to slash and reduce fuel loads rather than install fire breaks. A reduction in ground fuel, lessens the likelihood of ladder fuels burning and ember attack.

Attention must be paid to the properties who will be required to undertake additional works to comply with the City's Fire Notice to ensure they clearly understand the changes requirements that effect their properties.

Environmental risks have been assessed and considered low by Officers. Further comment has been sought from the Mandurah Environmental Advisory Group.

#### Strategic Implications

The following strategy from the *City of Mandurah Strategic Community Plan 2017 – 2037* is relevant to this report:

#### Social:

• Help build our community's confidence in Mandurah as a safe and secure city.

#### Conclusion

As mentioned throughout this report, the City's Bushfire Prevention and Control Policy has been reviewed and a change to increase the property size required for an approval for a variation to the City's requirements is proposed.

The proposed Changes recommended to the City's Bushfire Prevention and Control Policy provide are to simplify the City fire mitigation requirements for private property owners and assist in the reduced need for variation assessments. A number of other terminology and administrative alterations are recommended.

To summarise key points

- That a pre-season bushfire inspection regime be implemented to provide additional advice to landholders, focusing on lower risk areas.
- An increase in the sizing of blocks where slashing is required to less than or equal to 4000m<sup>2</sup> increased from the current 2023m<sup>2</sup>, simplifying communications and reducing administration.
- That burning on properties of less than 4000m<sup>2</sup> not be supported.

#### NOTE:

• Refer Attachment 1 - POL – EMS 01- Bushfire Prevention and Control including mark up.

#### RECOMMENDATION

#### That Council:

- 1. Notes modifications to its Bushfire Act 1954 inspection regime to commence inspections in areas outside bushfire prone areas on 4 November with direct advisory correspondence provided to land owners at the time of inspection for properties that would likely be non-compliant.
- 2. Approves modifications to Council Policy POL EMS 01- Bushfire Prevention and Control at noted within *Attachment 1* which will be reflected in the City's 2019/20 Fire Notice.
- 3. That at the conclusion of the 2019/20 Bushfire season a report be provided to Council detailing the rate of compliance achieved.



POL-EMS 01

# POLICY

# BUSH FIRE PREVENTION AND CONTROL (Bush Fires Act 1954)

# Policy Objective:

To provide advice on all aspects of preparedness, prevention and the management of bush fires on properties within the City of Mandurah.

# Policy:

The City of Mandurah (the 'City') is committed to formulating and imposing appropriate fire prevention measures necessary to provide a safe environment for the community on properties including rural, urban, occupied and unoccupied land. In achieving this, the City has implemented the following measures:

# 1. FIRE HAZARD REDUCTION AND FIRE BREAK INSTALLATION:

- 1.1 Council may, in accordance with section 33 of the *Bush Fires Act 1954* (the Act) issue and publicise annually to all landowners requisitions necessary for the reduction of fire hazards within the City.
- 1.2 Delegated Authority has been granted to the Chief Executive Officer by Council to approve the first and final Fire Break and Fuel Hazard Reduction Notice (The Notice) annually, unless substantial changes are recommended by Council's Bush Fire Advisory Committee. Recommendations for substantial alterations to The Notice shall be submitted to Council for consideration of adoption.
- 1.3 The following requisitions have been adopted by Council as a minimum requirement for landowners for the reduction of fire hazards on their property. The below mentioned fire hazard reduction must be complied with by or on the 17 November annually and maintained until 31 May:

# > Occupied or Unoccupied Land Less than 4000m<sup>2</sup>

Where the area of land is less than <u>4000m<sup>2</sup></u>remove all flammable material on the land except living standing trees, from the whole of the land to a height of no longer that 4 centimetres by either mowing, slashing, ploughing, cultivating, scarifying, chemical spraying (followed by slashing down to 4 centimetres) or other approved method by an officer of Council authorised for this purpose. A four (4) metre fire break is not acceptable. (Note: Properties with dense vegetation will also need to be thinned out to reduce any significant fire risk to the satisfaction of the City's authorised officer).

#### > Occupied or Unoccupied Land 4000m<sup>2</sup> and Over

When the area of land is  $\underline{4000m^2}$  and over, provide a trafficable mineral earth firebreak at least four (4) metres wide, with a vertical height clearance of 4.2 metres;

- o Immediately inside all external boundaries on the land;
- o Immediately surrounding all outbuildings erected on land;
- Immediately surrounding haystacks, fuel storage or other flammable substances or material.

Where land is subject to an approved Fire Management Plan the management plan must be fully complied with for the site.

#### 1.4 **ASSET PROTECTION ZONES**

In all areas noted as being within 100m of Bush Fire Prone Vegetation as designated by the Fire and Emergency Services Commissioner, the installation and maintenance of Asset Protection Zone (APZ) are recommended.

Asset Protections Zones in these areas are <u>recommended</u> to include:

- A 20 metre asset protection zone (reduced fuel load) from the walls of any building or infrastructure unless otherwise approved in a Fire Management Plan.
- Reticulated gardens shall be maintained to a height no greater than .5 metre (50 cm).
- Loose flammable material within the APZ should be removed to reduce the fuel load to less than 2 tonnes per hectare and this is to be maintained to this level.
- Wood piles to be stored at least 10 metres from the building.
- Maintenance of a minimum 2 metre gap between trees and shrubs any building or infrastructure.
- Ensuring that no trees overhang any building or infrastructure.
- Prune lower branches of trees within the APZ (up to 2 metres off the ground) to stop a surface fire spreading to the canopy of the trees.
- Trees or shrubs in the APZ are to be cleared of any dead material.

On all land 4000 square metres and greater Asset Protection Zones in these areas are <u>required</u> to:

- Maintain a minimum 2 metre gap between trees and shrubs and any building or infrastructure; dwelling
- Ensure that no trees overhang any building or infrastructure dwelling.

The City's Bush Fire Control Officers may issue a request for works to be completed for the failure to undertake required Asset Protection Zone works and where works are not completed an infringement notice may be issued.

Contractors will not be requested to undertake works on the owner's behalf in relation to Asset Protection Zone non-compliance. Any change in enforcement approach in this regard is to be endorsed by Council. Authorised Officers may issue a variation from Asset Protection Zone requirements where it is considered that adequate risk mitigation measures have been implemented, such as the reduction of fuel loads and appropriate management of understorey vegetation.

Applications can be made to the City to remove trees or vegetation in order to create an Asset Protection Zone within a tree preservation area as designated in the City's Town Planning Scheme No 3.

These requirements are the minimum standard. Additional requests may be made in accordance with the relevant section of the Bush Fires Act 1954 by the City's authorised Bush Fire Control Officer This may occur on properties with high fuel loads of smaller size.

- 1.5 Annual property fire break and fuel hazard reduction inspections of all urban, rural occupied and unoccupied land by City-authorised Bush Fire Control Officers will officially commence on the 18 November each year.
- 1.6 Variation to the City's requirements: If a landowner considers for any legitimate reason it impractical to clear firebreaks as required by The Notice, or if natural features are considered to render firebreaks unnecessary, application may be made in writing to the City or its duly authorised officers, not later than 1 November of each year for alternative locations, or other method of fire prevention on the land.

The City's delegated officers Coordinator of Ranger Services may apply an approval to the variation for a period of up to 3 years where appropriate. Properties must be maintained each year in accordance with the approved variation.

If permission is not granted, the requirements of The Notice must be complied with. Any major fire hazard reduction request which can not be resolved between the applicant and an authorised officer may be referred to the Chief Bush Fire Control Officer for determination.

- 1.7 The City or its authorised officers may, in accordance with section 33 of the Act, arrange for a contractor, workers, machinery or other equipment or workforce necessary to clear land found in contravention of subsection 1.3. The City's contractors may be requested to undertake remedial compliance works to properties found to be in contravention of subsection 1.3.
- 1.8 Landowners may be served with notice of the contravention and a modified penalty (infringement) may be issued in accordance with the Act.
- 1.9 Landowners shall be liable for the costs associated with the hazard reduction clearing on their land as stipulated in subsection 1.7 of this policy and those costs shall remain as a debt against the property until paid in full.

# 2 BURNING PERIODS

2.1 Restricted Burning Period:

The restricted burning period, pursuant to section 18 of the Act shall be between 1 April and 30 November inclusive each year.

2.2 Prohibited Burning Period:

The prohibited burning period, pursuant to section 18 of the Act shall be between

1 December and 31 March inclusive each year.

2.3 Limited Burning Times:

Has the same meaning as 'Restricted Burning Period' where a Permit to Burn is required.

#### 3 CAMP FIRES

Council has resolved to prohibit the burning of camp fires within the district unless specifically approved by the City in writing.

#### 4 BURNING OF GARDEN REFUSE

Council has resolved to prohibit the burning of garden refuse or rubbish within the district of Mandurah that would otherwise be permitted under Section 24F of the *Bush Fires Act 1954*. This prohibition applies to all land zones urban residential under the City of Mandurah Town Planning Scheme No. 3, during the "Restricted Burning Period". The effect is that the burning of garden refuse either in an incinerator or on the ground in urban zoned areas is prohibited at all times of the year.

The following exemptions apply:

Land zoned rural residential under the City of Mandurah Town Planning Scheme No. 3, and on all land 4000 square metres and greater. Any other exemption is based on an assessment of the hazard by a City-authorised Bush Fire Control Officer.

These exemptions are restricted to the declared "Restricted Burning Times" as mentioned above and a "Permit to Burn" will be required during these dates. No burning is permitted during the 'Prohibited Burning period' as mentioned above.

Burning Permits may be issued for the entirety of the "Restricted Burning Period" season with appropriate conditions imposed.

These conditions include the following:

- Properties of area less than 2 hectares to burn 1m<sup>3</sup> of refuse at one time.
- Properties of area 2 hectares or greater are permitted to burn no more than 3m<sup>3</sup> of refuse at one time.

#### Procedure:

Originating Section:	Relevant Legislation:
Ranger Services	Bush Fires Act 1954
Reviewer:	Delegated Authority:
Coordinator Ranger Services	DA-EMS 01 Prohibited Burning Times
Manager Statutory Services	DA-EMS 02 Bush Fires Act 1954
	DA-DBC 02 Planning/Building Application Fees

Approved:	Other References:
Minute G.28/06/02, 18 June 2002	Previous reference – CS-RA 01
Reviewed:	
Minute G.43/12/09, 15 December 2009	
Minute G.31/6/12, 26 June 2012	
Minute G.25/2/14, 25 February 2014	
Minute G.25/3/15, 24 March 2015	
Minute G.22/6/17, 13 June 2017	

Report from Director Sustainable Communities to Committee of Council Meeting of 16 April 2019				
10	SUBJECT: Murdoch University Research Partnership Proposal – Urban Wildfire Management			
	CONTACT OFFICER/S: AUTHOR:	Brett Brenchley/Bonnie Beal Richardson Bonnie Beal Richardson		
	FILE NO:	R936667		

#### Summary

The City of Mandurah has a long history of partnering with Murdoch University on environmental research. In 2016, the City entered into a three-year partnership with Murdoch to investigate how bandicoots contribute to healthy urban bushland. This project, titled *Backyard Bandicoots*, concludes in October 2019. It has been highly effective in both engaging the local community and increasing the City's knowledge and capacity to manage urban bushland.

To build on the success of the Backyard Bandicoots project, the City of Mandurah, the Department of Biodiversity, Conservation and Attractions and Murdoch University have developed a new research project proposal, titled *Urban Wildlife Management: Manual Fuel Load Reduction for Biodiversity*.

This three-year project aims to address the important issue of managing fire risk in urban bushland in a way that has minimal impact on plants and wildlife. This also addresses an important problem for the City (and local government more broadly) because managing bushfire risk is fundamental for the protection of property and lives. The aim of this project is to identify how this work can be achieved in a way that also preserves the amenity and biodiversity values of these important remnants of native vegetation, which are vital habitat for urban wildlife. In addition, the project aims to involve the community in the mitigation of bushfire risk in urban bushland, therefore providing valuable educational and capacity building opportunities that can be utilised by landholders on private land. The objectives of this research partnership are to:

- Develop tools for protection of human lives and property in urban landscapes.
- Identify the impacts of manual fuel load reduction on biodiversity values such as tree health, soil condition, community perception and habitat for fauna.
- Address community values for urban bushland and increase manageability for emergency services.

The scientific, community and management outcomes of this project are:

- Greater confidence and engagement with wildfire management strategies.
- More urban residents engaged with conservation of their local urban bushland and urban wildlife.
- Long-term monitoring and conservation action.

Murdoch University have requested \$50,000 per annum for the three-year project, in addition to in-kind support in the form of officer time. The remainder of the project funding will be requested through an Australian Research Council Linkage Grant.

#### **Disclosure of Interest**

Nil

#### **Previous Relevant Documentation**

•	G.41/3/16	22 March 2016	Confidential Item: Supporting Australian Research Council Linkage Grant
•	PCDS.12/2/12	February 2012	Fauna Relocation: Research Proposal: Council considered the relocation research project (\$15,000 per annum for 3 years) as part of the Council's 2012/13 budget considerations.

Report from Director Sustainable Communities
to Committee of Council Meeting of 16 April 2019
PCDS.10/11/08 November 2008 Western Australian Centre of Excellence for Climate

with Murdoch University

Change, Woodland and Forest Health- Partnership

#### Background

Urban bushland remnants have undergone a massive loss of ecosystem processes over the last 150-200 years. This has been compounded by a marked population increase in Western Australia over the last two decades, resulting in substantial urban sprawl. Such development has fragmented urban bushland, which provides vital habitat for remaining plant and animal biodiversity, and reduced its connectivity through the urban landscape.

In addition, heatwaves and hot days, drought and rainfall extremes (high and low) have dominated summers over the last decade. These conditions place even further strain on urban bushland and are a recipe for increasing the intensity and frequency of bushfires. Reducing fuel loads around assets is a vital management response to reduce the likelihood of wildfire. As such, prescription burning for hazard reduction will become increasingly important into the future. Burning, however, is not without impact. This raises the question of whether it's possible to reduce fuel loads without destroying vital habitat for urban wildlife, impacting plant health and vigour, increasing the generation of weeds (which then increases fuel loads) and losing the amenity values and sense of place that communities attach to urban bushland.

The City has partnered with Murdoch University and the State Centre of Excellence on Climate Change, Woodland and Forest Health on environmental research for over a decade. This collaboration has shed light on the causes and appropriate management of native tree decline in south-west WA, the impacts of climate change on urban bushland and the role of quenda in protecting young seedlings from disease. Together, Murdoch University and the City of Mandurah have worked on projects to identify methods for tuart restoration, identify where quenda persist within Mandurah's urban environment, engage the community for conservation on private property and understand the role of digging mammals, such as quenda, in maintaining ecosystem health in cities.

The partnership has been extremely successful in terms of scientific outcomes, community outreach, and contribution towards practical management solutions. To continue to build on the success of this project, which concludes in October 2019, officers and Murdoch researchers have developed a new research proposal. The proposed project aims to identify how fuel load reduction can be achieved without losing amenity and biodiversity values of urban bushland, including vital habitat for urban wildlife, in addition to providing community education and capacity building for bushfire mitigation techniques. It will also investigate the feasibility of manual fuel load reduction as a tool to reduce the likelihood, size and severity of wildfire, and the need for prescribed burning in urban areas.

This project addresses an important problem for the City because managing urban bushland fire risk is fundamental for protection of property and lives. In addition, it will continue to build of the success of the Backyard Bandicoots research partnership through the incorporation of tree health and digging mammals into the experiment design.

#### Comment

#### Research Project Proposal

There are three key environmental factors that influence the behaviour and spread of a wildfire: fuel, weather and topography. Of these three, fuel is the only one that can be manipulated to reduce wildfire intensity and severity, and to mitigate risk to life and property. Reducing fuel loads around assets is therefore a vital management response to reduce the likelihood of wildfire. However, it can be difficult to control fuel in urban bushland due to social constraints (such as proximity to homes, community attitudes towards burning etc) that limit the use of prescription burning and the potential impact of regular burning on plants and wildlife. Alternative methods of fuel load reduction are therefore required to reduce bushfire risk.

This project aims to carry out manual fuel load reduction, which involves removing or rearranging fuel at a small scale to alter fire properties and reduce the requirement for prescribed burning. The aim of manual fuel load reduction strategies is to ultimately reduce the size, likelihood and severity of wildfire, thereby protecting property and lives with less reliance on burning to reduce fuel. In addition, the study will develop a model system for engaging local community action in mitigating risk of wildfire. Such a model has the potential to be applied broadly across the country by government as well as community, an element which project partners anticipate will be well-received by the Australian Research Council. It links with the City's Embrace a Space program and the Peel-Harvey Catchment Council's Lake Clifton Stewardship Program by providing opportunities for residents to get involved in reducing fuel loads in both urban bushland and on privately-owned land.

Mechanical fuel load reduction has successfully been used in other parts of the world. However, as far as Murdoch researchers could determine, mechanical or manual fuel load reduction has not yet been applied to urban bushland as a means of mitigating wildfire risk. This innovative project would be the first of its kind and has the potential to pave the way for managing urban bushfire risk Australia-wide.

# Research Design

City staff and Murdoch University will engage with local communities (including residents and environmental volunteers) and emergency response groups (local wildfire brigades, fire and emergency response teams) to carry out a range of manual fuel load reduction actions within local urban bushland reserves. These actions include:

- Removing ladder fuel
- Raking leaf litter from around large trees
- Creating mineral earth tracks (posi-track path) between and around patches of habitat, e.g. grasstrees with intact skirts
- Trimming grasstree skirts to limit the amount of loose dead leaf material
- Raking leaf litter into dense piles to accelerate composting

Before and after each treatment is implemented, researchers will record:

- 1. <u>Standing bush fire fuel load</u> (including surface fuel load, near-surface fuel load, elevated fuel load, litter depth, biomass present, fuel assessments and modelling of tree flammability)
- 2. <u>Soil condition (including the presence of beneficial root fungi)</u>
- 3. <u>Habitat availability</u> (including large trees, intact grasstrees, patches of dense understory, weeds and weed load)
- 4. <u>Tree health (including presence of pathogens and canopy health)</u>
- 5. <u>Fauna presence</u> (including reptiles, medium-sized mammals and arboreal mammals)
- 6. <u>Community values</u> (including amenity values and perceived safety risk)
- 7. <u>Manageability for emergency services</u> (including accessibility for future response actions, perceived manageability, fuel load reduction and weed load).

Manual fuel load reduction treatments will then be followed with a prescription burn to test the validity of the treatment for reducing wildfire risk. Table 1 below provides an overview of the research design and the different treatments that will be assessed through this study.

Treatment Type	Time 1	Implement Treatment	Time 2	Implement Treatment	Time 3	Time 4
1. Manual fuel load reduction only	Measure	Manual fuel load reduction	Measure		Measure	Measure
2. Manual fuel load reduction and burn	Measure	Manual fuel load reduction	Measure	Fire	Measure	Measure
3. Prescription burn only	Measure		Measure	Fire	Measure	Measure

#### Table 1 Overview of research design

Report from Director Sustainable Communities to Committee of Council Meeting of 16 April 2019						
4. Control	Measure	Measure	Measure	Measure		

The proposed research project will provide valuable insight into the impacts of fire on urban bushland and wildlife biodiversity, community perceptions around fire and fuel loads, and the effectiveness of manual fuel load reduction for reducing fire risk and changing fire behaviour.

#### MEAG/MCCAG Comment

This item was considered by the Mandurah Environmental Advisory Group at its meeting on 15 February 2019 and the following recommendations were made:

1. This is an excellent initiative and MEAG fully supports the ARC Linkage application. MEAG looks forward to seeing if the outcomes of this research support ecological values of urban bushland, and whether they can be developed into an adaptive tool for other agencies to duplicate.

# Consultation

Nil

#### Statutory Environment

The Statutory Environment is not impacted by the City's support of this proposal. However, the proposed research will support the City's efforts in bushfire risk mitigation by ensuring the City is meeting the statutory requirements of both bushfire risk reduction and environmental protection.

#### **Policy Implications**

Balancing the protection of urban biodiversity and managing bushfire risk continues to represent a quandary for the City. Investment in research such as this will provide a recommendation for best practice. The results of this research will inform future refinements to the City's Bush Fire Prevention and Control Policy.

#### **Economic Implications**

The proposed cash contribution from the City is \$50,000 per year for three years (total \$150,000), plus inkind contribution in the form of staff time for community engagement, promotion of activities and technical input. A breakdown of the project partner and estimated Australian Research Council contributions is included in the table below.

Year	Murdoch University	City of Mandurah	ARC	Total
1	\$76,184	\$50,000	\$146,200	\$272,384
2	\$73,194	\$50,000	\$146,200	\$269,394
3	\$104,858	\$50,000	\$146,200	\$301,058
Total	\$254,236	\$150,000	\$438,600	\$842,836

#### **Risk Analysis**

Major risk implications relate to the following:

Risk	Impact	Mitigation
City participates in research project and	Negligible	Research will be designed to ensure bushfire fuel
the community perceives the City to be		loads are sufficiently reduced. Project partners
		will engage with residents and ensure broad

Report from Director Sustainable Communities to Committee of Council Meeting of 16 April 2019							
failing to take significant action to manage bushfire risk.	promotion of the research project and its objectives.						
City participates in research project and Negl the community perceives the City to be managing bushfire risk, but to the detriment of urban bushland and wildlife.	igible Research outcomes will identify a best practice approach to balancing the need for bushfire risk mitigation and the conservation of urban bushland and wildlife.						
Project does not meet its commitment to Negl the Australian Research Council.	igible The City's contribution provides support towards the appointment of two Post-Doctoral Researchers. These positions will manage this project and ensure project objectives are delivered.						
City participates in research project and Negl fails to meet its statutory obligations regarding bushfire risk mitigation.	igible The research will be designed to ensure statutory requirements are met and to work alongside the City's existing bushfire mitigation work.						

#### **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

#### Environment:

- Protect and ensure the health of our natural environment and waterways.
- Encourage and enable our community to take ownership of our natural assets, and to adopt behaviours that assist in achieving our environmental targets.

#### Conclusion

Recent bushfire events across the country have raised awareness and fear of wildfire. However, urban bushland represents a dilemma for the management of bushfire risk and the fear it provokes due to its additional impact on plants and animals that are already under pressure from urban development, habitat fragmentation and climate change. The close proximity of urban bushland to homes also increases both the risk of damage and the difficulty of applying prescription burning.

Testing the effectiveness of alternative actions for reducing fuel load would increase the range of options available to land managers for controlling wildfire risk to human lives and property. Additionally, understanding community perceptions around fire and involving the community in proactive management of fuel loads could potentially reduce the necessity of prescription burning in these areas, while fostering a more engaged and aware community.

The proposed three-year research project aims to test the feasibility of both manual fuel load reduction techniques and community involvement in the mitigation of bushfire risks in partnership with Murdoch University and the Department of Biodiversity, Conservation and Attractions. This address an important problem for the City (and local government more broadly) by identifying strategies to manage urban bushfire risk in a way that educates and empowers the community and has minimal impact on bushland and wildlife.

NOTE:

• Refer Attachment 1

# Research Project Proposal – Urban wildfire management: manual fuel load reduction for biodiversity

#### RECOMMENDATION

That Council:

- 1. Endorses the submission of a joint application for an Australian Research Council Linkage Project grant with Murdoch University.
- 2. Supports the provision of \$50,000 per year for three years towards the Urban Wildfire Management research partnership commencing in 2019/20, subject to the Council Budget approval and successful Australian Research Council application.
- 3. Authorises the Chief Executive Officer to enter into a funding agreement with Murdoch University.

#### PROJECT TITLE: Urban bushfire management: manual fuel load reduction for biodiversity

**AIM** to determine whether manual fuel load reduction (FLR) is sufficient to reduce wildfire risk while maintaining or increasing biodiversity values of urban bushland. Our **four project objectives** are to:

- 1. Develop tools for protection of human lives and property in urban landscapes
- 2. Identify the impacts of manual FLR on biodiversity values: tree health, soil condition, habitat for fauna
- 3. Address community values for urban bushland and increase manageability for emergency services
- 4. Work with the City of Mandurah, Winjan (the Mandurah Aboriginal Ranger Program) and the Lake Clifton Stewardship Program to increase local capacity for bushfire management

#### **OUTCOMES** of this project include:

- Scientific: social and biological data collection; increased knowledge regarding bushfire management
- Community: increased community involvement in local fauna and natural resource conservation and greater confidence and engagement with wildfire management strategies; development of tools for local residents to carry out FLR in the absence of running burns on private property
- Management: engage more urban residents with conservation of their local urban bushland; initiate long-term monitoring and conservation action; increase local skills in delivering bushfire control with residents and Aboriginal rangers; increase confidence in being able to carry out autumn prescription burns.

(\* indicates publications of the CIs)

#### a. INVESTIGATORS.

We have brought together a very strong research team with complementary skills and experience to complete this project. The CIs have a proven track record of collaboration and publishing together. CIs FLEMING and HARDY have published 23 papers together and co-supervised 15 research students together. CIs FLEMING and BAUDAINS work together on a recently-awarded project examining factors influencing uptake of canid control methods under agricultural landscapes which has had 1 joint publication to date.

We have been working closely with the City of Mandurah over the last 10 years, first under the WA State Government-funded Centre of Excellence (CoE) for Climate Change, Woodland and Forest Health and then further under the 'Backyard Bandicoot' project (LP160100441; Cls FLEMING, HARDY, BAUDAINS and PI BEAL-RICHARDSON). The Murdoch–Mandurah collaboration has worked on projects towards understanding the causes and impacts of tuart decline, quantify and understand their vital role in ecosystem health, identify methods for tuart restoration, identify where quenda persist within the urban matrix, and carry out planting trials with mycorrhizal inoculum. This collaboration has been extremely fruitful in terms of scientific outcomes, community outreach, and contribution towards practical management solutions.

The CIs and PIs will jointly share project IP and be responsible for the overall direction of the project, and will work closely with the Research Associates and HDR students to ensure objectives are met. All three CIs are on 20:40:40 service/teaching/research roles; CI BAUDAINS is employed part-time (0.6FTE). The PIs are in 100% community engagement or research positions.

- CI FLEMING (0.2FTE) leads the western Wildlife Ecology and Behaviour (WEB) research group (www.westernWEB.net) – a team of researchers who have been working on global issues of wildlife responses to human-induced environmental disturbance. She will be involved in all aspects of the project, working with all collaborators to ensure integration and synthesis of this research. CI FLEMING will be responsible for supervising the PhD student and the Research Associate, play a lead role in the design and execution of this project, contribute to data analysis/interpretation, and development of communications. CI FLEMING has supervised 17 PhD, 3 Masters and 41 Honours students to completion over the last 10 years.
- CI HARDY (0.1 FTE) is a plant pathologist with a wealth of expertise in broad-scale ecological studies such as this one. CI HARDY will provide expertise on tree health, assistance in the mycorrhizal trials, and co-supervision of the Research Associate. He will liaise with stakeholder groups to communicate the findings of the research.
- CI BAUDAINS (0.1FTE) is a social scientist with a background working in Education for Sustainability and extensive experience with the conduct of mixed-methods interdisciplinary research. CI BAUDAINS' track record in Education for Sustainability outcomes highlights the value and importance of her translational outputs. CI BAUDAINS will contribute to the design and analysis of the social engagement instruments, will provide educational expertise, cosupervise the Research Associate and PhD student, and liaise with stakeholder groups to communicate findings of the research.
- PI BEAL-RICHARDSON (0.XXX FTE)
- PI MILLER (0.XXX FTE)
- **Postdoctoral Research Fellow 1 (1FTE)** will be responsible for the work around tree health. **Postdoctoral Research Fellow 2 (1FTE)** will be responsible for the work around fauna responses. We will advertise broadly within Australia for these two positions.

# **b. PROJECT QUALITY AND INNOVATION**

**i. Significance and Innovation: This project is innovative and original** because we will develop manual methods of FLR for management of fire risk on urban smallholdings, build capacity in a local Aboriginal ranger group and a stewardship programme, and increase scientific knowledge for FLR approaches that conserve biodiversity.

This project addresses an important problem for the industry partners because managing urban bushland fire risk is fundamental for protection of property and lives. The aim of this project is to identifying how this can be done without losing amenity and biodiversity values of these valuable remnants of native vegetation, which are vital habitat for urban fauna. Wildfire can severely affect community life, principally through impacts to life, health, economic assets and the environment. Since 1850, more than 800 people have died as a result of wildfire in Australia (Hughes & Fenwick 2015) and catastrophic wildfire events across the continent have raised awareness and fear of wildfire. This influences how we manage urban bushland to mitigate risk of wildfire, and therefore has consequences for conservation of biodiversity in urban landscapes.

Of the three environmental factors that influence the behaviour and spread of a wildfire—fuel, weather and topography (Countryman 1972)—fuel is the only one that can be manipulated to reduce wildfire intensity and severity and to mitigate risk to life and property. The arrangement, continuity, bed depth, height of the most continuous strata, and proportion of dead fuels play critical roles in determining fire properties (rate of spread, flame height, flame residence time and intensity of the flame front) (Ximenes *et al.*, 2017). Reducing fuel loads around assets is therefore a vital management response to reduce the likelihood of wildfire. Prescription burning for hazard reduction will become increasingly important into the future. This raises the question of whether we could reduce fuel loads without destroying vital habitat for urban fauna and losing the amenity values and sense of place that we attach to urban bushland.

# ATTACHMENT 1

#### Will new methods or technologies be developed that address a specific market opportunity?

It is difficult to control fuel in urban bushland due to social constraints that limit the use of prescription burning. Alternative methods of FLR are therefore required to reduce wildfire risk. Our aim is to carry out manual FLR – where we remove or rearrange fuel at a small scale to alter fire properties and/or reduce the requirement for prescribed burning. The aim of FLR strategies is to ultimately reduce the size, likelihood and severity of wildfire, thereby protecting property and lives with less reliance on burning to reduce fuel. Mechanical FLR has successfully been used in other parts of the world (e.g. USA), and to a very small and targeted extent in parts of Australia (Ximenes *et al.*, 2017). For example in the USA, large areas of forest have been mechanically thinned as part of a strategy to reduce the risks of wildfire, such as the 600,000 ha of forests treated under the Collaborative Forest Landscape Restoration Program (Ximenes *et al.*, 2017). As far as we can determine, mechanical or manual FLR has not yet been applied to urban bushland as a means of mitigating wildfire risk.

- How will the anticipated outcomes advance the knowledge base and/or address an important problem and/or provide an end-user and/or industry advantage?

Urban bushland represents a quandary for management: proximity to property increases risk of damage (Table 1), but also increases difficulty of applying prescription burning. Alternative actions to reduce fuel load would increase the range of options for controlling wildfire risk around human lives and property.

Table 1. Three recent fires	Year	Location	Extent	Property loss	Lives lost
around peri-urban Perth, Western	Jan 2016	Waroona and Yarloop	69,000 ha	180 homes destroyed	Yes (2)
Australia that have damaged	Jan 2014	Parkerville	386 ha	44 homes destroyed	
and destroyed property, and taken human lives.	Feb 2011	Kelmscott and Roleystone	1,000 ha	72 homes destroyed, 37 damaged	

- Does the Project plan provide a business model for implementation?

Our study will develop a model system for engaging local community action in mitigating risk of wildfire in urban bushland. Such a model could be applied broadly across the country.

- Does the proposed Project address the Science and Research Priorities?

This project addresses the ARC Science and Research Priority: Environmental change. Heatwaves, drought and rainfall extremes (high and low) have dominated Australian summers over the last decade. They are a recipe for increasing the intensity and frequency of wildfire. Climate change has resulted in increased fire danger weather and higher risk of wildfire occurring (Hughes & Fenwick 2015), and the frequency of very high and extreme fire danger days in south-eastern Australia will increase from 4–25% by 2020 to 15–70% by 2050 (Lucas et al. 2007).

- Are the proposed Project aims and concepts novel and innovative?
- Does the proposed Project significantly enhance links with organisations outside the Australian publicly-funded research and higher education sectors?

This project meets the objectives of the Linkage Projects scheme in five ways:

(a) Engaging with community for environmental and human health outcomes. Enhancing natural spaces within cities is an important part of creating healthy environments for communities living in cities.

- (b) Engaging with citizen science is a powerful way to increase research capacity, especially for basic biological studies, and also has the benefit of increasing awareness of Australian fauna and importance of conservation action. All our work under the Murdoch–Mandurah collaboration has involved considerable community outreach. Building these results into future management actions with community involvement will serve to build awareness that can turn negative opinion into ownership and custodianship, increase conservation action, and add quality to our lives.
- (c) The project contributes to *Living in a Changing Environment* by **developing novel tools for future management of urban bushland reserves**. We will develop and enhance existing relationships into a long-term strategic research alliance between Mandurah residents, City Council, and researchers, to deliver state-of-the-art research that will be incorporated into land management policy and practice.
- (d) We will undertake internationally competitive research through a transdisciplinary approach (ecological, sociological), connecting and enhancing bushland remnants to increase their functional role. Data will be published in international peer-reviewed journals.
- (e) This project develops capacity through strengthening collaborations and research training. We will leverage and value-add to existing resources of the partner organisation, and provide training for two postdoctoral research fellows (tree and vegetation health and fauna responses) and two PhD students.

*This project will advance our knowledge base* by **establishing long-term data collection needed for informed management in the face of a rapidly changing environment**. Long-term data sets are powerful indicators of potential threats, and continuous data collection will allow us to study long-term changes in relative abundance and activity patterns of quenda as environmental sentinels.

- i. Approach and Training
- Are the conceptual framework, design, methods and analyses adequately developed, well integrated and appropriate to the aims of the proposed Project?

**ii. Approach and Training: Experimental design**. To test the validity of the manual FLR for reduction of wildfire risk, our experimental design (Table 1) follows replicate sites of four treatments, with and without manual FLR treatment or prescription burn

Table 2.	Treatments	Time 1		Time 2		Time 3	Time 4
Overview	1. manual FLR	measure	Manual	measure		measure	measure
of the	only		FLR				
three	2. manual FLR &	measure	Manual	measure	Fire	measure	measure
treatments	burn		FLR				
to be	3. prescription	measure		measure	Fire	measure	measure
compared	burn only						
in this	4. control	measure		measure		measure	measure
study.							

We will carry out a range of **manual FLR actions** within local urban bushland reserves. In year 1, we will work directly with Winjan (the Mandurah Aboriginal Ranger Program), the Lake Clifton Stewardship Program (local residents who have large ~2ha bushland blocks) and volunteer emergency response groups (local wildfire brigades, fire and emergency response teams) to implement the control actions. These activities represent a substantial in-kind contribution to this project (~\$150,000). The FLR will remove ladder fuel, rake litter from around large trees, create mineral earth tracks (posi-track path) between and around patches of habitat – e.g. grasstrees with intact skirts, trim grasstree skirts to limit the amount of loose dead leaf material, rake litter into dense piles to accelerate composting. **At four time points (Table 1), we will record:**
# 1. Standing fuel load.

- Surface fuel depth and mass include fallen leaves, bark and twigs with thickness <6 mm lying on the ground with predominantly horizontal orientation;
- Near-surface fuels refer to grasses and low shrubs containing suspended dead leaf, twig and bark material, and live and dead fuels in touch with the ground, but not on it, and having a mixture of vertical and horizontal orientation;
- Elevated fuels are mainly upright live shrubs and juvenile overstorey with vertical orientation.
- Bark contributes primarily to spotting (both long and short-distance spotting).
- Surface and near-surface fuels contribute to the rate of spread of a wildfire, while surface, nearsurface and elevated fuels contribute to flame height and intensity.
- Litter depth
- Biomass present
- Fuel assessments
- Modelling of tree flammability due to temperature

# 2. Soil condition.

- Mycorrhizal fungi
- Soil respiration

# 3. Habitat availability.

- Large trees
- Intact grasstrees
- Patches of dense understory
- Weeds and weed load (weeds as a measure of habitat quality)

# 4. Tree health.

- Obvious presence of pathogens
- Canopy health (multispectral imagery)
- **5. Fauna presence.** Controlled burns have been recorded to have negatively impacted on small ground dwelling mammal populations due to removal of understorey which they utilize for cover (Lawes *et al.*, 2015). Mechanical fuel load reduction has also been shown to reduce abundance in some small mammals (Bull & Blumton, 1999). Fire load management needs to be carefully planned as, while wildlife outcomes can be positive in some cases, there is high variability in the aftermath between different treatments and their impact on different mammal species and vegetation types (Converse *et al.*, 2006). A fire mitigation plan that is too aggressive can result in excessive habitat loss putting local mammal populations under pressure.

We will carry out pitfall trapping for reptiles, camera trapping for medium-sized mammals, spotlighting for arboreal mammals

# 6. Community values.

- Amenity values
- Perceived safety risks
- Altered thermal challenges for urban spaces

# 7. Manageability for emergency services.

- Accessibility for future response actions
- Perceived manageability
- Fuel load reduction
- Weeds and weed load (weeds as a measure of increased fire risk)

- Targeted training Where relevant, is the intellectual content and scale of the work proposed appropriate to a higher degree by research?

# c. FEASIBILITY

- Is there an existing, or developing, supportive and high-quality environment for this research both within the Administering Organisation and in the Partner Organisation(s)?

**Murdoch University** (administering organisation) is research-led and ranks in the top 350 universities worldwide (THE 2014). MU has a strong existing research environment of direct relevance to this project, bringing together outstanding ecologists, biological scientists, biotechnologists and education specialists to create the capacity to tackle environmental sustainability challenges now and into the future. There is a supportive university, school, and research group environment, and this project has direct alignment with work currently carried out at MU.

The Cls work in Environmental and Conservation Science under the Harry Butler Institute (HBI) - one of the three Murdoch University research institutes (the other two are in Health and Agriculture). HBI supports five University Centres: 1. Environment and biodiversity, 2. Sustainable Aquatic Ecosystems, 3. Biosecurity, 4. Water, energy and waste, and 5. Minerals for energy. The Centre for Environment and Biodiversity (CEB) provides robust science underpinning environmental and biodiversity conservation in the presence of climate change, invasive species, habitat loss, salinisation, disease, and the impacts of human activities on ecosystems. We focus on identifying biodiversity processes and threats to understand biodiversity conservation issues, and work with community, industry and regulators to protect biodiversity and restore habitats through policy and governance of natural resources. Our work therefore spans basic biological understanding through to improved management practice for sustaining, conserving and restoring ecosystems. CEB captures the efforts of 17 tenured researchers who work directly with 11 government departments, 12 local governments, five local research institutions (CSIRO, the WA Museum, WA Biodiversity Science Institution, WA Marine Science Institution, Australian Institute of Marine Science), over 15 community groups, and at least 25 industry bodies. We collaborate with researchers across 40 national and international universities (New Zealand, Portugal, Indonesia, China, Thailand, S Africa, France, The Netherlands, Canada, Denmark, USA). As part of ERA2015, a total of 830 publications were submitted across disciplines under CEB.

### - Are the necessary facilities available to conduct the proposed research?

The Harry Butler Institute (HBI) is one of three research institutes at MU, with a strong focus on biodiversity and business (along with the Health Futures Institute - Animal and Human Health, and Food Futures Institute - Primary Production). Environmental and conservation sciences take a central role in our integrated environmental research and teaching. With research strengths (ERA 2015 rankings) in Environmental Science and Management (4), Ecology (3), Zoology (4), Genetics (4), and Plant Biology (3), the collaborative research environment provides a wealth of opportunities at the interface between disciplines. Of direct relevance for this project, we have internationally-recognised strengths in Plant Pathology and Wildlife Biology, with large cohesive research programs in these fields that directly complement our translational research in Policy Development and Education for Sustainability.

# - Is there evidence that each of the Partner Organisation(s) is genuinely committed to, and prepared to collaborate in, the proposed research Project?

The City of Mandurah spends a good proportion of its annual budget on actions that empower the community to play an active role in environmental protection and restoration. For example, Mandurah and MU researchers are collaborating on a current ARC Linkage project (LP160100441), they have been Industry Partners on three previous ARC Linkage Projects (LP150100451, LP0346931, LP0668195), and were financial contributors to the WA State Centre of Excellence in Climate Change, Woodland and Forest Health. Community perceptions surveys indicate that Mandurah residents value their environment as their highest priority. Developing a better understanding of tree health and urban fauna will potentially help to design better rehabilitation and

management plans, involve community in stimulating and meaningful environmental activities, and give more purpose to the retention of urban bushland reserves, corridors, and in particular the Mandurah Bushland Buyback Scheme.

# This project will:

**Build community awareness and engagement that contributes to long-term conservation actions.** Developing 'friends of' action groups will provide a forum where community members can become engaged in flora/fauna monitoring and assisting in revegetation and rehabilitation of local bushland areas. This work will actively contribute towards building healthy, supportive community groups that value urban bushland places as part of their urban landscape. Individual community members can participate and volunteer in these actions, and by doing so may increase their mental health values. Mandurah City Council look forward to being able to report on community benefit as well as the ecological benefit of their management actions.

**Increase community awareness and engagement that contributes to long-term conservation actions**. Supporting the development of school and community engagement initiatives will reconnect students and landholders with their local natural environment (including their own backyards). This citizen science approach will expand outreach to the broader community to promote conservation of trees and fauna, and will substantially contribute to management change, delivering science through existing networks.

- How adequate are the Cash and in-kind Contributions?

# d. **BENEFIT**

- How will the proposed Project benefit Partner Organisation(s) and other relevant end-users?

Information obtained through this research will increase understanding of the ecology and conservation efforts for urban bushland, as well as helping Mandurah to identify and suggest management options of reserves to maintain and encourage tree and fauna populations to thrive in the face of current and future urbanisation pressure. Social science and education are embedded within the research projects, demonstrating a truly transdisciplinary approach.

- Will the proposed research encourage and develop strategic research alliances between the higher education organisation(s) and other organisation(s)?

This project will provide opportunities for research collaboration with the Department of Biodiversity, Conservation and Attractions as well as other Perth universities.

- Will the proposed research maximise economic, commercial, environmental and/or social benefit to Australia? Are there adequate strategies to encourage dissemination, commercialisation, if appropriate, and promotion of research outcomes?

Management of wildfire hazard around urban areas poses a significant challenge for biodiversity retention. For example, in Western Australia, the new Wildfire Attack Level (BAL) standards have a primary consequence of increased building construction for all new Lots within 100m of bushland. New property owners face \$30,000–\$60,000 in additional construction costs to meet these standards. Consequently, many new developments have found it harder to sell sites adjacent to remnant patches of native bushland – resulting in an increased push by developers to remove all native vegetation from new development sites. These standards also affect any alterations to existing buildings and affect the clearing required by local Government Authorities (LGAs) around existing buildings. The persistence of urban bushland is at risk as a consequence of these standards. This is a major loss for biodiversity retention within urban landscapes. Developing a greater range of tools for fuel load reduction will directly contribute towards environmental and social outcomes.

# **ATTACHMENT 1**

- Is it demonstrated that, where relevant, the applicants have identified the freedom to operate in the Intellectual Property and patent landscape to enable future benefits to end-users and/or industry?

Murdoch University and City of Mandurah researchers have worked in collaboration previously on ARC LP. The research and community outputs of his collaboration provides demonstrable evidence of freedom to operate.

- Does the proposed Project represent value for money?

The Murdoch University and City of Mandurah collaboration has been extremely productive, with a high ratio of outcomes to investment. There has been substantial outreach of the research projects, with wide dissemination of outcomes to a range of community groups.

Emergency crew - time as in kind

# REFERENCES

**BULL & BLUMTON** 1999 Effect of fuels reduction on American martens and their prey. In Pacific Northwest Research Station Research Note PNW-RN-539 March 1999, United States Department of Agriculture Forest Service.

CONVERSE, et al. 2006 Ecological Applications 16:1717-1729.

LAWES, et al. 2015 PLoS One 10:e0130626.

XIMENES, et al. 2017 Australian Forestry 80:88-98.

11 SUBJECT: CONTACT OFFICER/S: AUTHOR: Embrace a Space Program Brett Brenchley/Bonnie Beal Richardson Tarnee Rutherford/Vanessa Allan

# Summary

At the meeting in April 2018, Council resolved that the City considers an Embrace a Space Program to enable the community to adopt and participate in the management of public spaces in Mandurah. In response to this, a community-led Embrace a Space Program has been developed which will operate alongside existing environmental volunteer groups and be supported through the Mandurah Environmental Volunteer Action Committee (MEVAC).

The Embrace a Space Program encourages community members to adopt and contribute to the management and activation of their favourite public space. It aims to strengthen community connections by creating a positive sense of ownership in spaces across Mandurah.

The Embrace a Space Program will be delivered by community and supported by City staff. The program will include a facilitation Toolkit and Activity Plan. The Toolkit will enable residents and the local community to facilitate a community workshop, to develop a vision for their space and to identify volunteer opportunities for their group. This will result in an Activity Plan being developed by group members and presented to relevant City officers, to enable collaboration between community and City operational activities.

Minor expenditure is expected and can be accommodated via the existing Volunteer Support program. If successful, this budget will continue to be used to support the Embrace a Space program in the future.

Council is being requested to acknowledge the Embrace A Space program and support the implementation of the Embrace A Space toolkit.

### **Disclosure of Interest**

Nil

Location

Nil

# **Previous Relevant Documentation**

• G.30/4/18 24 April 2018 Councillor Tahlia Jones put forward a Notice of Motion which was adopted by Council for the City to consider an Embrace a Space program whereby community members could adopt a local park area and assist with the management of it.

### Background

The City has a long history of supporting environmental volunteer groups. Over the past two years the City has changed their style of managing volunteers to a community-led approach in line with Council's direction. This includes providing upskilling and capacity building opportunities to volunteers and supporting and encouraging the development of community projects. This method of engaging with the community empowers individuals and groups, while fostering a sense of ownership around their chosen topic.

This community-led approach is demonstrated through Embrace a Space, which inspires residents to explore what they value about their chosen location. In addition, the program assists community in identifying how to actively use their space in a way that is meaningful to them. The Embrace a Space

groups will complement the existing volunteer groups that the City support's. Bushcare and Coastcare groups have been supported by the City for over 15 years.

At the meeting in April 2018, Council resolved that the City considers an Embrace a Space Program. In response, a Toolkit was developed to guide community consultation and the formation of an Embrace a Space group.

The Toolkit has been trialled on two groups. The Embrace a Space facilitation process varied between trial one at Sirrocco Drive, Esrkine and trial two at Bridgewater South, Erskine. The Embrace a Space program at Sirrocco Drive was initiated and facilitated by the City and although the group successfully developed an Activity Plan, issues were identified with the City-led approach. Issues that arose included high officer contact hours, referral to issues not related to Embrace a Space, and requests for infrastructure and facilities. Conversations around volunteer opportunities, the value residents could add and opportunities for place activation were not the key focus points. This officer-led approach highlighted the advantages of a community-led approach to be introduced and resulted in the development of a toolkit, which was utilised by the second group at Bridgewater South.

The Bridgewater South Embrace a Space group conducted their facilitation process using the Toolkit and are now in the process of formulating their Activity Plan in collaboration with the City. Some of the volunteer-led activities that will be undertaken in these spaces include; construction and installation of habitat boxes, revegetation, water quality monitoring and weeding activities.

The Embrace a Space Toolkit proved to be a more effective method of achieving the intent of the Notice of Motion. It has provided an opportunity for effective communication between residents for identifying common values, a shared vision for their local space and activities for the group.

# Comment

As a key component of Embrace a Space, the Embrace a Space Toolkit has been developed (Attachment 1). It is proposed that the Toolkit will be available on the City's website and will allow interested residents to self-initiate the Embrace a Space process when and where they choose.

The Toolkit is designed to equip residents with the skills to form a group, facilitate their own workshops, identify and discuss the program and what it may look like in their chosen space. This process will enable participants to contribute to setting a collaborative vision for the group. An Activity Plan will be the outcome representing the overall vision and plan for each Embrace a Space group.

The key steps to the Embrace a Space program include;

- Preparing for the facilitation workshop
- Hosting the workshop and establishing an Embrace a Space group
- Developing an Activity Plan
- Collaborating and finalising the Activity Plan with the City
- Commencing Embrace a Space activities

The City of Mandurah will support the group's Activity Plan by providing basic resources and assisting with volunteering opportunities. These opportunities will be decided upon by the group and will link with their Embrace a Space vision. Activities may include hosting an event, revegetation, ecological monitoring, weeding or litter collection.

Groups will have the opportunity to elect to have their Activity Plan installed as a fixed sign in their space. The sign will promote the Embrace a Space groups to other local residents and will indicate upcoming events.

To link Embrace a Space volunteers with existing environmental volunteer groups, Embrace a Space groups are encouraged to attend MEVAC meetings. MEVAC is the central platform for capacity building and upskilling through networking, education and cross collaboration between environmental groups and volunteers in Mandurah and is a ready-made support platform for Embrace a Space groups.

# MEAG/MCCAG Comment

This item was considered by the Mandurah Environmental Advisory Group at its meeting on Friday 15 February, 2019 and the following recommendations were made:

1. MEAG supports the Embrace a Space program and approves the implementation of the toolkit

# **Statutory Environment**

Nil

# **Policy Implications**

Nil

# **Risk Implications**

No major risks have been identified. A number of minor risks have been identified as depicted below and will be addressed through the implantation of the program.

- Low Risk Tasks previously undertaken by City staff are taken on by the Embrace a Space group and not completed to the City's service standards.
- Low Risk Embrace a Space volunteer injured whilst undertaking permitted activities in park
- Low Risk Other residents not supportive of groups intentions
- Low Risk It is difficult to project costs for each Embrace a Space group as the total number of groups is unknown.

# **Economic Implications**

Minor expenditure is expected and can be accommodated via the existing Volunteer Support program. If successful, this budget will continue to be used to support the Embrace a Space program in the future. The financial contribution will cover the provision of resources to allow groups to complete activities as outlined in their Activity Plan. The program will be delivered as a variation or additional element of existing environmental volunteer support programs.

# **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

# Environment:

• Encourage and enable our community to take ownership of our natural assets, and to adopt behaviours that assist in achieving our environmental targets.

# Identity:

• Encourage active community participation and engagement.

# Organisational Excellence:

• Listen to and engage with our community.

# Conclusion

The Embrace a Space program is designed to provide park users and local community the opportunity to increase their engagement with their local spaces. This will lead to positive ownership, increased wellbeing through community connection and greater appreciation of the local environment leading to community empowerment and place activation. The two successful Embrace a Space trials and respective Activity Plans formulated for Sirrocco Drive and Bridgewater South show that a collaborative management approach has multiple benefits to the City and the community with scope to utilise this new approach in other City projects. The Embrace a Space program has shown to be a great demonstration of a community-led initiative.

NOTE:

• Refer Attachment 1: Embrace a Space Toolkit

# RECOMMENDATION

That Council acknowledges the Embrace a Space Program and supports the implementation of the Embrace a Space Toolkit and Activity Plan.



Report 11 Page 114



# THANKYOU FOR CARING

for Mandurah's Parks and Reserves

Healthy open spaces, trees and lakes offer amazing environmental benefits whilst bringing beauty and nature into our communities. Nature spaces inspire neighbourhood connections to grow and foster positive communication and place activation.

By picking up this toolkit, you've shown that you care about our natural places, as well as the neighbourhood around you. You are ready to make a difference in the community.

Thank you!

# This Embrace a Space Toolkit will provide you with a step-by-step guide on how to start and manage your own Embrace a Space group.

There are over 170 parks and reserves in Mandurah. When people like you get involved and engaged, these spaces become activated community places that bring people together and create strong sense of wellbeing and belonging. At the same time, these places enhance and protect local environmental values and become havens for wildlife.

Connecting local residents with parks and starting a program like Embrace a Space is a great way to get involved and get things done.

Through Embrace a Space, volunteers and residents can greatly improve the beautification of their parks and reserves, create community connection and become engaged in nature through volunteering opportunities and activities.

Each Embrace a Space will be unique and special in its own way. You will ultimately decide what you get engaged with in your local community space as well as design and enhance the space, adding to your own sense of place and belonging.



The City of Mandurah wants to help you make your Embrace a Space Program a success!

# The City will help you through:

- Each step of this toolkit where required.
- Reaching out to your neighbours and local residents and provide you with necessary equipment so that you can get your program started.
- Contributing ideas about how to launch your Embrace a Space group and assist you with sharing your success with others.

If you are an individual or part of a community group working to improve your local, community space, and are enthusiastic about starting an Embrace a Space group, we want to hear from you and support you in your stewardship efforts. Register your interest online.

By starting an Embrace a Space group, you'll be joining a growing number of groups that are successfully helping to turn local spaces into much-loved community places.

Report 11 Page 1

# What is Embrace a Space?

Embrace a Space is a program where park users, neighbours and local community are encouraged to come together to take ownership of their favourite open space. It provides the local community with the freedom to shape a shared vision for their local spaces.

Embrace a Space groups can choose any place within the neighbourhood including a local park or lake, bushland reserve, coastal strip or road reserve.

With the Embrace a Space program, each space that is embraced will become more frequently activated and utilised by the local community through a variety of volunteer activities and opportunities...opportunities which are chosen and created by the Embrace a Space group themselves.

# Benefits of Embrace a Space

- The community decides what their Embrace a Space group will become
- Neighbours and residents become connected with a greater sense of pride
- Group members and residents become invested in these places, they care more about them and want everyone to benefit from them
- Healthy trees and parks become the urban canopy of the future
- Healthy lakes and reserves become a haven for native wildlife
- Cleaner, greener and happier parks
- Anyone can start an Embrace a Space group



# Embrace a Space Toolkit

# To help you get started with Embrace a Space, this toolkit has been developed to guide you through every step of the process.

The Embrace a Space Toolkit will help you facilitate a community meeting with park users and surrounding

neighbours in your chosen space. Together you will be able to identify and discuss a vision and plan for

your space.

Whether you want to beautify the park, maintain its natural environment, host community events and gatherings,

or create something new in the space, this toolkit can help you launch a successful Embrace a Space program.

# The toolkit will take you through a week by week journey of creating your Embrace a Space group. It includes:

- A week by week guide
- A run sheet template for holding your community meeting
- Prompts and conversation starters
- Advice on forming an Embrace a Space group and how to keep everyone informed
- Suggestions for activities

# Embrace a Space steps you will be guided through:

- 1. Preparing to facilitate your community meeting
- 2. Meeting with neighbours and facilitating your meeting
- 3. Forming an Embrace a Space Group
- 4. Developing an Activity Plan for your space
- 5. Discuss and collaborate with City of Mandurah staff
- 6. Launching your Embrace a Space group
- 7. Beginning activities within your space



# Week 1: Beginning

your Embrace a Space group.

# Step 1. Register your program Congratulations! By downloading this Embrace a Space Toolkit, you have already made the first step to creating

This is your chance to get together with neighbours and discuss what you plan to do with your chosen space and if they would also be open to being part of a local Embrace a Space group.

Over the next few weeks you can follow this toolkit through the steps to set up your group.

**First things first,** you will need to **establish a contact person** who will be the primary contact for your Embrace a Space group. The contact person can be yourself or any other local community member who has expressed an interest in being part of the program.

When you are ready to start, you can register your group and your chosen space online.

### Embrace a Space Online Registration

The Environmental Services team at the City of Mandurah will be available to support you throughout your Embrace a Space journey by providing the following support:

- Introducing Embrace a Space and key components of the toolkit
- Ensuring there are no overlaps or current groups operating in the same space
- Supplying promotional signs for events
- Installing a permanent sign within the space
- Supplying equipment for your group's activities

Environmental Services are available from Monday to Friday 8:30am-4:30pm on 9550 3941 or via email at environmental.services@mandurah.wa.go v.au.



Page 118

Report 11



# Weeks 2-4: Preparing

# Step 2. Prepare for your community meeting

The community meeting you are preparing to hold within your space is one of the key steps of the Embrace a Space program. At your meeting, the suggestions and comments you and your neighbours discuss will be used to help define a vision for your space and any activities that will take place there.

Preparing for your meeting is key to making sure your neighbours and other park users, can effectively communicate what they want to see in the chosen place, and what activities they want to be involved with.

**To prepare for your meeting,** you should develop discussion points to speak about with your neighbours. You should also design a tour through the space you wish to embrace. This way, you have the opportunity to discuss the types of activities you'd like to undertake, and in what areas, as a group.

If you're new to this and haven't hosted a community conversation before, some questions you might be asking include:

- How long should the conversation go for?
- How will you handle differing opinions?
- What should the group discuss?

The good news is that this toolkit is about to answer all of those questions. You have also been provided with an example Meeting Run Sheet at the end of the toolkit. **Please refer to Guide 3 to view the example run sheet.** 

# TIPS FOR HOSTING A CONVERSATION

# 1. Design Your Conversation

When planning what your Embrace a Space meeting will look like, and how your conversation will go, it is often helpful to reflect on the flow of conversation.

Generally, conversations run something like this:

- Introduction Explain the intention of the meeting. Ask everyone to introduce themselves (this acts as an ice breaker).
- Discussion This is the main component of your meeting. What questions would you like answered by the neighbours, park users or

local community attending the meeting?

Conclusion – This is a quick wrapup at the end to talk about "where to next?"

Firstly, prepare an introductory welcome message for all attendees. This is where you introduce yourself and explain why you are meeting. You could discuss Embrace a Space and why you think it would be great to get everyone together. You would then ask attendees to introduce themselves. The introductory section is also a good time to ask attendees to sign themselves in on the Activity Sign-in Sheet.

**Next,** you will want to start getting into the nitty gritty of the Embrace a Space conversation. This is where you may **commence your tour** around your space, and **ask what attendees value** about this particular place.

In conclusion, provide a quick wrap-up of the meeting. Here is a good time to collect everyone's best method of contact so you can keep in touch to share upcoming events and Embrace a Space updates. This is also where you will ask if attendees want to form an official group. Don't forget to let them know what this would involve and what the next steps will be.

#### 2. Discussion Questions

Prior to your meeting, you will want to start developing key discussion questions that will guide your Embrace a Space meeting.

The responses you receive will help to develop a future Activity Plan for your chosen space. At the meeting, ask what sort of activities attendees want to be involved with. Ask them about their vision for the reserve. Some example discussion questions might include:

- What do you most value about this place?
- What activities would you like to see running at this place?
- As a community, how can we assist to manage this place?

### 3. The Setting

It's a good idea to hold your community meeting at the space you wish to embrace as part of the Embrace a Space program.

Choose a familiar meeting point to meet with attendees. It's also useful to define what the boundaries of your place will be and if there are particular sections your group would like to look after.

### 4. Reserve Tour

If you choose to take participants on a tour around the place, make sure you have had a look around first so you can plan for points of discussion at specific locations. For example:

- Open areas, such as grass or paved areas
- Lakes or a body of water
- Planted areas

This is a good time to draw a mud map (template located on page 16) or print an aerial map so you can mark activities and suggested straight onto a map. Make sure you have at least one map ready for the meeting so you can record suggested activities/mark out areas of interest on it.

### 5. Prompting

Attendees may not be able to suggest some group activities straight away. It's a good idea to prepare some helpful prompts to get everyone thinking in case this happens at your meeting. For example:

Location	Prompt	
Around a water body	Water monitoring, koi control	
Around a garden bed	Hand weeding events revegetation	
Around park trees	Bird watching, habitat boxes	

Around	Maintenance, cleaning,
infrastructure	events,
In an open area	Market stalls, sporting
	activities

### 6. Guiding the conversation

You have been provided with conversation pointers at the end of the toolkit which will come in handy when preparing for your community meeting. **Refer to Guide 2 on page 11 for some pointers for guiding the conversation.** 

# Step 3. Promoting your meeting

You will be provided with a promotional sign to install at a central meeting point within your chosen space. This sign will advertise your upcoming community meeting and notify neighbours, park users and the local community of the meeting date, time and location.

All you need to do is choose a date and time for your meeting and display this on your sign. Include your contact number or email on the sign for questions and RSVP's.

Place your sign out two weeks before your meeting so attendees can organise themselves. You can promote your upcoming community meeting in any way that works for you. Some suggestions used for previous events include:

Report 11

- Getting in contact with the local home owners association
- Creating a promotional flyer and completing a letter box drop.
- Asking neighbours to help promote the event by word of mouth
- Using email and social media

# Week 4: Community Meeting

Step 4. Hosting the meeting

Congratulations, you have made it this far! The meeting day has arrived.

Today is the day of your first Embrace a Space meeting. You may want to arrive 15-20 minutes early so you can greet any early-comers who may have questions about the meeting.

# TIPS FOR HOSTING YOUR MEETING

# 1. Beginning

Make sure everyone is signed in on the provided Activity Sign-in Sheet. A copy of the Sign-in Sheet is located at the back of this toolkit. Once everyone is signed in you are ready to begin - good luck!

# Things to remember:

Everyone is entitled to have their say. If someone starts to dominate,

you can use your prepared prompts to direct the conversation

- Set ground rules. Make it clear you want the conversation to stay on track and remain respectful and positive.
- Steer the conversation to stay on topic. Use your prepared discussion questions to ensure the conversation doesn't get off topic.

# 2. Note Taking

You can use your pre-prepared map or the Activity Plan Template at the back of this toolkit to record the groups' main points of interest and suggested activities.

# 3. Concluding

Use your notes to go through the key points raised at the meeting and check if there were any final comments. At the end of the meeting you'll want to have a good idea of the group's vision and goals for the space, along with their preferred activities. Remember to collect everyone's contact details for your Embrace a Space group.

The next step for your Embrace a Space group is to develop your Activity Plan. It's a good idea to talk your group through this so they can assist.

# 4. Meeting Follow-up

Your designated contact person will need to provide attendees with a copy of the meeting notes, along with group updates to those who indicated they'd like to participate.

They'll also need to provide updates to Environmental Services and let them know how your first meeting went. You don't need to update everyone too often – once a month is plenty.



Report 11 Page 121

# Week 5-6: Development

Step 5. Develop an Activity Plan Once you have established who is in your Embrace a Space group, you will need to come together to create an Activity Plan.

The Activity Plan Template at the end of the toolkit can be used to represent the vision and activities of your Embrace a Space group. Refer to page 12 for a copy of this template.

# TIPS FOR DELIVERING YOUR ACTIVITY PLAN

# 1. Drafting the Activity Plan

To get started on the Activity Plan, use the template provided within the toolkit to sort through all of the suggested ideas and activities. Pinpoint the activities that best reflect your Embrace a Space vision.

**Choose activities** that will achieve your goals for your space, involve everyone in the group and connect the community.

In your Activity Plan you will want to address the following key points:

- Embrace a Space values
- Embrace a Space goals

- Embrace a Space vision
- Activities the group wants to drive
- Any requests for support from the City of Mandurah

In the next step, you will meet with Environmental Services staff and showcase your Embrace a Space Activity Plan.

You will want to have a clear understanding of your Activity Plan and your values, goals and activities to inform City staff. Going through the following points may be helpful for you to prepare for meeting with City staff.

# 2. Know how your activities link with your objectives

Make sure you understand and can explain how each of your listed activities links back to your Embrace a Space goals and vision. Any suggested activities will need to connect with the Embrace a Space group vision for the City to support them.

### 3. Request for support

List any requests for support you require from the City. Make it clear what equipment, funding or other items you may require for each of your activities.

# 4. Embrace a Space Signage

As a group, you have the option to request your Activity Plan is installed as a permanent sign in your chosen space. This allows all park users and neighbours to see what is happening as part of your Embrace a Space group, acts as a promotional tool for park users, and gives the local community the opportunity to join upcoming events. While you are finalising your Activity Plan, chat to your group and decide whether you'd like this sign in your space.





# Week 7: Final Touches

# Step 6. Meet with Environmental Services

Great work! Your Embrace a Space group is about to launch and you are now ready to share your Embrace a Space Activity Plan with City of Mandurah staff.

Get in touch with Environmental Services on 9550 3941 or via email at environmental.services@mandurah.wa.go v.au to schedule a meeting. Be sure to invite your group members along.

Remember to bring your prepared Activity Plan with you. At this meeting you will discuss your group's Embrace a Space vision, values, objectives and activities with the team. Share how the group came up with these and what support you'll need to implement your Activity Plan. Environmental Services will chat about the support available to you and give you guidance about some of the things that can and can't be done.

If you have chosen to have a sign installed in your space, the City of Mandurah will use your Activity Plan to create the sign.

# Week 8: and onwards: Embrace Your Space!

Step 7. Launch Your Embrace a Space Group

# Congratulations! You are now ready to launch your Embrace a Space group.

Your Activity Plan is complete and will soon be installed in your space (if requested). This means you are ready to start running your elected activities.

This is your chance to run an awesome launch event such as a BBQ or meet-andgreet for your Embrace a Space group members and any other local community members who want to get involved.

Environmental Services can provide support to run your launch event, such as providing a catering box and promoting your event online. Make sure to celebrate, as you have all come a long way in the past 8 weeks and created something very special.

# Step 8. Running Your Embrace a Space Group

Your Embrace a Space group reflects a community of people working together to

take ownership and activate their favourite community space.

Keeping your group happy and running smoothly is pivotal to keeping the initiative alive, and keeping activities happening within your space.

Your designated contact person will remain the link between your Embrace a Space group and the City of Mandurah. The Activity Plan is a useful tool for updating your group and the local community about upcoming events so everyone can get involved.

Every Embrace a Space group is unique and will function differently. Developing an active Embrace a Space group takes time, commitment and effort. Be sure to get familiar with the following suggestions to best assist your group.

# TIPS FOR RUNNING YOUR EMBRACE A SPACE ACTIVITIES

Activities

- Carry out activities with the group as suggested in your Activity Plan
- Identify desired activities/events for the group to participate in
- When carrying out activities, ensure the Activity Sign-in Sheet is filled out and returned to Environmental



Services. This is essential for insurance purposes.

- Review and evaluate activities. Make note of what worked and what didn't, making suggestions for improvement for next time.
- Organise necessary equipment and supervision for activities/busy bees.

### Mentoring

- Make volunteers feel recognised, appreciated and supported.
- Use people's strengths and abilities in your activities.
- Ensure you allow flexibility for people to try something new.

# Safety

- Maintain a register of volunteers who hold a First Aid certificate.
- Ensure the safety induction is delivered, and safe work practices occur when carrying out any Embrace a Space activity. This is essential for insurance purposes.
- Report loss/damage of supplied Embrace a Space equipment including shovels, gloves, etc. to Environmental Services.
- Report any mechanical or general park maintenance

issues through the City's online contact us form at <u>https://www.mandurah.wa.gov.</u> <u>au/Online-Tools/Report-</u> It/Contact-Us

Care and safety must be taken when attending any activity.

# Recruitment

- Encourage neighbours and park users to join the Embrace a Space group. Ensure the local community feel welcome to join in the group's activities.
- Look after volunteers' interests and safety. Take time to listen and make them feel heard.
- Contact new and existing members and make them aware of meetings, events and updates.

# Communication

- Maintain good communication channels with group members and Environmental Services.
- Submit Activity Sign-in Sheets to Environmental Services after any activity.
- Provide any activity/busy bee updates to Environmental Services.
- Promote your upcoming events and activities through your

social media channels, a letter box drop, flyers or word of mouth and use the signs provided by the City of Mandurah.

# Step 9. Building Capacity and moving forward

Embrace a Space group members are encouraged to join the Mandurah Environmental Volunteer Action Committee.

The Mandurah Environmental Volunteer Action Committee (MEVAC) connects environmental groups and volunteers from around Mandurah. MEVAC is a place for members to come together and discuss their upcoming events, requests for assistance and more.

MEVAC meet regularly throughout the year. Meetings last no longer than an hour and are followed by a community capacity building workshop. These workshops provide volunteers the opportunity to learn something new and incorporate new skills within their working groups.

To learn more about MEVAC please email environmental.services@mandurah.wa.go v.au.



# Guide 1. 10 point successful checklist

This Toolkit has provided you with a step-by-step process of how to start and manage an Embrace a Space program. Once you have a core group of people (two to five people) who are committed to this program, use this 10 point checklist to confirm you have what you will need for a successful Embrace a Space.

- Online Registration
- □ Support from City of Mandurah
- Establish Contact person
- □ Prepare For Community Meeting
- □ Host the Embrace a Space meeting
- Develop a Volunteer Contact list
- Develop Your Activity Plan
- □ Launch Your Embrace a Space Group
- □ Continue with Embrace a Space activities
- □ Join the Mandurah Environmental Volunteer Action Committee







# Guide 2. Hosting

a

# **Community Meeting**

Guide 2 is here to help you keep the discussion on topic and avoid any disputes or issues that may arise out of differing opinions during your community meeting. Feel free to refer back to any of these examples or use them within your Embrace a Space discussion.

# Starting the conversation:

"Hi everyone, welcome to our Embrace a Space meeting. My name is \_\_\_\_ and I will host this meeting today. Let's go around the group and introduce ourselves."

# When multiple people have lots of suggestions:

- "These are excellent suggestions. Let's keep it to one person at a time."
- "I'm hearing some really good suggestions. Can we please ensure we are talking one at a time so

everyone has a chance to contribute."

"As a group, do we agree...?"

# When the conversation starts to go off topic:

- "That reminds me..."
- "Bringing it back to our key discussion points..."
- "Let's focus on our key points today."

# If attendees begin arguing or become aggressive

- "Please remember we are all here to express our ideas. We are not discussing differences in opinion."
- "Please remain friendly. We are all neighbours and all want the same thing from Embrace a Space"
- "We are no longer discussing this point, let's move onto the next discussion point."

If the situation escalates and individuals start to become angry or abusive, you can inform the group you are ending the event because it is getting out of hand and reschedule for another time.

# Interrupting a participant that is dominating or taking too long

- "Thank you for your points. We are going to have to move on to the next discussion point now to stick to time."
- "Thank you for your comments. I have recorded all of those down and it's now time we move on."
- "Sorry to interrupt, but we will have to move on to the next discussion point now. Can you please summarise?"
- "Can I interrupt for a moment?"
- "While we're on that topic..."

Report 11 Pag

# Guide 3: Embrace a Space

# Example Meeting Sheet

An example Embrace a Space meeting would involve the following steps:

1. Attendees register on Activity Sign-in Sheet

### 2. Welcome/Introduction

Help people feel welcome and ensure everyone is introduced if they don't know each other. Introduce yourself and ask the rest of the group to introduce themselves.

- 3. Introduce Embrace a Space in general terms and warm people up to the type of questions that will be explored. Discuss what areas of the reserve you will be walking around to brainstorm activities and ideas.
- 4. Introduce ground rules and flow of the meeting. Make sure you set the rules at the start, e.g. when you plan to finish, let them know people are to be clear with suggestions and not dominate over others. Let your group know that you will be taking notes to accurately reflect the feedback you receive.

5. Begin the site tour. As you walk around the different sections within your space, ask your focus questions in relation to those areas.

6. Questions and Discussion Your role is to maintain a respectful tone of discussion and explore different activities and ideas raised. Record suggestions and comments or ask for a volunteer scribe. Example discussion questions:

- What do most value/what's your favourite thing about this place?
- What activities could we as the community do to manage or activate this space?
- Where should these activities or suggestions occur within your space? Use a map to mark out activities.
- Would meeting attendees like to be involved in an Embrace a Space group?
- 7. Conclusion and wrap-up Summarise key points from the meeting to check you have

captured the most important points. Ensure any suggestions and potential activities are marked on your map. Ask for any final comments and ensure you have everyone's contact details.



# Guide 4. Example Activity Plan



#### OBJECTIVES

Retain the existing peaceful and relaxing amenity of the park Protect and enhance the natural habitat for the frogs and birdlife Protect the space for quiet leisure activities

# REPORT SIGHTINGS TO ENVIRONMENTAL SERVICES 9550 3777

- Algal blooms result from an excess of nutrients which can cause harm to aquatic species
- · Kol are fish that are non native and can negatively impact the water quality
- Faulty Infrastructure





# EMBRACE THE SPACE ACTIVITIES

Weekly water quality monitoring

Revegetating with native plant species in the riparian area to improve amenity and encourage water birds, frogs and lizards into the park

Hand weed control focussed within the riparian area

Control of non-native Koi fish in the lake to improve the water quality

Construction of habitat boxes for birds and bats to encourage them to the area

#### SUGGESTED FUTURE PARK IMPROVEMENTS

Park benches to relax on while enjoying the wildlife

#### Refuge island for waterfowl

#### **REVEGETATION PLANT LIST**

Planting locations will be either Single Plant ( SP ) to ensure lake views are not compromised, Flowering ( F ) to introduce small colourful species around the lake or Bird Habitat ( BH ) to provide thick protecting habitat for birds

Green Kangaroo Paw (Anigozanthos viridis)	Grevilea preissii
(7	(SP)
Astartea fasoioularis	Honey Bush (Hakea (issooarpha)
(SP	(SP)
Bare Twigrush (Baumea junoea)	Stalked Guinea Flower (Hibberfia racemosa)
( B	H) (F)
Grey Cottonhead (Conostylis candicans)	White Myrfle (Hypodalymma angustifolium)
(F	) (ВН)
Knotted club-rush (Fioinia Nodosa)	Sea Rush (Junous kraussii)
(B	н) (вн)
Grevillea orithmifolia	Scarlet Runner (Kennedia prostrata)
(3	P) (F)
Bluebeny illy (Dianella revoluta)	Purple Flag (Patersonia ocoidentalis)
μ	F) (F)
Fringe Lilly (Thysanofus multiflorus)	Star flower (Calytrix species)
(1	F) (F)



#### Yellow-billed Spoonbill



Splendid Fairy-wren



Eurasian Coot



#### For Information contact the City of Mandurah Environmental Services on 9550 3941



# Guide 5. Activity Plan Template

Embrace-A-Space Goals	Embrace-A-Space Vision	Embrace-A-Space Plant and Wildlife species identified
		Embrace-A-Space suggested future park

Embrace-A-Space Requests for support	Embrace-A-Space Activities	Embrace-A-Space suggested future park improvements



# Guide 6. Embrace a Space Site Map – mark locations of activities, draw a mud map of your reserve



d map of your reserve

Report 11 Page 130

Guide 7. Health and Safety Checklist

# Health and Safety Checklist- Community Volunteers

- Please ensure you are signed in before you start
- □ This is a smoke free event



- If you are taking medication or have an injury that may affect your capacity to participate, please advise the coordinator
- Please ensure you are wearing; enclosed shoes, sunscreen, a hat, long sleeved shirt and long pants- eye protection and mosquito repellent if applicable
- Wear gloves at all times- soil and rubbish items can contain bacteria
- Drink plenty of water- stay hydrated (morning or afternoon tea will be provided)
- Share the load- its best to work in pairs and take a break if you start to feel fatigued- remember to bend your knees when lifting
- □ Look out for trip, slip and fall hazards (uneven ground, brush/mulch, vegetation, tools etc.)
- Be aware of who is around you before using tools or moving through branches
- Keep an eye out for any glass or litter where you are working
- 🛛 If a syringe or drug paraphernalia is found, do not touch it , please notify City of Mandurah staff immediately
- $\square$  Watch out for insects and snakes to avoid bites and stings
- Some plants have spikes
- □ Refrain from working close to road sides
- In the event of an emergency or injury, please advise the coordinator and City of Mandurah staff immediately. Call 000 if emergency
- First aid kits are provided in all equipment boxes
- Delease clean your shoes and bang off any soil on the soles to make sure you don't spread soil to other parts of Mandurah

MANDURAH	Register of participants Location for Embra Coordinator Name		al Accident Insurance Purposes	Embrace	e a Space
Surname	First name	Phone number	Email address:	Signature	Signature
		14			
	21	15			

12 SUBJECT: CONTACT OFFICER: AUTHOR: Variation of Lease – EMACC Pty Ltd – Hans Cafe Ben Dreckow Lesley Petchell

# Summary

The directors of EMACC Pty Ltd (EMACC) have identifed a proposal to expand their business beyond its current operation as an Asian Cuisine trading as Hans Café (Hans).

EMACC request Council support to redevelop the upstairs function area of the building into a small bar, to be known as Brew Vino. As this new enterprise would be independent of the lower floor tenancy, a separate entrance and emergency exit are required.

In order to facilitate the conversion, stairs and a lift would need to be constructed outside the current lease area. The additional land required to rationalise a new lease boundary equates to an extra 73 square meters of City owned and Crown reserved land into the current lease area.

The head lease would require a variation to reflect the new lease footprint, and a change of permitted use from Asian restaurant trading as Hans Café to restaurant and small bar, in order to provide additional flexibility regarding the use of the building.

The sublease between EMACC and Hans will also need a variation allowing the relinquishment of the top storey of the building from their sub-lease, together with Council support to allow a new sub-lease between EMACC and Brew Vino over the proposed new sublease area.

Council is requested to support the proposal by EMACC together with the necessary variances to the lease and sub-leases which are all subject to the Minister for Lands approval.

# **Disclosure of Interest**

Nil

Location



# **Previous Relevant Documentation**

•	G.60/6/17	27 June 2017	Council approves a market rent review with annual rent of \$40,000 pa to be applied from June 2017;
•	G.28/2/16	23 February 2016	Council approved a sublease to TJD Sayoco Pty Ltd with expiry being 30 August 2026;
•	G.34/6/05	21 June 2005	Council approved a ground lease to EMACC Pty Ltd to construct and operate a Hans Café franchise.

# Background

The Hans Café building sits on a portion of Crown Reserve 42050, the City has care, control and management over the Crown Reserve with the power to lease subject to the approval of the Minister for Lands.

In 2005 Council approved EMACC trading as Hans Café as the preferred lessee over the site and the construction of the Hans Café. To ensure the Hans franchise was activated in this location, the City conditioned the lease to a strict permitted use of *an Asian food chain fast food restaurant/function centre, trading under the name of Hans Cafe*. The ground lease commenced on the 1 September 2005 for a 21 year term which is due to expire August 2026, with a renewal option of 20 years (21+20 years) giving a final expiry of August 2046.

In 2012 EMACC sold the Hans franchise and sublet the building to Savakar, however in July 2015 Savakar ceased trading and Hans closed its doors. Early in 2016 EMACC secured a new tenant TJD Sayoco Pty Ltd who reopened the restaurant as a new Hans Café franchise.

Although sub-leases have been granted over time, EMACC continue as the head lessee, and are responsible for all terms and conditions of the head lease with the City. Council and the Minister for Lands approve any subletting of the premises, however the City is not party to any sublease arrangement. All outstanding rent, outgoings and head lease obligations remain the responsibility of EMACC.

# Comment

The Directors of EMACC have approached the City with a proposal to convert the upstairs restaurant portion of the Hans café into a small bar. To enable the conversion, stairs and a lift would need to be constructed outside of the current lease area. The extension to the bin store area is also a relatively new addition to the business operation and also sits outside the current lease area as generally shown below:





The additional land required to rationalise the lease boundary is made up from two separate land parcels, the parcel adjoining the Reading Cinema is City owned freehold land and totals 28 square metres. The second portion is contained within the existing crown reserve totalling 45 square metres. The total land area required to incorporate the bin store, stairs and lift equates to an extra 73 square metres of land/lease area.

Independent Valuers were engaged to determine the current rental value, they confirm the square metre rate for the ground lease remains equal to the 2017 market review valuation figure of \$100 per sq. metre. Showing the total of the proposed new lease area has a rental value of \$47,300 per annum excluding GST.

The additional land area required is considered a disposal of land under Section 3.58 of the Local Government Act 1995, therefore the City is required to advertise the disposal for a period of no less than 14 days.

# Lease Variations

The current lease consists of 400 square metres of ground only, the lease requires a variation to reflect the new lease area of 473 square metres, together with a variation of the purpose of the lease which is currently set aside as *Asian food chain fast food restaurant/function centre, trading under the name of Hans Cafe.* 

Officers have had discussions with the Department of Lands, who confirm that subject to Council support they too will support a change of the permitted purpose to *restaurant and small bar*, giving more flexibility to the lease hold.

# Sub Lease – Hans Cafe

EMACC will need to negotiate a restructure of their current sublease with Hans Café, which allows for the top storey of the building to be relinquished from the sub lease. The City is not a party to this agreement and will have no involvement in the restructure of the sublease other than granting approval which is also subject to the support of the Minister for Lands. EMACC confirmed a business study was undertaken with the Hans tenant, and they are supportive of the benefits related to redeveloping the building and adding extra vibrancy to the precinct.

# Sub Lease - Brew Vino

A small bar known as Brew Vino is the proposed new sub tenant over the upstairs area of Hans. The directors of Brew Vino consist of the directors of EMACC together with a third party, all of which have extensive experience operating restaurants and a boutique brewery. As with the Hans sublease this new agreement would be subject to an expiry date that does not exceed the expiry of the head lease, therefore the latest date for expiry would be the 30 August 2026.

In summary the following changes are proposed:

- lease area varies from 400 square metres to 473 square metres;
- rental rate increases from \$40,440 per annum to \$47,300 per annum (excluding GST) reflecting the extra land area required;
- the permitted use of the lease to change from Asian food chain fast food restaurant trading as Hans to restaurant and small bar;
- restructure of the sub-lease with Hans sub-tenant to remove top storey of the building from their sub leasehold;
- second sub lease required between EMACC and Brew Vino.

The above variations will enable the restructure of the current leasing arrangements, approve a second sub-lease, and grant some flexibility for EMACC over the site. EMACC will continue to hold the head lease with the City and all responsibilities under the head lease remain the responsibility of EMACC. There is currently no breach of the lease or outstanding debts due to the City.

Council is requested to support the advertising of a variation to the current lease area by EMACC, at an annual rent of \$47,300 per annum (exc GST) and if no submissions are received Council support the disposal of the ground lease and relevant variations as follows:

- disposal of a total ground lease area of 473 square metres via a variation of the current lease;
- the permitted use of the lease changed to restaurant and small bar;
- approves the variation of the sublease with TJD Sayoco Pty Ltd trading as Hans Café by reducing their sublease area to accommodate a small bar;

• approves a sublease between EMACC and Brew Vino for a term not exceeding the head lease over the top storey of Hans, the lift and stairwell areas.

The above variations and amendments will also be subject to the approval of the Minister for Lands

### Consultation

EMACC Pty Ltd – Director Department of Planning, Lands and Heritage

# **Statutory Environment**

Local Government Act 1995 (LGA) Section 3.58 – Disposal of Property 'Dispose' includes to sell, lease, or otherwise dispose of, whether absolutely or not 'Property' includes the whole or any part of the interest of a local government in property, but does not include money.

In accordance with LGA Section 3.58 (3)(a) Local government can dispose of property if it gives local public notice (14 days) of the proposed disposition, describing the property and giving details of the disposition. Submissions will be invited to the Local Government before a date to be specified in the notice, and any submissions received will be reported to Council.

Noting the current 400 square metres of ground lease was originally disposed of the EMACC Pty Ltd at Council's ordinary meeting on the 21 June 2005.

# Land Administration Act 1997 Section 18 (2) – Minister for Lands approval.

Various transactions relating to Crown land to be approved by the Minister. A person must not without authorisation assign, sell, transfer or otherwise deal with interest in Crown land.

# **Policy Implications**

Nil

# **Risk Implications**

Nil

# **Economic Implications**

The ground rent over the site will increase from \$40,440 per annum to \$47,300 per annum (exc GST) All advertising and legal costs expended in order to facilitate the variation of the head lease and subleases will be borne by EMACC Pty Ltd.

# **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

Economic:

• Develop a strong and sustainable tourism industry.

### Infrastructure:

• Advocate for and facilitate the provision of infrastructure that matches the demands of a growing population.

# Conclusion

The directors of EMACC Pty Ltd who hold a ground lease over the Hans Café site, have contacted officers with a proposal to expand their business operations by developing a small bar in the top storey of the Hans building.

To ensure the proposal can progress some variations are required to the existing lease and sublease, together with a new sublease for the bar which is to be run by the directors of EMACC and a third party trading as Brew Vino.

Officers have gained in principal support from the Minister for Lands for the changes, and EMACC have support from their current tenant.

Council is requested to support the advertising of the lease variation noting the addition of a further 73 square metres of land required by EMACC, stating the new lease area equates to 473 square metres at an annual rent of \$47,300 per annum (exc GST) and if no submissions are received Council support the disposal of the ground lease and relevant variations as follows:

- disposal of a total lease area of 473 square metres via a variation of the current lease;
- the permitted use of the lease to change from Asian food chain fast food restaurant trading as Hans to restaurant;
- Approves the variation of the sublease with TJD Sayoco Pty Ltd trading as Hans Café by reducing their sublease area to accommodate a small bar;
- Approves a sublease between EMACC and Brew Vino for a term not exceeding the head lease over the top storey of Hans Café and the lift and stairwell areas.

The above variations and amendments will also be subject to the approval of the Minister for Lands.

# NOTE:

• Refer Attachment 1 Lease Boundary Modifications

# RECOMMENDATION

### That Council:

- 1. Approves the advertising of and if no submission received the disposal of a further 73 square metres of lease area resulting in a total ground lease area of 473 square metres to EMACC Pty Ltd;
- 2. Approves a variation of the head lease for the permitted purpose to change to restaurant and small bar;
- 3. Approves the variation of the sublease between EMACC and TJD Sayoco Pty Ltd trading as Hans Café to reflect a reduction in their sublease area only;
- 4. Approves a sublease between EMACC and Brew Vino over the top storey of the Hans Café building, stairs and lift areas with an expiry date on or before the 30 August 2026;
- 5. Acknowledges all variations to agreements and the new sublease will be subject to the Minister for Lands approval;
- 6. Approves the Chief Executive Officer to finalise the variations of the head lease.



13 SUBJECT: CONTACT OFFICER: AUTHOR: FILE NO: Road Dedication – Faith Court, Coodanup Ben Dreckow Vicki Kelly/Lesley Petchell F163398

# Summary

Lot 66 Faith Court, Coodanup is currently identified as a public Right of Way (ROW) but is constructed as a road with under the care, control and maintenance of the City, to provide the road access to Lots 288-291.

The road was constructed in 2001, and it was officially named and the lots addressed as Faith Court, however, the process to formally dedicate the ROW as road was not undertaken.

The irregularity was identified when the Local Government Road Inventory Data Declaration process was undertaken in 2018, and the irregular land tenure caused officers to query whose responsibility it was to maintain the ROW.

As Faith Court is a fully constructed and operational public road, which is currently being maintained by the City, the current land tenure is not correct and leads to confusion and risks such as funding being missed.

The Department of Planning, Lands & Heritage are able to dedicate the ROW, subject to a Council resolution indemnifying the Minister and confirmation that the ROW has been utilised by the public for over 10 years as a fully constructed road, which it has.

Council is, therefore, requested to approve the dedication of the Public Right of Way being Lot 66 on Diagram 70947, as road, pursuant to Section 56 of the Land Administration Act 1997 (LAA); and to indemnify the Minister for Lands against any claims for compensation in respect of the road dedication.

# **Disclosure of Interest**

Nil

# Location



# **Previous Relevant Documentation**

Nil

# Background

The Public ROW, being Lot 66 on Diagram 70947, was originally created in 1987 under Deposited Plan (DP) 70947 as an unconstructed access way to facilitate access to the Water Corporation's pump station at Lot 691 on DP 70947.

When the adjoining residential lots were developed in 2001 under Subdivision 111723, it was identified that the ROW should be constructed as a public road and dedicated as such. The road was subsequently constructed and officially named and signposted as Faith Court, but the dedication process was not undertaken.

# Comment

Lot 66 on Diagram 70947 is a Public Right of Way (ROW) which was vested to the Crown on the 23 July 1987 under Section 20A of the *Town Planning and Development Act 1928*, to provide access to the Water Corporation's pump station at Lot 691 on Diagram 70947.

In 1999, Subdivision 111723 was approved to develop Lots 167, 168 & 169 (Stage 3C) within the Placid Waters Estate at Beacham St, Coodanup, with the ROW approved to be upgraded and dedicated as a reduced width public road to provide the appropriate road access for the property owners of the new Lots 288-291 within the estate.

The ROW was upgraded to a fully constructed road in 2001 and officers obtained approval from Landgate to name it as Faith Court, subject to the road dedication. The City addressed the properties at Lots 288-291 within the estate as Faith Court and the road was signposted accordingly, the City has been maintaining the ROW as a fully operational public road ever since.

However, as the ROW did not form part of the subdivision land extent but was merely an abuttal lot, the dedication could not be automatically created by the simple process under *Section 28 of the Land Administration Act 1997* whereby it is marked up by the surveyor on the subdivision deposited plan and automatically dedicated when the plan is registered at Landgate. Instead, dedication can only be actioned by completing the more involved process that officers are now proposing to undertake in accordance with *Section 56 of the Land Administration Act 1997*.

The anomaly with the road tenure was identified when the City was required to provide a declaration to the WA Local Government Grants Commission of the current roads that they are responsible for the care, control and maintenance of.

Road inventory data is used as the primary basis for allocation of the road grant component within the Financial Assistance Grants, as well as other grants programs including Direct Grants (through Main Roads Western Australia) and Roads to Recovery funding, therefore it is important that the inventory is correct and includes all road that the City is currently maintaining.

The Department of Planning, Lands & Heritage have advised that Council must resolve to request the dedication pursuant to Section 56(1)(c) of the Land Administration Act 1997, where the public has had interrupted access for no less than 10 years, subject to the ROW being constructed to road standard and the title being free of encumbrances, which it is. They also advise that, as the ROW was vested under Section 20A of the Town Planning and Development Act 1928, the City is not required to undertake a public consultation process.

Officers have verified that the road was fully constructed in 2001, as evidenced on various correspondence on file as well as on City mapping aerials.

Council is, therefore, requested to approve the dedication of the Public Right of Way being Lot 66 on Diagram 70947, as road, pursuant to Section 56 of the Land Administration Act 1997 (LAA); and to indemnify the Minister for Lands against any claims for compensation in respect of the road dedication.

# Consultation

Department of Planning, Lands & Heritage

# Statutory Environment

Section 56 (1) Land Administration Act 1997 – Dedication of roads Section 56 (4) Land Administration Act 1997 – Dedication of roads Regulation 8(a) of the Land Administration Regulations 1998

# **Policy Implications**

Nil

# **Economic Implications**

Nil

# **Risk Analysis**

Nil

# **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

Infrastructure:

• Advocate for and facilitate the provision of an integrated movement network.

Organisational Excellence:

• Deliver excellent governance and financial management.

# Conclusion

Officers have identified that the Right of Way officially named as Faith Court, Coodanup was intended to be dedicated as a public road through the subdivision process in 2001 but, as the dedication was unable to be automatically enacted on the subdivision plan, it was not actioned.

The Department of Planning, Lands & Heritage have advised that they can now arrange the dedication, subject to a Council resolution indemnifying the Minister and confirmation from the City that the ROW has been utilised by the public for over 10 years as a fully constructed road, which it has.

Council is, therefore, requested to approve the dedication of the Public Right of Way being Lot 66 on Diagram 70947, as road, pursuant to Section 56 of the Land Administration Act 1997 (LAA); and to indemnify the Minister for Lands against any claims for compensation in respect of the road dedication.

# RECOMMENDATION

That Council:

- 1. Requests the Minister for Lands to approve the dedication as road of the Public Right of Way, being Lot 66 on Diagram 70947, pursuant to Section 56 of the Land Administration Act 1997.
- 2. Indemnifies the Minister for Lands against any claims for compensation in respect of the road dedication pursuant to Section 56 of the Land Administration Act 1997.

Report from Director Sustainable Communities
to Committee of Council Meeting of 16 April 2019

14 SUBJECT: CONTACT OFFICER: AUTHOR: FILE NO: Demolition: Lot 503 (60) Peel Street, Mandurah Ben Dreckow Lesley Petchell/Dianne Clayton F0000124716

# Summary

The current lease agreement with WestAus Crisis and Welfare Services Inc. (WestAus) over Lot 503 (60) Peel Street, Mandurah is due to expire on the 30 June 2019. The City has been advised by WestAus that they will be vacating at the end of the current lease term.

In 2016, Council resolved to dispose of the property at the end of this current term, as officers have raised concerns regarding the high risk associated with the ongoing management of residential housing.

The decline in the condition of the home, coupled with the City undertaking only basic repairs required as a residential landowner, the City would need to commit substantial funds to undertake the maintenance and repairs required to bring the property up to a residential rental standard, it is recommended that the demolition of buildings on site take place.

Council is requested to approve the demolition of the buildings on Lot 503 (60) Peel Street upon expiry of the current lease ending 30 June 2019 or at the time of the house being vacant by the existing tenant.

### **Disclosure of Interest**

The A/Executive Manager Finance and Governance is a board member of WestAus Crisis Care.



### Location

# **Previous Relevant Documentation**

Council supported a WestAus Crisis Care & Welfare G.29/8/17 22 August 2017 Services joint housing project with Sesteem Sustainable Housing project subject to satisfactory grant funding and Council approval for the model, prior to end of current lease term; G.31/6/16 28 June 2016 Council supported a lease to WestAus Crisis Care until 30 June 2019, and the disposal of the site at the end of the current lease term; G.33/9/13 24 September 2013 Council approved a three year lease to WestAus Crisis Care with the final expiry being 30 November 2013; G.39/10/10 26 October 2010 Council approves the original lease to WestAus Crisis Care for a term of three years expiring 29 November 2013; G.42/6/10 22 June 2010 Council authorises the advertising for lease of 60 Peel Street, Mandurah

# Background

The leased premises is owned in freehold by the City and was purchased as part of the East/West road widening in May 2007. The house comprises of three bedrooms, two bathroom brick and tile construction with a large shed, the site has a mixed use/residential zoning R100.

In June 2010, Council advertised the property, for 'Registrations of Interest' from Community Groups. From the respondents, WestAus was offered a three year lease of 60 Peel Street, Mandurah. The purpose of the lease was for the home to be utilised for short term crisis accommodation for individual and families in need.

WestAus have held consecutive leases over the site, with the current agreement due to expire on the 30 June 2019. The property is utilised by WestAus as emergency housing with WestAus paying a community lease fee in line with the City's fees and charges of \$1,000 per annum. The home is in turn leased to their clients as residential housing, WestAus is responsible for the care, upkeep and reporting of maintenance required at the property.

In June 2016, Council supported a three year renewal to WestAus, and resolved to dispose of the property on expiration of the lease in June 2019. As the site is used for residential crisis accommodation the City is obligated to abide by the regulatory requirements set under the Residential Tenancies Act 1987 (RTA) It has previously been considered that leasing and managing residential rental properties is not a core function of the City, and the risk associated with continuing in this space as high.

# Comment

Originally WestAus had previously requested a 12 month extension of their lease, however they have since withdrawn the request and will vacate the property at the end of this lease being 30 June 2019. With the lease of the property coming to an end in June 2019, officers undertook an inspection of the property to gauge the condition and to make recommendations for the property moving forward.

The property has been sub-let to the same tenant for the last two years, and officers have raised concerns with WestAus over the condition of the home, with a steady decline over the current term of the lease. There has been little to no improvement between the regular three monthly inspections currently undertaken.

As a landowner the City has a responsibility to maintain the property to an appropriate standard for residential letting. As the property is now approximately 44 years old, the condition of current floor coverings & fixtures, asbestos fencing and eaves at the property and the limited upgrades the City has performed, officers recognise the increased risk to the City in managing this property long term.

An assessment has been undertaken to determine what funds would be required should the property be maintained as a residential home. Estimates of works required for immediate maintenance is approximately \$20,000 for an asbestos report, termite treatment, eave repairs, roof tile repairs, window and door lock upgrades and basic repairs to cabinetry in the kitchen and bathrooms.

Furthermore there is the potential to require the removal and replacement of asbestos fencing and eave panels totalling \$17,000 - \$20,000. A further \$100,000 is required for floor coverings, kitchen replacement, bathroom upgrades and repairs to leaking showers, repainting throughout and reticulation replacement and landscaping.

The property will continue to decline and devalue due to the current wear and tear, and funds are not currently allocated to adequately maintain the property, other than basic repairs required for a residential landowner.

In 2016 Council resolved to dispose of the property at the end of this current term, as officers have raised concerns relating to the high risk associated with the ongoing management of residential housing. The risk in this instance, is heightened further as the property is sublet to a third party who the City does not directly manage.

As the City would need to commit substantial funds to undertake the maintenance and repairs, to bring the property up to a residential let standard, officers propose to demolish the property once the current lease period has expired ending 30 June 2019.

The cost of demolition is minimal compared to the cost of works required to the property to bring it up to standard which would not necessarily increase the value of the property. Therefore officers request council to approve the demolition of the buildings at this time.

# Consultation

Director – WestAus Crisis and Welfare Inc.

# Statutory Environment

Nil

# **Policy Implications**

Nil

# **Risk Implications**

The condition of the property and lack of upgrades potentially puts tenants at risk. Floor coverings are at end of life, wear and tear to cabinetry and doors, risk of asbestos exposure from broken fence panels and holes in eaves is also a potential risk to the City's ongoing management of the property.

To leave the property vacant after end of lease expiry puts the City at further risk of ongoing security issues currently being experienced by other vacant property owners in the Mandurah area.

# **Economic Implications**

Whilst an exact cost of demolition is yet to be determined, officers anticipate it would cost between \$25,000 to \$30,000 to demolish the buildings. The property has asbestos in the eaves and perimeter

fencing, which will require additional funds than a standard demolition. Funds to demolish are currently not budgeted in the 2018/19 budget, therefore Council's support for this funding is required. It is noted that the current lease expires on 30 June 2019, however at the time of writing it is anticipated that the house is likely to be vacated prior to this time. It is recommended that works to demolish are undertaken as a matter of priority upon the house being vacated.

As against the cost of immediate to medium term repairs to re-establish the property to current residential letting standards, officers believe the cost of demolition offsets the potential ongoing costs of retaining the property for residential housing.

# Cost of Immediate – Medium term repair

Immediate works within 6-12 months - \$20,000 for an asbestos report, termite treatment, eave repairs, roof tile repairs, window and door lock upgrades and repairs to cabinetry in the kitchen and bathrooms. Following the asbestos report there is the potential for replacement of fencing and eave panels \$17,000 - \$20,000

Medium term - \$100,000 for floor coverings, kitchen replacement, bathroom upgrades and repairs to leaking showers, repainting throughout and reticulation replacement and landscaping.

A 2016 valuation determined the home to be valued at \$360,000 or \$300,000 for vacant land.

# **Strategic Implications**

The following objectives from the City of Mandurah Strategic Community Plan 2017 – 2037 is

Organisational Excellence:

• Deliver excellent governance and financial management.

# Conclusion

Considering the risk associated with the ongoing management of residential housing, the declining condition of the property, the withdrawal of a request for further tenancy and the risk of damage to the property once vacated, officers recommend the demolition of the buildings located at the property.

Council is requested to approve the demolition of the buildings on the property immediately following the end of the current lease to WestAus expiring on the 30 June 2019 and support the disposal of Lot 503 (60) Peel Street, noting a further report will be presented to Council regarding the disposal process.

# RECOMMENDATION

# That Council:

- 1. Acknowledges that WestAus Crisis Care and Welfare Services Inc. will be vacating the property upon expiration of their current lease ending 30 June 2019.
- 2. Authorises the demolition of the buildings on Lot 503 (No. 60) Peel Street, Mandurah upon expiry of the current lease ending 30 June 2019.
- 3. Approves unbudgeted expenditure of up to \$30,000 for removal of buildings at 60 Peel Street.

# \*ABSOLUTE MAJORITY REQUIRED\*